



City Planning Commission

POST OFFICE BOX 3300

DANVILLE, VIRGINIA

(434) 799-5261

DECEMBER 8, 2014

3:00 P.M.

CITY COUNCIL CHAMBERS

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING
 1. *Rezoning Application PLRZ20140000254, filed by Betty Johnson Milam requesting to amend the Year 2020 Land Use Map from MR, Multi-family Residential and RL, Retirement Living to CS, Community Service and to rezone from M-R, Multi-family Residential to HR-C, Highway Retail Commercial District, 995 Piney Forest Road, Parcel ID #53733 and Parcel ID #73020, otherwise known as Grid 1811, Block 005, Parcel 000021 and Grid 1811, Block 005, Parcel 000012, respectively, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be marketed to commercial clients.*
 2. *Rezoning Application PLRZ20140000324, filed by Richard and Brenda Rowland, requesting to amend the Year 2020 Land Use Map from SSR, Suburban Single-family Residential to CS, Community Service and to rezone from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial District, .7011 acre of Parcel ID 70928 fronting on Riverside Drive, otherwise known as a .7011 acre portion of Grid 9707, Block 006, Parcel 000001, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be marketed to commercial clients.*
 3. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Articles 3.M: entitled "HR-C, Highway Retail Commercial", Section C: entitled "Uses Permitted by Special Use Permit" to allow wholesale sales by Special Use Permit.*
 4. *Special Use Permit Application PLSUP20140000325, filed by the Leggett Investment Corp requesting a Special Use Permit to allow for wholesale sales in accordance with Article 3.M; Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended, at 335 Mt. Cross Rd., otherwise known as Grid 1709, Block 004, Parcel*

000003 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to lease space for wholesale sales.

5. Rezoning Application PLRZ20140000326, filed by J-Ray Investments LLC, requesting to rezone from M-R, Multi-family Residential and T-R Threshold Residential to A-R Attached Residential District, a 1.720 portion of Parcel ID 53617, otherwise known as a 1.720 portion of Grid 0605, Block 001, Parcel 00004, all .462 acre of Parcel ID 60518, otherwise known as all .462 acre of Grid 0609, Block 006, Parcel 000013, and a 5.437 acre portion of Parcel ID 57498, otherwise known as a 5.437 acre portion of Grid 0605, Block 001, Parcel 000008, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property to create attached residential single family homes.

IV. APPROVAL OF MINUTES FROM NOVEMBER 10, 2014

V. ADJOURNMENT



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of December 8, 2014

Subject:

Rezoning Application PLRZ20140000254, filed by Betty Johnson Milam requesting to amend the Year 2020 Land Use Map from MR, Multi-family Residential and RL, Retirement Living to CS, Community Service and to rezone from M-R, Multi-family Residential to HR-C, Highway Retail Commercial District, 995 Piney Forest Road, Parcel ID #53733 and Parcel ID #73020, otherwise known as Grid 1811, Block 005, Parcel 000021 and Grid 1811, Block 005, Parcel 000012, respectively, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be marketed to commercial clients.

Background:

The two (2) subject properties have the assigned address of 995 Piney Forest Road and are used, at least in part, as a mobile home park with the zoning designation of M-R, Multi-family Residential. The applicant, Betty Johnson Milam, is requesting to rezone the subject properties from M-R, Multi-family Residential to HR-C, Highway Retail Commercial to market the property to commercial clients.

In October the adjacent properties, that also are used as a mobile home park and are owned by the applicant's brother, were rezoned from M-R to HR-C. This application was presented to the Planning Commission in October as well. At that time the applicant wanted to only rezone a portion of Parcel ID #73020, but did not have a plat available to indicate where the division would occur. Due to the lack of information, the Commissioners chose to table this request. The applicant has changed her plans and is now requesting to rezone Parcel ID #53733 and #73020 in their entirety.

Forty-three (43) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report was presented at the City Planning Commission meeting on October 13, 2014. A copy of those results is attached to this report.

Staff Analysis and Recommendation:

Staff recommends approval of Rezoning Application PLRZ20140000254. The approximately 16 acres presented for rezoning are some of the last residentially zoned and used acreage along Piney Forest Road. The property is adequately served by City utilities for commercial development.

Staff is typically reluctant to recommend approval of a rezoning request when there is no proposed end use presented. However, given the location and availability of services Staff believes an HR-C zoning designation is appropriate for this property. The zoning designation of M-R, Multi-family Residential was given to the subject properties during the city-wide rezoning in 2004 based on the existing land use of a mobile home park.

City Planning Commission Alternatives:

1. Recommend denial of Rezoning Application PLRZ20140000254 as submitted.
2. Recommend approval of Rezoning Application PLRZ20140000254 subject to conditions by the Planning Commission.
3. Recommend approval of Rezoning Application PLRZ20140000254 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 Aerial)
Year 2020 Land Use Map

MEMORANDUM

DATE: OCTOBER 13, 2014

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS.

REQUEST:

Rezoning Application PLRZ20140000253, filed by David Wayne Johnson, Sr. requesting to amend the Year 2020 Land Use Map from MR, Multi-family Residential and RL, Retirement Living to CS, Community Service and to rezone from M-R, Multi-family Residential to HR-C, Highway Retail Commercial District, 995 Piney Forest Road, Parcel ID's #73021 and 53732, otherwise known as Grid 1811, Block 005, Parcel 000013 and Grid 1811, Block 005, Parcel 000020, respectively, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be marketed to commercial clients.

AND

Rezoning Application PLRZ20140000254, filed by Betty Johnson Milam requesting to amend the Year 2020 Land Use Map from MR, Multi-family Residential and RL, Retirement Living to CS, Community Service and to rezone from M-R, Multi-family Residential to HR-C, Highway Retail Commercial District, 995 Piney Forest Road, Parcel ID #53733 and a portion of Parcel ID #73020, otherwise known as Grid 1811, Block 005, Parcel 000021 and Grid 1811, Block 005, Parcel 000012, respectively, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be marketed to commercial clients

RESPONSES:

Forty-three (43) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Fourteen (14) responses were received. Eleven (11) responses were not opposed (JHC Properties LLC, Carter, Daly Family Investments LLC, Innkeeper Motor Lodge, Wright, Wae Properties LLC, Mayo, Hyler, Womack, Brackin and Walsh). Three (3) response were opposed (Beard, Chewing and Younger).

COMMENTS:

"If privacy fence is required for any commercial development near the residences."

--JHC Properties LLC

"Do not know enough to agree with the rezoning."

--Uleys Beard

Burton, Renee

From: [REDACTED]
Sent: Monday, November 17, 2014 12:12 PM
To: Burton, Renee
Cc: davisforestry@verizon.net
Subject: FW: Rezoning of 995 Piney Forest Road

Importance: High

In response to the following request I would like to appear before the December 8th planning commission and request that my entire plot of land which is appr. 16 acres be rezoned commercial. We decided that it would be in our best interest to have the entire acreage advertised as commercial.

Thank you so much for your help in getting this request taken care of

Betty Milam



Betty Milam | Cash Application Representative | Commercial Services | +1 434 791 6273 (tel) | Betty.Milam@cit.com

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From: Burton, Renee [<mailto:burtotr@danvilleva.gov>]
Sent: Monday, November 17, 2014 12:07 PM
To: Milam, Betty
Subject: Rezoning of 995 Piney Forest Road

Mrs. Milam,

During Planning Commission's October 13th meeting your request to rezone a portion of 995 Piney Forest Road was tabled due to the lack of a survey plat. I am contacting you to inquire about your application and to determine if you have obtained a survey plat and if you would like to have your case heard during the December 8th Planning Commission meeting. Please let me know how you would like to proceed.

Thank you.

Renee Burton

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: _____
PROPOSED ZONING: _____ TAX MAP NUMBER: _____
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

parking
IO# 13020
#53733

INFORMATION TO BE PROVIDED BY THE APPLICANT

Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: 15,557 TOTAL Property Address: 995 Piney Forest Rd.

Property Location: N S E (W) Side of: Piney Forest Rd.

Between: _____ and _____

Proffered Conditions (if any, please attach): _____

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Betty Johnson Milam TELEPHONE: 434-791-6213 Work Home
MAILING ADDRESS: 995 Piney Forest Rd., Lot 128, Danville, Va. 24540
SIGNATURE: Betty Johnson Milam DATE: 09/10/14
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: Betty.Milam@CIT.com

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: _____ TELEPHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____
SIGNATURE: _____ DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

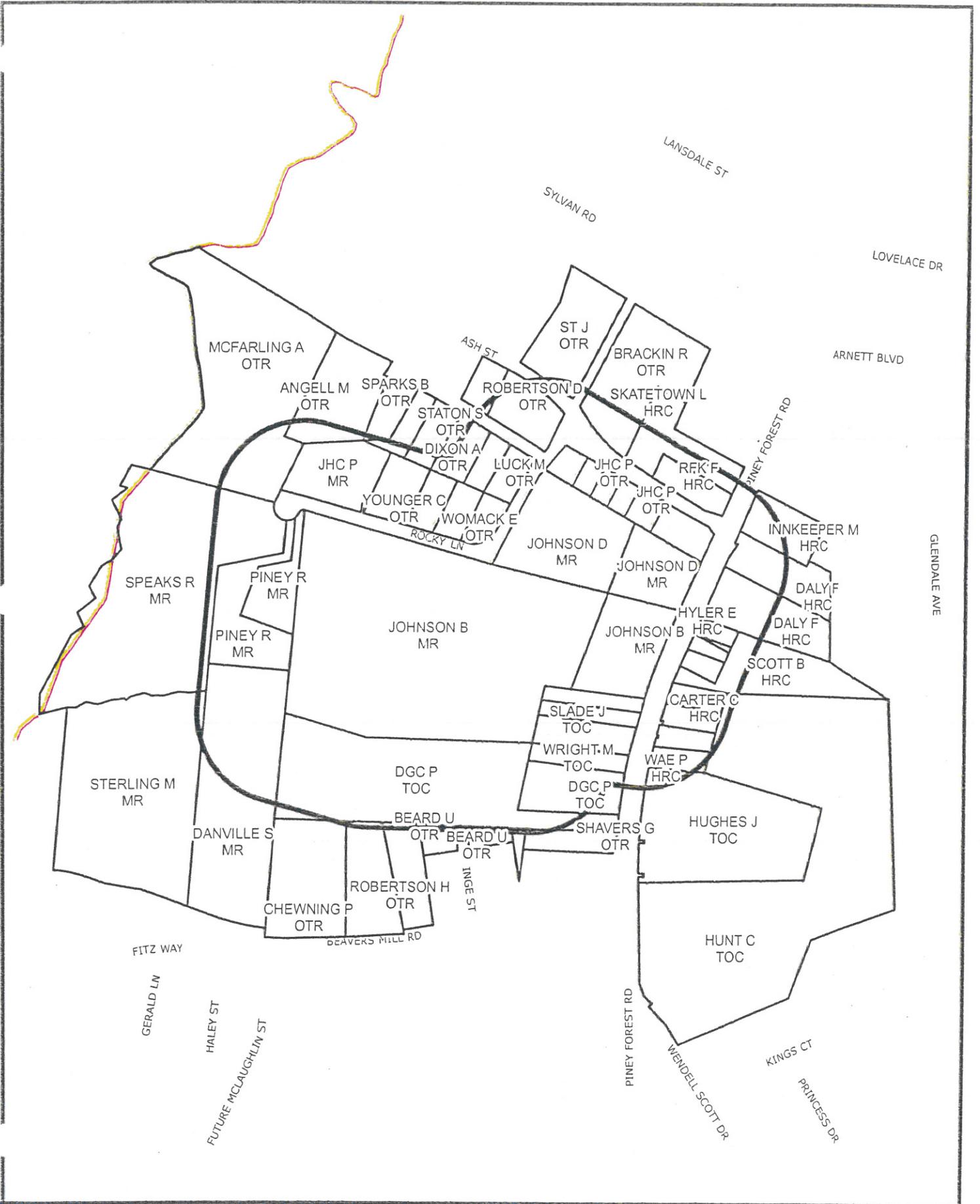
Please provide a brief description of the request:

multi-Family Housing

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

Request for appr. 8 acres
fronting Piney Forest Rd. Presently zoned as
Multi-Family Housing to be rezoned commercial.
Back portion of property of appr. 8 acres to
remain as Multi-Family Housing.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling.

REZONING REQUEST
DATA SHEET

DATE: October 13, 2014

LOCATION OF PROPERTY: 995 Piney Forest Road

PRESENT ZONE: M-R, Multi-family Residential

LAND USE PLAN DESIGNATION: M-R, Multi-family Residential
R-L Retirement Living

ACTIONS REQUESTED: Rezone to HR-C, Highway Retail
Commercial to market to commercial
clients

PRESENT USE OF PROPERTY: Mobile Home Park

PROPOSED USE OF PROPERTY: same

PROPERTY OWNER (S): David Wayne Johnson, Sr.
Betty Johnson Milam

NAME OF APPLICANT (S): Same

PROPERTY BORDERED BY: Residential development to the south and
west; and commercial and residential
development to the north and east

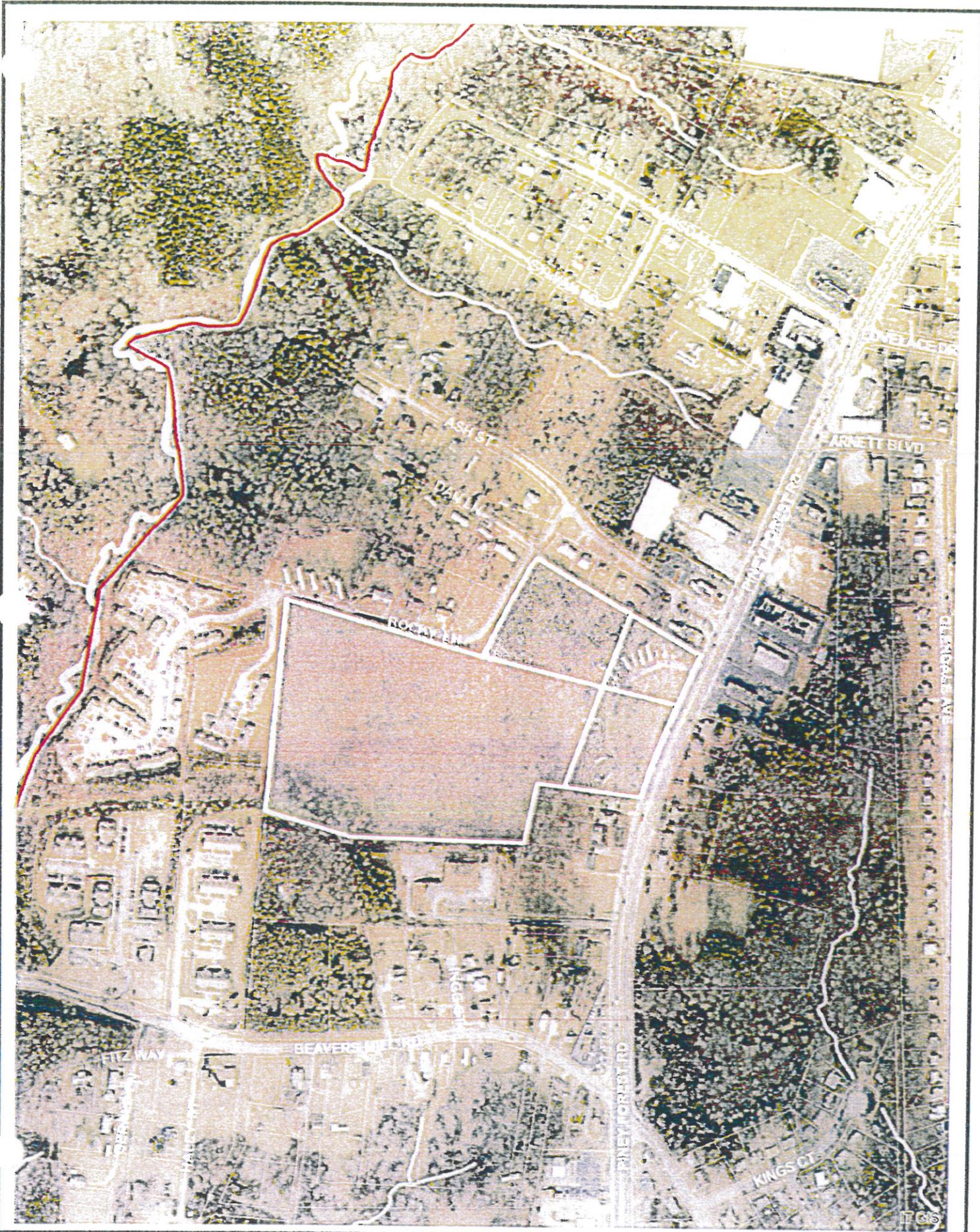
ACREAGE/SQUARE FOOTAGE: Approximately 14 acres

CHARACTER OF VICINITY: Mixed residential and industrial

INGRESS AND EGRESS: Piney Forest Road and Rocky Lane

TRAFFIC VOLUME: Medium to High

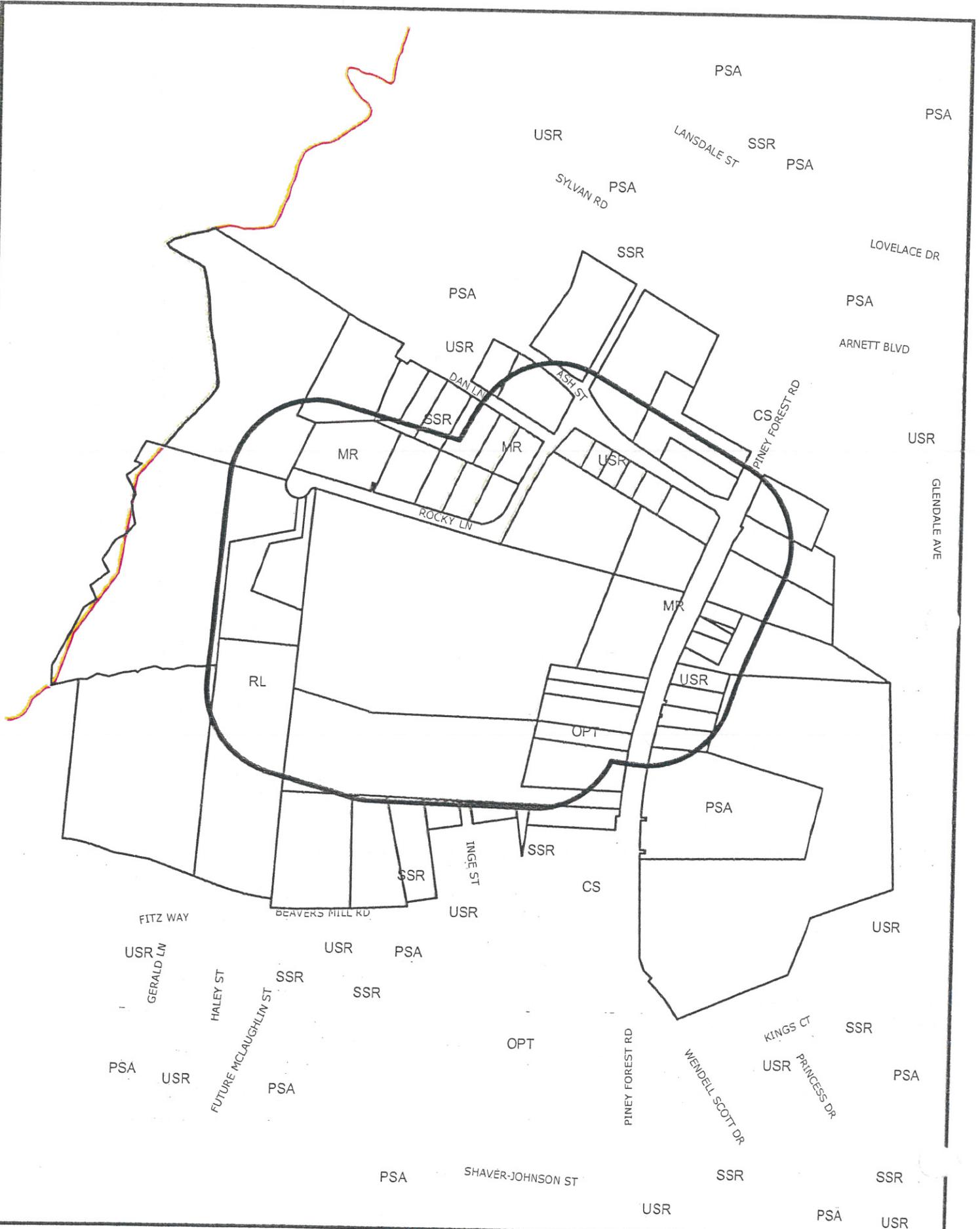
NEIGHBORHOOD REACTION: To be reported at the Planning
Commission meeting of October 13, 2014



2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies



YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies.



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of December 8, 2014

Subject:

Rezoning Application PLRZ20140000324, filed by Richard and Brenda Rowland, requesting to amend the Year 2020 Land Use Map from SSR, Suburban Single-family Residential to CS, Community Service and to rezone from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial District, .7011 acre of Parcel ID 70928 fronting on Riverside Drive, otherwise known as a .7011 acre portion of Grid 9707, Block 006, Parcel 000001, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property so that it may be marketed to commercial clients.

Background:

The subject property, a .7011 acre portion of parcel 5555 Riverside Dr. is zoned S-R, Suburban Residential. The applicant is requesting to amend the Year 2020 Land Use Plan from SSR, Suburban Single Family Residential to CS Community Service and to rezone from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial. The applicant is proposing to rezone so that the property may be marketed to commercial clients.

This site is served by all utilities, and has adequate frontage on a public street. Carter's Restaurant (closed) and the single story block building located on the property have been demolished.

This property was part of a 2013 request to amend the Year 2020 Land Use Plan and rezone to allow for the construction of multiple family dwellings. The request was ultimately denied by City Council, and the property purchased by an adjoining land owner. The owner has subsequently subdivided the property. In May of 2014 a request to rezone to a "Conditional" HR-C was approved by Planning Commission and later by City Council for a 1.851 acre portion of the same property. The applicant is now seeking to subdivide a .7011 acre portion of the property directly west of the previous rezoning and rezone it to a "Conditional" HR-C as well.

The conditions are the same as that of the previous rezoning allowing for the property to be sold as is or combined to make a larger lot.

Ten (10) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on December 8, 2014.

Staff Analysis and Recommendation:

Planning Commission and City Council have already approved the previous rezoning and staff believes that an approval for this rezoning will add to the commercial opportunities at 5555 Riverside Dr. Staff also believes that rezoning to HR-C will be in keeping with the general character of properties in the vicinity along Riverside Dr.

Staff recommends approval of Rezoning Application PLRZ20140000324, filed by Richard & Brenda Rowland requesting to amend the 2020 Land Use Plan from SSR, Suburban Single Family Residential to CS Community Service and to rezone from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial, a .7011 acre portion of 5555 Riverside Drive per the proffer of conditions attached.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20140000324 as submitted.
2. Recommend approval of Rezoning Application PLRZ20140000324 subject to the condition per applicant and staff.
3. Recommend approval of Rezoning Application PLRZ20140000324 subject to conditions by the Planning Commission.
4. Recommend denial of Rezoning Application PLRZ20140000324 as submitted.

Attachments:

Application
Proffer of Conditions
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 Aerial)
Year 2020 Land Use Map

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:
Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: _____
PROPOSED ZONING: _____ TAX MAP NUMBER: _____
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Exact legal description of property (Attach if insufficient space). PAP ID 70928
Gross Area/Net Area: 0.711 ACRES Property Address: 5555 RIVERSIDE DR. "LOT K"
Property Location: N SE W Side of: RIVERSIDE DRIVE / RT 58 BUSINESS
Between: OAK LANE and Beech Ave.
Proffered Conditions (if any, please attach): SEE ATTACHMENTS

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: RICHARD E. + BRENDA A. ROWLAND TELEPHONE: (434) 822-0060 (540) 529-0624 (cell)
MAILING ADDRESS: 66 LAKE HERON DR DANVILLE, VA - 24541
SIGNATURE: Richard E. Rowland DATE: 11/13/14
SIGNATURE: Brenda A. Rowland DATE: 11/13/14
EMAIL ADDRESS: badrowland@aol.com

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: RICHARD + BRENDA ROWLAND TELEPHONE: (434) 822-0060 (540) 529-0624 (cell)
MAILING ADDRESS: 66 LAKE HERON DR DANVILLE, VA - 24541
EMAIL ADDRESS: badrowland@aol.com
SIGNATURE: Richard E. Rowland DATE: 11/13/14
Brenda A. Rowland

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

Rezone 0.711 Acre "LOT K" TO HR (C) FROM SR.
This would make the newly subdivided LOT K
ZONING THE SAME AS "LOT C."

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

Bring "LOT K" zoning TO THE SAME AS "LOT C." BOTH
LOTS ~~TO~~ TO BE ACTIVELY MARKETED FOR COMMERCIAL
DEVELOPMENTS.

0,711

"Conditional" rezoning request for a ~~1.5~~ Acre portion of 5555 Riverside Drive
HR-C, Highway Retail Commercial

REZ
BAR

B. Permitted Uses.

An individual use or structure intended for a single use with 60,000 square feet gross floor area or less, incorporating the following uses:

1. Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).
- ~~2. Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage).~~
3. Banks and financial institutions.
4. Business services and office supply establishments.
- ~~5. Car washes.~~
6. Churches and places of worship.
- ~~7. Convenience stores (with or without gasoline sales).~~
8. Fast-food restaurants.
9. Funeral homes.
- ~~10. Gasoline sales establishments.~~
11. Health club, spa or fitness center.
12. Hospitals and health care facilities with inpatient services.
- ~~13. Hotels and motels.~~
- ~~14. Laundromats/dry cleaners.~~
- ~~15. Light intensity wholesale trade establishments (with no outdoor sales or display of products).~~
16. Medical offices and outpatient care facilities.
17. Mini-storage warehouses, with no exterior storage.
- ~~18. Movie theaters.~~
19. Offices (general and professional).
- ~~20. Parking lots (private and public with off-street parking as the principal use).~~
21. Personal service establishments.
- ~~22. Private post office and delivery service.~~
23. Public uses.
24. Repair service establishments (exclusive of automobile and light vehicle service and repair, with no outdoor storage).
25. Restaurants.
26. Retail sales and leasing establishments, with screened outdoor sales or display of products limited to no greater than 15% of the net developable lot area. (See Additional Regulations.)

- ~~27. Schools, colleges and universities (public and private).~~
28. Seasonal retail uses.
29. Temporary retail sales.
30. Exterminator.
31. Bicycle shop.

C. Uses Permitted by Special Use Permit.

An individual use otherwise permitted hereinabove by-right in the HR-C District, but having greater than 60,000 square feet gross floor area, or any of the following uses:

- ~~1. Auction establishments.~~
2. Bed and breakfast, inn or tourist home (as defined).
- ~~3. Bus stations.~~
4. Commercial recreation facilities (indoor and outdoor).
- ~~5. Conference centers.~~
6. Day care centers (adult and child).
- ~~7. Kennels, commercial.~~
- ~~8. Light warehousing uses related to an adjunct retail use permitted either by right or special permit, provided that warehousing space does not exceed 50% of the gross floor area.~~
- ~~9. Drive-in movie theaters.~~
- ~~10. Parking garages and structures.~~
11. Pet clinics.
12. Plant nurseries.
13. Public utilities.
- ~~14. Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. All assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.~~
- ~~15. Schools, colleges and universities (public or private).~~
- ~~16. Taxidermists.~~
- ~~17. Uses with lot frontage on the Dan River.~~
- ~~18. Vehicle sale, rental and ancillary service establishments, including mobile homes.~~
19. Veterinary clinics.
- ~~20. Waiver for increase in building heights to over 50 feet.~~
21. Waiver of yard requirements, subject to the prohibition of parking in front yards.
22. Caretaker's residence.
- ~~23. Homeless shelter.~~
24. Microbrewery or Micro-winery.

Richard Rowland

Richard Rowland

11/13/14

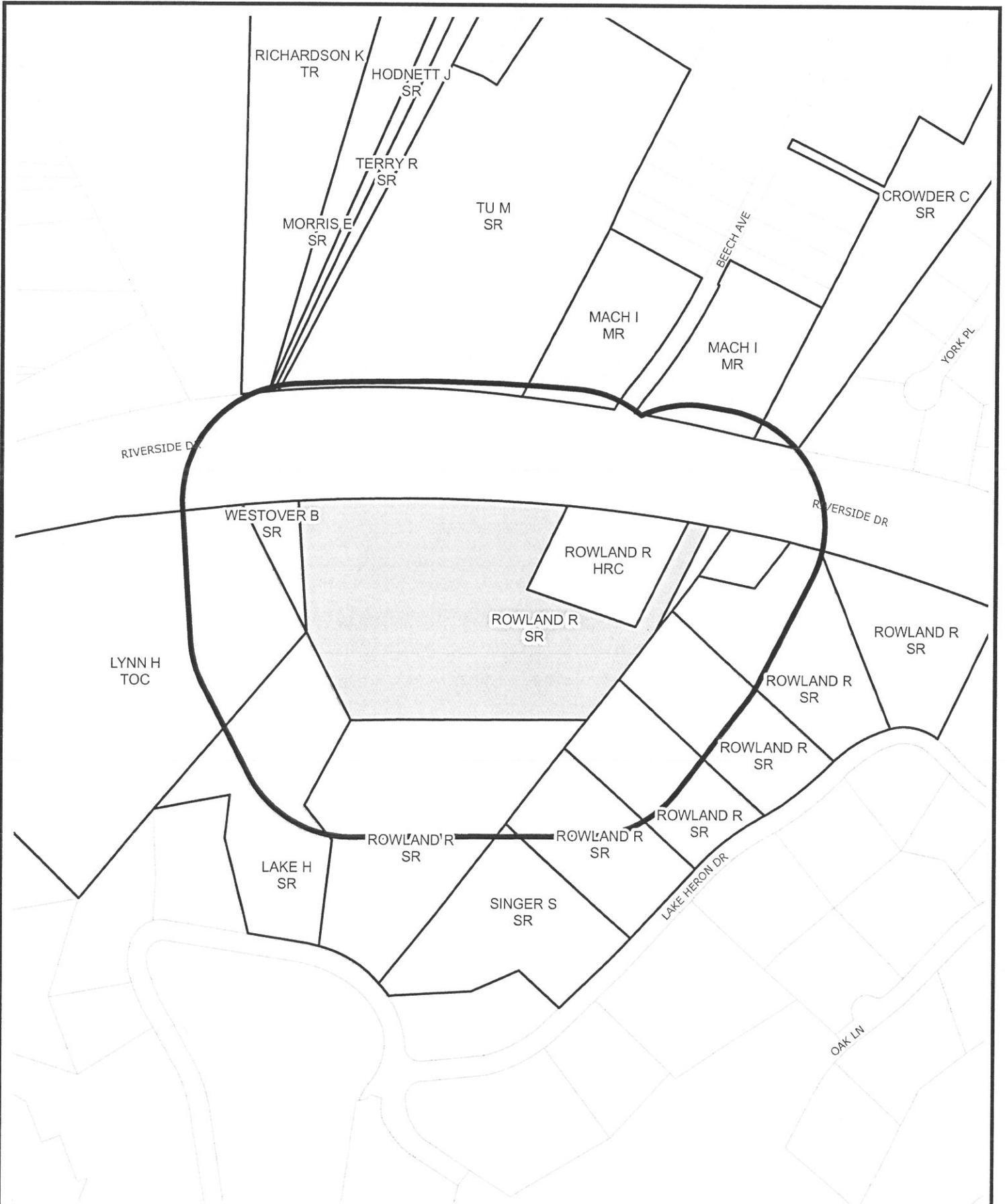
Date

Brenda Rowland

Brenda Rowland

11/13/14

Date



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 11/18/2014

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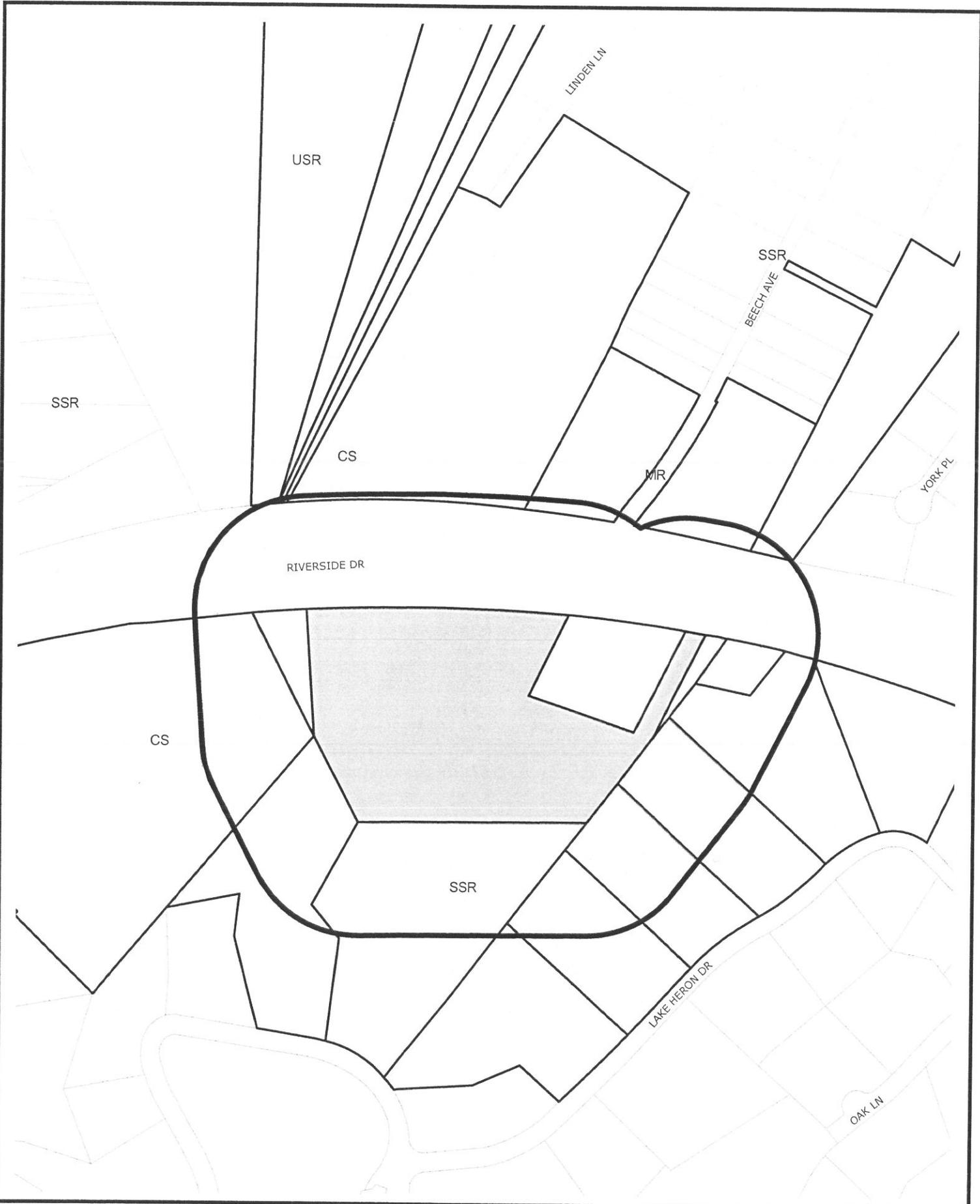


2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/18/2014

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 11/18/2014

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REZONING REQUEST
DATA SHEET

DATE: December 8, 2014

LOCATION OF PROPERTY: Parcel ID #70928 along Riverside Drive

PRESENT ZONE: S-R, Suburban Residential

LAND USE PLAN DESIGNATION: SSR, Suburban Single Residential

ACTION REQUESTED: The applicant is proposing to rezone a .7011 acre portion of the property so that it may be marketed to commercial clients.

PRESENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Commercial use

PROPERTY OWNER (S): Richard and Brenda Rowland

NAME OF APPLICANT (S): Same

PROPERTY BORDERED BY: Vacant lot and residential to the north, vacant lots to the east, church to the west, and residential to the south.

ACREAGE/SQUARE FOOTAGE: .7011 acres

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: Riverside Drive

TRAFFIC VOLUME: High

NEIGHBORHOOD REACTION: To be reported at the Planning Commission meeting of December 8, 2014.



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of December 8, 2014

Subject:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 3.M: entitled "HR-C, Highway Retail Commercial", Section C: entitled "Uses Permitted by Special Use Permit" to allow wholesale sales by Special Use Permit.

Background:

The City of Danville adopted the current zoning regulations in 2004. These regulations are amended from time to time to address changes in laws on both the state and national level as well as for new ideas or concepts presented to the City.

Staff has received a Code Amendment request to allow for wholesale sales operations within the HR-C Highway Retail Commercial District. The HR-C district allows for Light intensity wholesale trade establishments (with no outdoor sales or display of products) by right. A use that is a heavier intensity wholesales is not permitted. The difference in intensity is based on amount and types of products sold, amount of truck traffic necessary to serve a facility, as well as amount of square footage necessary to operate.

Staff Analysis and Recommendation:

Staff is recommending that Article 3.M: entitled "HR-C, Highway Retail Commercial", Section C: entitled "Uses Permitted by Special Use Permit" be amended to allow wholesale sales by Special Use Permit.

The Special Use Permit process will afford adjacent property owners the opportunity to review a request and comment on any adverse effects that such an operation could generate in the HR-C District.

City Planning Commission Alternatives:

1. Recommend approval of the Code amendments as submitted.
2. Recommend approval of the Code amendments with modification per Planning Commission.
3. Recommend tabling the Code amendments for more study.
4. Recommend no changes be made to the Code.



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of December 8, 2014

Subject:

Special Use Permit Application PLSUP20140000325, filed by the Leggett Investment Corp requesting a Special Use Permit to allow for wholesale sales in accordance with Article 3.M; Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended, at 335 Mt. Cross Rd., otherwise known as Grid 1709, Block 004, Parcel 000003 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to lease space for wholesale sales.

Background:

The subject property, 335 Mt. Cross Rd is approximately 7.65 acres and zoned HR-C, Highway Retail Commercial. The applicant, Leggett Investment Corp, is requesting to lease space for wholesale sales in accordance with Article 3.M; Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended.

335 Mt. Cross Rd is currently being occupied by Leggett Country Store and Carquest Auto Parts. There is ample parking for both retail stores and for the proposed wholesale sales operation.

Fourteen (14) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on December 8, 2014.

Staff Analysis and Recommendation:

Staff believes that adding a wholesale sales operation at this location will add to the economic opportunities in the area and will not adversely affect any adjacent property owners. Staff recommends approval of Special Use Permit Application PLSUP20140000325, filed by Leggett Investment Corp, to lease space for wholesale sales at 335 Mt. Cross Rd.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20140000325 with conditions per staff.
2. Recommend approval of Special Use Permit Application PLSUP20140000325 subject to conditions by the Planning Commission.
3. Recommend approval of Special Use Permit Application PLSUP20140000325 as submitted.
4. Recommend denial of Special Use Permit Application PLSUP20140000325 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2011 Aerial)
Year 2020 Land Use Map
Proposed plat

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE: _____

CASE NUMBER: _____

EXISTING ZONING: _____

PROPOSED ZONING: _____

TAX MAP NUMBER: _____

RECEIVED BY: _____

DATE FILED: _____

PLANNING COMMISSION DATE: _____

CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT
(PLEASE TYPE OR PRINT)

Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: _____

Property Address: 335 Mount Cross Rd
Danville VA 24540

Property Location: N S E W Side of: _____

Between: _____ and _____

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

To allow wholesale sales at this location.

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Leggett Investment Corp TELEPHONE: 434-797-9300
MAILING ADDRESS: 335 Mount Cross Road Danville VA 24540
SIGNATURE:  DATE: 11/10/14
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: leggettstores@gamewood.net

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

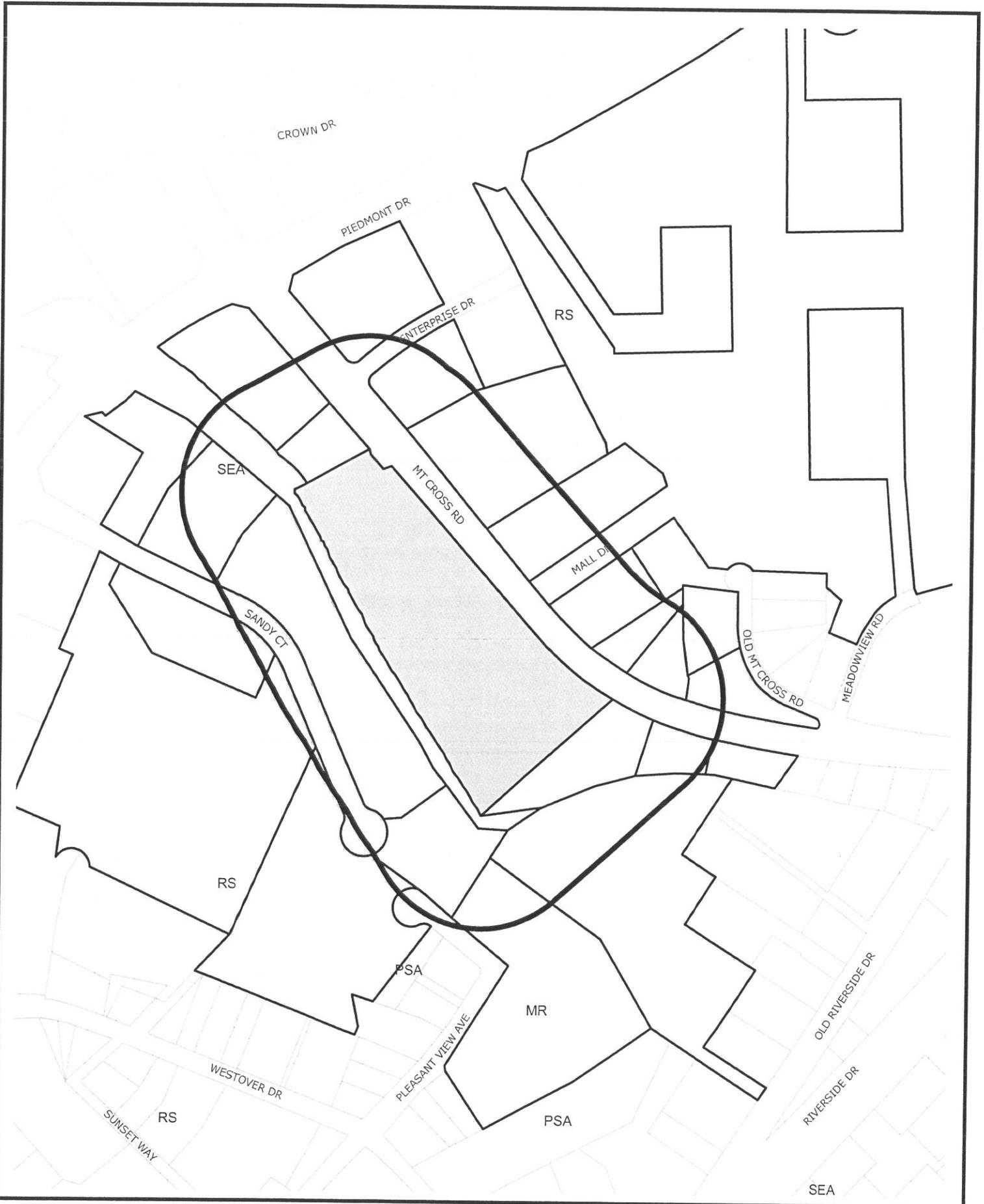
NAME: _____ TELEPHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____
SIGNATURE: _____ DATE: _____



2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/18/2014

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation or warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 11/18/2014

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	December 8, 2014
LOCATION OF PROPERTY:	335 Mt. Cross Rd
PRESENT ZONE:	HR-C, Highway Retail Commercial
LAND USE PLAN DESIGNATION:	SEA, Sensitive Environment Area
ACTION REQUESTED:	Special Use Permit to lease space for wholesale sales.
PRESENT USE OF PROPERTY:	Retail sales
PROPOSED USE OF PROPERTY:	Wholesale sales
PROPERTY OWNER (S):	Leggett Investment Corp
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Commercial to the north, east, and south. Sandy Creek and a vacant lot to the west.
ACREAGE/SQUARE FOOTAGE:	Approximately 7.65 acres
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Mt. Cross Rd
TRAFFIC VOLUME:	High
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of December 8, 2014



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of December 8, 2014

Subject:

Rezoning Application PLRZ20140000326, filed by J-Ray Investments LLC, requesting to rezone from M-R, Multi-family Residential and T-R Threshold Residential to A-R Attached Residential District, a 1.720 portion of Parcel ID 53617, otherwise known as a 1.720 portion of Grid 0605, Block 001, Parcel 00004, all .462 acre of Parcel ID 60518, otherwise known as all .462 acre of Grid 0609, Block 006, Parcel 000013, and a 5.437 acre portion of Parcel ID 57498, otherwise known as a 5.437 acre portion of Grid 0605, Block 001, Parcel 000008, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property to create attached residential single family homes.

Background:

The subject property parcels #57498 and #60518 are approximately 7.33 acres in total and are zoned M-R, Multi-family Residential and T-R, Threshold Residential. The applicant, J-Ray Investments LLC, is requesting to rezone to A-R, Attached Residential, and to consolidate and construct attached residential single family homes.

The subject properties are currently vacant. A preliminary site plan has been submitted showing 30 attached dwellings. The preliminary site plan is substantially in compliance with the zoning code.

Twenty four (24) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on December 8, 2014.

Staff Analysis and Recommendation:

Properties both to the north and the south of the subject property have a land use and zoning designation of M-R, Multi-family Residential. Rezoning to A-R, Attached Residential would be a more restrictive use allowing for attached single family dwellings.

Recent studies have been conducted that show a need for different housing types, including higher density and mixed residential uses throughout the City of Danville. The plan as proposed includes high density residential units and staff finds that the proposed Rezoning filed by the applicant meet the City's needs for high density and mixed residential uses.

The City staff also recognizes that the most recent successful developments of single family homes within City limits have been those of the attached variety along Riverside Drive, Vandola and Country Club Drive.

Staff recommends approval of Rezoning Application PLRZ20140000326, to rezone from M-R, Multi-family Residential and T-R, Threshold Residential to A-R, Attached Residential.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20140000326 as submitted.
2. Recommend approval of Rezoning Application PLRZ20140000326 subject to conditions by the Planning Commission.
3. Recommend denial of Rezoning Application PLRZ20140000326 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 Aerial)
Year 2020 Land Use Map

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:
Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: _____
PROPOSED ZONING: _____ TAX MAP NUMBER: _____
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: 7.619 Acres Property Address: 359 Hermitage Drive (Approximate)

Property Location: N S E W Side of: Hermitage Drive

Between: River Oak Drive and Wimbish Drive

Proffered Conditions (if any, please attach): None

PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: J-Ray Investments LLC TELEPHONE: 434-250-9853

MAILING ADDRESS: 2720 Franklin Turnpike, Danville, VA 24540

SIGNATURE: *Johnny R. Haymore* DATE: 11-13-14

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: haymore@gamewood.net

APPLICANT (PLEASE TYPE OR PRINT):

If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: J-Ray Investments LLC (Johnny R. Haymore) TELEPHONE: 434-250-9853

MAILING ADDRESS: 2720 Franklin Turnpike, Danville, VA 24540

EMAIL ADDRESS: haymore@gamewood.net

SIGNATURE: *Johnny R. Haymore* DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

The property owner plans to build a townhome community. A private roadway into the development is planned. Approximately 31 units are planned to be constructed. Several retaining walls, fencing, and heavy landscaping are planned for extra curb appeal.

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

The property owner is requesting to consolidate parcels 60518 (0.462 acres) and 57498 (5.437 acres), both currently owned by J-Ray Investments LLC and both zoned MR (Multi-Family Residential). It is also requested to consolidate 1.72 acres of parcel 53617, which is owned personally by Mr. Haymore, and currently zoned TR (Threshold Residential). The new parcel acreage would be 7.619 acres total and the owner is requesting AR (Attached Residential) zoning on the property.

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

The current zoning on the three parcels the owner plans to consolidate are MR (Multi-Family Residential) and TR (Threshold Residential). Once the development is built; in order to sell each townhome individually, the consolidate properties must be rezoned to AR (Attached Residential).



GRAPHIC SCALE
 1" = 30' - 0"

ZONING ABBREVIATIONS:
 MH - MEDIUM DENSITY RESIDENTIAL
 OH - OLD TOWN RESIDENTIAL
 HR - HERNDON RESIDENTIAL

REVISIONS:

NO.	DATE	DESCRIPTION
1		
2		
3		
4		

C1

PRELIMINARY SITE DESIGN
 (30 UNITS)

RC
Reynolds-Clark
 DEVELOPMENT, INC.

112 South Main Street, P.O. Box 556, Greensboro, Virginia 24550
 Phone: 534.638.8861 Fax: 534.638.8895 Web: www.reynoldsclark.com

RIVER LANDING VILLAS
 CITY OF DANVILLE, VIRGINIA

PK# 57488, 60518, AND PART PK# 53817

OWNER'S CERTIFICATE:
THE PLATING OR DEDICATION OF THE LAND DESCRIBED BY THIS PLAT IS WITH THE
CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS,
PROPRIETORS, AND TRUSTEES, IF ANY:

John Ray Haymore
JOHNNY RAY HAYMORE FOR J-RAY INVESTMENTS LLC
JOHNNY RAY HAYMORE
DEBORAH M. HAYMORE

DEBORAH M. HAYMORE
COMMONWEALTH OF VIRGINIA
AT LARGE, TO WIT:

I, Deborah M. Haymore, a NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF
VIRGINIA AT LARGE HEREBY CERTIFY THAT Johnny R. Haymore

Deborah M. Haymore
WHOSE NAME(S) ARE SIGNED TO THIS PLAT DATED: OCTOBER 17, 2014
HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE COMMONWEALTH OF VIRGINIA,
GIVEN UNDER MY HAND THIS 17th DAY OF OCTOBER, 2014

Deborah M. Haymore
NOTARY PUBLIC

MY COMMISSION EXPIRES:
11-30-2014

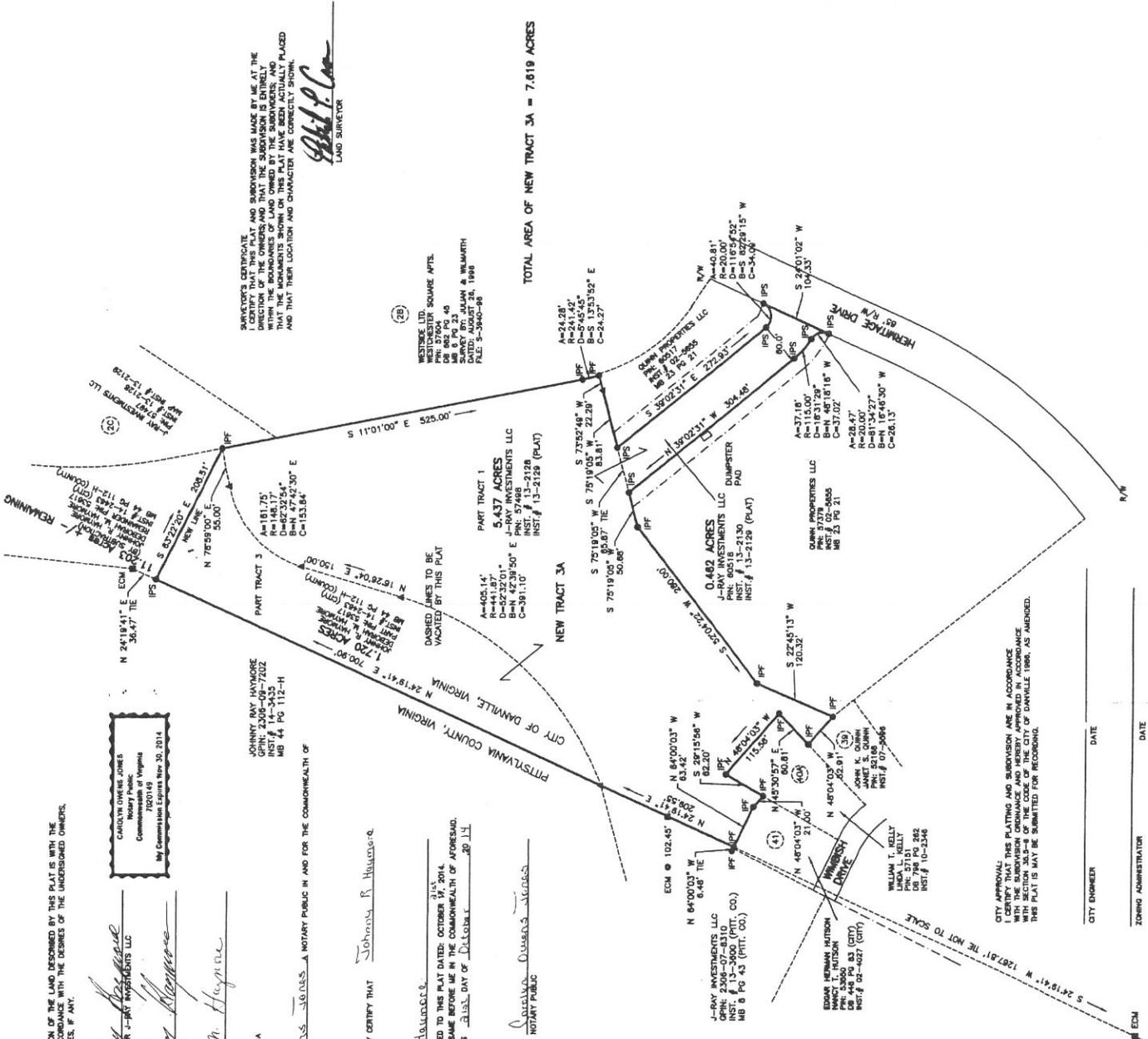
CAROLYN OVERS JONES
Notary Public
Commonwealth of Virginia
Commission Expires 12/01/16
My Commission Expires Nov. 30, 2014

JOHNNY RAY HAYMORE
OPIN: 2306-09-7202
MB #4 PG 1125-H

SURVEYOR'S CERTIFICATE
I CERTIFY THAT THIS PLAT AND SUBDIVISION WAS MADE BY ME AT THE
DIRECTION OF THE OWNERS AND THAT THE SUBDIVISION IS ENTIRELY
CONFORMANT WITH THE CITY OF DANVILLE ZONING ORDINANCE AND THAT
THE MONUMENTS SHOWN ON THIS PLAT HAVE BEEN ACTUALLY PLACED
AND THAT THEIR LOCATION AND CHARACTER ARE CORRECTLY SHOWN.
John P. Crane
LAND SURVEYOR

WESTSIDE LTD. SQUARE APPLS.
PK# 57488
SURVEY BY: ALAN & WILMARTH
DATE: 03-29-1988
PLAT S-3060-98

TOTAL AREA OF NEW TRACT 3A = 7.619 ACRES



CITY APPROVAL:
I CERTIFY THAT THIS PLATTING AND SUBDIVISION ARE IN ACCORDANCE
WITH THE SUBDIVISION ORDINANCE AND HEREBY APPROVED IN ACCORDANCE
WITH THE CITY OF DANVILLE ZONING ORDINANCE. THIS PLAT IS TO BE RECORDED.
CITY ENGINEER _____ DATE _____
ZONING ADMINISTRATOR _____ DATE _____

LEGEND

- IPF IRON PIN FOUND
- R/W RIGHT OF WAY
- EDM EXISTING CITY/COUNTY BOUNDARY MONUMENT
- COMPUTED POINT
- PK# GEOMETRIC PARCEL ID NUMBER
- OPIN OPERATOR'S PARCEL ID NUMBER



THIS BOUNDARY SURVEY IS BASED ON A CURRENT FIELD SURVEY.
THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS OR
PLAT WHICH WERE NOT VISIBLE AT THE TIME OF MY INSPECTION.
THE PARCELS OF LAND OR EASEMENTS DEPICTED
HEREON ARE SHOWN TO THE BEST OF MY KNOWLEDGE
AND BELIEF.
THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT
OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY
INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
PERMANENT STRUCTURES ARE PROHIBITED WITHIN
THE R/W'S SHOWN ON THIS PLAT. ANY STRUCTURES
AND/OR EASEMENTS THEREON ARE APPROVED
OR IN AN ALTERNATE MANNER APPROVED BY THE CITY ENGINEER.
THIS PROPERTY IS NOT LOCATED WITHIN A FEMA, DEFINED
FLOOD HAZARD ZONE AS OF 8-28-2010.
SEE COMMUNITY PANEL # 311-030058E.

DANVILLE, VIRGINIA
PLAT OF SUBDIVISION SHOWING
PART OF TRACT 1, PART TRACT 3, &
EXISTING 60' RIGHT-OF-WAY
& CREATING NEW TRACT 3A
PLAT OF SURVEY
FOR:

J-RAY INVESTMENTS, LLC,
Virginia limited liability company,
JOHNNY RAY HAYMORE &
DEBORAH M. HAYMORE

DATE: OCTOBER 17, 2014
SCALE: 1" = 100'



FILE: 13042

CRANE & SURVEYING PLLC
113 TALBOTT DRIVE
DANVILLE, VA. 24540 (434)836-5598 (434)836-4183(F)



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 11/21/2014

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2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/21/2014

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/21/2014

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.



REZONING REQUEST
DATA SHEET

DATE: December 8, 2014

LOCATION OF PROPERTY: Parcel ID #57498 and #60518 along Hermitage Drive

PRESENT ZONE: M-R, Multi-family Residential, T-R, Threshold Residential

LAND USE PLAN DESIGNATION: MR, Multi-family Residential, AMR, Attached & Mixed Residential, USR, Urban Single Residential

ACTION REQUESTED: The applicant is proposing to rezone the property to create attached residential single family homes.

PRESENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Attached Residential

PROPERTY OWNER (S): J-Ray Investments LLC

NAME OF APPLICANT (S): Same

PROPERTY BORDERED BY: Attached residential to the east and south, residential to the south, and vacant lots to the west and north.

ACREAGE/SQUARE FOOTAGE: 7.33 acres

CHARACTER OF VICINITY: Attached and single family residential

INGRESS AND EGRESS: Hermitage Drive

TRAFFIC VOLUME: Medium

NEIGHBORHOOD REACTION: To be reported at the Planning Commission meeting of December 8, 2014.

**PLANNING COMMISSION MINUTES
NOVEMBER 10, 2014**

MEMBERS PRESENT

**Mr. Searce
Mr. Laramore
Mr. Dodson
Mr. Wilson
Mr. Bolton
Mrs. Evans
Mr. Jones**

MEMBERS ABSENT

STAFF

**Shanta Hairston
Ken Gillie
Renee Burton
Scott Holtry
Clarke Whitfield**

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

I. ITEMS FOR PUBLIC HEARING

1. *Rezoning Application PLRZ20140000292, filed by Kirpal Singh requesting to amend the Year 2020 Land Use Map from OPT, Office Professional Transitional to CS, Community Service and to rezone from TO-C, Transitional Office Commercial to N-C, Neighborhood Commercial, 1009 Main Street, otherwise known as Grid 1720, Block 012, Parcel 000010 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property to operate a convenience store at this location.*
2. *Special Use Permit Application PLSUP20140000293, filed by Kirpal Singh requesting a Special Use Permit to operate a convenience store with gasoline sales in accordance with Article 3.J; Section C, Item 3 of the Code of the City of Danville, Virginia, 1986, as amended, at 1009 Main Street, otherwise known as Grid 1720, Block 012, Parcel 000010 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the property to operate a convenience store with gasoline sales at this location.*

Mrs. Burton read the staff report. 22 notices were sent to surrounding property owners within 300 feet of the subject property. Nine responses were received. Eight responses were opposed; one response was not opposed.

Chairman Searce opened the Public Hearing.

Present in in favor of the request was Vic Phillips.

Mr. Phillips stated good evening everyone. My name is Vic Phillips and I represent Abercrombie Oil Company and Kirpal Singh. This afternoon in reference to a Special Use Permit request for our Main and Holbrook Exxon property located at 1009 Main Street. This is my second time appearing before the Zoning Board on the Singh property. The first time being back in 1969 while being employed with Exxon Company USA, I had applied for a Special Use Permit at the time after we had purchased the old Clark electric building which joined the existing Main and Holbrook Esso at that time. We were then required to design an all new building that would be compatible to the Sutherlin Mansion and pleasing to the City of Danville. That request was approved and resolved in what stands on that corner

today. It's ironic in a way that we now have two historical sites across the corner from each other. The last Capital of the Confederacy and where in 1972 the first Exxon logo after the retirement of the Esso trademark nationally was placed on the opposite corner. It has now been 42 years since that day and that property is now empty and is in much need of updated improvements and is our purpose here today. Mr. Singh and his family have agreed to purchase the property and spend in excess up to \$350,000 to upgrade the property from automobile repair shop where automobiles sit out front to an upgraded state of the arts convenience store with an all new fresh image; a well-lit safe environment offering low price gasoline and a variety of in-store products that will accommodate the neighborhood and local hospitals. With these new improvements and once completed, the property will take on a new French appearance similar to the rendering I have here now and this is operating now in the Historic District of Williamsburg, Virginia.

Mr. Scarce asked so that's what the picture of the property you're proposing will look like?

Mr. Phillips stated yes. Mr. Singh, our proposed new operator, already operates three other successful convenience stores in and around the City of Danville under the trademark of Q & P and has a very reputable reputation for operating clean, safe and profitable stores that contribute their fair share of tax dollars to the City revenue stream. Mr. Singh has already investigated the neighborhood's need for land improvements and acquired 376 signatures for your approval to grant him the proper permits, licenses and so forth to make this project a reality. Therefore, now at this time I would like to call Mr. Singh for his thoughts and any questions that you may now have and ask Mr. Singh directly.

Mr. Singh stated good afternoon, my name is Kirpal Singh. We had applied for a convenience store and gas station on Main and Holbrook Street. We have surveyed the neighborhood population and incorporated local residents' needs by planning to offer services at a stipulated community store including fresh deli, coffee, snacks, a variety of daily used merchandise that are available for the patrons at the community with operating hours from 6 a.m. until 11 p.m. While surveying the local residents, it was also noted there is no convenient store gas station located within a one point five mile radius. This poses constraints to local residents including nearby businesses such as Danville Regional Hospital, doctor's offices, churches, nearby small businesses who are planning to use daily merchandise from early mornings until late evening time durations. At present, they are compelled to travel up to one point five miles from the stipulated location. This is especially inconvenient to the patrons who like resources for commuting or driving to obtain their daily used items. To reinforce our application, we are providing the signatures of future potential patrons who are equally eager and share our enthusiasm for pertinent needs for having a C-store and gas station within immediate reach of proper residents. Among those we have signatures from Danville Regional Hospital, doctor's offices, children health care center, Stratford Associates Cardiac Clinic, OB/GYN Associates, and many residents. In conclusion, we want to show the Committee that we intend to maintain the sanctity of Historic Downtown Region by planning and constructing the building within our recommended guidelines given by the planners.

Mr. Scarce stated ok, thank you. Is anyone else wishing to speak in favor of the application? Is there anyone wishing to speak in opposition to the application?

Present in opposition to the request was Bonnie Griffith.

Mrs. Griffith stated my name is Bonnie Griffith and I am President of the Wednesday Club. Our organization with nearly 400 members is located on Main Street directly across the street from the proposed convenient store service station location. The Wednesday Club was established in the late 1800's and has been in its current location for over 100 years. Our present building was built in 1970. Anyone familiar with our organization knows about our many contributions to the City. We feel that a convenient store would be a terrible mistake for this area because of the recent public and private investments to revitalize it as a safe, attractive and welcoming place for locals and visitors and houses there switching from dilapidated dwellings to family individuals who buy the homes with an appreciation for investment in historic preservation and architecture. The residents in this area have worked very hard and continue to work to keep their property in a good state of repair and also being good and responsible citizens. We believe a convenient store in this area would lower property values because of the reasons listed above and we urge this Commission to turn down this zoning request.

Mr. Scarce stated thank you. Anyone else? You all may come up.

Present in opposition to the request was Mrs. Susan Stilwell.

Mrs. Stilwell stated my name is Susan Stilwell and I've lived in the Old West End Historic District for 20 years on West Main Street. I have sold almost every single house along Millionaires Road, at least once and probably half of the houses on Holbrook Avenue to property owners who've invested a great deal of money in their homes, in their neighborhoods which are now much safer, much more restored; huge tax space for the City of Danville. These people have the Midtown Market, which they can walk to. They don't need a convenient store. It's been a gas station; let it continue to be a gas station. If they want to have vending for coffee, soda vending, etcetera like that, I don't think that's a problem. But I would like to ask any of you, would you like to live next door to a convenient store. Do you understand the loitering, the traffic, and the trash that will be created from this operation? It does not fit next door to the Sutherlin Mansion or next door to the people who live there with their children and families, and I'm going to ask you to please vote against this. Thank you.

Mr. Scarce stated thank you. Anyone else?

Present in opposition to the request was Tyrone Zimmer.

Mr. Zimmer stated my name is Tyrone Zimmer, I own 114 and 160 Holbrook Avenue. I'm directly behind the service station. My bedroom window would be right there. I hope ya'll vote against it.

Present in opposition of the request was Mrs. Fran Buffman.

Mrs. Buffman stated hi my name is Fran Buffman, I live at 1012 Main Street directly across the street from the proposed gas station. These hours of operation from 6 a.m. to 11 p.m. would directly impact my lifestyle and my ability to enjoy my home. This gas station opening from 6 a.m. to 11 p.m. would be directly underneath my bedroom window. How am I going to sleep? How are my grandchildren going to sleep when they come and stay overnight at my house? I also would suggest that the zoning in this area is all TO-C or OT-R. This proposed zoning change in not keeping up with the elements of the community. As you can see, this is a cover page from the Danville Historic overlay, this change is in the heart of the

historic district. The design guidelines for the Historic District according to the State empowers you all with the ability protect against destruction or encroachment on historic sites, so that is part of what you're charged with. The City of Danville in 1989 and again in 2010 revised these guidelines. These guidelines require or state that the purpose of this district is to provide protections from destruction or encroachment on historic areas, buildings, monuments or other features or buildings and structures of recognized architectural significance which contribute or will contribute to the cultural, social, economic, political, artistic or architectural heritage of Danville and Commonwealth of Virginia. This District is designed to preserve designated landmarks and other historic or architectural features in their surroundings within a reasonable distance from destruction, damage, defacement, and obviously incongruence development and uses of land to ensure that buildings, structures or signs should be erected, constructed, altered or restored as to be architecturally compatible with the historic landmark, building, or structures within the district. This obviously is not in keeping with the overall intent of the Historic Guidelines. This also is in contradiction to the City's guidelines or the City's efforts to revitalize the River District. As Susan mentioned, we homeowners in this area have spent hundreds of thousands of dollars and I understand that Mr. Singh wants to invest to make money and to improve his property; but we also are tax payers and we have spent hundreds of thousands of dollars to maintain our properties in accordance with the Historic Guidelines and we also pay a significant amount of money in taxes every year to the City as well. The Historic District also contributes to tourism and brings people to the area to look at these homes. If these people can't walk down the street feeling safe because of the increased traffic and crime and the loitering that come with these convenient stores, it would be a real detriment to the City. Thank you.

Mr. Scarce stated thank you. Anyone else? This is your opportunity.

Mrs. Denise Van Valkenburg and Sophia Van Valkenburg were present in opposition.

Mrs. Van Valkenburg stated hi my name is Denise Van Valkenburg and this is my daughter Sophia. She feels very strongly about this issue and typed up just a little letter last night. I will read it on her behalf. Dear Planning Commission, my name is Sophia Van Valkenburg and I'm nine years old. I live at 154 Holbrook Avenue. I'm writing to you to share my reasons why I don't want the convenient store. We have a beautiful neighborhood, churches and so many parades. There will be more traffic. People will ask for money. There will be so much trash everywhere. There will be possible criminal activities. Also there are lots of kids here. There will be single served beer and cigarettes. People will hang around the store and do nothing. People will be speeding. It is a gateway to downtown. Please consider these thoughts when you make your decision on the rezoning application. Thank you very much. Sincerely, Sophia Van Valkenburg.

Mr. Scarce stated thank you. Anyone else wish to speak?

Mr. Micah Robinson was present in opposition of the request.

Mr. Robinson stated hello my name is Michael Robinson. I made a few quick notes back there as I was sitting. I own the building directly next door to where they want to put this Quickie-Mart so I'm obviously concerned. I have several properties in Danville which I have done a complete restoration on these properties, I'm very well known for that. I'm interested in continuing the restoration process for my property at 1021 again next to the site that we're talking about. For all the same reasons that everyone else has stated, I'm very

concerned about this proposal. Again, a gas station is not a problem but a Quickie-Mart that serves alcohol, lottery tickets, and junk food is going to syphon in the same crowds that we see everywhere else in these neighborhoods and give it a certain presence. I have nothing against the Quickie-Mart, I have nothing against the potential owners, or the other stores; I just don't think that it belongs on Main Street, a historical neighborhood. For the sake of estimating, let's say we have 100 people currently opposed to this and counting. They say they have 360 signatures. I would like to ask questions. I didn't see an opportunity ask questions for Mr. Singh. But I would like to know who are these people, have we looked at these signatures, and there are other questions I would like to ask. Basically it would be an extreme downer I think for the downtown neighborhood, Main Street, and the millions of dollars that was put into these neighborhoods. The City and federal money is important to these neighborhoods to make them more uplifting and not to have a ghetto mart on Main Street right next to these historic landmarks. If investors are coming into town and they're driving down Main Street to go downtown where the City has invested all this money thanks to tax payers, they don't want to see a ghetto mart with people loitering around, drinking, begging, booming in and out with their boom cars - it's not an appealing site. I'm sure if I had more time to think about it, I'd have more to say. Thank you.

Mr. Scarce stated thank you. Is anyone else wishing to speak in opposition?

Mr. Tyrone Zimmer stated I just want to say one more thing. He asked the question where did the signatures come from. When you go in the store, the cashier is in the store asking would you like to sign this paper to open up a Quickie-Mart on Main Street. That's where the signatures come from and that's for anybody who came in the store. I know because I went down there and they asked me. I said, "No I don't want the store there."

Mrs. Fran Buffman stated after I got to my seat, I was a little nervous last time, I forgot to mention I know Mr. Singh has collected a number of petitions and he mentioned people who work in the area had signed his petitions. Last weekend after I got the letter from you all in the mail, I actually did my own petition and I walked a one block radius down Holbrook Street and one block down Main Street either way and one block on Holbrook. I got a petition from the people who actually live in the area who own these homes, live in these homes and I have 42 unique signatures from the property owners in the area. Everyone that I talked to in a one block radius was opposed to the idea. I did not have a single person tell me that they would not sign the petition. I have a copy here if you all would like to have it.

Mr. Scarce asked anyone else wishing to speak?

Mr. Micah Robinson stated I'm sorry I forgot to mention that I have a page full of signatures as well. I didn't know to bring them in to add to hers, it's another page full. But again if they have enough money to invest in this kind of facility, it's plenty of places in Danville that they could do it.

Present in opposition to the request was Mr. David Corp.

Mr. Corp stated my name is David Corp and I live at 161 Holbrook Avenue. After I was approached by I believe it is Mrs. Bauman, to sign her petition which I promptly did. A small group of residents on Holbrook Avenue got together and worked with her to draft a statement concerning our opposition to this change in Code and the ability to put in a convenient store. We went around to all the people on that petition, presented them with our draft statement, stamped envelope and asked them to consider our statement, add their

own thoughts to this statement, and forward it to this body. And I believe that went to Renee Burton's attention.

Mrs. Burton stated yes, they have copies in front of them.

Present in opposition to the request was Mr. Dave Fieldman.

Mr. Fieldman stated my name is Dave Fieldman and I live at 137 Holbrook Avenue just about three or four houses down from where the Quickie-Mart would be. I have practical experience with this because the last neighborhood I lived in the same thing happened. Within two or three weeks, the neighborhood took a total dive. Petty crimes and break-ins, you know people breaking into cars looking for change and stuff like that started up. It was a very noticeable increase and crime and stuff like that in the neighborhood, which to me just doesn't fit into being in a Historic District especially. It's been said a lot of us have spent a lot of money fixing up our houses. This would definitely hurt the property value and make our houses harder to sale if we wanted to, and I just really hope that you vote no on this. Thanks.

Mr. Scarce asked anyone else? Final time.

My name is Amy Whitehouse and I live at 936 Main Street. It was an old house that I've renovated and I've put a lot of money into it, a lot of sweat equity, and I got it back to the lovely house that it was years ago. When you're making your decision and you're thinking about this, don't forget that Danville is littered with convenient stores in all other areas. When you look around them you see what type of business they have, what kind of business they draw, and what happens. They prey on vulnerable people with overpriced goods. That doesn't do anybody any good and it certainly wouldn't be the kind of business that should be brought into a neighborhood that we're trying to restore. So just give it good thought before you do something silly.

Mr. Scarce stated thank you.

Mr. Dave Fieldman stated one thing I forgot to add is there was already a convenience store about three blocks down from Holbrook. We have the Midtown Market just a few doors down too.

Present in opposition of the request was Mrs. Liz Russell.

Mrs. Russell stated hi my name is Liz Russell and I live at 132-138 Holbrook Avenue. We own a fourplex and we live there. We bought Bob Beecy's fourplex and we renovated it. I moved back to Danville, grew up here and then moved back, and one of the reasons was for the architecture in the Historic District. A lot of things have been torn down in the other big cities and I really am lucky to have the house that I have. I have three children that attend public schools here in Danville and my husband owns Counseling and Psychological Services which is on Main Street at 1045. So his office is in the circle and we also own our building which we rent out. Because of the trash we're constantly picking up trash, we're constantly having things happen on our street. We really do miss the gas station but we don't need any more extra trash or traffic or lottery sales or alcohol. We have a lot of kids on our street and we want to have a good environment for them, so I would have to ask you to oppose it. Thank you.

Mr. Searce asked anyone else?

Chairman Searce closed the Public Hearing.

Mr. Searce stated also for the record I do want to add that I have here a letter from the Historic Preservation of Virginia and Susan Wilson and Steven Wilson in opposition and we have this thick I think 34 pages all in opposition too. So I'll open it up to Commissioners and see if you have any questions, comments or discussions.

Mr. Bolton stated staff you mentioned in your background analysis that it is not necessary to change the zoning from the TO-C to the Conditional Neighborhood and Commercial for the gas station to remain, but for my clarification he would need a Special Use Permit for both zoning classifications.

Mr. Gillie stated to convert to the convenience store he does need to change the zoning and get a Special Use Permit. The facility has operated as a legal nonconforming gas station for approximately 60 years is what we can figure. Mr. Phillips said it's definitely been since at least 1969, possibly earlier according to our records. So the gas station still is legal nonconforming and can continue to operate, but to change and add the additional use of the convenience store that's where the rezoning has to occur and the Special Use is necessary.

Mr. Bolton asked so on the TO-C you couldn't even get a Special Use Permit to do the convenience?

Mr. Gillie stated no you could not get a Special Use Permit in a TO-C.

Mr. Bolton asked so in essence, denying the zoning change gets rid of all of it and we don't even go to the Special Use Permit is that true?

Mr. Gillie stated you would still take a vote on it because again you are an advisory body to City Council. City Council still has the final say so, so they would be looking to you to make a recommendation on both matters.

Mr. Bolton asked I guess where I'm going is if we do change the zoning so we can get to the Special Use, if I were in the neighborhood would I rather have the TO-C or the conditional neighborhood commercial? Which is an easier, softer zoning for that neighborhood?

Mr. Gillie stated the TO-C is a less intensive district. The conditional NC would permit the convenience store - I don't know what you've heard, but staff has heard substantial opposition to the convenience store - is the only reason to change the zoning. Maintaining of the TO-C allows it to have certain limited commercial uses such as offices and I can give you a whole list if you'd like. In our opinion it doesn't need changing. The building has functioned for a long time as a TO-C. We haven't even seen that they've tried any of the other uses allowed in a TO-C district it's just that they've asked for this one use which is clearly not permitted and that's why they've asked to change it. That's why staff didn't make a recommendation to change it because we're not sure that it's actually wrong. We haven't seen the building sit for a number of years vacant. It's only been vacant for a short period of time.

Mr. Bolton asked and he can continue gas sales without changing the zoning?

Mr. Gillie stated he can continue gas sales; could possibly convert the building into something else that's in there; you're allowed small offices; possibly someone could try for a daycare, church, pharmacy, beauty salon, or barbershop but we haven't seen anyone ask to use that building for anything else. So at this point we can't say that it would be wrong to be zoned for TO-C.

Mr. Scarce asked any other questions?

Mr. Wilson made a motion to recommend denial of Rezoning Application PLRZ20140000292 as submitted. Mr. Dodson seconded the motion. Mr. Laramore abstained from voting due to personal interest in this case. The motion was approved by a 6-0-1 vote.

Mr. Wilson made a motion to recommend denial of Special Use Permit Application PLSUP20140000293 as submitted. Mr. Dodson seconded the motion. Mr. Laramore abstained from voting due to personal interest in this case. The motion was approved by a 6-0-1 vote.

3. *Rezoning Application PLRZ20140000297, filed by Keith Walden on behalf of CWC Holdings, requesting to amend the Year 2020 Land Use Plan from USR, Urban Single Family Residential to MR, Multi-family Residential and to rezone from OT-R, Old Town Residential to M-R, Multi-family Residential, vacant parcels on the west side of Stewart Street; Parcel ID #s 20596, 20597, 25672, 22841, 24958, & 25085, otherwise known as Grid 1719, Block 005, Parcels 000001 - 000006, respectively, of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the above-mentioned properties to M-R, Multi-family Residential in preparation for consolidation and construction of 24 units.*
4. *Special Use Permit Application PLSUP20140000298, filed by Keith Walden on behalf of CWC Holdings, requesting a Special Use Permit to allow for a waiver to the minimum district size in accordance with Article 3.G; Section C, Item 22 of the Code of the City of Danville, Virginia, 1986, as amended on vacant parcels on the west side of Stewart Street; Parcel ID #s 20596, 20597, 25672, 22841, 24958, & 25085, otherwise known as Grid 1719, Block 005, Parcels 000001 - 000006, respectively, of the City of Danville, Virginia, Zoning District Map. The district size proposed is approximately 1.4 acres when 5 is required.*
5. *Rezoning Application PLRZ20140000299, filed by Keith Walden on behalf of CWC Holdings, requesting to rezone from OT-R, Old Town Residential to A-R, Attached Residential, vacant parcels on the west side of Stewart Street; Parcel ID #s 25226, 22099, 25069, 25070, 25074, 20420, 20421, 20422, 25542, 25073, and 23886 otherwise known as Grid 1719, Block 005, Parcels 000006 - 000017 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the above-mentioned properties to A-R, Attached Residential in preparation for consolidation and construction of attached and single family dwellings.*
6. *Special Use Permit Application PLSUP20140000300, filed by Keith Walden on behalf of CWC Holdings, requesting a Special Use Permit to allow for a waiver to the minimum district size in accordance with Article 3.G; Section C, Item 22 of the Code of the City of Danville, Virginia, 1986, as amended on parcels on the west side of Stewart Street; Parcel ID #s 25226, 22099, 25069, 25070, 25074, 20420, 20421, 20422, 25542, 25073, and 23886 otherwise known as Grid 1719, Block 005, Parcels 000006 - 000017 of the City of Danville, Virginia, Zoning District Map, respectively, of the City of Danville, Virginia, Zoning District Map. The district size proposed is approximately 1.4 acres when 5 is required.*
7. *Special Use Permit Application PLSUP20140000301, filed by Keith Walden on behalf of CWC Holdings, requesting a Special Use Permit to allow for detached single family dwellings*

in accordance with Article 3.F; Section C, Item 16 of the Code of the City of Danville, Virginia, 1986, as amended, on the west side of Stewart Street; Parcel ID #s 20422, 25542, 25073, 23886 and part of 20421 otherwise known as Grid 1719, Block 005, Parcels 000014 - 000017 and a portion of 000013, respectively of the City of Danville, Virginia, Zoning District Map.

8. *Rezoning Application PLRZ20140000302, filed by Keith Walden on behalf of CWC Holdings, requesting to rezone from OT-R, Old Town Residential to A-R, Attached Residential, vacant parcels on the east side of Stewart Street; Parcel ID #s 25089, 25090, 25086, 20418, 25087, 20424, 25088, 24359, 21117, 24358, 24649, 22513, 22103 & 22104 otherwise known as Grid 1719, Block 004, Parcels 000011 - 000024, respectively of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone the above-mentioned properties to A-R, Attached Residential in preparation for consolidation and construction of attached and single family dwellings.*
9. *Special Use Permit Application PLSUP20140000303, filed by Keith Walden on behalf of CWC Holdings, requesting a Special Use Permit to allow for detached single family dwellings in accordance with Article 3.F; Section C, Item 16 of the Code of the City of Danville, Virginia, 1986, as amended, on the east side of Stewart Street; Parcel ID #s 25089, 25090, 25086, 20418, 25087, 20424, 25088, 24359, 21117, 24358, 24649, 22513, 22103 & 22104 otherwise known as Grid 1719, Block 004, Parcels 000011 - 000024, respectively of the City of Danville, Virginia, Zoning District Map.*
10. *Special Use Permit Application PLSUP20140000304, filed by Keith Walden on behalf of CWC Holdings, requesting a Special Use Permit to allow for a waiver to the minimum district size in accordance with Article 3.G; Section C, Item 22 of the Code of the City of Danville, Virginia, 1986, as amended on the east side of Stewart Street; Parcel ID #s 25089, 25090, 25086, 20418, 25087, 20424, 25088, 24359, 21117, 24358, 24649, 22513, 22103 & 22104 otherwise known as Grid 1719, Block 004, Parcels 000011 - 000024, respectively of the City of Danville, Virginia, Zoning District Map. The district size proposed is approximately 3.9 acres where 5 is required.*

Mr. Holtry read the staff report. 76 notices were sent to surrounding property owners within 300 feet of the subject property. 34 responses were received. 18 responses were opposed; 16 responses were not opposed.

Chairman Searce opened the Public Hearing.

Mr. Gus Dyer was present to speak in favor of the requests.

Mr. Dyer stated members of Planning Commission, my name is Gus Dyer. I'm very excited to be here with Mr. Walden who is the applicant. We've worked together here to sort of conceptualize what Mr. Walden would like to do on his property on Stewart Street. So I'm going to pass out some literature and I'm going to let you all ask questions instead of give a big speech. The reason I'm here today is Mr. Walden has asked for my assistance in conceptualizing this plan for the property he owns on Stewart Street. Right now I am currently working on a project called Oak Park located at 481 Riverside Drive. I would assume and hope that most of you are familiar with that. I started the project in 2008 and I have been very successful with the part that I've been working on.

Mr. Wilson stated excuse me, this is going to be on television for everyone to watch and none of this is being recorded if you're not near a microphone.

Mr. Dyer stated well I'm just sort of explaining why I'm here.

Mr. Searce stated kind of start over if you would and give an overview.

Mr. Dyer stated well as I was explaining that I have been working on a project, Oak Park, for the last six years in 2008. In working on that project, I see people every day. My project is very specific, it's two bedroom condos, but I get people come in all the time looking for larger units or looking for something to rent. Based on what I have learned over the last six years, when Mr. Walden approached me about helping him to work on this project I said, "Look I know what the market wants so let's build that, what the market wants".

Mr. Dyer stepped away from the microphone to give detailed description of diagrams he presented to the Commission. He provided three color coded documents that showed how the exterior and interior of each building would be constructed. He explained exactly how the project would be put into place. He discussed how many units would be in each building. He also passed out pictures from a current project that he is working on to give an example of the quality of his work.

Mr. Dyer asked if anyone had any questions.

Mrs. Evans stated I have a question. Where is the green space?

Mr. Dyer stated basically where you don't see a roof, it's green. There's a large area behind the townhouses here that will be left open. It's probably going to be our storm water management system. I don't know if you all are aware but the storm water management regulations have really gotten strict so Mr. Walden has agreed to doing something creative as opposed to creating a retention pond with the big chain link fence around it. We're going to do something where the landscape will actually be able to absorb the water now.

Mrs. Evans asked will there be screening for this project to provide screening for the other houses in the neighborhood?

Mr. Dyer stated if that would be something that someone would like, that's a possibility.

Mr. Wilson stated on this paper we have, the one you gave us, there are really three cul-de-sacs.

Mr. Dyer stated right it's the one that doesn't have any hash marks in it. It's the middle one that we're proposing right now.

Mr. Wilson asked are these example drawings or are they the actual design?

Mr. Dyer stated these are the conceptualized plan. It depends on if ya'll say yay and Council says yay then that's probably what's going to get built.

Mr. Wilson asked so these buildings have actually been laid out and designed?

Mr. Dyer stated yes sir.

Mr. Wilson asked so if we say yes then City Council says yes and we go forward with that then that means when we drive down here later in life, this is what we'll see?

Mr. Dyer stated right more or less.

Mr. Wilson asked and with Anne's green space question, there is enough space in front of these to mimic what you've done?

Mr. Dyer stated yes sir.

Mr. Wilson asked so the green space is like small front yard?

Mr. Dyer stated right. And you know with heavy landscaping, the devil's in the details. If you're willing to spend the money and do what's right then it's going to be a very effective project.

Mr. Wilson stated one of the things that we have to deal with here as I often say, we're kind of just citizens like everyone else and we're here to sort of manage some of these decisions. A lot of times we don't have those actual details. We're kind of making guesses on hope and faith of what you say.

Mr. Dyer stated that's why I'm here because I have spent the last six years proving a point. I was here before, not you all folks in particular, but I had a project when I was trying to get the project I'm building right now. I had people coming in living in 40 year old house trailers saying I was getting ready to come in and devalue their property. So I have made it a point to ensure that what I do is of high quality and something that I can be proud of and something that the City of Danville can be proud of. And so, just to let you know I hope that for the last six years, I've been building up enough credibility that you will appreciate that.

Mr. Wilson asked you are basically the design person for this? You are overseeing this?

Mr. Dyer stated I am helping Mr. Walden. I am overseeing the project for Mr. Walden.

Mr. Jones asked so from my understanding there will not be an exit out from Watson Street?

Mr. Dyer stated no sir it will be a one-way street so there will be no thru traffic.

Mr. Jones asked and that's just two lanes right?

Mr. Dyer stated yes sir. I know what you're getting at because we've also had some folks comment and question about the flow of traffic. Traffic on a project this size is not an issue. I've got the same situation at my project Oak Park. I don't even have public street, that's just a public driveway. Right now I've got 24 units and there's never an issue. I live out in Fox Hollow Farms if you know where that is out at Westover Drive, we have over 80 houses in our neighborhood. We have one street in and out and it's a 20 foot wide street. I happen to live in the first house going into Fox Hollow and I can tell you it's not a traffic issue. That's just a false issue. I mean you have to have hundreds of units to be where a single street would not be able to accommodate that.

Mrs. Evans stated but your Fox Hollow residence isn't next door to a funeral home conducting services.

Mr. Dyer stated well I would also like to point out that this property was priorly developed. When the Towne's Funeral Home was built there was actually residential activity down that street. And so basically what we're trying to do is replace that residential activity in a configuration that's more contemporary than what the market would actually like to see.

Mrs. Evans stated but I'm guessing it's more residences than when it was previously built.

Mr. Dyer stated marginally more. I would say probably the number of bedrooms is probably close to what was already had there to begin with. Because these are small, two bedroom units.

Mr. Wilson asked how many people in the yellow unit?

Mr. Dyer stated there's 12 units and that building and there are two buildings so 24 units total. You should have a floor plan that's attached to that so you can see. They all are two bedroom units and they're over 1,200 feet. That's something right now that the City desperately needs that we don't have a lot of. I know of 11 units and other than that I can't think of anywhere else of comparable quantity and size. A lot of people, not transit people that want to rent, I've found that a lot of elderly people who are downsizing are moving out of that big house. They sell their house and they need some place to live. They want some place nice to live but they don't necessarily want to go buy another unit. They've got their finances, they'd rather take their money and put it in the stock market or in the bank because real estate is a rather illiquid asset. So they don't want to take their money and put it in another piece of real estate particularly if they're 84-85 years old. I've sold 24 units at my project over the last six years and I've rented 100 because people are looking and when you tell them rent is \$1000 a month, it's a very strong demand for that.

Mr. Scarce stated on the three story building it looks like that's an elevator. Is that what that is?

Mr. Dyer stated yes sir. These are handicapped accessible.

Mr. Laramore stated I'm not sure that I really understand what is on this property on the cul-de-sac; there are no units. Is this open green space?

Mr. Dyer stated there are four vacant lots that would be around the cul-de-sac that right now is for future development, and you all would probably have a say so in that at some point.

Mr. Wilson asked would that be the same type?

Mr. Dyer stated actually we're thinking, for lack of better term, of some signature housing where somebody wants a larger home and they like the neighborhood. It's a very walkable neighborhood; it's right next to the hospital. Tons of people who come by and look at my condos are in the medical profession. I have a little anecdotal story. I had a young couple come look at my two bedroom condo and they show up with three kids. I go is a two bedroom condo really going to work for your three kids and they go this is the only place in town that we would even consider living. We want something new. Tell us where new housing is being constructed in the City of Danville. I said you're out of luck; there is no new housing. To make a point, new housing construction contributes 25% of total economic growth. The fact that we have virtually no new housing construction in the City of Danville is terrible. We're missing out on that. It's not because there's not a market for it. There is a

market for it. There are 20,000 housing units in the City of Danville; and just at a replacement rate we ought to be building 200 new houses in Danville per year and we're not even close to that. It's because of two things. One of them is that the mom and pops, the smaller operations that generally the home builders in the City of Danville, they can't get financing for spec housing. You go to the bank and say I want to build a house on spec and see what kind of response you get. The other factor is that the larger builders will not come to Danville and build housing because our property value is so low. Why are they going to come to Danville and build a house when they're only going to make \$120 a square foot when they can go to Lynchburg or Roanoke and make \$150-\$160? So there is a demand for new housing in Danville; there's a lot of demand for new housing. I can tell you that. Like I said I've sold a lot of houses over the last six years. But there are constraints. Fortunately Mr. Walden is here and Mr. Walden does not face those constraints. He has the desire to build something here and he has the financial resources to do that so I would encourage you all to encourage him to do that.

Mrs. Evans stated I can tell you Mr. Dyer my concern is that you've only presented us with this. I'm a very visual person so I like renderings of where the green space is going to be and where the landscaping is going to be. We have had that before.

Mr. Dyer stated like I said I would hope based on what I have done over the last six years that you'll just have to take my word for it because Mr. Walden is not going to go out and spend tens of thousands of dollars to bring you renderings if it falls flat. He needs to see that this project is going to move forward before he's willing to spend that kind of money.

Mr. Scarce stated but he will have to abide by the code for green space and all that.

Mr. Dyer stated the City is set forward on what green space is allowed and we will fulfill that obligation. If you'll look at this map here, you'll see these dotted lines, that's actually the area so there's actually going to be a lot of green space. There's a lot more green space in this project than currently exists anywhere in that neighborhood. Like I said this project is very much in keeping with the character of the neighborhood. There's some single family duplexes and apartments as you've seen all up and down Virginia Avenue, Marshall Terrace, and Montague. This is a good project and it's a good location for this project.

Mr. Scarce asked any other questions about the project? Okay, thank you.

Mr. Dyer stated that will include my comments on all eight applications. I'm not going to do all of these.

Mr. Scarce stated that is an overview for all of these. The only reason we've got different ones is because of the different type of units. Anyone else asking to speak for it?

Also present in favor of the request was Mr. Keith Walden.

Mr. Walden stated hello my name is Keith Walden, a few points I'd like to bring up are this property would be an HOA which would be a maintained property. Everything on it would continue to look good. On the apartments it will have locked doors with codes to get in, which will be only accessible by the people that live there. It's going to be a nice property and I hope you support us in this venture.

Mr. Scarce stated ok thank you. Anyone else wishing to speak on it?

Mrs. Sue Rogers was present in favor of the request.

Mrs. Rogers stated my name is Sue Rodgers, I live at 329 Virginia Avenue. I'm on the lower end of Virginia Avenue. I bought my home from Joan and Fred Leggett. Joan's family had been the only family that had ever lived there. I love my old home very much, but the neighborhood has suffered with the recession coming on. I am very much in favor of this project. I've been saying this for several years, because I think it will add the burst of growth and of building young people and mature people perhaps me. I also want to ask that that open street Stewart be continued both ways, that it not be a cul-de-sac, that it be allowed to go through into Watson. First of all it would help the traffic for especially the people living there in case I might be one of them, but also our neighborhood needs that. I'm on the corner where Avendale becomes Watson. Our street needs that build up. When someone like Mr. Walden comes in and builds a neighborhood of condos that are exclusive, insulated from the noise, toney cars, just a toney neighborhood. We need that to help our neighborhood become tonier from the rental properties to build up so they can too charge higher rents. We need that in our neighborhood and I ask for two things. One that this project be put through for our neighborhood and the second is that I ask Mr. Walden to open up, not have a cul-de-sac there or a wall to shield from our side of the street. I invite all of you to come to visit my home- I do keep up my median strip, I buy the trees there- so I do invite you to come by and see. I think this would help our neighborhood a great deal if they would have a through-way street there.

Mrs Susan Stilwell was present in opposition to the request.

Mrs. Stilwell stated again my name is Susan Stilwell and I lived at 243 West Main Street for 20 years. I've been in the real estate business for 37 years and the most important thing about real estate value is location, location, location and this is not a great location. This is a good location for office use perhaps to benefit the hospital; but I can tell you if engineering said they would have to put in a right turn lane onto Stewart Street, you're going to have to take down the house that Townes Funeral Home owns at 231 West Main. Their front yard is about as far as from me to John Laramore. There's no room for a right turn lane. And having lived in that neighborhood for 20 years, I can tell you when there is a funeral at Townes Funeral Home, you don't go anywhere. You cannot get out of your driveway and there is no way with 24 apartments you're talking 50 people. I don't know how many townhouses but you're talking several hundred people living down there. They're not going to be able to get out into that intersection with the West Main ramp, the hospital traffic, the ambulances that come through there, the funerals that are serviced through Townes Funeral Home, the college people that are heading downtown this is a ridiculous intersection unless you put up a traffic light. If you put up a traffic light I want to know who's going to pay for it. Am I going to pay for it? Or is the developer going to pay for it? Those are expensive, they cost a lot of money. Who's going to put in and pay for the storm drains, the curbing? There is no infrastructure on Stewart Street. When you go from Stewart Street back over to Montague Street that back, it is wetlands. I can tell you, I've lived there. Water sometimes stands two to four feet deep back there in heavy rains. And so somebody has got to pay for the curb, the gutter and storm drains. I don't want to pay for it. I don't think the tax payers should have to pay for it. It makes no sense to block that street halfway off when the only way you would be able to get out of there especially in emergency is to go down to Watson Street and use the light to get out of there. I think this is a bad location, I think this is too big of a plan for that location, and I urge you to vote to deny.

Mrs. Melanie Vaughan and Mr. Kevin Vaughan were present in opposition to the request.

Mrs. Vaughan stated good evening my name is Melanie Vaughan. My husband Kevin and I live at 235 West Main Street. We purchased our home with the expectation that the Future Land Use Plan would be followed which calls for urban, single family residential. We understand the preexisting conditions existing in multifamily and the limited low intensity Townes Funeral Home. The proposed development is not in conformity at all with the Future Land Use Map. Page 40 of that document states and I quote, "Residential and fill similar to density and scale of surrounding neighborhood"; therefore, the best use of this property is single family, for sale units that are consistent with adjacent homes in the Historic District priced at \$250,000-\$400,000. There is a 72% variance from the required land areas. The quality of life would be greatly affected- increased traffic, noise, activity in the neighborhood. Although this fellow presented a beautiful picture which we have not seen, how can the Planning Commission consider this proposal without a letter of stipulation in writing with the details? This covers the type of structure (one or two stories); landscaping; storm water management; traffic safety concerns on West Main and Stewart Street such as trucks, school buses, and site distance; proposed amenities features such as stone brick siting; elevations of buildings; construction hours; life safety concerns of the cul-de-sac; the infrastructure support such as roads, curbs, sidewalks, sewers, water; building by building use; no rental or limited 10%; square footage of units; We would've expected Mr. Walden to follow up on Planning Commission's suggestions in April 2013 that he meet with the affected homeowners on what he was proposing and what would be best for the area prior to today's meeting. Mr. Walden told me that he needed the Zoning to determine the details. Quite frankly, I believe you need the details to even consider the Zoning. Thank you very much.

Mrs. Sherry Garrett was present in opposition of the request.

Mrs. Garrett stated good afternoon, my name is Sherry Garrett. I live at 217 Montague Street and I've been there 21 years. I'm a Registered Nurse and I have three small children. When the project was first discussed, we were told that these would be exclusive townhouses. Mr. Walden then presented a plan that would be a high rise apartment complex. Residents were told at that Planning Commission meeting that he would meet with them and discuss their concerns. To my knowledge that has not happened. He told my husband and I that he planned to proceed with the townhouse project and some offices for professionals including physicians. Now we learn that the plan is to build these multifamily units. The second point I have is while I understand some provisions have been made to widen the street, it is currently too narrow for a project this size. There are no curbs, gutters or sidewalks on Stewart Street. Most residents on Montague Street including myself have a horrible problem with runoff from Stewart Street and basement flooding every time it rains. Our basement floods whenever it is heavy downpour. Clearing the trees and adding a cluster of multifamily units would only make matters worse. My third point is dozens of children live and play on Montague Street. We already have a problem with drivers speeding down the steep hill and have had several near tragedies. Turning the lower end of Stewart Street into a cul-de-sac will dump more traffic onto our street since there will be no direct route to North Carolina and Route 86 if Stewart Street is no longer a through street. This allows Spot Zoning and is not in keeping of the residential nature of the neighborhood. Many of us including myself have invested our lives and life savings into these homes. Several years ago we received a letter suggesting that Montague and the Old West End be added to the Historic District. Such a development would never be allowed in the Historic District, nor should it be allowed here. This is a residential neighborhood, not a commercial

development. Let's direct our efforts to the continuous revitalization downtown. To my understanding there are 13 units in Ferrell, 21 units for Lindsay, 28 for Burton, Pemberton has 103, plus at 610 Craighead Street there's under construction for 40 plus units. Let's divert our attention to downtown where it's currently under revitalization and most people who want to live downtown, it's a great place to walk to restaurants or the Community Market. To me, that's where we should direct our efforts. Thank you.

Mrs. Shelby Clark was present in opposition of the request.

Mrs. Clark stated my name is Shelby Clark. I live at 227 Montague Street. My backyard is directly adjacent to Stewart Street. I actually have the major storm drain cap that we believe is partly crushed and that is part of the reason that we have this runoff. The main storm drain has issues. Currently my backyard is a small forest. In the summertime I have an unbelievable firefly light show and this would take that away, but Mr. Walden has the right to build on his property. I understand that and I do not want to detour anyone from developing and making money; however, I just recently moved back from Northern Virginia. I moved away from townhome living, I moved away from the apartment complexes, I moved away from not having green space. I left that and I left the traffic. With that said, I really would like an answer to why there is a need to put a cul-de-sac there. To me it spells out good side, bad side and you just want to disconnect that street from whatever you feel is going on on this end of the street. I know in the past I had talked to a neighbor- and this was years ago- they had even brought up the discussion of making Stewart, Montague, Marshall and College- not necessarily Virginia- but going in and doing one way streets because of our parking issues and because of our traffic issues that are already there. If you drive down Montague Street pretty much any time during the day but especially after 4 or 5 o'clock, in order to go while another car is coming you have to move out of the way. You have to move over until you get an empty spot because we have limited parking. It's not as bad as College, but it's pretty bad. With that said we have people who speed and it is excessive. We did a head count, we don't just have a dozen but we have 20 plus kids between the ages of toddler and high school. They play on our sidewalks and sometimes they make mistakes. I have witnessed one myself almost get hit by a car just because they're jetting out from one car into this tiny space. So closing off the street is one going to cause us so much more traffic because there's nowhere else for them to go. They're going to have to come up Montague. And that's not just the vehicle traffic, that's the foot traffic. We do have a lot of foot traffic coming from the hospital side. Sometimes they will walk up Stewart Street and sometimes they do come up our street, but I feel closing that off is just going to cause them, where this cul-de-sac is, to jump over that fence and come up my backyard. That's going to cause another problem in its whole self because you're going to have all that foot traffic also coming to our streets and through our backyards. As far as the issue of the apartment buildings, I really am for single family homes because that makes me feel comfortable that someone is going to buy a home, they're going to invest in it, they're serious, and they're going to take care of it. A person that does rental does not do that. Point in case, feel free to ride by to look at the apartments between mine and Mrs. Garrett's house. I believe the address of that is 219 and 221. We've had to call and complain on those apartment buildings because the gutters are rotting and falling off of the home. I'm not saying that that's an instance of reflection of what I feel is coming; that's in the future, that's years and years and years ahead. That's what you're left with. There's plenty of apartment living between Montague, Marshall, where he's talking about those apartment buildings, there's apartments on Virginia; there are apartments all up and down the area. With that comes the college kids and we all know college kids; we were college age at one point in time. There are issues that trickle in with the college kids coming in to rent. As far as

apartment living, I feel like we already have plenty of that. I know that was an issue on Marshall Terrace with the apartment building but it was already an apartment building to begin with and I believe it passed so there's four apartment right there in one building that's now up for rent. The apartments do not add value to our property. It's a building but it's rental property. It is not a single family residential home. It is not benefitting me as a homeowner. A homeowner is looking for someone to come in and build a single family residential home and invest their time there and take care of it. Also, they brought up the issue of elderly people wanting to live in the apartments. I have elderly people that live on my street and they take care of their little single family homes. We already have communities for that if we're looking for some sort of elderly type community. There needs to be a different place for that and it's not necessarily in our neighborhood. I'd also like to bring up the issue of prior residents on Stewart Street. They were talking about the amount of homes that were on that street. Even though I moved away, I've lived in Danville all my life and I've lived at 214 Marshall Terrace for three years before I left so I'm very familiar with the area, the traffic, the people in the community, the Historical District. I even work in downtown. The prior residents, the homes that were on Stewart Street were single family homes. Currently there are three four unit apartment buildings and I believe that Mr. Walden owns one of them and one of them will be probably torn down very soon. So at the other end that is planning on being blocked off, there are still two four bedroom apartment units and two homes that also need to be considered. So going and putting 24 units of apartment buildings where there used to be single family residents is not helping our neighborhood financially, it's just not. I think that's it. Thank you for your time.

Mr. Dyer stated one of the main issues seems to be the drainage and the swamp that's back there. I hope that all of the Planning Commission members are familiar with all of the new storm water management regulations that came into effect on July 1st. That will be a big issue but those issues will be taken into consideration. I would imagine at this point, the apartments would actually improve the conditions of the neighborhood greatly. They're not going to allow us to run storm water into other people's yards. I also want to point out that Mrs. Stilwell's one of the people that denied my project ten years ago.

Mrs. Stilwell stated well I'd like to respond to that. There is a storm water problem, but I want to know who's going to pay for it.

Mr. Scarce stated I'm going to ask some questions in a minute.

Mr. Dennis Beard was present in opposition to the request.

Mr. Beard stated my name is Dennis Beard I own the property at 201 Stewart Street. I grew up on Stewart Street my whole life. I was there when the top of Stewart Street was cut off, when there was no Stewart Street there which some of you may not know. At the bottom of Stewart Street behind where Professional Pharmacy used to be they had that street cut off so there was only one way in and one way out. They opened that up because the few families that lived there needed to get through. So the only thing I'm saying is cutting off the top end from lower Stewart Street is not going to be a good thing.

Mrs. Vaughan stated I just wanted to make the comment, we know this area is going to be developed and we certainly want Keith to develop it, it just has to be right for the neighborhood. So please consider everything that everyone has said and just make the right decision please. Thank you.

Mr. Wilson asked can I just ask a question to her? What does that mean? What is the right decision based on that?

Mrs. Vaughan stated our backyard is 20 feet from the proposed development.

Mr. Wilson asked from the property line itself?

Mrs. Vaughan stated I think Scott stated it was 27 feet from our line to where he could actually begin building. Now on the plan the dotted line is where he could build to. It's not where everything is shown, but Scott told me that's where he could build to.

Mr. Wilson stated that's 27 feet to that property line.

Mrs. Vaughan stated from our backyard. So when we sit out on our back porch, and we've put a lot of money into our house, it's beautiful. It's wooded; it's lovely. We're just concerned that all the area will be cut down. Maybe trees will be replanted, but some of those trees have been there maybe 70-80 years. How long will it take to do that? Will somebody living in an apartment there, a very high end apartment according to Keith, want to look out on our back porch? The single family homes are proposed backing up to Central Boulevard, perhaps the apartments would be better off backing into Central Boulevard and on the other side of the street would be the single family homes and the patio homes. I just think there needs to be the big picture of the neighborhood. As we've mentioned, we came in here nine years ago thrilled to buy a house in the Historic District, put a lot of money into it and continue to do that. We love our house. Our neighbors and Townes Funeral Home all work very hard to bring that particular block up to really high level. The two story house that Townes' Funeral owns as Susan mentioned, they totally redid it. It's beautiful. There are two 2,200 square feet apartments. We're afraid that our property values are going to go down instead of rising like they should.

Mr. Vaughan stated also there's some parking slots in front of the Townes apartment and if you're coming up Stewart Street trying to make a left, there's no visibility to make a left. The speed limit is 25 but we know people are going 30 and 40; there's no visibility if there's a car parked at the Townes' Funeral Home apartments.

Mrs. Vaughan stated something I don't really understand because I don't do what you do is this variance. If something is supposed to be five acres and they're asking for four point four or something like that, if it's supposed to be five then why isn't it five? You know, why wouldn't it remain what it's supposed to be according to the plan that was developed for the area. I guess we just thing there's a lot to be considered. I mean we know something is going to be developed, but we're looking at the big picture down the road and the direction that the City is going in which is upward and we want this to be part of it. I don't know, did I answer your question?

Mr. Wilson stated that helps myself a lot more to have someone say just do the right thing to know in your opinion what the right thing is. That's the difference in us trying to sort out obviously a difference in opinion about this property development. That's part of our job and I can tell you right now we're all up here with our wheels turning in our head trying to figure out how to work this.

Mrs. Vaughan stated and we're concerned about the cul-de-sac as well. I think that's an issue.

Mr. Wilson stated now that leads me to a question.

Mr. Scarce closed the Public Hearing.

Mr. Scarce stated to Mr. Dyer and Mr. Walden I've got some questions too if you want to come back up. I was going to ask what type of consideration, I know you've got the cul-de-sac and obviously there's some people thinking it would be better to go all the way through for traffic reasons. What was the reason for that if you'll elaborate a little on that?

Mr. Dyer stated if I had the option of living on a through street or a cul-de-sac I'd much rather live on a cul-de-sac because you don't have through traffic. My project, Oak Park, is a dead end street and my people feel much more secure there. You don't have people just driving through your neighborhood. So I think for the quality of the project, the cul-de-sac is definitely the benefit.

Mr. Scarce stated ok and what about the infrastructure as far as the curb and gutter and drainage?

Mr. Dyer stated that's in the negotiating stage right now. The City has a budget to put in curb and gutter every year. I don't know if you're familiar but I believe it's North Davis Drive that's up there near the new Dollar General Market off of Piney Forest Road, they're supposed to get new curb and gutter like maybe three or four years ago so the City reprioritized and started working downtown and now they are getting curb and gutter. Probably what we would request would be for the City to reprioritize some of their curb and gutter budget so they could put curb and gutter down this road. We're looking at sidewalks and we're also looking at permeable sidewalks because what happens is- I was talking about the storm water management rules- basically for every non-permeable area that you have, you have to calculate where what water's going to go. So we're looking at doing a permeable maybe brick pavers that are laid in sand type sidewalk in this area. There's some interesting things going on as far as storm water management and creating landscaped areas you know cattails and things like that to help absorb the water so you don't have these issues.

Mr. Scarce stated I mean I just think for the record too, I think it needs to be understood what you just said. There are new storm water guidelines that have been put into place and they're very astringent. We've looked at them I believe at some of the meetings and they make it really difficult to develop property in some cases, so I believe that should be covered and taken care of properly. The other thing was the traffic flow.

Mr. Dyer stated it's really hard to convince people that they're wrong when they're very vindictive about things. I'm going to tell you four new units down this street is not going to create a traffic jam. It's just not an issue. There's no chance whatsoever that there would be a turn lane put on West Main Street. That's just ridiculous.

Mr. Scarce asked the single family homes, they'll be for sale units right?

Mr. Dyer stated all of the units will be for sale except for the apartments. You can build single family houses and rent them. There's no constraint on that. The issue about why the apartments are on the side of the street and the houses are on the other, the reason for that

as you can probably tell is the size of the lot. That's the only place that we could put the apartments.

Mr. Laramore stated for what's being done on Stewart Street I'm not sure what's being done to widen it. Are you bringing this up to standard with curb and gutter or is the City going to do that?

Mr. Dyer stated that's what I'm saying is under negotiation right now. I mean we're talking about probably a six or seven million dollar project so the City is going to get a lot from this project just from tax revenue. So we would hope that the City would like to participate in funding some of the street improvements. Like I say money is already in the budget; it's not something they would have to appropriate extra for. Maybe they need to have things reprioritized a little bit so that they could contribute to it.

Mrs. Evans asked how do you intend to handle if it does become a cul-de-sac it's going to be a long time before people can are used to using Stewart Street will recognize that it's not a through street any longer and you're going to have a lot of people going down there and turning around.

Mr. Dyer stated I mean there's not a whole lot of traffic on Stewart Street right now. If you go down there and sit I mean maybe one car every half hour or so. Once the houses had been torn down, there's not a lot of traffic down there. I have people pull up to my project all the time and they go I thought I could get up through here and they turn around and go back. It's not really that big of an issue.

Mr. Wilson stated one thing that has come up a number of times that I just want to voice is several people have mentioned that you all were going to get together with the neighbors and that was something that we had recommended. I'm kind of curious why that did not happen?

Mr. Dyer stated that's before I came into the project. I will tell you that we were hoping to have a meeting last Thursday. I had actually drafted a letter for Mr. Walden for him to pass out at the meeting last Thursday. It's just been a time constraint. It just didn't work out. I had encouraged Mr. Walden to approach that. The bottom line is I've dealt with this before. I've had people just badmouth me up and down one side to the other. You know you're getting ready to build Section 8 housing; you're lying not and not doing what you said you were going to do. I can tell you that I am going to do what I say I'm going to do. Ultimately you guys are charged with doing what's in the best interest of the City of Danville as a whole. To me this is a very important project for the City of Danville for the reason I've mentioned earlier. It needs to see some new housing and development going on. This is the type of housing that we need. I know people would love to see \$400,000 houses go up on Stewart Street, but you know that's not going to happen. Because even with this, this type of housing is limited in where the City will let it go. These are high end units. Why would you go out and spend \$120 a square foot to create Section 8 housing when you can go into anywhere in Danville and buy a house for \$80 a square foot and turn it into Section 8? If you're going to build something new by default it's going to be high end. These units per square foot are going to be much more valuable than anything up Montague or Marshall Terrace or Mount Vernon to be honest with you.

Mrs. Evans stated I would like to ask Mr. Walden why he didn't get with the neighbors. I know Mr. Dyer you can't answer that.

Mr. Walden stated what I did was I delivered a letter to each neighbor with my card that said I'd be glad to meet with each of you individually. That was last week. That's my failure to do that. And another thing, just so everybody understands the cul-de-sac, you can't go on indefinitely improving, improving, and improving to where we want to be and the good thing about Stewart Street is there can be a stopping point. If you go to the end of Stewart Street then we're going to take a right and go into the lower end of Montague Street which needs to be revitalized then we come out at the end of Stewart Street and take a left to go up Stokes Street too, a lot of those neighborhoods have blight houses in them and we've torn down approximately 30 houses that were there. We're trying to do a good thing for the City of Danville and increase the property values around that neighborhood. We're trying to do a good thing. It's something the City has hired consultants and they've come back to the City saying this is what you need so that's what we're trying to do. I apologize for not having a meeting with everybody, but I've already spent a bunch of money buying the land and tearing houses down. I'm not going to spend a bunch of money on blighted Section 8 type housing down there. I know you're going to take my word for it, but when we get all the drawings and the City approves it's going to be landscaped, HOA is going to be taken care of. Everything is going to be taken care of. I grew up on Montague Street. My mother lives there, my grandmother lives there. I own two houses on that street other than those two. Montague Street is turning into a rental street. There's a lot of nice houses on Montague, but there's a lot of them that the landlords didn't take care of. We're trying to take care of the neighborhood and maybe that'll make some of these other people do the same. We're trying to do a good thing.

Mr. Wilson stated the way this project is kind of laid out to us because we're voting on really different sections of it, it seems to me just basically I hear less concern about the houses along Central Boulevard and even the duplex ones. The apartment seems to be the point of biggest concern.

Mr. Walden stated just from talking to the people around here at Le George, Le George is a nice apartment, it's a place where people can go to retire with high ceilings, nice rooms and all those things. So it's not just an elderly apartment complex, but it's not for college students. It's upper end type rental.

Mr. Dyer stated if I can interject I'm going to tell you right now that is the most important part of this project. That is what there is the most demand for. The rest of it is just sort of filling in the spaces. The apartments are actually what there is the highest demand for. I don't understand why when you go to other places like Lynchburg and Roanoke there are hundreds of these apartments and in Danville I can't think of 11 and that's Le George. Whatever the stigmatism here in Danville for apartment living I don't know what it is, but I can tell you right now that we need to change that because there are people right now chomping at the bit to get this developed.

Mr. Scarce asked what is the time frame, if this passes on through, to start putting this together?

Mr. Dyer stated well let me also say that it is a little bit of my fault that Mr. Walden did not get to meet with the neighbors because I've been kind of kicking him down the road. When I get involved in something, I like to proceed at rapid pace so maybe this could have waited to next Planning Commission meeting and we would've been in Council in January.

Depending on what happens here and what happens at Council, I would like to think that you'd see activity by the end of Spring when the weather turns good.

Mr. Scarce stated ok. Any other questions for them while they're up there?

Mr. Jones stated my concern is the four other lots at the end and I know that's further down the road for you. If you start developing those, where will the entrance be and will you have the cul-de-sac for those four?

Mr. Walden stated they will be at the very end of the cul-de-sac.

Mr. Jones asked and you can get to all four of them?

Mr. Walden stated yes.

Mr. Dyer stated these will come off of Watson Street. These probably need to be commercial at some point.

Mr. Scarce asked any other questions?

Mr. Walden stated I just wanted to say they're very nice to me when they see me out in public. I'm sorry I'm not as organized as I probably should be but I apologize.

Mr. Scarce stated you can meet with them after this. I've closed the Public Hearing and all. The rest of the items on the Agenda are the same project, they're just broken down as you've read it. This particular part that we're at now is the first of three different ones we'll need to do. Staff has recommended approval, do we have a motion?

Mrs. Evans stated I have questions for staff. The Old West End design guidelines, does this property include that area?

Mr. Gillie stated no.

Mr. Bolton asked is the widening of the project and the curb and gutters, is that contingent upon ultimate building permits or can he go in without the curb and gutter and the widening of the road? Can the road simply stay like it is if he can't negotiate with the City to do the widening and the curb and gutter?

Mr. Gillie stated the road can stay like it is. Is it existing public street with access provided through? So yes it can. The City Engineer and I have been working, and I don't want to speak for Mr. Shelton, but if you do have questions for the engineer he's back there. We've been working with Mr. Walden on proposals to do the widening and the cul-de-sac and what happens if the cul-de-sac doesn't come in. But yes right now it is a street served by all utilities; it has water, gas and electric all down that street. He can come in today and ask for permits to build single family houses on the existing lots and we would have to give them to him.

Mr. Bolton asked but the water management would still have to be there?

Mr. Gillie stated the storm water management would still have to be addressed on the new construction yes.

Mr. Bolton stated on the right hand turn lane I guess going toward downtown, as engineering traffic said, one of the solutions could be a right lane turn there. I think one of the speakers said that you would have to take the apartments down, is that true? I mean that study must have been done. Address that.

Mr. Gillie stated it's one of those solutions that could potentially be done; it doesn't say it has to be done. Actually the City Engineer and I have talked about it, but the numbers of vehicles traveling on West Main have went down since the study has been done. If anything the traffic is less than what was done here. If you notice, the level of service doesn't fail any of those requirements so the necessity for a turn lane would be discussed later on. If we would need to put a turn lane in, then additional right of way would have to be acquired somehow; but the study doesn't really say that it is necessary and has to be done. It's a solution if it's a problem. It's one of those things like build it and see what issues you have from there. The level of service on the ramp is the only problem and that's a function across from this development, not even because of this development; and that's not something we can have him pay for as improvements across the street.

Mrs. Evans asked going back to the Old West End area, where does that end?

Mr. Gillie stated it covers the lots on the front of West Main Street but it doesn't extend down the side streets and it goes to Mount Vernon where the street turns off.

Mrs. Evans asked but no side streets?

Mr. Gillie stated no side streets. Not on this portion of West Main.

Mr. Wilson asked can you speak on the five acres down to three acres, what was the reasoning behind that being okay by you all?

Mr. Gillie stated we put that in the Code originally in 2004 for cases like this. The five acres was for undeveloped tracks that we had especially on the periphery of the City. So when someone would ask to rezone something, we're trying to get a minimal size. At this pace this is an urban redevelopment, finding five acres in that area would be very difficult. You'd basically have to take all that street and some of the other streets and buy all that. So that's why it was written in the Code in 2004 to allow for a waiver size if someone came in for a Special Use Permit and that's what he's doing now. He's acquired a certain number of lots and he's come in. We also allow for a certain waiver of lot sizes because with some of the commercial districts- like you think Piney Forest Road where some of the old houses are still remaining, the few that are left- somebody has like two or three houses and you put those together and comes to you as part of their process and asks for that waiver on the lot size because we want the houses to be taken out and developed commercially but you may not be able to buy enough land between existing commercial developments. So it's a way to address urban infill.

Mr. Wilson asked and you guys don't think that this is an overbill for that space?

Mr. Gillie stated we don't. there used to be approximately 23-25 houses on Stewart Street. The plan now would call for 42 units so it's about a 30% increase. The number of single family is less than what was there before; the number of multifamily would increase. The Le George project, which is what they're designing it on, has very little traffic impact. It's a more

upscale, elderly project so you have less vehicles coming in and out. The way the study is, it doesn't seem to cause a problem. And again I know that we've heard well there's problems on Stewart Street, but the information that I have doesn't show that this would create any kind of problem.

Mr. Laramore asked will the City make any changes to Stewart Street? We're going to grade something in the middle of Stewart Street and put this cul-de-sac and cut Stewart Street at a point. Does the City have any plans to do something from Stewart Street back towards Washington along with this?

Mr. Gillie stated first off we still have to agree to cut Stewart Street off. This is their proposal that they'd like the cul-de-sac on both ends of Stewart Street or at least one end of Stewart Street. That, if the Master Plan goes through, will have to be approved. The study was based on would it cause a problem. The study says no it will not cause a problem by limiting that. Now from the other end of Stewart Street, they're proposing a T-type turn around as opposed to a cul-de-sac. Because of the shortness of the street, we still would have room to allow school bus traffic or trash trucks to come in, turn around and exit back out onto Watson. So while it won't have a full cul-de-sac, it would still have provisions to allow for a vehicle to turn around and get back out to the street.

Mr. Laramore asked so not withstanding what we're doing here, there's still another vote that we would take to another body to take care of the idea of the cul-de-sac in general?

Mr. Gillie stated that would still come back to you in fact because their Master Development Plan would still have to come here because of their subdivision, because of the number of lots they've created. All they're doing right now is seeing if they can get the zoning in place to get the Special Use Permits to get the waiver on his design then spend the money, create everything, and that plan will come back.

Mr. Wilson asked so we'll see this plan again?

Mr. Gillie stated you'll see the street plans and lot layout again. The structures, not necessarily because there's not a conditional proffer or anything that says that is what they're going to build. It's just can they get the zoning? Can they get the Special Use Permit? You will get to see the street and lot layout again. Yes. The structures no if that's your concern, but the streets and lots yes.

Mrs. Evans stated I personally have concern with the structures. Even though it's not part of the Old West End, these guidelines definitely talk about what construction should look like in the area. For instance, they talk about parking areas being behind apartments, not in front of apartments. They discuss garages being behind or on the side, not in front. And I know this isn't part of it, but I have concern that this is not going to fit in with the neighborhood.

Mr. Gillie stated you can have those concerns. As staff, we can only adhere to the regulations that apply and since those don't apply, we can't consider those.

Mr. Wilson asked I'm just curious, can we consider those?

Mr. Gillie stated yes you can consider anything you choose. As staff, I am bound by the regulations of what is and isn't allowed in the Zoning Code and what those are. If you have

those concerns, again as staff we are the nuts and bolts folks and you guys are the big picture.

Mr. Wilson stated this is the last thing I'm going to say about this. This goes back to my ongoing issue I've had with so many things and that is we were handed these today up here for the first time. This is the first time we've saw any visuals about what we were going to actually be thinking about here. We also found out and it's been admitted by you guys that there actually hasn't been any interactions with the community which is something that's really going to be important. So I don't know. It just puts us in a very awkward position sometimes when we make decisions.

Mr. Gillie stated you have the option of tabling. If you have concerns and want to look at them further. Again anything that's turned in today we accept as part of the record, but we're making our recommendations based on the information we have. If you've got new information and want time to look at it, you have that time as well. I think that's one of the recommendations we have in our staff report.

Mr. Scarce stated and also all we deal with is the zoning for the right to have this attached housing and multifamily housing in the area. We will see another map when it comes back to us of another layout of that. We could ask them to embellish a little bit more on that map, but all we're talking about now is the zoning use.

Mr. Bolton made a motion to recommend approval of Rezoning Application PLRZ20140000297 as submitted. Mr. Jones seconded the motion. The motion was approved by a 6-1 vote.

Mr. Bolton made a motion to recommend approval of Special Use Permit Application PLSUP20140000298 as submitted. Mr. Laramore seconded the motion. The motion was approved by a 6-1 vote.

Mr. Jones made a motion to recommend approval of Rezoning Application PLRZ20140000299 as submitted. Mr. Laramore seconded the motion. The motion was approved by a 6-1 vote.

Mr. Bolton made a motion to recommend approval of Special Use Permit Application PLSUP20140000300 as submitted. Mr. Jones seconded the motion. The motion was approved by a 6-1 vote.

Mr. Bolton made a motion to recommend approval of Special Use Permit Application PLSUP20140000301 as submitted. Mr. Jones seconded the motion. The motion was approved by a 6-1 vote.

Mr. Jones made a motion to recommend approval of Rezoning Application PLRZ20140000302 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-1 vote.

Mr. Jones made a motion to recommend approval of Special Use Permit Application PLSUP20140000303 as submitted. Mr. Bolton seconded the motion. The motion was approved by a 6-1 vote.

Mr. Jones made a motion to recommend approval of Special Use Permit Application PLSUP20140000304 as submitted. Mr. Laramore seconded the motion. The motion was approved by a 6-1 vote.

II. MINUTES

Mr. Bolton made a motion to approve the October 13, 2014 minutes. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

III. OTHER BUSINESS

The official recorder lost sound due to battery loss and the backup recorder is inaudible. The items not for public hearing were as follows:

1. *Request for review and approval of the Old West End Design Guidelines*

Mrs. Evans recommended approval of Old West End Guidelines including grammar corrections she presented. Mr. Wilson seconded the motion. The motion was approved by a 7-0 vote.

2. *Board of Zoning Appeals request for the Planning Commission to review architectural element requirements of ground signs.*

With no further business, the meeting adjourned at 4:31 p.m.

APPROVED