



# City Planning Commission

POST OFFICE BOX 3300

DANVILLE, VIRGINIA

(434) 799-5261

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MARCH 9, 2015

3:00 P.M.

CITY COUNCIL CHAMBERS

## AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEM FOR PUBLIC HEARING

*Rezoning Application PLRZ20150000058, filed by Danville Tobacco District, LLC, requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St., otherwise known as Grid 1611, Block 009, Parcel 000014 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for office and commercial uses.*

- IV. APPROVAL OF MINUTES FROM FEBRUARY 9, 2015
- V. ADJOURNMENT



# PLANNING REPORT

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P.O. Box 3300

Danville, VA 24543

(434) 799-5261

## **City Planning Commission** Meeting of March 9, 2015

### **Subject:**

*Rezoning Application PLRZ20150000058, filed by Danville Tobacco District, LLC, requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St., otherwise known as Grid 1611, Block 009, Parcel 000014 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for office and commercial uses.*

### **Background:**

A request has been filed by Danville Tobacco District, LLC, requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St., otherwise known as Grid 1611, Block 009, Parcel 000014 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for office and commercial uses.

This property is developed with a brick and metal structure with limited paved parking that has been used for various commercial type operations in the past. The last use was an office and training facility for disabled adults, but has been vacant for a number of years.

The applicant is proposing to rezone the property to a "Conditional" HR-C Highway Retail Commercial category. The conditions proffered are very similar to those of 503 Hughes Street which housed the Habitat for Humanity offices and Re-store. That property was rezoned to "Conditional" HR-C in 2009. The conditions proffered allow for office type and some limited commercial uses while eliminating the uses that could be most detrimental to the adjacent residential neighborhood.

Thirty-four (34) 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 March 9, 2015.

### **Staff Analysis and Recommendation:**

Staff recommends approval of Rezoning Application PLRZ20150000058, filed by Danville Tobacco District, LLC, requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St., otherwise known as Grid 1611, Block 009, Parcel 000014 of the City of Danville, Virginia, Zoning District Map.

The staff recommends approval of the request subject to the proposed proffer list presented by the applicant with staff consultation. This list is almost identical to that of the adjacent property that housed Habitat for Humanity offices and Re-store. That use did not present any known issues within the neighborhood.

### **City Planning Commission Alternatives:**

1. Recommend approval of Rezoning Application PLRZ20150000058 as submitted.
2. Recommend approval of Rezoning Application PLRZ20150000058 with conditions per staff.
3. Recommend approval of Rezoning Application PLRZ20150000058 with conditions per Planning Commission.
4. Recommend denial of Rezoning Application PLRZ20150000058.

### **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: PLRZ 2015-000058 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: 0.2 ACRES Property Address: 925 HUGHES ST  
 Property Location: N (S) E W Side of: S. SIDE OF HUGHES ST  
 Between: BOUNVIE AVE and SOUTHAMPTON AVE  
 Proffered Conditions (if any, please attach): SEE ATTACHED

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

1. NAME: Danville Tobacco District LLC TELEPHONE: \_\_\_\_\_  
 MAILING ADDRESS: P.O. Box 10309 Danville, VA 24543  
 SIGNATURE: [Signature] DATE: \_\_\_\_\_  
 SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
 EMAIL ADDRESS: TmHARRISEPLANDSVA.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: [Signature] TELEPHONE: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 EMAIL ADDRESS: TmHARRISEPLANDSVA.COM  
 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:

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### 2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

TO CONDITIONAL HIGHWAY RETAIL (SEE ATTACHED COND.)

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### 3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

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## Proposed Proffer List

### 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:

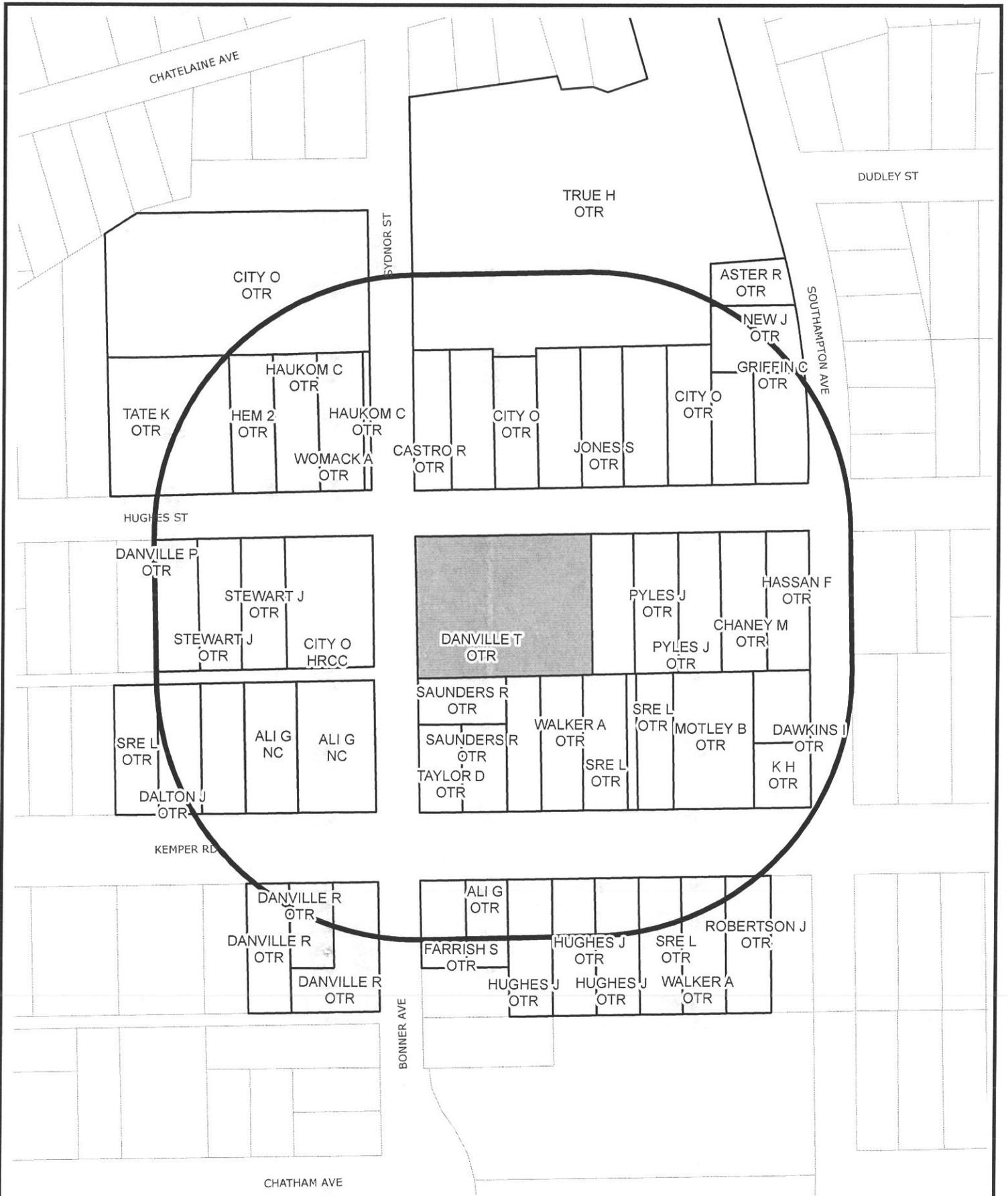
1. ~~Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).~~
2. ~~Automobile and light vehicle repair establishments (within completely 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~~
32. Adult day support services

33. Child therapeutic day support services

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



**SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY**



Prepared by:  
 Planning Division  
 2/19/2015

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:** February 19, 2015

**LOCATION OF PROPERTY:** 425 Hughes Street

**PRESENT ZONE:** OT-R Old Town Residential

**LAND USE PLAN DESIGNATION:** USR Urban Single Family

**ACTION REQUESTED:** The applicant is requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St.

**PRESENT USE OF PROPERTY:** Former training facility.

**PROPOSED USE OF PROPERTY:** Facility to be rezoned to be used as an office building and other commercial uses.

**PROPERTY OWNER (S):** Danville Tobacco District, LLC

**NAME OF APPLICANT (S):** Same

**PROPERTY BORDERED BY:** Mixed residential to the east and north, commercial and mixed residential to the west and south.

**ACREAGE/SQUARE FOOTAGE:** 0.72 acres

**CHARACTER OF VICINITY:** Residential and mixed commercial

**INGRESS AND EGRESS:** Hughes St.

**TRAFFIC VOLUME:** Medium to low

**NEIGHBORHOOD REACTION:** To be reported at the Planning Commission meeting of March 9, 2015.

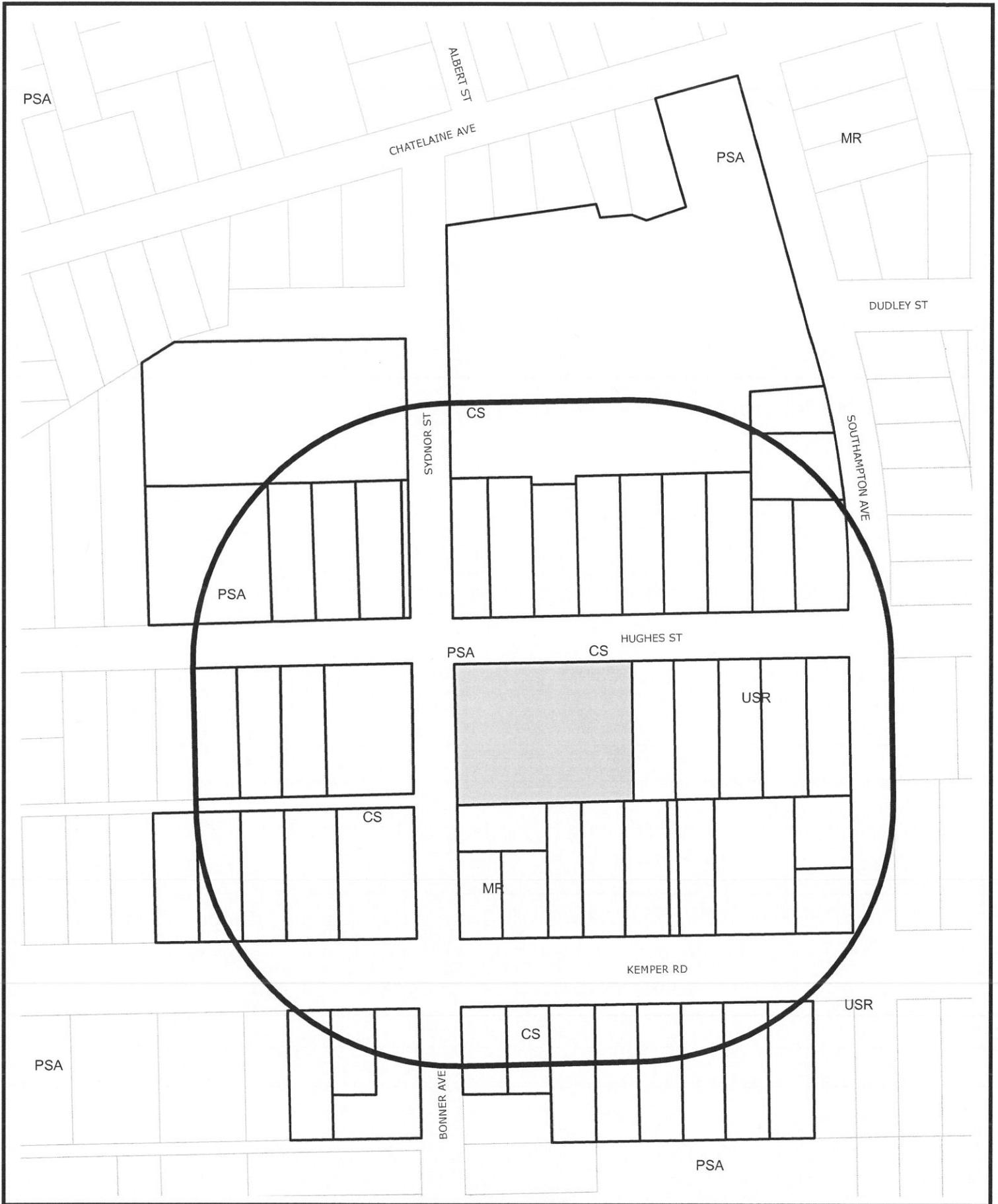


### 2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
2/19/2015

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**YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY**

Prepared by:  
 Planning Division  
 2/19/2015

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**PLANNING COMMISSION MINUTES  
FEBRUARY 9, 2015**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

**STAFF**

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

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

**I. ITEMS FOR PUBLIC HEARING**

*1. Rezoning Application PLRZ20150000016 filed by Kalil Khan Faces of Our Children, Inc. to amend the Year 2020 Land Use Plan from MR, PSA and SSR to NC, Parcel ID #'s 04532, 00318, 58395 & 58169, and to rezone from S-R Suburban Residential to N-C Neighborhood Commercial, Parcel ID #'s 58395 & 58169, otherwise known as Grid 1816, Block 009, Parcels 000019 & 000019.001. The applicant is proposing to consolidate the parcels into one large parcel.*

Mr. Gillie read the staff report. 32 notices were sent to surrounding property owners within 300 feet of the subject property. Four responses were not opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of the request was Mr. Kalil Khan with Faces of Our Children.

Mr. Khan stated good afternoon ladies and gentlemen. I represent the Faces of Our Children located at 505 Arnett Boulevard. We've been there for a few years now and all we need is just to help with the process of sickle cell disease. Because it is a non-profit organization, we bring in the people and send them to the right corporate place and things like that. It's come upon us that a tree parcel is adjacent to it which is a known value that we decided to buy and which we bought for the sole purpose of enhancements. That's all we're going to do. We're not going to do anything other than clean, clear it, tear the trees and we make some grass there and seats so people are able to sit. Ask me any questions.

Mr. Searce asked any questions from the Commissioners?

Mr. Bolton asked the lot that fronts on Third Avenue West, was that part of the Starmont subdivision at one time?

Mr. Gillie stated if it was part of Starmont I don't have a map that shows it. It's already zoned as Neighborhood-Commercial. The only two they're asking to rezone are the two that are actually on Third Avenue West, those first two lots – one with power line East and that small little sliver that's on the corner. The only reason we have it all highlighted is because they're

asking to change the land use plan for all four of them so it was highlighted for the change in the land use plan. It's not a rezoning for that portion.

Mr. Scarce stated thank you sir.

Mr. Scarce closed the Public Hearing.

**Mr. Bolton made a motion to recommend approval of the request as submitted. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.**

*2. Rezoning Application PLRZ20150000019, 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 20596, 20597, 25672, 22841, 24958, 25085, 25226, 22099, 25069, and portion of 25070, otherwise known as Grid 1719, Block 005, Parcels 000001 – 000009 and portion of 000010 & 000011 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.*

*3. Special Use Permit Application PLSUP20150000020, 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 20596, 20597, 25672, 22841, 24958, 25085, 25226, 22099, 25069, and portion of 25070, otherwise known as Grid 1719, Block 005, Parcels 000001 – 000009 and portion of 000010 & 000011 of the City of Danville, Virginia, Zoning District Map. The district size proposed is approximately 2.56 acres when 5 is required.*

Mr. Gillie read the staff report. 76 notices were sent to surrounding property owners within 300 feet of the subject property. Seven responses were opposed; 12 responses were not opposed.

Mr. Scarce opened the Public Hearing.

Present on behalf of the request was Mr. Keith Walden from CWC Holdings.

Mr. Walden stated good afternoon my name is Keith Walden. I'm representing CWC on Stewart Street. I think it's our third or fourth time being here, so I think everyone has a picture of what we want to do. I can describe it again or go through the questions or go through the other items I want to bring up if we need to.

Mr. Bolton asked the condition of ten units attached single family, are you okay with that? I noticed staff conditioned the Special Use Permit on this particular one with the attached single family to ten. That's okay?

Mr. Walden stated yes.

Mr. Scarce asked did you have anything else you wanted to present in addition or do you just want to wait and see if there's any questions?

Mr. Walden stated well if there's any opposition I can. One thing I want to bring up is the survey the City paid for and had a gentleman come and do. I can read some of it. Stewart Street is right in the middle of where we need housing in the City of Danville, Virginia. I'll be glad to read that if I need to or I can wait until the opposition needs to hear it. Whatever you think I should do, I guess.

Mr. Searce stated if you just want to wait and see if you need to. Anyone else wish to speak?

Mr. Wilson stated we have a new picture here, is there any way that we can discuss? I know we have it in our packet, but we've moved placement key to the apartment building.

Mr. Walden stated what we've done is the apartment building started out here with opposing neighbors on this location. We moved it down to where this pond is and we had opposition on that. So we moved it around here which is basically as far back away from anybody as we could get it. So we're trying to accommodate the neighborhood. So that's about all we can do on the apartment building. Any other questions?

Mr. Jones asked how big is that pond going to be?

Mr. Walden stated you know, this pond is a retention pond. Its acreage or exact size, I do not know that. This is all based on the engineering that will have to be done for the environment, which is controlled by the federal government, so I really don't know the exact size. It is what it is basically, and we're required to do that by the federal government.

Mrs. Evans stated I have a question. Did you bring pictures this time of proposed things you're looking at for housing?

Mr. Walden stated no I did not. One thing I would like to bring up on that if we don't do this- I know everybody says it's just your word as far as what you're doing – but if I don't do this I can come back in there and put the same thing that was there before I tore it down without anyone's approval.

Mrs. Evans stated and I realize that.

Mr. Walden stated so I don't have pictures because pictures cost about \$20,000 and I don't want to spend the money for pictures without the approval. Nobody wants to take my word for it but I've been doing this for 30 years. I've got a reputable company and I'm not just some guy from out of town that's come in to do this. I've been here for a long time and I hope that they will take my word that I'm going to do a nice project. That's kind of where we are on it, but it's going to be nice, luxury apartments and nice housing.

Mr. Searce stated we're only dealing with the Zoning, if that's done as he said plans would have to be drawn and approved by the City and signed and all of that. It's premature.

Mr. Walden stated it's a little bit premature for that part; we're trying to do the Zoning. I can assure that it's going to be a nice neighborhood, no questions.

Present on behalf of the request was Mrs. Melanie Vaughan at 235 West Main Street.

Mrs. Vaughan stated good afternoon, I'm Melanie Vaughan. My husband Kevin and I live at 235 West Main Street. We called Keith and he was very willing to meet with us. He came to

our house and spent quite a bit of time talking about the change that he was going to make in the plan which is reflected here. We believe that he's sincere in his plans to do something upscale, nice, and something that would enhance the neighborhood. Of course the details of that need to be in writing, which they would be at some point. I guess the way we feel is if the rezoning and cul-de-sac are inevitable, this is the best plan we could have. We've been told that the units cannot go along Central Boulevard and that just logistically won't work. So it's really up to you to decide. It's the rezoning of the cul-de-sac, the plan is lovely, we don't object to that and we also looked at the housing study and saw Charles Buki's presentation and this is one of the priority areas- River District, to Averett, to DCC- this will be one of the first new developments in the City discounting the warehouse area where they took existing buildings. This is brand new construction and probably the first within the City limits in a long time. We've lived here for nine and a half years and thinking of that housing study and the direction it is pointing, this development could be a very positive thing. You know, the Zoning is out of our hands, and the cul-de-sac is out of our hands; so the development, we believe, will be very attractive. One other thing I wanted to mention is from the traffic study that the City did, we have been told that the traffic light would not be needed at the corner of West Main and Stewart. We suggested perhaps stop signs would be a good alternative. We have been advised that this is not a good alternative at all, so we can't take that suggestion. Otherwise I have nothing else to say. If anybody has a question, but thank you so much for your time.

Mr. Searce asked anyone else wish to speak?

Present in opposition to the request was Mrs. Shelby Clark.

Mrs. Clark stated hi I'm Shelby Clark at 227 Montague. My backyard is almost directly behind the parking lot. I've had my objections to this since I got my letter in the mail- the first letter. I do want to talk about that because the mail-outs have been brought up several times. When the 18 people versus 16- there was 16 for and 18 opposed- out of those 16 for, six of those people do not even live on our street. It is property that is owned and is rental property. So you've got ten people that are actually for it and two of those houses are on Marshall Terrace. So the people that are directly affected by this in their backyards and you're seeing us here because this is not something I want to wake up to every morning and have to view out of my backyard. While I think the pond is a great think, I don't know if it legally has to be there. Is there some other water distribution that you could do instead of having to have a pond? I don't understand what he's talking about.

Mr. Gillie stated the Commonwealth of Virginia has storm water requirements for quality as well as quantity. The regulations changed as of July last year on how storm water was handled. It used to just go basically into drainage systems and disappear into the river. They've changed the rules progressively and now you have to deal with not only the quantity- how much water comes off and how fast it comes off- but also the quality of it. So you usually have to hold the water and let any dirt or whatever else like oils that are trapped in that from the first rain settle out so the water goes into the streams and into the system's cleaner and also cooler. One of the ways to deal with that is creation of a pond. There are other ways to deal with that. So the pond may or may not be depending on what the engineering comes up with. It's a conceptual idea here shown on this diagram, but there may be other ways to deal with that. We haven't gotten that far along because that design work is quite expensive to figure out whether or not our pond is necessary or whether you can channel it through piping or other means. There are different ways to deal with it and I guess the developer would have to answer further how far along he is. A pond is not

necessarily preferred, but you see it more. If anyone is familiar with the gas station that was just built up on Mount Cross Road kind of across from Sam's- I think it's Murphy Express- there's that pond out in front of it. Now if you'll also notice the Zaxby's restaurant and Sleepy's, they don't have one; but if you looked over the hill behind Target, you'll see two large ponds below that. They go into that system which goes with the pond behind the Target building down over that hill. That water is filtered out before it enters the stream. It's a way a lot of people are going about to do it, but it doesn't necessarily have to occur here. They put it in as conceptually, but it may or may not be there.

Mrs. Clark asked I mean is this something that we eventually have a say in or once this is done multi-family the developer gets to do that behind the scenes with building permits?

Mr. Gillie stated they'll work with the City and also the State on that. Will neighbors be involved in the pond? No they will not just because it goes to the State. That's where the Engineer comes in. The Engineer has to send it off, the State has to approve it and locality has to approve it. Again there are different means to do it. I don't want to say it's going to be a pond; it may or may not be. Neighborhood concerns are something that we take into account, but it's a way that really the State is kind of forcing people to go to. You can see with Murphy's Express you can clearly see that they've put a pond in. It also provides wetlands and other things so sometimes it's a benefit for the environment. They're kind of steering you that way.

Mrs. Clark stated well when you're talking about runoff and oils and things like that it makes me wonder are there going to be fish to eat the mosquito population. Are we going to have an excess snake population running through our backyards? It's already a very wet area as you all have already heard, we already have issues with our water in the backyards through that section. It already stays wet and we already have farming issues with the water. If this is something that's not an add to it, I would definitely say go for it. If it's something that's going to make more of what we already have and contribute more to water issues that we have, it could be done a better way. I would just like to say that I am very much against it. I feel like it's a safety hazard for our children in the neighborhood. It's either that or it's going to have a huge fence around it and be an eyesore. So I'm not really too keen on the pond, I'm just going to tell you guys that. And I'm saying that because I know that's where we're getting ready to go. I just go the pond thing so I wasn't clear on how that worked with the neighborhood and if we have a voice on how this gets developed.

Mr. Scarce stated right now there's no plan in place on Stewart Street and that's why you've got a problem. This right here is being built and should alleviate any problems because it's going to collect the runoff water.

Mrs. Clark stated and that is like I said a huge concern because it's up on a higher level of the street where everything runs down. It's up further than where we are. So I feel like it could cause more issues for us in our backyards.

Mr. Gillie stated the water that runs off now is basically uncontrolled. It runs off straight through. This will have to control that water. So if anything they're designed to the flow of water now to control it. Now the mosquitos and other things, I can't say yet because this is new State regulations and we're trying to see how that works ourselves. As for the amount of water and everything flowing, this will control and slow the amount that's coming down so it should lessen that. The City built one on Orchard Drive- if you're familiar with Nor Dan Shopping Center- across the street from it is a large kind of retention base that the City built

because we're having flooding issues further down. That has been very effective in slowing the amount of water that comes down through those streets behind it. We haven't had as far as I know any complaints about mosquitos or other things, but I can't guarantee it. I'm not going to say you won't have that because anything will breed in water. Usually deep water mosquitos don't go in that; they're in more small standing ponds.

Mrs. Clark stated well I didn't mean to sidetrack you too far. I think it's great to add to the greenspace, it's just that we already had water issues. The other concern that I have is the cul-de-sac where it is in the key to the original plans; the second cul-de-sac is still there. That concerns me with someone being given multi-family housing on certain lots and being given the go ahead and then this plan changing and it's just going to move further down the street in my backyard. I'm going to voice my opinion on that because I've done a lot of my own research and I do real estate and I own two homes. I had the conversation with Ken about property value and whether this project would affect the value of my home certainly by increasing it or by decreasing it, but it's not so much that it is a comp for my house but it is a negative marketing value for my home. If these apartments creep down anymore at all, I have apartment buildings to the left of my home and I will have apartment buildings directly behind my home which will impede on the sale of my home if I ever want or need to sell it. I feel like if there's a way to take these last few lots and not do anything with them and see how the beginning of the project goes- I know he said this is a do it all in one shot or we're not going to do it at all- I own my home and I pay taxes and I just do not want to see my property be unmarketable because I have a three story apartment building in my backyard. Originally we started off with five, and we only have two in the picture. He still owns some of this other property and the cul-de-sac is still there. Those are my concerns and I really want to see this project go. I would like to see the parking lot moved out from behind my house for privacy reasons and noise. We are in single family homes and we are a neighborhood. In essence when we're looking at five buildings I see this as an apartment complex because that's what it is. I don't care how nice you make them, 60 units is an apartment complex. They're narrowed down to two and if it stays this way, I'm for it as long as I can get this parking lot from behind my house. We've been here three times now and I would like to see this come to an end as well and a development put back up and I not have to see you again.

Mr. Walden stated I too was concerned about mosquitos when I was told I would have to put a retention pond in my project. Brian Dunevant who controls those things here at City Hall informed me that mosquitos do not breed in water more than six inches deep because there are other organisms in the water that eat the mosquito larvae. So that's why you have problems with old tires and things like that which hold a little bit of water and anything deeper than that, mosquitos are not a problem. I haven't had any problems with retention ponds in the last six or seven years. Also on the apartments, because the size of the multi-family lot was increased from one point five acres which restricts the number of units based on the size of the lot. One point five would be restricted to 24 units. This lot is actually two point seven acres, but it's not going to be 60 units on two point seven acres. There will only be 24 units. The reason for the fact that it needs to be two point seven is because of the topography issues. This area where it was originally proposed was relatively flat and so there wasn't much concern about elevation changes and things like that whereas with the lot on the end there's probably going to be elevation issues and things like that. This is the same 24 units that were proposed in the original plan. There is an increase in two units of townhouses; there is a decrease in number of single family houses from ten to nine, but if you will recall in the last proposal there were four lots at the end of the cul-de-sac that we were not requesting for rezoning. So those lots are now going into the apartment building.

Mr. Scarce asked any questions for him? Anyone else wish to speak on the case?

Chairman Scarce closed the Public Hearing.

Mr. Jones stated I have a question for staff. Westmoreland is pretty much a cul-de-sac, has apartments, and single-family housing, right?

Mr. Gillie stated true.

Mr. Jones stated Lady Astor where I live is pretty much one exit on the side, but you've got apartments and both of those have stop signs. Mrs. Clark said something about she was told that there shouldn't be a stop sign over there. There'd just be cars flying out of there.

Mr. Gillie stated no there would be a stop sign on Stewart. The question was can we have a stop sign on West Main and Stewart to alleviate. We cannot install the stop sign on West Main Street. It wouldn't meet the threshold for a stop sign. You also have other issues with cars and the noise. A stop sign on West Main Street at that point is not feasible and would actually create more issues than it resolves. Stewart Street, yes, we will have some sort of traffic control. They won't just have a free range to shoot up Stewart.

Mr. Jones asked has there been any incidents on Westmoreland or Lady Astor with the apartments where the value of single-family homes go down?

Mr. Gillie stated I haven't done the research, but not that I'm aware of. I haven't went back in and tried to pull when they were constructed what the values were at that point versus what the current values are. But to the best of my knowledge, that's a desirable neighborhood for people to live in and we've got realtors here on the Board who could probably speak on this better than I could. I'm not aware that it decreases property values.

Mr. Jones stated one more question. When Mr. Walden started coming, there were many people who opposed when it went to City Council, over the months do you have any idea how many people have been turned in favor of this who were opposed originally that are now when notices are sent out are not sending opposed messages back?

Mr. Gillie stated I did not run the numbers on the past opposition. Today the number of letters has substantially went down from what we had. I think we're down to- you have the numbers in front of you, I'm sorry I gave you my copies.

Mr. Wilson stated it says seven opposed, twelve were not opposed, and 76 total notices were sent.

Mr. Gillie stated that number is substantially lower than what it's been the other times we've sent letters out. Also you can see by the folks that were here, the Vaughan's were not substantially opposed to it but very vocal. I think the work session was effective.

Mr. Jones asked was Mr. DuMont opposed originally?

Mr. Gillie stated originally he checked off the opposed box and then he came in for questions. Now he's sent one back saying he's in favor of it. I didn't put in favor under his comments, but he is in favor of the request.

**Mr. Bolton made a motion to approve Rezoning Application PLRZ2015000019 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.**

**Mr. Bolton made a motion to approve Special Use Permit Application PLSUP2015000020 as submitted. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.**

*4. Rezoning Application PLRZ2015000021, 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, and portion of 24359 & 21117 otherwise known as Grid 1719, Block 004, Parcels 000018 – 000024, and a portion of 000015 & 0000017, 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 detached single family dwellings.*

*5. Special Use Permit Application PLSUP2015000022, 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, and portion of 24359 & 21117 otherwise known as Grid 1719, Block 004, Parcels 000018 – 000024, and a portion of 000015 & 0000017, respectively of the City of Danville, Virginia, Zoning District Map.*

*6. Special Use Permit Application PLSUP2015000023, 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, and portion of 24359 & 21117 otherwise known as Grid 1719, Block 004, Parcels 000018 – 000024, and a portion of 000015 & 0000017, respectively of the City of Danville, Virginia, Zoning District Map. The district size proposed is approximately 1.6 acres where 5 is required.*

Mr. Gillie read the staff report. notices were sent to surrounding property owners within 300 feet of the subject property. responses were opposed; responses were not opposed.

Chairman Searce opened the Public Hearing.

No one was present on behalf of the request.

Chairman Searce closed the Public Hearing.

**Mr. Bolton made a motion to approve Rezoning Application PLRZ2015000021 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.**

**Mr. Wilson made a motion to approve Special Use Permit Application PLSUP2015000022 with conditions by staff. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.**

**Mr. Wilson made a motion to approve Special Use Permit Application PLSUP2015000023 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.**

7. *Rezoning Application PLRZ20150000024, 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 23886, 25703, 25542, 20422, 20421, 20420, and a portion of 25074 & 25070, otherwise known as Grid 1719, Block 005, Parcels 0000017 - 0000012, and portions of 000011 & 000010 respectively, and certain vacant parcels on the east side of Stewart Street, Parcel ID#s 24358, 24649, 22513, 22103 and portions of 22104, 21117 and 24359, otherwise known as Grid 1719, Block 004, Parcels 000016-000012, and a portion of 000011, 000015, and 000017 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.*

8. *Special Use Permit Application PLSUP20150000025, 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 vacant parcels on the west side of Stewart Street; Parcel ID #s 23886, 25703, 25542, 20422, 20421, 20420, and a portion of 25074 & 25070, otherwise known as Grid 1719, Block 005, Parcels 0000017 - 0000012, and portions of 000011 & 000010 respectively, and certain vacant parcels on the east side of Stewart Street, Parcel ID#s 24358, 24649, 22513, 22103 and portions of 22104, 21117 and 24359, otherwise known as Grid 1719, Block 004, Parcels 000016-000012, and a portion of 000011, 000015, and 000017 respectively of the City of Danville, Virginia, Zoning District Map. The district size proposed is approximately 2.87 acres when 5 is required.*

Mr. Gillie read the staff report. notices were sent to surrounding property owners within 300 feet of the subject property. responses were opposed; responses were not opposed.

Chairman Searce opened the Public Hearing.

Present on behalf of the request were Mr. Keith Walden and Mr. Gus Dyer.

Mr. Wilson stated I have a couple comments on this one. Just for clarity, you made a switch when you were reading.

Mr. Gillie stated yeah it's no longer four buildings, that was a typo. It's six buildings at the end of the street now; it's no longer four buildings. The four buildings was from the previous staff report when when we had the multi-family units. It's been moved around and I did not catch it.

Mr. Wilson stated I just wanted to draw attention to it and make it absolutely clear. I think one of the things that we need to make sure to honor the neighbors is to ensure that we are talking two units in that placement at the end of the street with that kind of configuration.

Mr. Gillie stated correct. That was staff's mistake in getting all these reports together. We just cut and paste.

Mr. Wilson stated I understand and that's okay. Part of our job is to make sure that's clear so people will understand. What we're doing here is exactly as that drawing presents it.

Mr. Gillie stated yes. And you could add that condition to the Special Use Permit that it is two buildings and twelve units a piece.

Mr. Wilson asked and Mr. Walden is okay and understands that?

Mr. Gillie stated correct.

Mr. Wilson stated I have just a little procedural question then other than that I'll be quiet. What happens next? Okay, this goes and then they go ahead and develop a plan. What happens next in terms of us? Is there another step in here?

Mr. Gillie stated the next step would be from this body to City Council or the rezoning and special use permit granting. At that point Mr. Walden would hire the engineer then start the preliminary engineer work. Then he would bring back the subdivision plat which would create the various lots for the detached, the attached, as well as the lot for the multi-family and also the dedication for the street right of way. That plat would come back to you for you to allow for the various subdivision lots to be created in that location and the acceptance of the right of way to create that street and that cul-de-sac. So you will get to see this again.

Mr. Scarce asked any other questions?

Mrs. Evans asked Mr. Walden did you explore putting the parking lot behind the apartment buildings?

Mr. Walden stated I'm sure there may be a possibility of putting it behind the buildings. If we did we would have to put the building out closer to West Main.

Mrs. Evans stated I know previously it was an issue about topography and I didn't know if you had explored it.

Mr. Walden stated no not really. It probably could be done but the building would just need to be moved.

Mrs. Evans asked so we're not approving yet exactly where the apartment building is?

Mr. Scarce stated no that would be done when the subdivision plat comes.

Mr. Gillie stated if the building shifted forward and the parking goes around back, then you've got that concern with the storm water. That runoffs got to get collected somewhere. We've got to make sure that it can get into an area where it can be held with that storm water quality and quantity so you're going to see more parking lots shifted uphill basically to allow for gravity to feed that water down. That's something that the engineers are going to have to play around with.

Mr. Jones stated I have a question for Clark. Down at the bottom of Lady Astor, doesn't your mother live there?

Mr. Whitfield stated yes she does.

Mr. Jones asked are those two apartment buildings with twelve units each?

Mr. Whitfield stated I think they're ten units each.

Mr. Dyer stated I actually have the original drawings to those buildings because my dad drew them. They are two twelve units- four units on each floor with three stories.

Mr. Jones asked has Mr. Walden seen those? Is there any possible chance that his two might look something like those two?

Mr. Walden stated mine are going to be a little different than that.

Mr. Dyer stated there are elevators. There are one and a half baths. I'm going to be perfectly honest with you, they are a little dated. They were built in 1972 I think.

Mr. Scarce asked any other questions?

**Mr. Wilson made a motion to approve Rezoning Application PLRZ2015000024 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.**

**Mr. Wilson made a motion to approve Special Use Permit Application PLSUP2015000025 on the condition that there are two buildings with a total of 24 units. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.**

## **II. MINUTES**

**Mr. Jones made a motion to approve the December 8, 2014 and January 12, 2015 minutes. Mr. Wilson seconded the motion. The motion was approved by a 7-0 vote.**

## **III. OTHER BUSINESS**

Mr. Gillie announced that Mr. Holtry was out due to the birth of his baby girl.

Mr. Gillie informed the Commission that the Comprehensive Plan that was previously approved would be coming back to them for approval because the housing report was redone.

Mr. Gillie informed the Commission that there would be a meeting for March.

With no further business, the meeting adjourned at 3:58 p.m.

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APPROVED