



City Planning Commission

POST OFFICE BOX 3300

DANVILLE, VIRGINIA

(434) 799-5261

JUNE 8, 2015

3:00 P.M.

CITY COUNCIL CHAMBERS

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING
 1. *Special Use Permit Application PLSUP20150000140, filed by Phillips Edison Company requesting a Special Use Permit to allow the operation of a gasoline sales establishment in accordance with Article 3.N; Section C, Item 7 of the Code of the City of Danville, Virginia, 1986, as amended at 211 Nor Dan Drive, otherwise known as Grid 1808, Block 004, Parcel 000077 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a gasoline sales establishment at this location.*
 2. *Special Use Permit Application PLSUP20150000147, filed by Kathryn Trakas requesting a Special Use Permit to allow the manufacture of ice in accordance with Article 3.K; Section C, Item 26 of the Code of the City of Danville, Virginia, 1986, as amended at 633 Newton St., otherwise known as Grid 2713, Block 019, Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an ice manufacturing and distribution facility at this location.*
 3. *Zoning Code Amendment Request PLCA20150000148, to amend Article 15, entitled "Definitions", Section B entitled "Definitions" to amend the definition of agriculture, car wash, and create new definitions if needed, Article 3.E: entitled "Old Town Residential District" Section C: entitled "Uses permitted by Special Use Permit" to allow for agriculture, and other Articles and Sections of the Code if needed to address urban farming.*
- IV. APPROVAL OF MINUTES FROM MAY 11, 2015
- V. OTHER BUSINESS
- VI. ADJOURNMENT



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of June 8, 2015

Subject:

Special Use Permit Application PLSUP20150000140, filed by Phillips Edison Company requesting a Special Use Permit to allow the operation of a gasoline sales establishment in accordance with Article 3.N; Section C, Item 7 of the Code of the City of Danville, Virginia, 1986, as amended at 211 Nor Dan Drive, otherwise known as Grid 1808, Block 004, Parcel 000077 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a gasoline sales establishment at this location.

Background:

The subject property, 211 Nor Dan Drive is currently located within the PS-C (Planned Shopping Center Commercial District). The applicant is requesting a Special Use Permit to allow a gasoline sales establishment at this location.

The applicant is proposing to redevelop the northern portion of the Nor-Dan Shopping Center by demolishing the existing vacant Piggly Wiggly and China Buffet buildings. The redevelopment will include the construction of an approximately 43,101 square foot grocery store with a drive-thru pharmacy where the existing Piggly Wiggly is currently located, and the construction of an approximately 754 square foot convenience store with six gas pumps (12 fueling positions) where the existing China Buffet is currently located. A preliminary site plan has been submitted and is substantially in compliance with the Zoning Code.

Seventy three (73) 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 June 8, 2015.

Staff Analysis and Recommendation:

Staff believes that allowing a gasoline sales establishment at this location will not have adverse effects on adjacent properties and will be in keeping with the character of the surrounding area.

Staff recommends approval of Special Use Permit Application PLSUP20150000140, filed by the Phillips Edison Company requesting a Special Use Permit to operate a gasoline sales establishment.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20150000140 subject to conditions by the Planning Commission.
2. Recommend approval of Special Use Permit Application PLSUP20150000140 as submitted.
3. Recommend denial of Special Use Permit Application PLSUP20150000140 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 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: **15.898 acres** Property Address: _____

Property Location: N **(S)** E W Side of: **Piney Forest Road**

Between: **Piney Forest Road** and **Nor Dan Drive**

Proffered Conditions (if any, please attach): **N/A**

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:

The proposed redevelopment will include a 43,101 ± SF grocery store with a drive-thru pharmacy and a 754 ± SF convenience store with six pumps (12 fueling positions).

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

1. NAME: Phillips Edison Company - Tony Haslinger TELEPHONE: (513) 824-7127
MAILING ADDRESS: 11501 Northlake Drive, Cincinnati, Ohio 45249
SIGNATURE: *Tony Haslinger* DATE: 5/8/15
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: thaslinger@phillipsedison.com

APPLICANT (PLEASE TYPE OR PRINT):

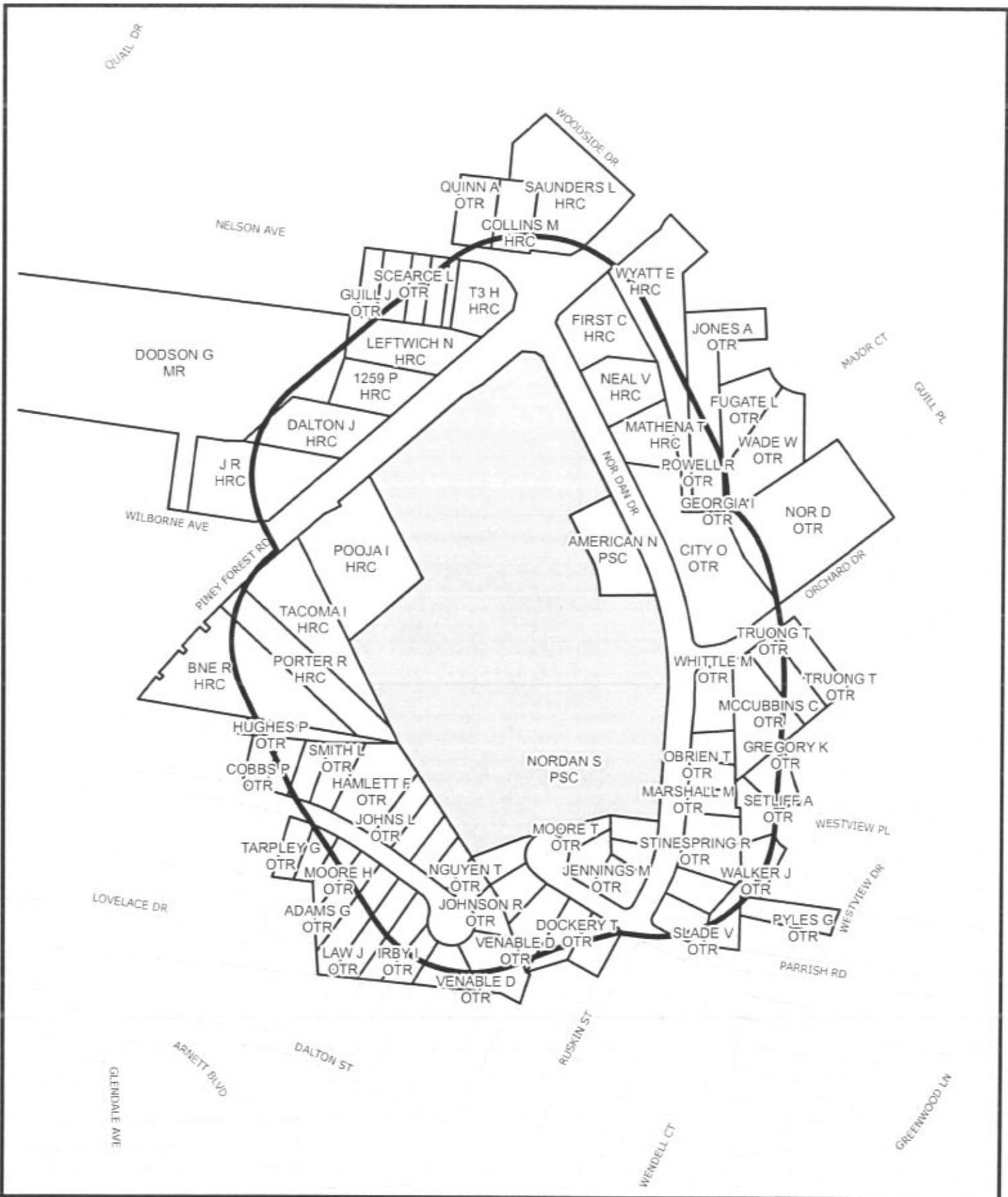
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Phillips Edison Company - Tony Haslinger TELEPHONE: (513) 824-7127
MAILING ADDRESS: 11501 Northlake Drive, Cincinnati, Ohio 45249
EMAIL ADDRESS: thaslinger@phillipsedison.com
SIGNATURE: *Tony Haslinger* DATE: 5/8/15

LEGAL DESCRIPTION

All of those lots or parcels of land located in City of Danville, Virginia and more particularly described as follows:

BEGINNING at an iron pin in the east right-of-way line of Piney Forest Road (Hwy. No. 29), said point being located 510.24 feet south of the south right-of-way line of Nor-Dan Drive and also being the Northern corner of property now or formerly owned by E. W. Marshall; thence along said right-of-way line of Piney Forest Road, N 53° 21' 57" E, 319.15 feet, N 64° 40' 36" E, 56.09 feet, N 53° 47' 28" E, 135.00 feet to the south right-of-way line of Nor-Dan Drive; thence along said right-of-way line of Nor-Dan Drive, S 82° 25' 08" E, 33.07 feet, S 65° 58' 36" E, 14.29 , S 23° 08' 26" E, 401.24 feet to an iron pin, corner with American National Bank & Trust Company; thence leaving Nor-Dan Drive and with the line of American National Bank & Trust Company, S 68° 09' 02" W, 118.83 feet to a nail; thence continuing with American National Bank & Trust Company, S 23° 06' 41" E, 110.17 feet, S 21° 05' 41" E, 43.76 feet to a point; thence with American National Bank & Trust Company along a curve with arc length of 67.32 feet and a chord of S 08° 30' 49" E , 66.68 feet to a nail, S 84° 23' 11" E, 143.32 feet to an iron pin in the south right-of-way line of Nor-Dan Drive; thence leaving American National Bank & Trust Company and with said right-of-way of Nor-Dan along a curve with arc length of 113.72 feet and a chord of S 09° 11' 12" E, 113.62 feet to a point; thence continuing with said right-of-way along a curve with arc length of 182.36 feet and a chord of S 01° 31' 16" W, 181.96 feet to an iron pin; continuing with said right-of-way, S 08° 07' 09" W, 298.53 feet to an iron pin; thence leaving Nor-Dan Drive and with the line of various owners, N 81° 58' 20" W, 126.31 feet to an iron pin, S 79° 51' 53" W, 232.19 feet to an iron pin, S 72° 14' 35" W, 141.41 feet to an iron pin, N 30° 03' 09" W, 353.27 feet to an iron pin, N 21° 36' 24" W, 296.10 feet to an iron pin, N 53° 06' 35" E, 251.38 to an iron pin, N 23° 15' 36" W, 299.85 feet to a point of beginning, containing 15.898 acres, more or less.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 5/21/2015

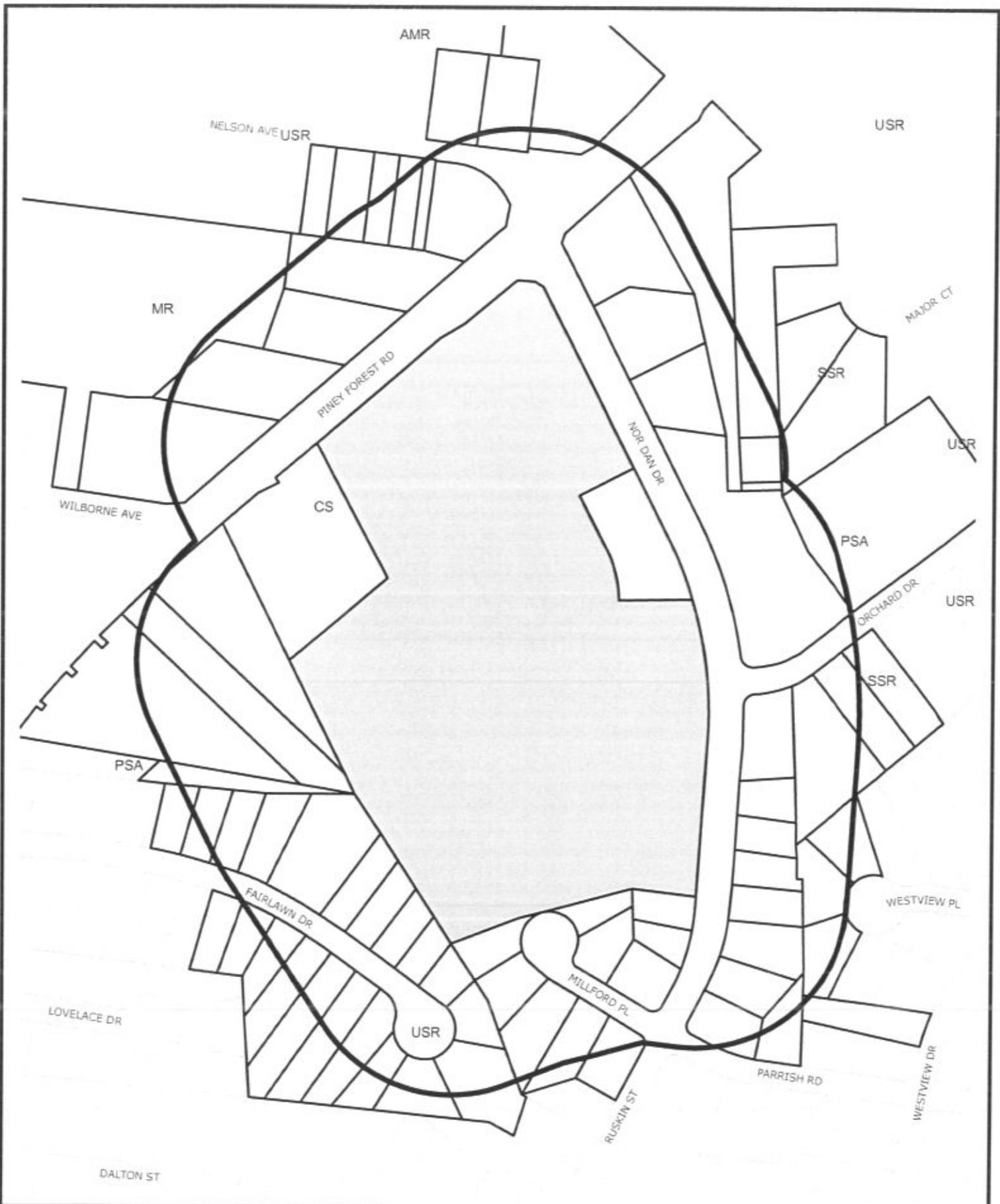
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2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/21/2015

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.



YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 5/21/2015

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SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	June 8, 2015
LOCATION OF PROPERTY:	211 Nor Dan Drive
PRESENT ZONE:	PS-C, Planned Shopping Center Commercial District
LAND USE PLAN DESIGNATION:	CS, Community Service
ACTION REQUESTED:	The applicant is proposing to operate a gasoline sales establishment at this location.
PRESENT USE OF PROPERTY:	Vacant building
PROPERTY OWNER (S):	Phillips Edison Company
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Residential to the south, and commercial to the east, west, and north.
ACREAGE/SQUARE FOOTAGE:	15.9 acres
CHARACTER OF VICINITY:	Commercial.
INGRESS AND EGRESS:	Piney Forest and Nor Dan Drive
TRAFFIC VOLUME:	High
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of June 8, 2015.



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission

Meeting of June 8, 2015

Subject:

Special Use Permit Application PLSUP20150000147, filed by Kathryn Trakas requesting a Special Use Permit to allow the manufacture of ice in accordance with Article 3.K; Section C, Item 26 of the Code of the City of Danville, Virginia, 1986, as amended at 633 Newton St., otherwise known as Grid 2713, Block 019, Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an ice manufacturing and distribution facility at this location.

Background:

The subject property, 633 Newton Street is currently located within the CB-C (Central Business Commercial District). The applicant is requesting a Special Use Permit to operate an ice manufacturing and distribution facility at this location.

The subject property consists of two connected warehouse structures one of which is currently occupied by the Harmony House located toward the south. The applicant is proposing to occupy the northern structure which includes a loading dock and parking area. Improvements to the property will be made by upgrading the electrical and plumbing as well as adding condensers and a water cooling tower. The applicant is proposing to produce, package, and distribute ice from this location.

Twenty eight (28) 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 June 8, 2015.

Staff Analysis and Recommendation:

Staff believes that the manufacturing and distribution of ice at this location will not have any adverse effects on adjacent properties.

Staff recommends approval of Special Use Permit Application PLSUP20150000147, filed by Kathryn Trakas requesting a Special Use Permit to operate an ice

manufacturing and distribution facility subject to the condition that all improvements to the property must comply with Building and Fire Codes.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20150000147 subject to conditions by the Planning Commission.
2. Recommend approval of Special Use Permit Application PLSUP20150000147 as submitted.
3. Recommend denial of Special Use Permit Application PLSUP20150000147 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 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: 633 Newton St.
Property Location: N SE Side of: Newton
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:

see attached page

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

1. NAME: Jeanne B. Stamster TELEPHONE: 434-7932521
MAILING ADDRESS: 680 RiverPark Drive
SIGNATURE: Jeanne B. Stamster DATE: 5/8/15
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: joshseama@yahoo.com

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07/17
P. 67

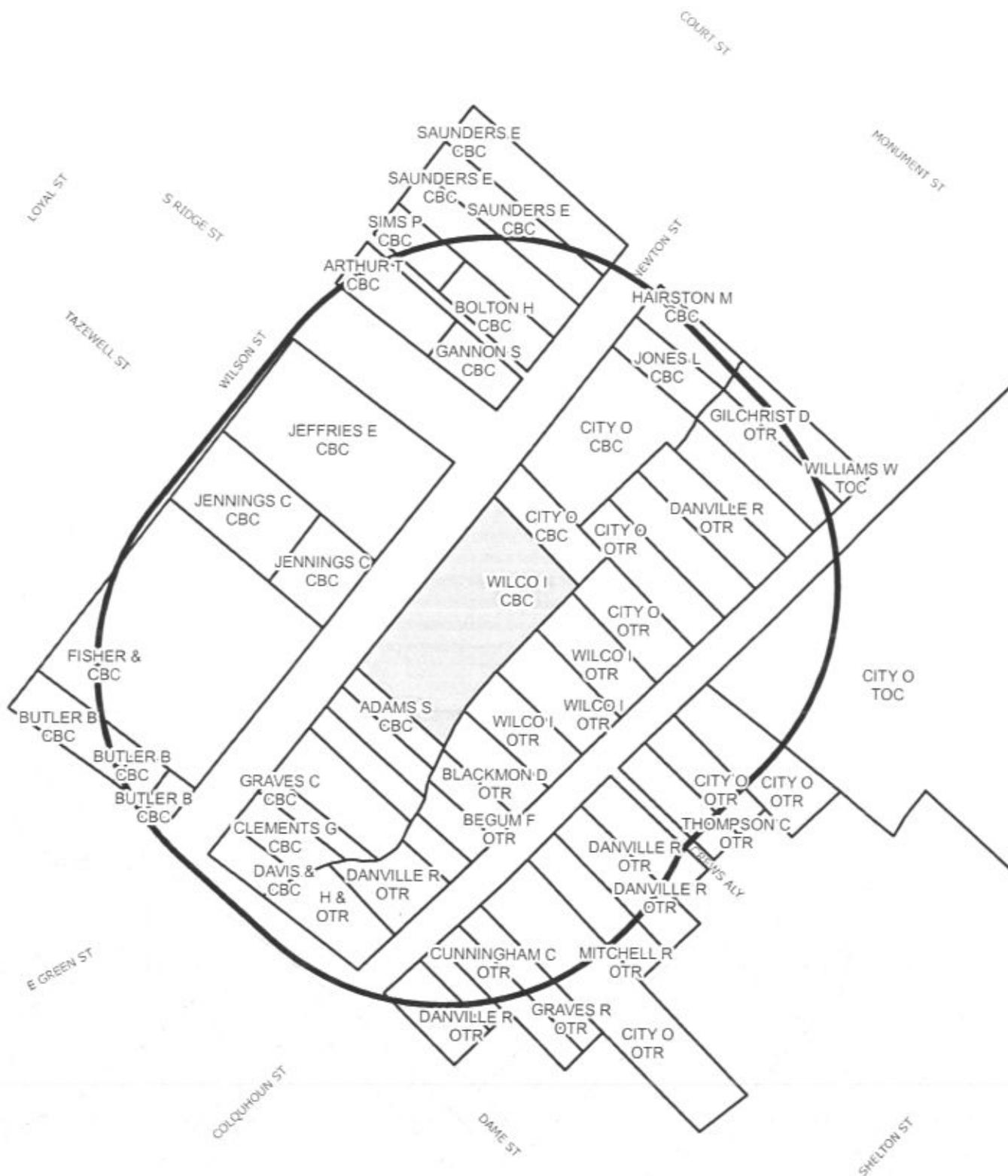
APPLICANT (PLEASE TYPE OR PRINT):

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

Kathryn A. Trakas
NAME: Matthew E. Trakas TELEPHONE: 434-489-4011
MAILING ADDRESS: 130 Holbrook Ave Danville, VA 24541
EMAIL ADDRESS: kayouthsideyce@gmail.com
SIGNATURE: Kathryn A. Trakas DATE: 5.8.15
Matthew E. Trakas DATE: 5.8.15

Southside Ice Express, LLC (SSIE), a startup business which will be producing, packaging, and distributing packaged ice that has been purified through a reverse osmosis filtration system. SSIE proposes to locate at 633 Newton Street, Danville VA. The location consists of two connected buildings. SSIE would occupy by lease the building on the left. The building on the right is currently occupied by another tenant. The available building is a 6,000 square foot open, metal warehouse with concrete flooring and a ceiling height of 10 to 14 feet. There is a covered dock on the left side of the building with two docking spaces. Adequate parking spaces are available on either side of the driveway accessing the dock and on the street. Also there is adequate truck ingress and egress. Upgrades by the tenant will primarily include electrical and plumbing. Two or three condensers (similar to an outside residential AC unit) and a water cooling tower will be located on an added concrete pad either to the left of the dock or behind the building.

SSIE will require machinery and equipment to produce, package and store the ice and also 2 to 3 trucks for distributing the ice to our customers.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 5/21/2015

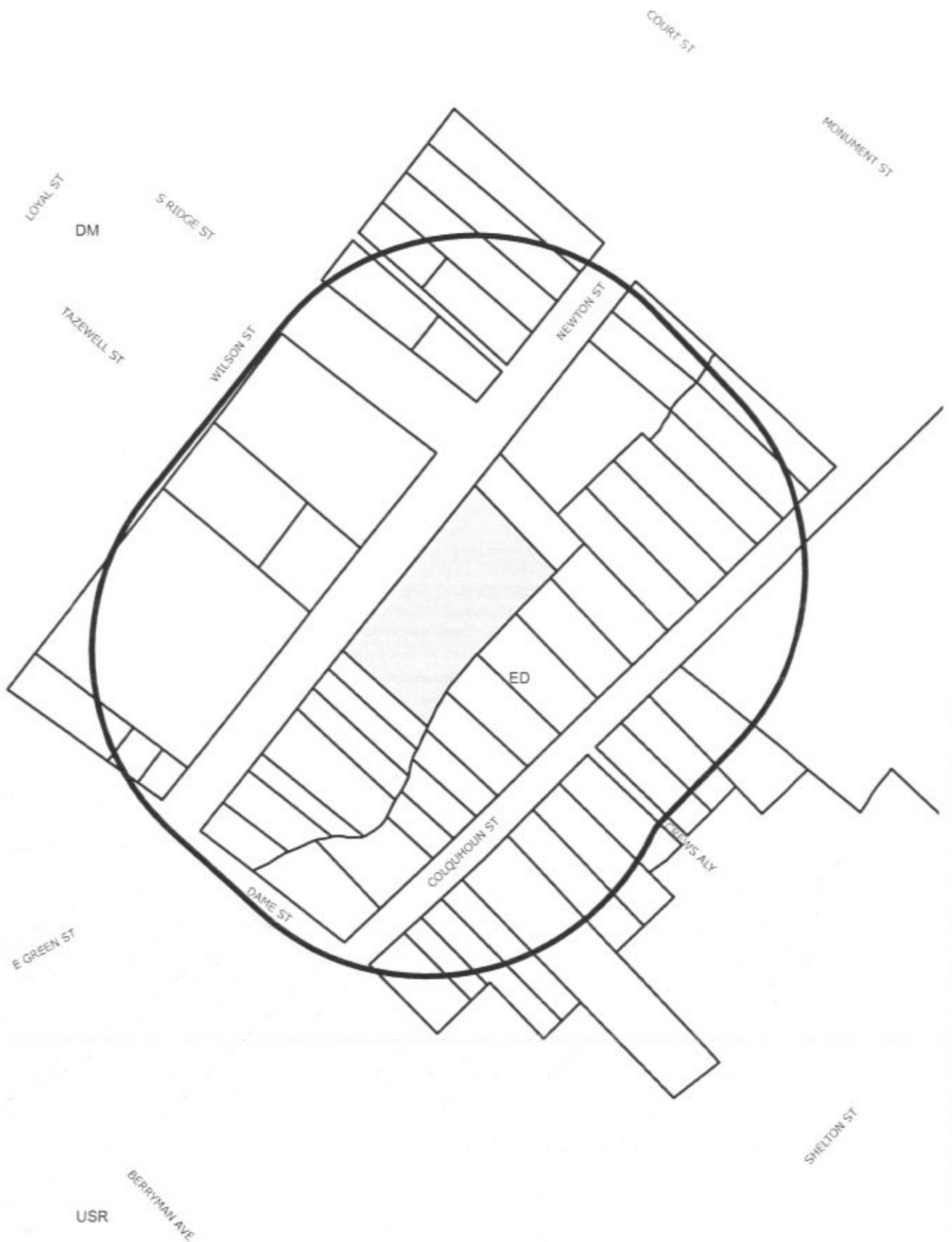
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2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/21/2015

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 5/21/2015

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SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE: June 8, 2015

LOCATION OF PROPERTY: 633 Newton Street

PRESENT ZONE: CB-C, Central Business Commercial District

LAND USE PLAN DESIGNATION: ED, Economic Development

ACTION REQUESTED: The applicant is proposing to operate an ice manufacturing and distribution facility at this location.

PRESENT USE OF PROPERTY: Warehouse

PROPERTY OWNER (S): Wilco Inc

NAME OF APPLICANT (S): Kathryn Trakas

PROPERTY BORDERED BY: Vacant lots to the east, northeast and southwest, residential to the south, and commercial to the west and north.

ACREAGE/SQUARE FOOTAGE: .74 acres

CHARACTER OF VICINITY: Mix commercial and residential.

INGRESS AND EGRESS: Newton St

TRAFFIC VOLUME: Low

NEIGHBORHOOD REACTION: To be reported at the Planning Commission meeting of June 8, 2015.



PLANNING REPORT

P.O. Box 3300

Danville, VA 24543

(434) 799-5261

City Planning Commission
Meeting of June 8, 2015

Subject:

Zoning Code Amendment Request PLCA20150000148, to amend Article 15, entitled "Definitions", Section B entitled "Definitions" to amend the definition of agriculture, car wash, and create new definitions if needed, Article 3.E: entitled "Old Town Residential District" Section C: entitled "Uses permitted by Special Use Permit" to allow for agriculture, and other Articles and Sections of the Code if needed to address urban farming.

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.

At the request of the Planning Commission, staff has investigated the allowance of agricultural uses by Special Use Permit in the OT-R Old Town Residential District. Staff has gone a step farther to create a definition of Urban Agriculture and modify the existing definition of Agriculture to address issues that have been brought up.

Staff has also been looking at changes to the definition of car wash to address changes allowed by the new Stormwater Management Regulations adopted by the State.

Staff Analysis and Recommendation:

Staff recommends the following:

Article 15, entitled "Definitions", Section B entitled "Definitions"

Agriculture. The production, keeping or maintenance, for sale, lease or personal use on lots or portions of lots over two (2) acres, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals;

trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products.—~~or lands devoted to a soil conservation or forestry management program.~~ The raising of livestock shall be no more than one (1) form of livestock animal or five (5) poultry per every three (3) acres. This district does not permit feed lots and confinement operations for swine, veal, poultry and the like.

Urban Agriculture. The production, keeping or maintenance, for sale, lease or personal use on lots or portions of lots under (2) acres, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products. The raising of livestock shall be no more than one (1) form of livestock animal or five (5) poultry per every three (3) acres. This district does not permit feed lots and confinement operations for swine, veal, poultry and the like.

Car wash. A commercial establishment whose primary purpose is the washing of motor vehicles structure, or portion thereof, contains facilities for washing motor vehicles, using production line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam cleaning or similar mechanical device, and whose primary use is for the purpose of washing motor vehicles for a stipulated fee which must comply with all stormwater and/or plumbing regulations in effect at the time of application for a zoning clearance.

Staff is recommending that Urban Agriculture be added under Article 3.B: entitled "Threshold Residential District" Section C: entitled "Uses permitted by Special Use Permit"

Article 3.B: "Threshold Residential District"
Section C. "Uses permitted by Special Use Permit"

24. Urban Agriculture

Staff is recommending that Urban Agriculture be added under Article 3.C: entitled "Suburban Residential District" Section C: entitled "Uses permitted by Special Use Permit"

Article 3.C: "Suburban Residential District"
C. Uses Permitted by Special Use Permit

28. Urban Agriculture

Staff is recommending that Agriculture and Urban Agriculture be added under Article 3.E: entitled "Old Town Residential District" Section C: entitled "Uses permitted by Special Use Permit"

Article 3.E: "Old Town Residential District"
Section C. "Uses permitted by Special Use Permit"

27. Agriculture

28. Urban Agriculture

City Planning Commission Alternatives:

1. Recommend approval of the Code amendments as submitted by Planning Staff.
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 COMMISSION MINUTES
MAY 11, 2015**

MEMBERS PRESENT

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

MEMBERS ABSENT

**Mr. Jones
Mr. Bolton**

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. *Special Use Permit Application PLSUP20150000119, filed by Steve DelGiorno requesting a Special Use Permit to allow the operation of an indoor commercial recreation establishment in accordance with Article 3.K; Section C, Item 5 of the Code of the City of Danville, Virginia, 1986, as amended at 616 North Main Street, otherwise known as Grid 2710, Block 032, Parcel 000005 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an indoor commercial recreation establishment at this location.*

Mrs. Burton read the staff report. 29 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed; one response was opposed.

Mr. Searce opened the Public Hearing.

Present to speak on behalf of the request was Mr. Jeffrey Bond.

Mr. Bond stated Good afternoon, my name is Jeff Bond. I represent the owner for 116 North Main Street. I would like to thank the Commission and City staff's time for reviewing this application. As stated the permitted use of the property would be a restaurant, the owner also wishes to have entertainment where they would like to charge admissions or a cover. These events would be possibly small musical types of performances and other small performances. Without getting into too much detail on the property, it will have seating for 75 patrons as well as kitchen prep space. Other than that, I'm open for questions.

Mrs. Evans stated I have a question. When you're charging for entertainment, is it separate from the meal? If someone was to come and eat dinner, do they get to stay and then see the entertainment or does that have to be paid separately?

Mr. Bond stated the way it's been described to me is that if people come to eat dinner and they also want to stay for the performance, they would have to pay. That's how it's been described to me.

Mr. Searce asked any other questions?

Mr. Wilson asked is it set up like a concert venue?

Mr. Bond stated no it has tables and chairs and a bar. There is a small stage approximately 15 by 10 feet for small performances. The tables and chairs would remain in place.

Mr. Scarce closed the Public Hearing.

Mr. Wilson made a motion for approval with conditions per staff. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

- 2. Special Use Permit Application PLSUP20150000120, filed by Tim Garland requesting a Special Use Permit to allow a waiver of minimum lot size in accordance with Article 3.0; Section C, Item 20 of the Code of the City of Danville, Virginia, 1986, as amended at Parcel ID #77798, otherwise known as Grid 2820, Block 003, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to subdivide Parcel ID #77798 and create a lot that is approximately 18,730 square feet in area where 40,000 square feet is required.*

Mr. Holtry read the staff report. 11 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed; zero responses were opposed.

Mr. Scarce opened the Public Hearing.

Present to speak on behalf of the request was Mrs. Gayle Wyatt.

Mrs. Wyatt stated I'm Gayle Wyatt and I'm here on behalf of Tim Garland for this request. He's seeking this request for this barn or warehouse to be used for a storage building. Tim is a batting coach with the Houston Oilers and he's only here for several months and he needs this space for storage.

Mr. Wilson asked when I look at this property, what building exactly is going to be used for storage or is it going to be another built on that property? I was having a lot of difficulty.

Mrs. Wyatt stated I believe there is already a building there and he is going to do some renovations to the building, then he would be using it strictly for a storage.

Mr. Wilson stated I'm a little bit confused. There's a long building that's kind of across the street, but the part that was marked out was kind of a dilapidated structure. It was a smaller concrete building. I guess I'm just curious about what it is we're talking about here. I have a lot of confusion.

Mr. Gillie stated if you go to your packet, it's the one that's further up the hill on Bradley Road. That's the one he's keeping.

Mrs. Evans asked is he going to renovate it?

Mrs. Wyatt stated I'm assuming he's going to do some renovations because he's going to be using it for storage. I'm sorry I can't be of any assistance on this.

Mr. Gillie stated it's easier to see when the vegetation is off, but yes that building up on top is the one he's proposing to keep.

Mrs. Evans asked he will be clearing the vegetation?

Mr. Gillie stated from my understanding he'll be clearing vegetation around it and renovating some of the building to store the equipment.

Mr. Wilson asked just out of curiosity you said he was the batting coach?

Mrs. Wyatt stated he is one of the batting coaches for the Houston Oilers. Houston Astros I'm sorry.

Mr. Wilson stated I'm getting a little confused up here. So he's going to be storing in that facility major league baseball equipment?

Mrs. Wyatt stated yes.

Mr. Searce stated with a good lock on it.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated when I was out there looking and walking around, it looked really rough out there. So are we thinking of the right building?

Mr. Gillie stated it's hard for me to tell what building you're thinking of. There's two buildings on the property. There's one closer to the creek that kind of sits up on top of the hill about 100-150 feet above Richmond Boulevard and Justin Lane. It is a gray looking building, but most of them are gray to me. It sits up on the hill; it's not the one that sits down toward the creek.

Mrs. Evans stated it kind of looks like Horse Falls.

Mr. Gillie stated sort of.

Mr. Wilson stated my only problem with this- and it looks like it would be an improvement to that area so I don't really have a problem with the concept at all- the only problem is that we don't really get to see what is going to be done there.

Mr. Gillie stated he's only asking to make the lot size less than is required. He doesn't want to buy the entire piece of property. He doesn't feel like he has a need for the entire piece of property; so he's looking to try to subdivide it off. In order to subdivide it, he needs to get the special use permit to allow for a smaller lot size. He's talked to us just about minor improvements to the building just to make it secure and that's it. We don't know if any other usage for the building itself except storage as he said, so we don't anticipate any major changes to the structure. He's just asking to buy a piece of property.

Mr. Searce stated basically all we're voting on is lot size versus the actual building. The building really is not up to us.

Mr. Wilson stated well it's in somebody's neighborhood and stuff like that.

Mr. Searce stated this is a pretty industrialized area.

Mrs. Evans asked then what's the markability of the lot that's left with the concrete structure?

Mr. Gillie stated the marketability. It's almost two and a half acres left over. So if someone was looking for a two and a half acre lot that is zoned that way, it would be there. There's utilities in the area. There hasn't been a lot of calls to staff asking for development in this area because of its proximity to the chemical plant and other things we've had before. In this case the gentleman is just looking for a piece of storage property to store his stuff. He liked that area. I believe he may have friends and family in that area and asked to buy a small portion of it. In order to do that, he had to come here and ask for the special use permit.

Mr. Garrison made a motion for approval as submitted. Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote.

3. *Rezoning Application PLRZ20150000122, filed by Mark Johnson with LE&D Professionals, PC on behalf of Ora D Wiseman, requesting to rezone from PS-C, Planned Shopping Center Commercial to HR-C, Highway Retail Commercial District, Parcel ID #52598 On Westover Drive, otherwise known as Grid 0716, Block 012, Parcel 000024 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to construct a retail establishment at this location.*

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

Mr. Scearce opened the Public Hearing.

Present to speak on behalf of the request was Mr. Mark Johnson with LE&D Professionals.

Mr. Johnson stated Good afternoon, I appreciate your time. Scott went over everything I believe. They're looking to construct a retail like an ATV type sales facility there. The parcels were three separate residual parcels from the development of Piedmont Place and Danville Toyota. So Mr. Wiseman has gone back since and consolidated three parcels into one. He's purchased the parcels he didn't own. And this is a chance to use that property which otherwise has not been available to this point. The main reason for the rezoning is the PS-C has a forty foot front setback and a 40 foot side setback and the HR-C will give us 30 feet front and 20 feet side which gives them enough room to get the size facility that they're looking for. They actually want a little larger facility, but they can accommodate their business with what we've shown on our exhibit.

Mr. Garrison stated I have a question. The entrance off of Westover Drive is that where there's a current curb cut from one of the old parcels?

Mr. Johnson stated no sir. Actually the current curb is closer to the intersection. We pushed the entrance as far from the intersection as we could.

Mrs. Evans stated tell me where in reference it is too Food Lion? That's a dangerous location.

Mr. Johnson stated the entrance aligned with Food Lion when we designed Piedmont Place, that was a City requirement at that time. Am I correct on that Kenny?

Mr. Gillie stated Piedmont Place lines up across from Turpin Street as it comes out. The proposed entrance that he has on his site will be as close to the Food Lion as possible. It might be slightly a few feet to what would be the left of the Food Lion entrance; but when you're on his site and you come out of the lane to the right to make either a turn eastbound onto it, you'll be almost directly across from the entrance that's coming out of Food Lion. Now the other street that comes up and lines up with Turpin Street so if you come out onto the Toyota dealership and everything else, you'll come up to the four way intersection.

Mrs. Evans stated just my experience with that coming out of Food Lion is difficult at times. Now you're adding something else across the street. It might bring traffic issues.

Mr. Johnson stated the topography out there doesn't allow it out to the Toyota site or anything else.

Mr. Scarce stated it's really the only place you could have an entrance and be able to get out in the intersection.

Mr. Gillie stated Food Lion has several ways to get out. They could go off Westover and they could also go to Turpin Street which puts you further up and gives you a little more distance to get in and out of that turn. We have much more concern further east as you go toward the Goodwill and other places because of the amount of traffic that comes in and the spacing from the light. At this point they've usually started to spread themselves enough so it gives them an option coming out. Again, I can't control how people come in and out of Food Lion. I personally like to come out at Turpin because it gives you a little distance there. We're doing the best we can with his entrance lining up across from this one.

Mr. Wilson asked then there's the secondary entrance off Piedmont Place as well?

Mr. Johnson stated yes sir, that's a one-way drive around the building. That entrance is mainly for tractor trailer deliveries and be able to access around the building.

Mr. Gillie stated that'll also allow people to exit, go down to the light at Sam's intersection and head either west or east on Piedmont Drive. Now if people choose to go out on Westover again I can't control their motions, but it would be easier for them to just take Piedmont Place and that way they can go one way or the other on a controlled intersection.

Mrs. Evans asked so it wouldn't be easier to site the building towards Piedmont Place rather than Westover?

Mr. Gillie stated if you try to turn the building, you would have topographical issues from it dropping so much. You have it starting at Westover and sloping towards Piedmont. If you remember the Toyoyta dealership is sitting down low and this sitting up high, so rotating the building would elevate roughly about two-thirds of the building. At least this way, they can tuck it towards the hill on Westover. Their parking lot would be a substantial slope. This way they can sort of terrace the parking lot and have a flatter upper parking lot and lower level with a drive around. You are going to have a slight incline coming up out of the driveway. I haven't seen the grading plans so this is what I'm kind of figuring on my own.

Mr. Johnson stated this building would look very much like PMOC on Executive Drive. The upper two level parking in the back and one in the back situation. The slope will be taken out between and on the sides of the building.

Mr. Scarce closed the Public Hearing.

Mr. Wilson made a motion for approval as submitted. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

4. *Special Use Permit Application PLSUP20150000123, filed by Howard Burnette requesting a Special Use Permit to allow 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 329 Westover Drive, otherwise known as Grid 1713, Block 011, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a wholesale sales establishment at this location.*
5. *Special Use Permit Application PLSUP20150000124, filed by Howard Burnette requesting a Special Use Permit to allow a waiver of yard requirements in accordance with Article 3.M; Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, as amended at 329 Westover Drive, otherwise known as Grid 1713, Block 011, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a zero foot side yard setback where twenty (20) foot is required.*

Mr. Holtry read the staff report. 21 notices were sent to surrounding property owners within 300 feet of the subject property. Seven responses were not opposed; zero responses were opposed.

Mr. Scarce opened the Public Hearing.

Present to speak on behalf of the request was Mr. Mark Johnson with LE&D Professionals.

Mr. Johnson stated I am Mark Johnson, representing the LE&D Professionals and Howard Burnette. We're looking at relocating Southern Refrigeration into what's currently the Riverside Equipment facility and relocating Riverside Equipment to an existing building in the rear of their parking lot. The intent is to add on awnings to this existing building on a building that does not meet the current setbacks. The building has been there forever. Our owners have tried to purchase the property to no success so now we would like to upfit the building and add some awnings that would be required to get the building back into compliance. The Southern Refrigeration will need to do wholesale as well as retail sales. They are a refrigeration parts distributor which is the second or first request. Also they want the ability down the road to encroach in the setbacks up there. Currently the proposed building does not encroach setbacks but they're looking down the road I guess. Neither use is a significant traffic generator. Riverside Equipment is mainly contractors picking up and dropping back off late in the evening. Southern Refrigeration is contract type sales. We don't think there should be any issues with the joint access. They'll both use existing entrance as we move forward. We need this special use to proceed with the subdivision process.

Mrs. Evans stated it looks like to me the grading has already been done.

Mr. Johnson stated they've been working on it but they were already going to pave that parking lot anyway. It gives dust control for Southern Refrigeration. That's probably what you've seen being done out there. That whole parking lot was gravel basically. In order to control the dust when the other group moves in whether this is approved or not, they were going to put the asphalt down.

Mr. Scearce closed the Public Hearing.

Mr. Wilson made a motion for approval with staff conditions. Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote.

Mr. Garrison made a motion for approval with staff conditions. Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote.

6. *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.*

Mr. Gillie read the staff report. 34 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed; two responses were opposed.

Mr. Scearce opened the Public Hearing.

Present to speak on behalf of the request was Mr. RJ Lackey, representative for Danville Tobacco, LLC.

Mr. Lackey stated I'm RJ Lackey, I represent the Danville Tobacco District. You have in front of you the different proffers. I just wanted to give you a quick explanation of why we did this. There were several things that once we got in front of City Council realized might be good for the community, a laundromat for instance and there are several others like a medical office that the proffers would not have allowed. So we wanted to come back before the Planning Commission and went to staff and got some that we thought were good. We've limited as much as we can to keep traffic down for instance, a convenient store. You'll see the hours are limited and there'd be no gas sales. We ask that you approve it and send it back up to City Council with your recommendation.

Mr. Wilson asked so the reason it came back to us is because you all wanted to expand the potential usages?

Mr. Lackey stated to be very clear when it was originally in front of Planning Commission, there were proffers to take out uses that are uses by right and some of those we feel should not be taken out and they were not only not a detriment but they were positive for that area. So we came back into working with staff to add those back in to uses by right.

Mr. Wilson asked can you give an example of some of those?

Mr. Lackey stated laundromat is one that comes immediately to mind like medical offices and outpatient services- again that's a medically serviced area. We have no present use for it. Another one that seems like it ought to be in there is a fitness center or gym which had originally been limited.

Mr. Gillie stated you'll notice I highlighted yellow. The only one that's highlighted that shouldn't have been was number 30 which was the exterminator. That highlighting should have been removed from that one.

Mrs. Evans asked it's being used now correct?

Mr. Lackey stated yes ma'am there's a church in there at present.

Mrs. Evans asked and that will not remain?

Mr. Lackey stated we don't know. There were some people that were looking and the owner wanted to make sure they had the right uses.

Mr. Scearce closed the Public Hearing.

Mr. Dodson made a motion for approval with staff conditions. Mr. Garrison seconded the motion. The motion was approved by a 5-0 vote.

II. MINUTES

Mr. Wilson made a motion to approve the April 13, 2015 minutes. Mr. Garrison seconded the motion. The motion was approved by a 5-0 vote.

III. OTHER BUSINESS

Mr. Wilson made a motion for staff to present a proposal that will allow for urban gardens in the Old Town Residential Zones by Special Use Permit only to Planning Commission for the June meeting. Mr. Garrison seconded the motion. The motion was approved by a 5-0 vote.

Mr. Gillie informed the Commission of changes to the Comprehensive Plan that he will present back to them next month.

Mr. Gillie informed the Commission that there will be cases next month and a meeting will be held.

APPROVED