City Planning Commission

POST OFFICE BOX 3300 DANVILLE, VIRGINIA (434) 799-5260

MAY 9, 2016
3:00 P.M.
CITY COUNCIL CHAMBERS
AGENDA

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ITEMS FOR PUBLIC HEARING

1. *Rezoning application PLRZ20160000121, filed by Gus Dyer requesting to rezone from OT-R, Old Town Residential to A-R, Attached Residential Parcel IDs #50393 and #50394, otherwise known as Grid 0715, Block 011, Parcels 000006, and 000005, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for consolidation and development into a duplex.*

2. *Special Use Permit application PLSUP20160000116, filed by River District Lofts, LLC, requesting a Special Use Permit to have Multi-family dwellings as a principal use in accordance with Article 3.K; Section C, Item 10 of the Code of the City of Danville, Virginia 1986, as amended at 549 High St, otherwise known as Grid 2709, Block 016, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to redevelop the building into 23 loft style apartments.*

3. *Special Use Permit application PLSUP20160000117, filed by Brian Lee requesting a Special Use Permit for the operation of agriculture in accordance with Article 3.B; Section C, Item 1 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #75506, otherwise known as Grid 1618, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to run a non-commercial agriculture operation on the site.*

4. *Rezoning application PLRZ20160000111, filed by Danville Redevelopment Housing Authority (DRHA), requesting to rezone from OT-R, Old Town Residential to TW-C, Tobacco Warehouse Commercial, 502 Franklin Street, otherwise known as Grid 2718, Block 014, Parcel 000003 of the City of Danville, Virginia Zoning Map. The applicant is proposing to rezone to allow the operation of an office for DRHA's homeownership program.*

IV. ITEMS NOT FOR PUBLIC HEARING

1. *Acceptance of 10,991 sq. ft of right-of-way for creation of a cul-de-sac for Idlewood Terrace.*

2. *Acceptance of 2,292 sq. ft. of right-of-way along Riverside Drive.*

V. APPROVAL OF MINUTES FROM APRIL 11, 2016

VI. OTHER BUSINESS

VII. ADJOURNMENT

Department of Community DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of May 9, 2016

Subject:

Rezoning application PLRZ20160000121, filed by Gus Dyer requesting to rezone from OT-R, Old Town Residential to A-R, Attached Residential Parcel IDs #50393 and #50394, otherwise known as Grid 0715, Block 011, Parcels 000006, and 000005, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for consolidation and development into a duplex.

Background:

A request has been filed by Gus Dyer requesting to rezone Parcel IDs #50393 and #50394 from OT-R, Old Town Residential to A-R, Attached Residential. The applicant is proposing to consolidate the parcels so that they may be developed into a duplex with ingress and egress on Westover Drive.

On April 11 2016, the applicant, Gus Dyer, filed a request to rezone three parcels for development into apartments, which the City Planning Commission tabled until more information could be provided. Subsequently the request was withdrawn and the new request for a duplex was filed. The resubmitted application does not include a rezoning of the 3.25 acre lot fronting Fairview Ave.

The total acreage of the two parcels is 1.14 acres. Presently, a single house straddles Parcel IDs #50393 and #50394. The applicant has proposed to redevelop the lots into a duplex with two (2) two-bedroom units. Four (4) parking spaces would be provided.

The applicant is also the owner of the Oak Park Villas, the attached residential units to the Southeast of the subject parcels.

Twenty-four (24) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A complete report will be presented at the Planning Commission meeting of May 9, 2016.

Staff Analysis and Recommendation:

Staff does not believe that a duplex will have a substantial impact on the surrounding property owners. Staff recommends approval of Rezoning Application PLRZ20160000121, filed by Gus Dyer, requesting to rezone from OT-R, Old Town Residential to A-R, Attached Residential, Parcel IDs #50393 and #50394, otherwise known as Grid 0715, Block 011, Parcels 000006, and 000005, respectively, of the City of Danville, Virginia Zoning District Map.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20160000121 as submitted.
2. Recommend approval of Rezoning Application PLRZ20160000121 with conditions per Planning Commission.
3. Recommend denial of Rezoning Application PLRZ20160000121.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

April 12, 2016

Mr. Ken Gillie
Director of Planning
City of Danville
Danville, Virginia

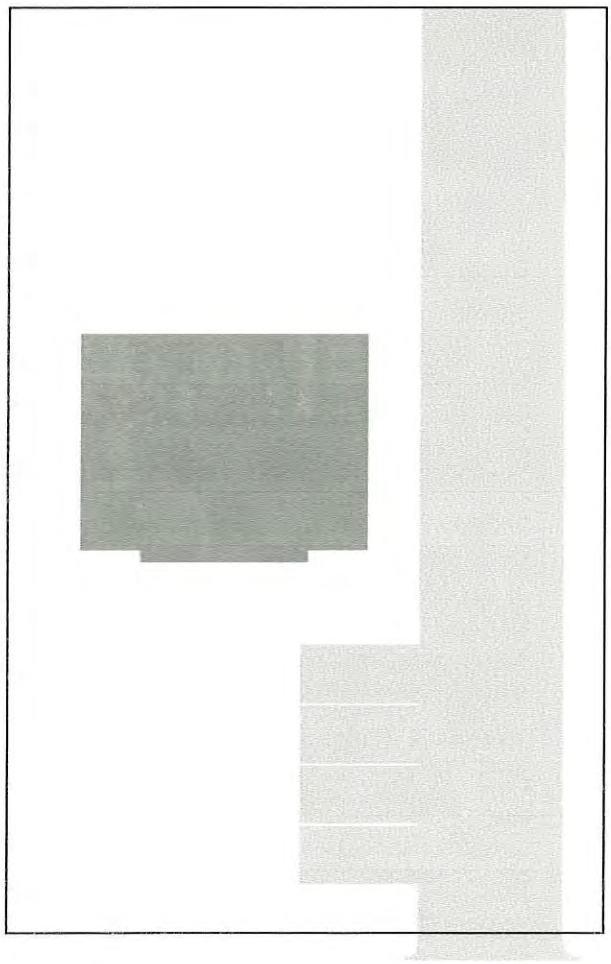
Dear Ken:

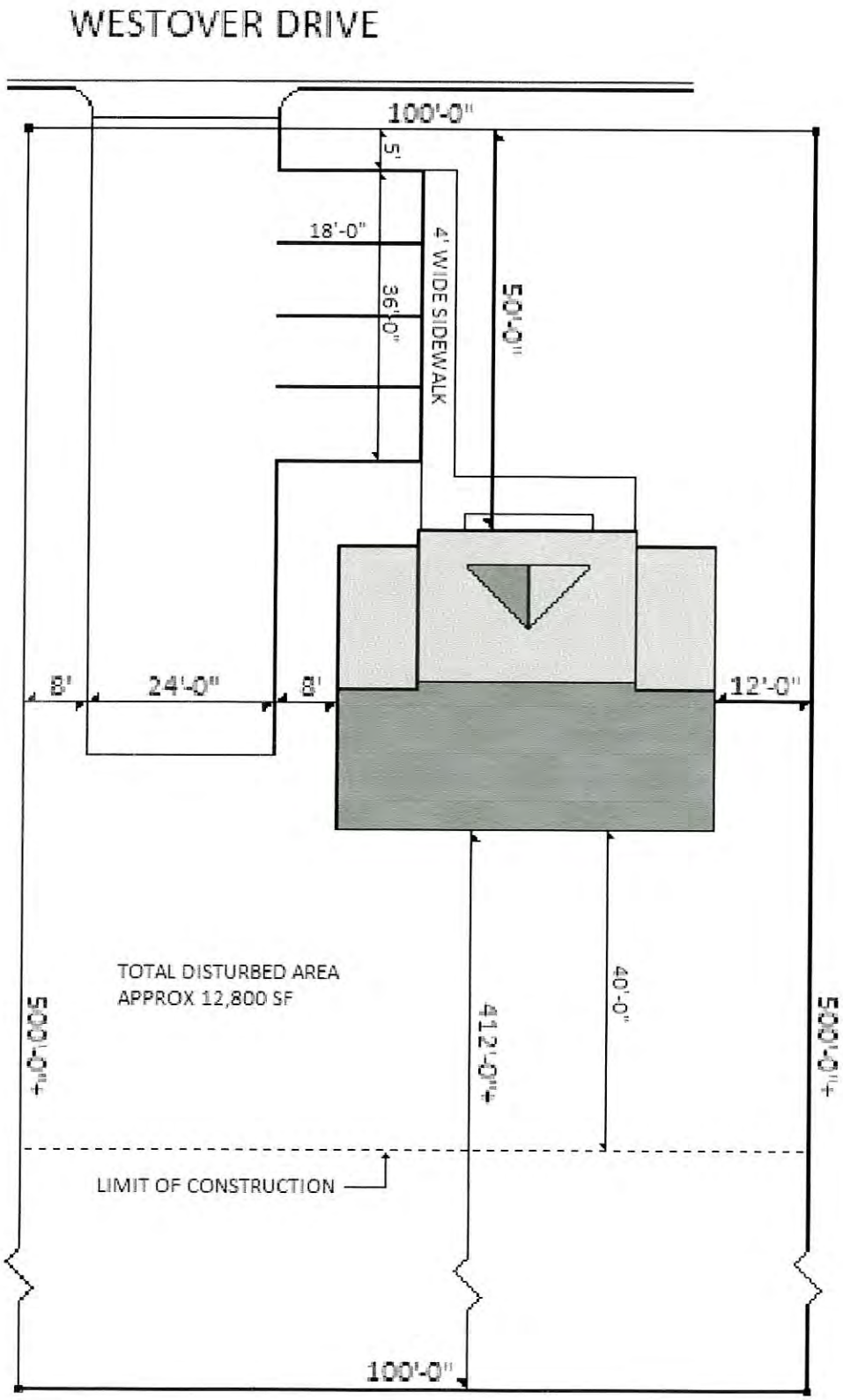
After carefully considering the response to my re-zoning application at the Planning Commission meeting of April 11th, 2016 I have decided to request a modification to said application. I would like to withdraw my request to re-zone parcel 58991 from AR to MR (I am no longer proposing to construct the apartment building) and would like to change the requested rezoning on parcels 50393 and 50394 from MR to AR. This will allow for all the lots to be consolidated under one zoning category and still permit for the construction of a duplex fronting Westover Drive.

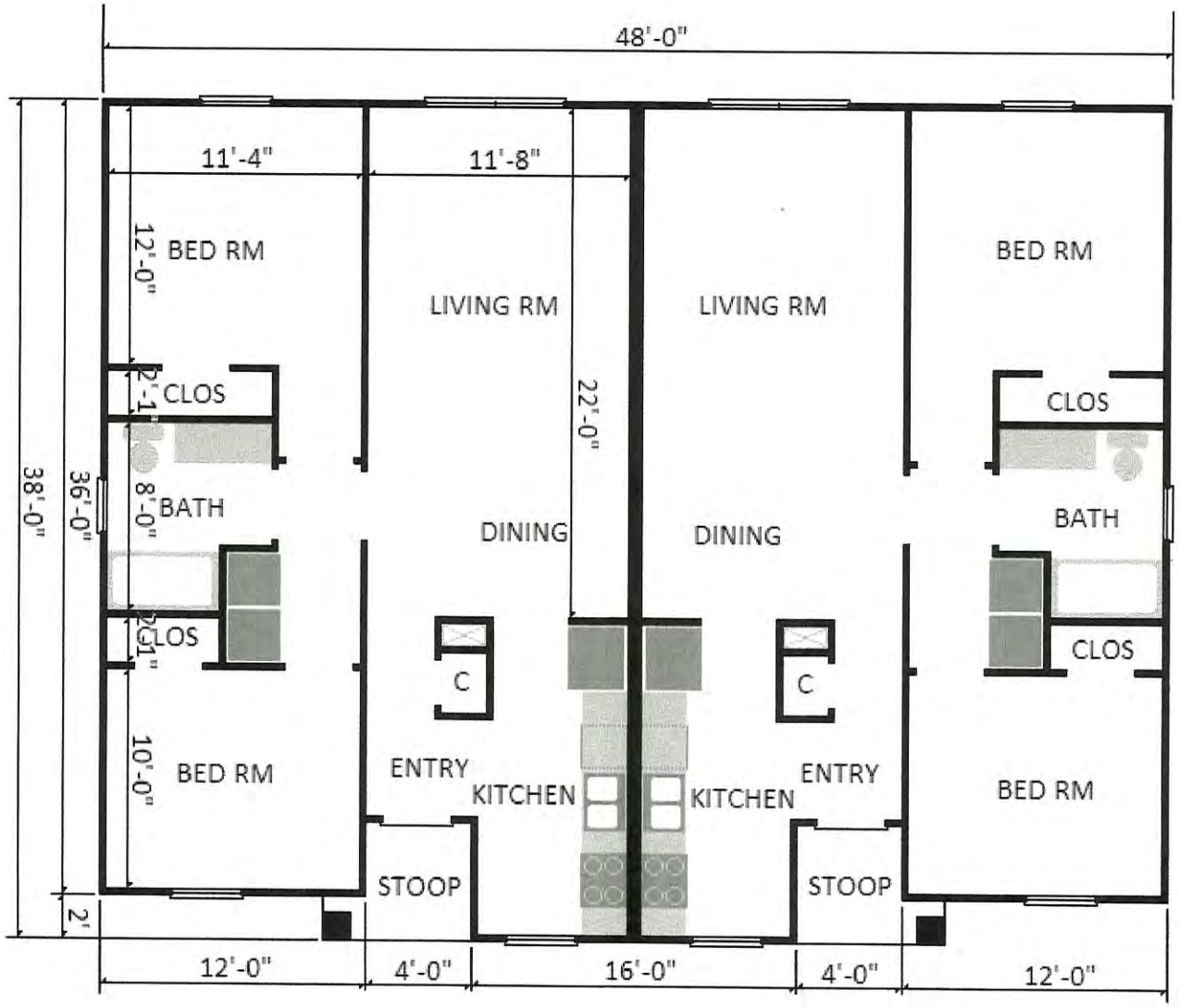
I have included a proposed site plan for the duplex. I believe that it contains all the required information. If, however, you find it deficient in any way please let me know and I will see that it is corrected.

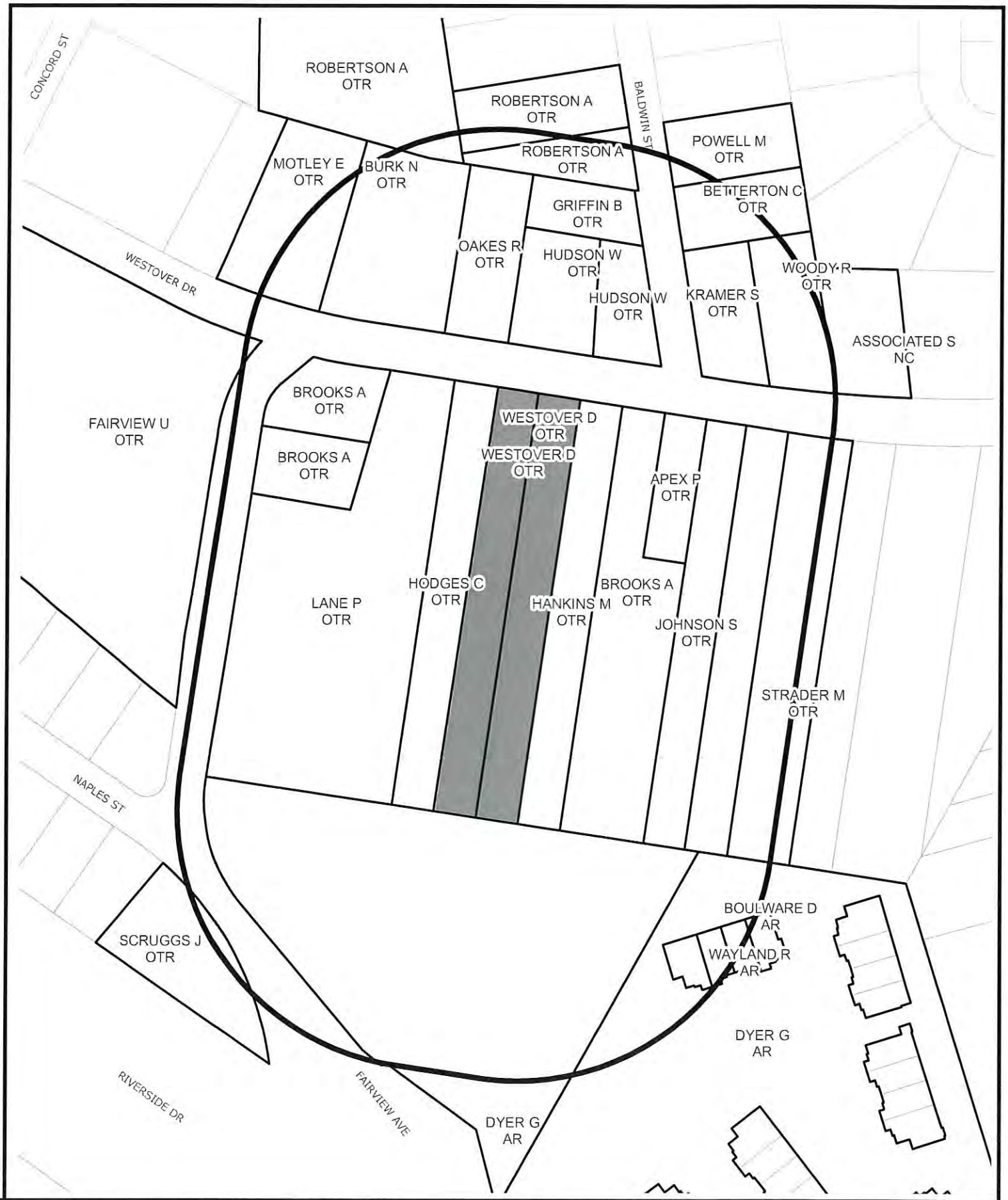
Sincerely,

Gus Dyer


WESTOVER DRIVE


WESTOVER DRIVE
100'-0"
5'
18'-0"
36'-0"
4' WIDE SIDEWALK
50'-0"
8'
24'-0"
8'
12'-0"
TOTAL DISTURBED AREA
APPROX 12,800 SF
500'-0"+
412'-0"+
40'-0"
500'-0"+
LIMIT OF CONSTRUCTION
100'-0"


48'-0"
11'-4"
11'-8"
12'-0"
BED RM
LIVING RM
LIVING RM
BED RM
2'-1"
CLOS
22'-0"
CLOS
38'-0"
36'-0"
8'-0"
BATH
DINING
DINING
BATH
2'-1"
CLOS
CLOS
C
C
10'-0"
BED RM
ENTRY
KITCHEN
KITCHEN
ENTRY
BED RM
STOOP
STOOP
2'
12'-0"
4'-0"
16'-0"
4'-0"
12'-0"



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/22/2016

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REZONING REQUEST
DATA SHEET

DATE:	April 25, 2016
LOCATION OF PROPERTY:	907 Westover Drive and adjacent Parcel ID #50394.
PRESENT ZONE:	OT-R, Old Town Residential
PROPOSED ZONE:	A-R, Attached Residential
ACTION REQUESTED:	Request to rezone to A-R so that the parcels may be developed into a duplex.
PRESENT USE OF PROPERTY:	One home sits on both Parcel ID #50393 and #50394.
PROPOSED USE OF PROPERTY:	Duplex
PROPERTY OWNER (S):	Westover Drive Development Company LLC
NAME OF APPLICANT (S):	Gus Dyer
PROPERTY BORDERED BY:	Residential and Attached Residential to the north, south, east and west
ACREAGE/SQUARE FOOTAGE:	1.14 acres combined
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Westover Drive
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of May 9, 2016

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/22/2016

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Department of Community DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of May 9, 2016

Subject:

Special Use Permit application PLSUP20160000116, filed by River District Lofts, LLC, requesting a Special Use Permit to have Multi-family dwellings as a principal use in accordance with Article 3.K; Section C, Item 10 of the Code of the City of Danville, Virginia 1986, as amended at 549 High St, otherwise known as Grid 2709, Block 016, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to redevelop the building into 23 loft style apartments.

Background:

A request has been filed by River District Lofts, LLC for a Special Use Permit to build multi-family dwellings as a principal use at 549 High Street. The property is being redeveloped into market-rate, loft-style apartments.

The subject parcel, built as a tobacco factory in 1876, is zoned CB-C, Central Business Commercial and sits upon a .46 acre lot. The applicant is proposing to redevelop the vacant building into 23 loft-style apartments.

The building will consist of seventeen (17) one bedroom apartments, four (4) two-bedroom apartments, and two (2) studio apartments. There will be no commercial space on the ground floor of the building.

The subject parcel, located within the River District, was approved by the River District Commission in May 2015 to have exterior alterations necessary for the redevelopment of the building. It included the demolition of the Northeastern portion of the subject parcel that was failing structurally. The façade of the demolished portion will remain and will enclose the twenty-five (25) space parking lot.

Sixteen (16) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A complete report will be presented at the Planning Commission meeting of May 9, 2016.

Staff Analysis and Recommendation:

The subject parcel is currently vacant and is in poor structural condition. Staff believes that the redevelopment will be a benefit to the property and to surrounding properties as well.

Staff recommends approval of Special Use Permit Application PLSUP20160000116, filed by River District Lofts, LLC for the operation of multi-family dwellings as a primary use on the condition that the apartment building is limited to 23 units.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20160000116 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP20160000116 with conditions per Planning Commission.
3. Recommend denial of Special Use Permit Application PLSUP20160000116.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

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

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING

USE: MF as primary use

CASE NUMBER: _____ EXISTING ZONING: CBC

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: AL DATE FILED: _____

PLANNING COMMISSION DATE: May 9 CITY COUNCIL DATE: June 7 2016

1001

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

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

Gross Area/Net Area: 21,000 Square feet Property Address: 549 High Street

Property Location: N S E W Side of: _____

Between: _____ and _____

Proffered Conditions (if any, please attach): Blighted

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 redevelopment of the currently blighted 549 High Street into 23 market rate Loft Style Apartments

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

1. NAME: Danville Redevelopment & Housing TELEPHONE: 434-792-5544

MAILING ADDRESS: P.O. Box 1476, Danville, VA 24543-1476

SIGNATURE: Gary M. Wasson DATE: 4/27/16

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: gwasson@drhava.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: River District Lofts, LLC TELEPHONE: 336-215-7849

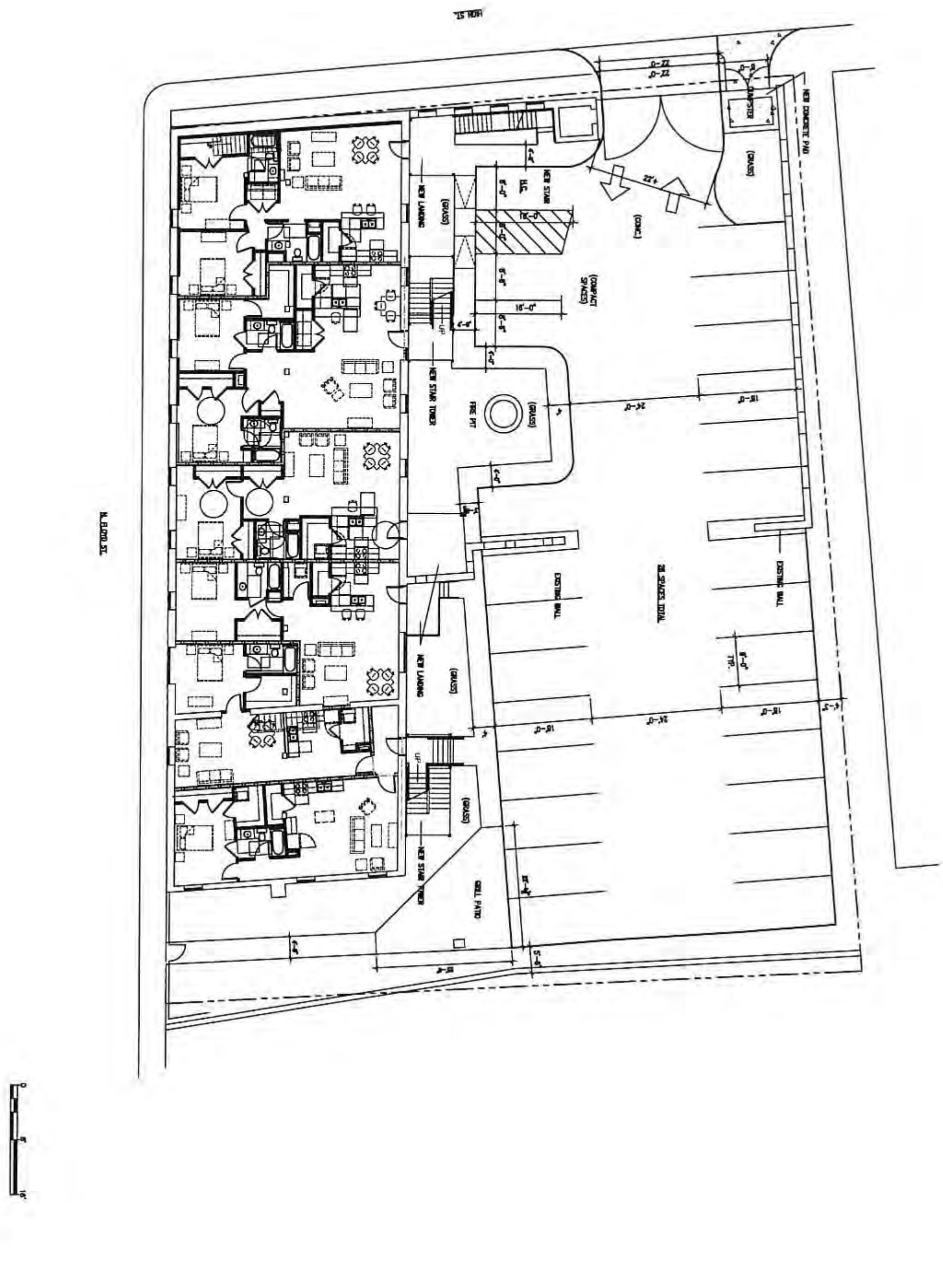
MAILING ADDRESS: 4040 Ed Drive, Suite #205, Raleigh NC 27612

EMAIL ADDRESS: patrick@rehab-development.com

SIGNATURE: Patrick Reilly Manager DATE: 4/07/2016

1A
SCALE: 1" = 10'-0"

SITE PLAN



PLAN NORTH

C1.1
Issue Date 2/12/15
Revisions:

DUNN & DALTON
ARCHITECTS

401 North Herritage Street
Kinston, North Carolina 28501

252-527-1523 252-527-0049 fax

DANVILLE LOFTS
DANVILLE, VA

Project Number: RDI-15021

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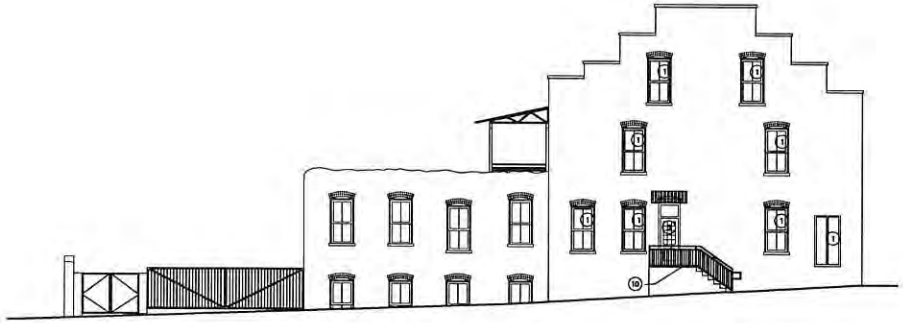
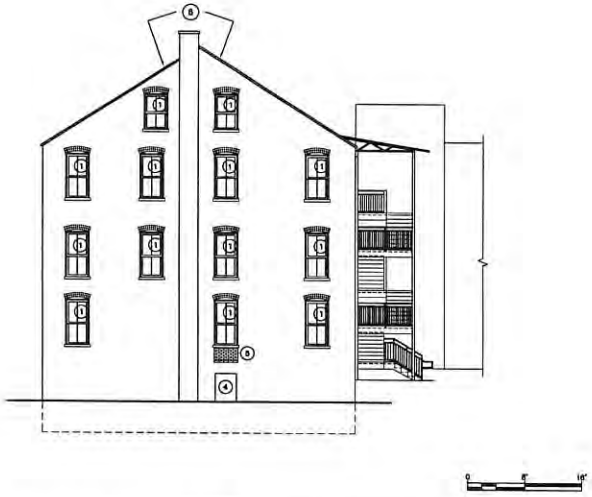


1G NORTH BUILDING ELEVATION

SCALE: 1/8" = 1'-0"



1A SOUTH BUILDING ELEVATION

SCALE: 1/8" = 1'-0"

GENERAL NOTES:

A. FIELD VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH ANY WORK.

B. PATCH AND REPAIR EXISTING WALLS INDICATED TO REMAIN FOLLOWING DEMOLITION WORK TO MATCH ADJACENT CONSTRUCTION.

CONSTRUCTION NOTES:

1. NEW WINDOW
2. NEW DOOR AND FRAME WITH SOLID PANEL IN TRANSOM WHERE SHOWN.
3. EXISTING DOOR REMAINS – CLEAN, REPAIR, PAINT AS REQUIRED.
4. NEW ACCESS DOOR TO SUB BASEMENT.
5. INFILL PORTION OF EXISTING OPENING WITH NEW BRICK TO MATCH EXISTING ADJACENT BRICK. PROVIDE ROWLOCK COURSE AT WINDOW SILL.
6. NEW FIBERGLASS SHINGLES.
7. NEW STAIR TOWER. COORDINATE WITH NEW WORK PLAN.
8. NEW PORCH AND NEW 42" HT. METAL GUARDRAIL WITH OPENINGS < 4" COORDINATE WITH NEW WORK PLAN.
9. INFILL EXISTING OPENING WITH NEW BRICK TO MATCH EXISTING ADJACENT BRICK.
10. NEW PAINTED STEEL RAILING.

PRELIMINARY
FOR REVIEW ONLY
NOT FOR CONSTRUCTION

DANVILLE LOFTS
DANVILLE, VA

Project Number: RDI-15021

DUNN & DALTON ARCHITECTS
401 North Heritage Street
Kinston, North Carolina 28501
252-527-1523 252-527-0049 fax

Issue Date: 2/12/16
Revisions:

A2.2

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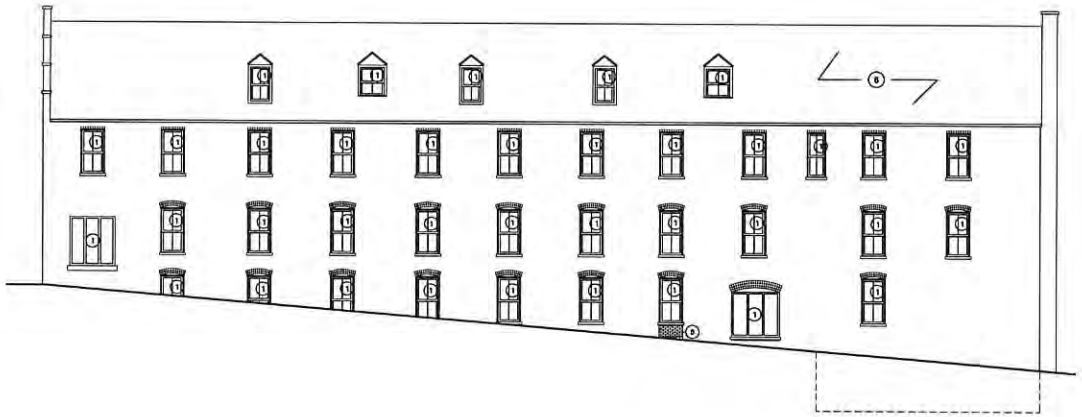
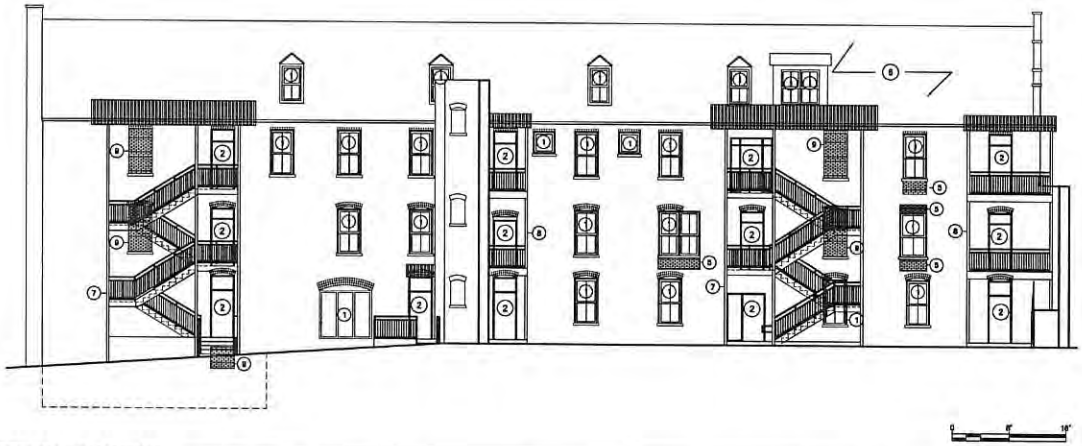


1F WEST BUILDING ELEVATION

SCALE: 1/8" = 1'-0"



1A EAST BUILDING ELEVATION

SCALE: 1/8" = 1'-0"

GENERAL NOTES:

A. FIELD VERIFY ALL DIMENSIONS BEFORE PROCEEDING WITH ANY WORK.

B. PATCH AND REPAIR EXISTING WALLS INDICATED TO REMAIN FOLLOWING DEMOLITION WORK TO MATCH ADJACENT CONSTRUCTION.

CONSTRUCTION NOTES:

1. NEW WINDOW
2. NEW DOOR AND FRAME WITH SOLID PANEL IN TRANSOM WHERE SHOWN.
3. EXISTING DOOR REMAINS – CLEAN, REPAIR, PAINT AS REQUIRED.
4. NEW ACCESS DOOR TO SUB BASEMENT.
5. INFILL PORTION OF EXISTING OPENING WITH NEW BRICK TO MATCH EXISTING ADJACENT BRICK. PROVIDE ROWLOCK COURSE AT WINDOW SILL.
6. NEW FIBERGLASS SHINGLES.
7. NEW STAIR TOWER. COORDINATE WITH NEW WORK PLAN.
8. NEW PORCH AND NEW 42" HT. METAL GUARDRAIL WITH OPENINGS < 4" COORDINATE WITH NEW WORK PLAN.
9. INFILL EXISTING OPENING WITH NEW BRICK TO MATCH EXISTING ADJACENT BRICK.
10. NEW PAINTED STEEL RAILING.

PRELIMINARY
FOR REVIEW ONLY
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DANVILLE LOFTS
DANVILLE, VA

Project Number: RDI-15021

DUNN & DALTON
ARCHITECTS
401 North Heritage Street
Kinston, North Carolina 28501
252-527-1523 252-527-0049 fax

Issue Date: 2/12/16
Revisions:

A2.1

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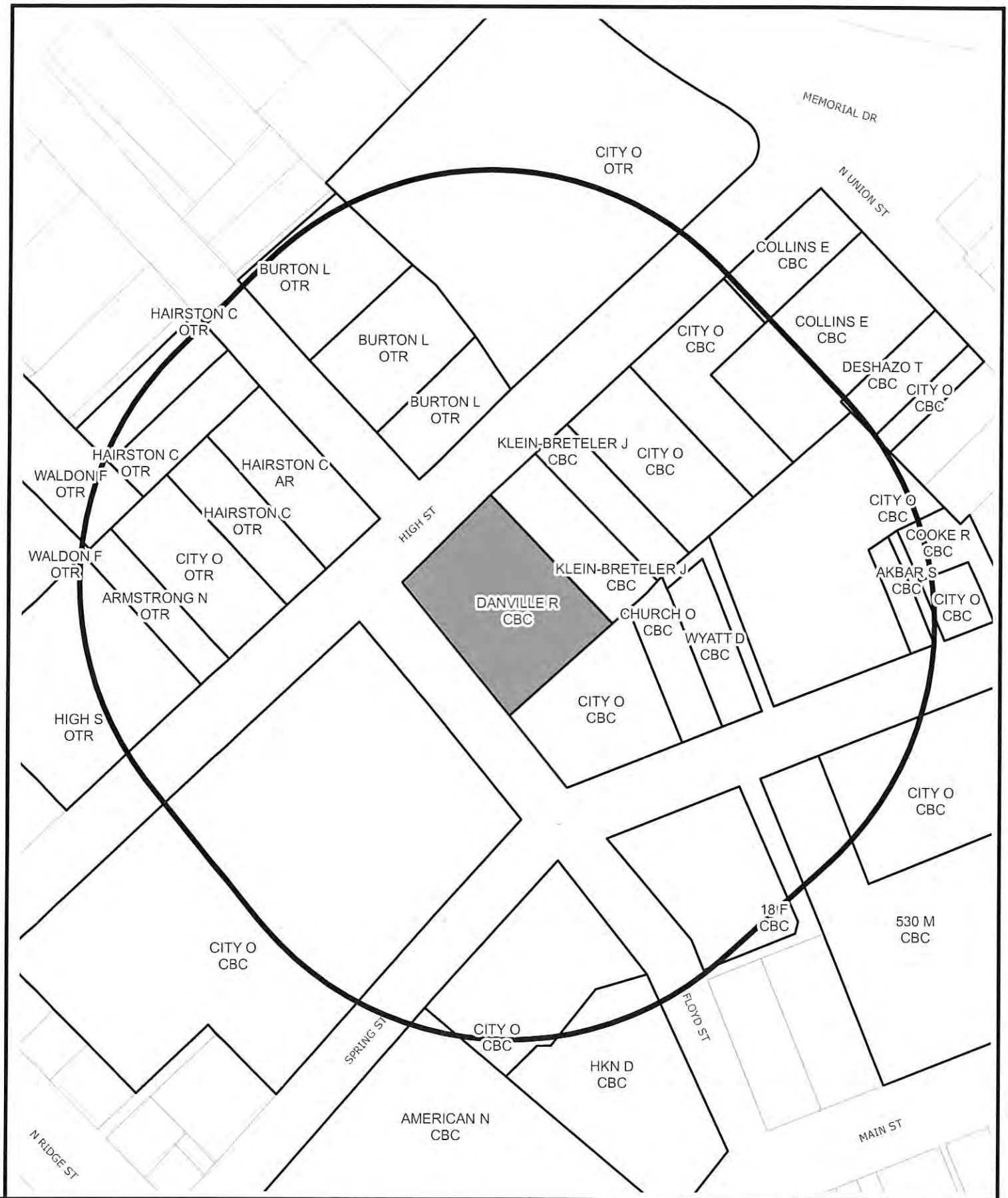

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/21/2016

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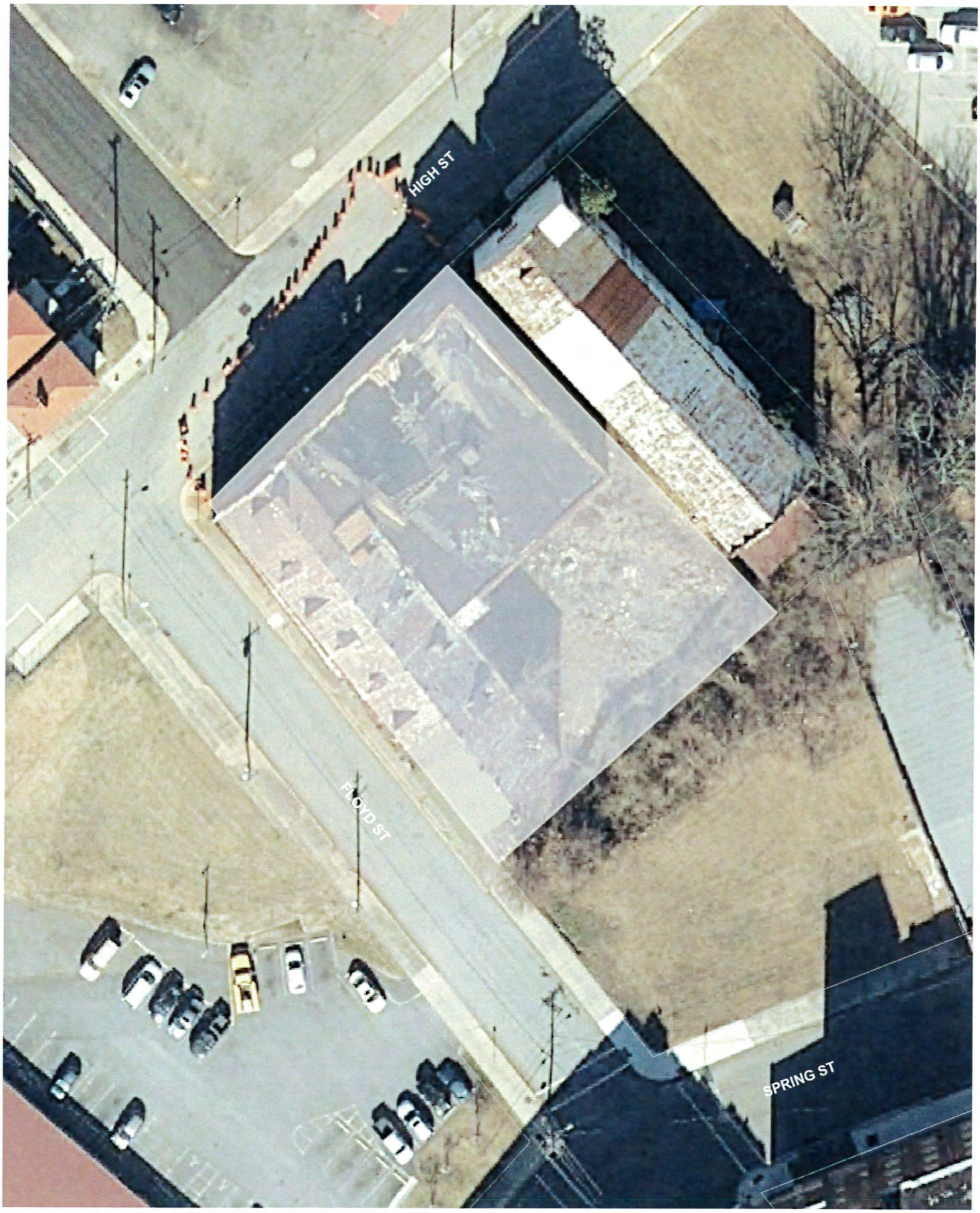
SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	April 22, 2016
LOCATION OF PROPERTY:	549 High St
PRESENT ZONE:	CB-C, Central Business Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request to operate multi-family dwellings as a principle use.
PRESENT USE OF PROPERTY:	Dilapidated warehouse space.
PROPOSED USE OF PROPERTY:	The warehouse is to be redeveloped into 23 loft-style apartments.
PROPERTY OWNER (S):	Danville Redevelopment and Housing Authority
NAME OF APPLICANT (S):	River District Lofts, LLC
PROPERTY BORDERED BY:	Residential, Attached Residential, and Commercial to the North, South, East, and West.
ACREAGE/SQUARE FOOTAGE:	.46 acres
CHARACTER OF VICINITY:	Mixed Residential and Commercial
INGRESS AND EGRESS:	High St
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of May 9, 2016



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/21/2016

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Department of Community DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of May 9, 2016

Subject:

Special Use Permit application PLSUP20160000117, filed by Brian Lee requesting a Special Use Permit for the operation of agriculture in accordance with Article 3.B; Section C, Item 1 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #75506, otherwise known as Grid 1618, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to run a non-commercial agriculture operation on the site.

Background:

A request has been filed by Brian Lee for a Special Use Permit for agriculture on Parcel ID #75506. The applicant is proposing to operate non-commercial agriculture on the property.

The subject parcel, located on Gaither Road, is zoned T-R, Threshold Residential. It is an 18.01 acre parcel with no improvements. The parcel is currently owned by William Miles and the sale of the property to the applicant is subject to the issuance of a Special Use Permit for non-commercial agriculture.

The applicant is planning to purchase the lot so that he may build a single family residence on the parcel. He also intends to build a barn and keep livestock and a vegetable garden. The definition for Agriculture, Article 15, Section B, Paragraph 12 of the Zoning Code, limits livestock and poultry to no more than one form of livestock or five (5) poultry per every three (3) acres. The applicant has proposed keeping up to three (3) beef cows, two (2) swine, two (2) horses, and between ten (10) and fifteen (15) chickens. The applicant plans to build a fence around the property to contain any livestock.

Ten (10) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A complete report will be presented at the Planning Commission meeting of May 9, 2016.

Staff Analysis and Recommendation:

Staff does not believe that non-commercial agriculture will have a substantial impact on surrounding property owners. However, Staff is concerned that, even on eighteen (18) acres, the land may become overly eroded if too many livestock animals are kept. Staff is also concerned about noise, odor, and manure storage.

Staff recommends approval of Special Use Permit Application PLSUP20160000117, filed by Brian Lee for the operation of agriculture with the following conditions:

1. The number of grazing animals shall be limited to no more than 6 at any one time so that each animal has 3 acres of grazing land. The number of poultry shall be limited to a maximum of 15 poultry. No roosters shall be kept on the property.
2. No swine shall be kept on the property as they are prohibited by the Code of the City of Danville.
3. All livestock must be kept a minimum of 50 feet from private wells.
4. If animal waste is to be stored or stacked, it must be done so at least 50 feet away from property lines and 250 feet from private wells.
5. Livestock and poultry must be confined within the property by a fence.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20160000117 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP20160000117 with conditions per Staff.
3. Recommend approval of Special Use Permit Application PLSUP20160000117 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP20160000117.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

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

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE: Agriculture

CASE NUMBER: _____ EXISTING ZONING: TR

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: Ala DATE FILED: _____

PLANNING COMMISSION DATE: 5/9 CITY COUNCIL DATE: 6/7

1016

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

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

Gross Area/Net Area: 18.01 acres Property Address: Parcel ID 75506

Property Location: N (S) E W Side of: Gaither Rd

Between: _____ and _____

Proffered Conditions (if any, please attach): _____

18.01 ACRES #30 GAITHER RD DANVILLE, VA
PARCEL ID # 75506

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:

18 acres of 7 for Non Commercial Agricultre use for a Subsistent or semi subsistent Lifstyle. I am going to build a small house & Barn & Install about 4500 Lft of fence around perimiter of property.

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

1. NAME: Charles williams TELEPHONE: 434-432-8614

MAILING ADDRESS: P.O. Box 216 Chatham, VA 24531

SIGNATURE: [signature] DATE: 3/18/16

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: MWFLOWER-Shop@yahoo.Com.

APPLICANT (PLEASE TYPE OR PRINT): SEE contract of purchase section 23 page 6

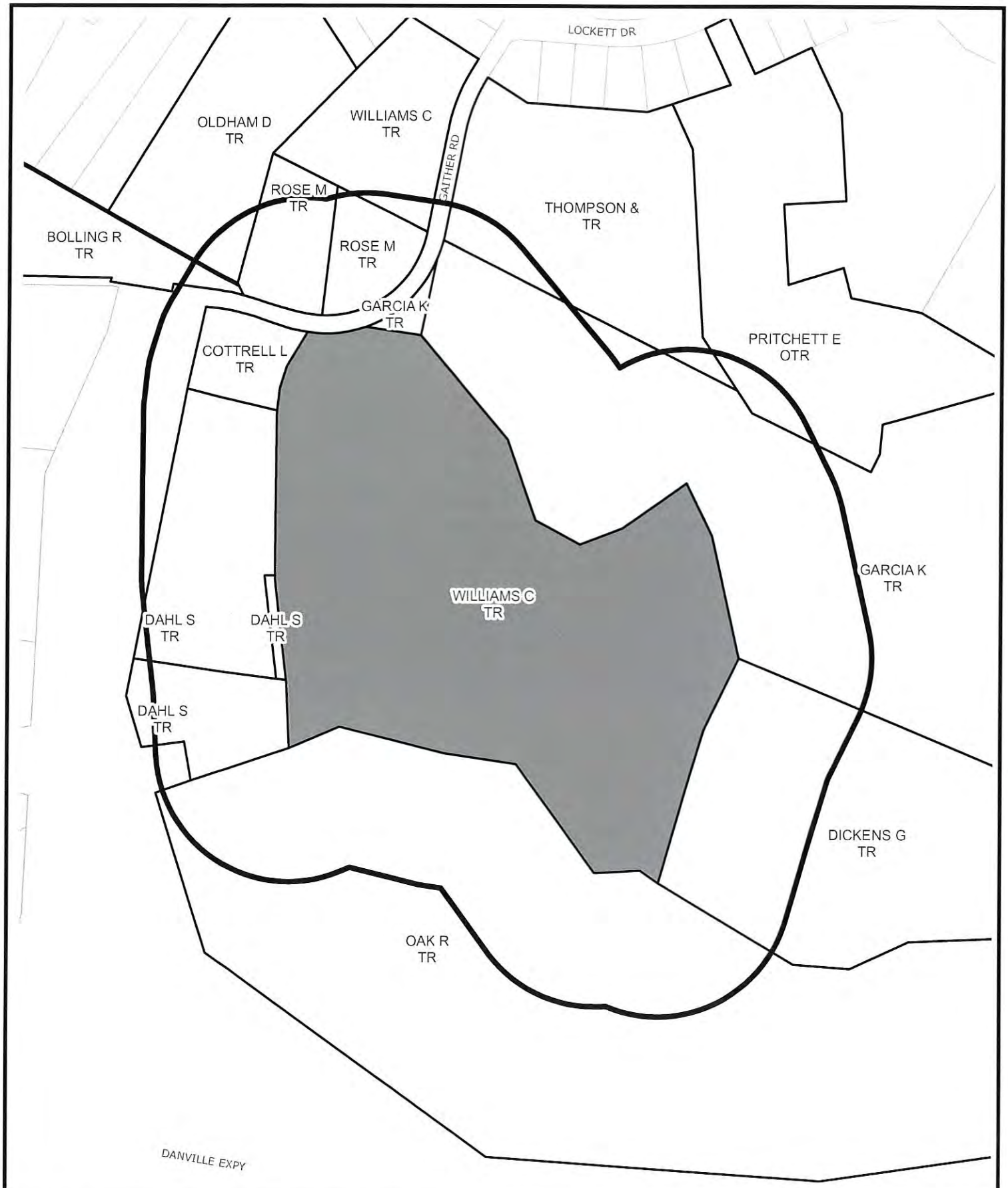
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Brian T. Lee TELEPHONE: 434 221 2442

MAILING ADDRESS: 111 Berkley Pl. Forest VA 24551

EMAIL ADDRESS: brian122271@Gmail.com

SIGNATURE: [signature] DATE: 4/5/16



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/22/2016

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	April 22, 2016
LOCATION OF PROPERTY:	Gaither Rd
PRESENT ZONE:	T-R, Threshold Residential
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request to operate non-commercial agriculture on the property
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Single family residence with non-commercial agriculture including personal gardens and livestock.
PROPERTY OWNER (S):	Charles Williams
NAME OF APPLICANT (S):	Brian Lee
PROPERTY BORDERED BY:	Threshold Residential to the North, South, East, and West.
ACREAGE/SQUARE FOOTAGE:	18.01 acres
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Gaither Rd
TRAFFIC VOLUME:	Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of May 9, 2016

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/22/2016

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.

Department of
Community
DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of May 9, 2016

Subject:

Rezoning application PLRZ20160000111, filed by Danville Redevelopment Housing Authority (DRHA), requesting to rezone from OT-R, Old Town Residential to TW-C, Tobacco Warehouse Commercial, 502 Franklin Street, otherwise known as Grid 2718, Block 014, Parcel 000003 of the City of Danville, Virginia Zoning Map. The applicant is proposing to rezone to allow the operation of an office for DRHA's homeownership program.

Background:

A request has been filed by the Danville Redevelopment Housing Authority to rezone 502 Franklin Street from OT-R, Old Town Residential to TW-C, Tobacco Warehouse Commercial. The applicant is proposing to rezone the property for the operation of an office for DRHA's homeownership program.

The .3 acre subject parcel is currently improved with a vacant building. In the past it served as the headquarters of Local No. 314 Tobacco Workers International Union. Most recently the building served as an educational center. It is located within the Historic Tobacco Warehouse District but is not considered a contributing structure since it was built after the period of significance.

The Danville Redevelopment Housing Authority acquired the subject property in January of this year. They are proposing to use it as an office building for their Homeownership program.

Sixteen (16) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A complete report will be presented at the Planning Commission meeting of May 9, 2016.

Staff Analysis and Recommendation:

The Subject parcel is located on the corner of Monument Street and Franklin Street. It is the only property at that intersection that is not zoned TW-C, Tobacco Warehouse Commercial. The building was not constructed to be a single family residence so its

present OT-R, Old Town Residential zoning designation restricts the uses that can be on the parcel. Staff believes that use as an office is a more favorable alternative for this building than continuing to sit vacant.

Staff recommends approval of Rezoning Application PLRZ20160000111, filed by the Danville Redevelopment Housing Authority, requesting to rezone from OT-R, Old Town Residential to TW-C, Tobacco Warehouse Commercial, 502 Franklin Street, otherwise known as Grid 2718, Block 014, Parcel 000003 of the City of Danville, Virginia Zoning Map.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLRZ20160000111 as submitted.
2. Recommend approval of Rezoning Application PLRZ20160000111with conditions per Planning Commission.
3. Recommend denial of Rezoning Application PLRZ20160000111.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

CITY OF DANVILLE

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: OT-R

PROPOSED ZONING: TW-C TAX MAP NUMBER: _____

RECEIVED BY: AL DATE FILED: _____

PLANNING COMMISSION DATE: 5/9/16 CITY COUNCIL DATE: 6/7/16

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: .3 acres Property Address: 502 Franklin St.

Property Location: (N) S E W Side of: Franklin st

Between: Monument and Beauregard St.

Proffered Conditions (if any, please attach): _____

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

1. NAME: Danville Redevelopment & Hous. Auth TELEPHONE: 434-792-5544

MAILING ADDRESS: PO Box 1476, Danville, VA 24543

SIGNATURE: Gary M. Wasson DATE: 4/11/16

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: gWasson@drhava.com

APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

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

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

Please provide a brief description of the proposed development:

Rezone from OT-R to TW-C to allow for office use for DRHA's Homeownership Program

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

_____

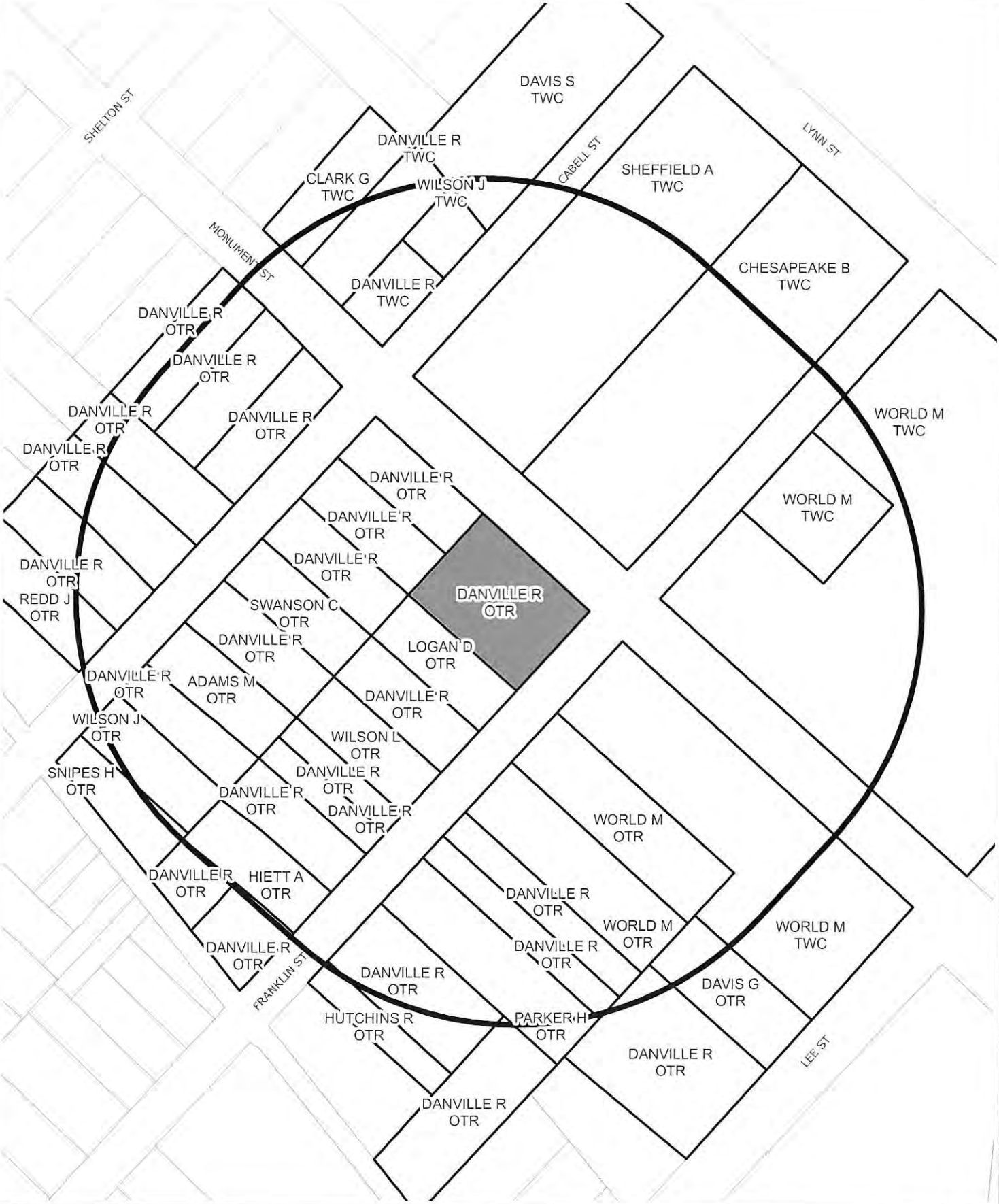
_____

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

_____

_____



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/22/2016

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REZONING REQUEST
DATA SHEET

DATE:	April 22, 2016
LOCATION OF PROPERTY:	502 Franklin St
PRESENT ZONE:	OT-R, Old Town Residential
PROPOSED ZONE:	TW-C, Tobacco Warehouse District
ACTION REQUESTED:	Request to rezone to TW-C for use as an office building
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Office for Danville Redevelopment and Housing Authority's Homeownership Program.
PROPERTY OWNER (S):	Danville Redevelopment and Housing Authority
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Residential and Commercial to the North, South, East, and West
ACREAGE/SQUARE FOOTAGE:	.30 acres
CHARACTER OF VICINITY:	Mixed residential and commercial
INGRESS AND EGRESS:	Franklin St. and Monument St.
TRAFFIC VOLUME:	Moderately low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of May 9, 2016

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/22/2016

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.

Department of
Community
DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of May 9, 2016

Subject:

Review of a Final Major Subdivision Plat for the dedication of right-of-way for the creation of a cul-de-sac for Idlewood Terrace.

Background:

A request has been filed to review a Final Major Subdivision Plat for the dedication of right-of-way for the creation of a cul-de-sac for Idlewood Terrace under the provision the Subdivision Code of the City of Danville, Virginia, 1986. The City is requesting this right-of-way to create a turnaround for vehicular traffic. .

Staff Analysis and Recommendation:

The staff recommends that Planning Commission grant approval of a Final Major Subdivision Plat for the dedication of right-of-way for the creation of a cul-de-sac for Idlewood Terrace under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended.

Planning Commission Alternatives:

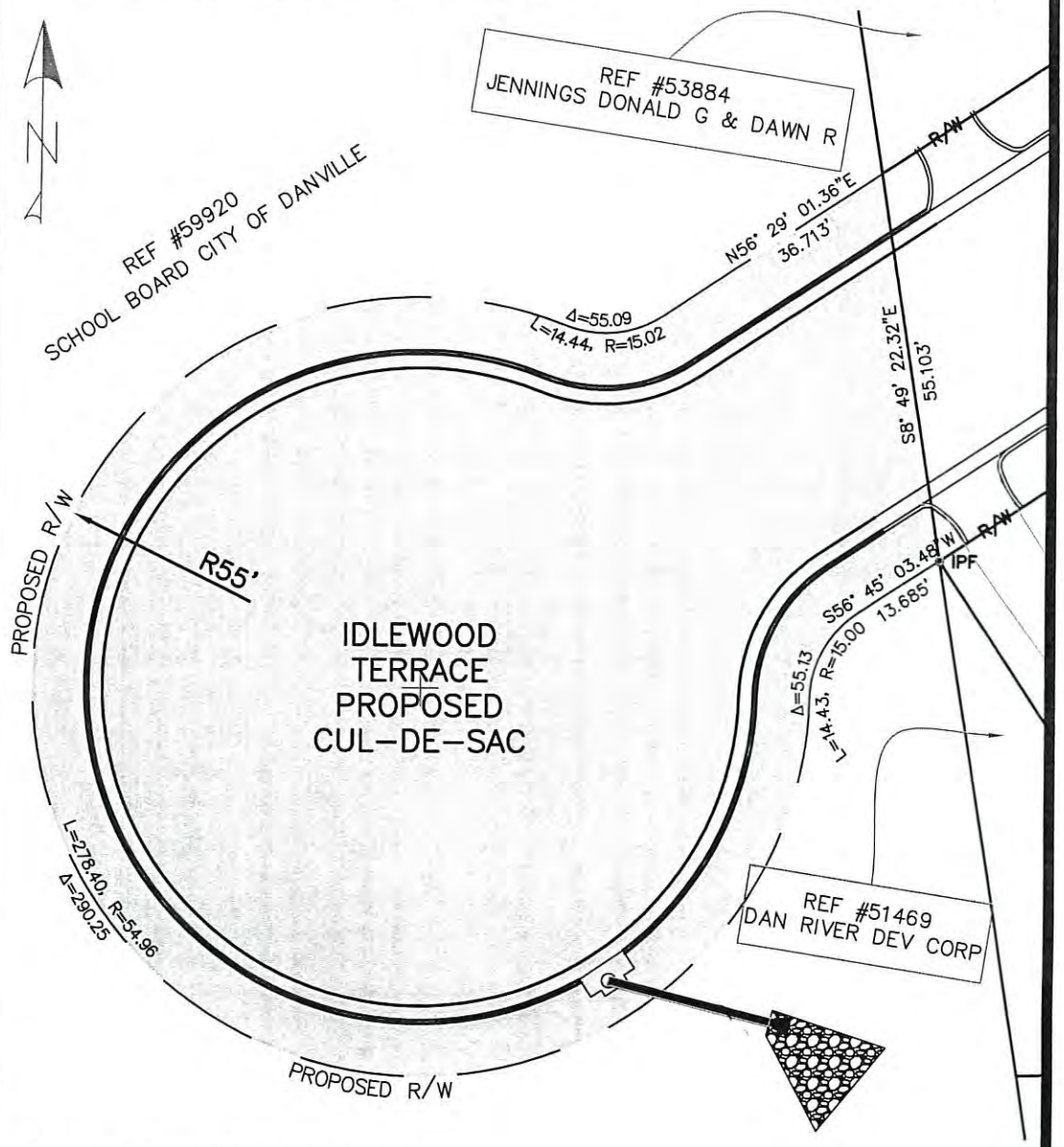
The City Planning Commission has the following alternatives:

1. Adopt a resolution approving a Final Major Subdivision Plat for the dedication of right-of-way for the creation of a cul-de-sac for Idlewood Terrace under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended subject to the allowance for minor changes for typographical errors and errors of omission.

2. Deny approval of a Final Major Subdivision Plat for the dedication of right-of-way for the creation of a cul-de-sac for Idlewood Terrace under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended.

Attachments: Plat
Resolution

SHADED AREA DENOTES RIGHT-OF-WAY TO BE DEDICATED (10,991 SF)



RIGHT-OF-WAY FOR THE CITY OF DANVILLE'S IDLEWOOD TERRACE ROADWAY IMPROVEMENT PROJECT

PLAT SHOWING

RIGHT-OF-WAY

BEING DEDICATED TO

THE CITY OF DANVILLE

BY

SCHOOL BOARD OF THE CITY OF DANVILLE

ON PROPERTY ACQUIRED FROM

THE UNKNOWN HEIRS OF APRIL MCCOY

BY DEED RECORDED IN

D.B. 432 PG. 323

DATED: SEPTEMBER 6, 1966

THE CITY OF DANVILLE, VIRGINIA

SCALE 1"=20' DATE: MAY 2, 2015

PREPARED BY THE OFFICE OF THE CITY ENGINEER

B-1332

PRESENTED: MAY 9, 2016

ADOPTED: MAY 9, 2016

RESOLUTION NO. 2016 – 5.1

A RESOLUTION APPROVING A FINAL MAJOR SUBDIVISION PLAT FOR THE DEDICATION OF RIGHT-OF-WAY FOR THE CREATION OF A CUL-DE-SAC FOR IDLEWOOD TERRACE UNDER THE SUBDIVISION ORDINANCE OF THE CITY OF DANVILLE, VIRGINIA.

BE IT RESOLVED by the Planning Commission of the City of Danville, Virginia that a Final Major Subdivision Plat for the dedication of right-of-way for the creation of a cul-de-sac for Idlewood Terrace is approved under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended, said plat being more fully described as follows:

PLAT SHOWING RIGHT-OF-WAY BEING DEDICATED TO THE CITY OF DANVILLE, BY SCHOOL BOARD OF THE CITY OF DANVILLE ON PROPERTY ACQUIRED FROM THE UNKNOWN HEIRS OF APRIL MCCOY, BY DEED RECORDED IN D.B. 432, PG. 323 DATED SEPTEMBER 6, 1966 ,THE CITY OF DANVILLE, VIRGINIA as prepared by the Office of the City Engineer and dated September 30, 2015.

APPROVED

_____

Chairman, City Planning Commission

Department of Community DEVELOPMENT
City of Danville, Virginia

PLANNING REPORT

P.O. Box 3300 Danville, VA 24543 (434) 799-5261

City Planning Commission
Meeting of May 9, 2016

Subject:

Review of a Final Major Subdivision Plat for the dedication of right-of-way on Riverside Drive.

Background:

A request has been filed to review a Final Major Subdivision Plat for the dedication of right-of-way along Riverside Drive under the provision the Subdivision Code of the City of Danville, Virginia, 1986. The City is requesting this right-of-way to install guardrail. .

Staff Analysis and Recommendation:

The staff recommends that Planning Commission grant approval of a Final Major Subdivision Plat for the dedication of right-of-way along Riverside Drive under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended.

Planning Commission Alternatives:

The City Planning Commission has the following alternatives:

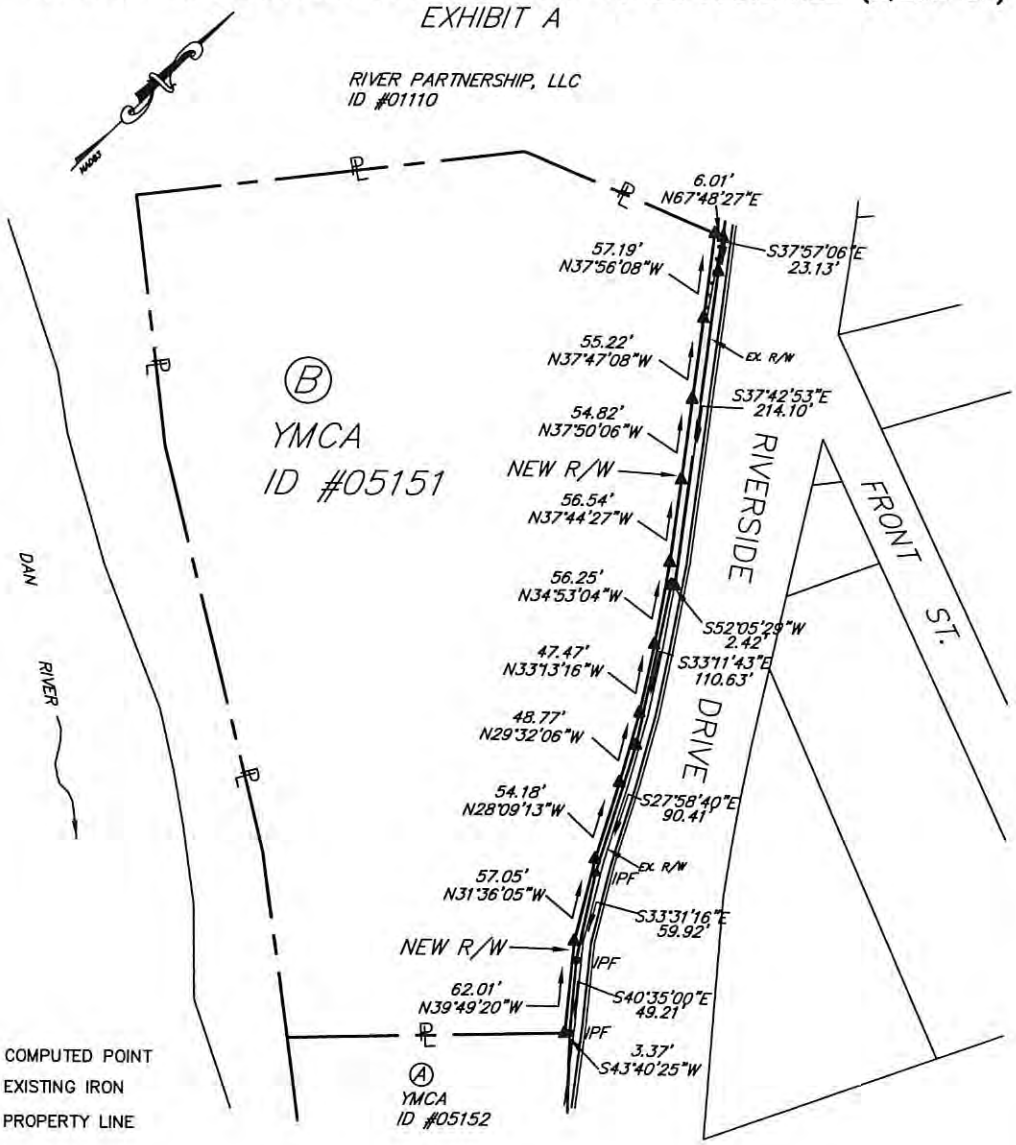
1. Adopt a resolution approving a Final Major Subdivision Plat for the dedication of right-of-way along Riverside Drive under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended subject to the allowance for minor changes for typographical errors and errors of omission.

2. Deny approval of a Final Major Subdivision Plat for the dedication of right-of-way along Riverside Drive under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended.

Attachments: Plat
Resolution

SHADED AREA DENOTES RIGHT-OF-WAY TO BE DEDICATED (2,292 SF)

EXHIBIT A



MAP REF.
1. INSTRUMENT NO. 99-0003443
2. INSTRUMENT NO. 11-0002044

PLAT SHOWING

RIGHT-OF-WAY

BEING DEDICATED TO

THE CITY OF DANVILLE

BY

YMCA

ON PROPERTY ACQUIRED FROM

THE RIVER PARTNERSHIP, LLC

BY DEED RECORDED IN
INSTRUMENT NUMBER 11-2044 PAGE 0003
DATED: JULY 27, 2011

THE CITY OF DANVILLE, VIRGINIA

1" = 100' 9/11/15

PREPARED BY THE OFFICE OF THE CITY ENGINEER **B-1336**

PRESENTED: MAY 9, 2016

ADOPTED: MAY 9, 2016

RESOLUTION NO. 2016 – 5.2

A RESOLUTION APPROVING A FINAL MAJOR SUBDIVISION PLAT FOR THE DEDICATION OF RIGHT-OF-WAY ALONG RIVERSIDE DRIVE UNDER THE SUBDIVISION ORDINANCE OF THE CITY OF DANVILLE, VIRGINIA.

BE IT RESOLVED by the Planning Commission of the City of Danville, Virginia that a Final Major Subdivision Plat for the dedication of right-of-way along Riverside Drive is approved under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended, said plat being more fully described as follows:

PLAT SHOWING RIGHT-OF-WAY BEING DEDICATED TO THE CITY OF DANVILLE, BY YMCA ON PROPERTY ACQUIRED FROM THE RIVER PARTNERSHIP, LLC, BY DEED RECORDED IN INSTRUMENT NUMBER 11-2044 PAGE 0003, DATED JULY 27, 2011, THE CITY OF DANVILLE, VIRGINIA as prepared by the Office of the City Engineer and dated 9/11/15.

APPROVED

_____

Chairman, City Planning Commission

PLANNING COMMISSION MINUTES

April 11, 2016

MEMBERS PRESENT	MEMBERS ABSENT	STAFF
Mr. Wilson		**Tracie Lancaster**
Mr. Dodson		**Ken Gillie**
Mr. Bolton		**Anna Levi**
Mr. Scearce		**Clarke Whitfield**
Mr. Jones		
Mr. Garrison		
Mrs. Evans		

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

I. ITEMS FOR PUBLIC HEARING

1. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more specifically Article 3.O: entitled "LED-I, Light Economic Development District", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #25 to allow for a waiver of yard requirements, and Article 3.K: entitled "CB-C Central Business Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for car washes.*

Ms. Levi read the staff report.

Mr. Scearce opened the Public Hearing.

Mr. Scearce closed the Public Hearing.

Mr. Wilson made a motion to approve the Code change. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit Application PLSUP20160000047, filed by Von Wellington requesting a Special Use Permit for the operation of a car wash in accordance with Article 3.K:, Section C, Item #28 of the Code of the City of Danville, Virginia 1986, as amended at 136 S. Ridge Street, otherwise known as Grid 2713, Block 030, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an indoor car wash at this location.*

Mr. Gillie stated this is the same as last month we can read the whole staff report. The only change is that the River District Commission was in favor of it. They had no issues with Planning Commission granting the Special Use Permit. So we are just bringing it back to you this month.

Mr. Scearce opened the Public Hearing.

Mr. Scearce closed the Public Hearing.

Mr. Bolton made a motion to approve SUP20160000047 as submitted by Planning Staff. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

3. *Special Use Permit Application PLSUP20160000088, filed by JEB Realty LLC requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3.O, Section C, Item #25 of the Code of the City of Danville, Virginia 1986, as amended at 1750 S. Main St, otherwise known as Grid 1508, Block 005, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to subdivide the parcel resulting in zero ft. side and rear building setbacks and to reduce the required lot frontage from 120 ft. to zero ft.*

Ms. Levi read the staff report. 4 notices were sent to surrounding property owners within 300 feet of the subject property. Two responses were not opposed. One was opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was Mark Johnson with LED Professionals representing JEB Reality for this request. As Anna mentioned this is very similar to the request that this Board approved when Rick Barker purchased the building. The reason for the zero lot width request is we have future street plans to extend along the front parallel with Highway 86; which will be twenty three plus acres of commercial development in the future. So rather than try and plan something today and then try to deal with it later we would rather just let this request go thru now and not have to mess with it then. At such time as we do dedicate it the right-a-way the property will have just less than 900 feet in frontage with the needed dedicated right-a-way. I do have the owner representative with us. We will be glad to answer any questions you may have.

Mr. Jones stated do you have any trouble with the condition that staff has put on this request?

Mr. Johnson stated no sir; we have already planned a cross access easement for all the drives around this building.

Mr. Scearce stated I think you can see that on the sheet.

Mr. Johnson stated it's kind of hard to see because all of that black area in your handout of the plat. All of that is the permanent cross access easement.

Mr. Scearce closed the Public Hearing.

Mrs. Evans made a motion to approve *PLSUP20160000088* with conditions per staff. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

4. *Special Use Permit Application PLSUP20160000087, filed by Suzanne Wright requesting a Special Use Permit for a duplex in accordance with Article 3.E, Section C, Item 2 of the Code of the City of Danville, Virginia 1986, as amended at 124 Mt. Vernon Ave, otherwise known as Grid 1719, Block 022, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing that the residential structure be allowed to operate as a duplex.*

Ms. Levi read the staff report. 42 notices were sent to surrounding property owners within 300 feet of the subject property. Thirteen responses were not opposed. Three responses were opposed.

Mr. Scearce opened the Public Hearing.

Mr. Scearce closed the Public Hearing.

Mr. Garrison stated I have a question and maybe staff can answer it. I walked back there and looked there are actually three units for electrical. Does anybody know what the third one is for?

Mr. Gillie stated my understanding is that it was a house portion for the center section that they wanted split off into the other two.

Mr. Garrison stated the reason I ask is there is a building back behind the house and I was wondering it that ran to that separate building.

Mr. Gillie stated we don't know for sure. We thought it was a house meter to split we haven't seen the layout on it.

Mr. Wilson stated where are we in the process? I know there are hands out there in the audience.

Mr. Scearce stated I have already closed the public hearing.

Mr. Sudduth stated I am the potential buyer for this house. I was just going to answer his question. In the back there is a shed that third panel goes to it.

Mr. Garrison stated it's not livable right?

Mr. Sudduth stated no.

Mrs. Evans I have questions about returning it from a single family to a duplex. How much is required?

Mr. Sudduth stated not much. From what I have seen the only major thing is a couple of the appliances. When the family that lived there before left they left a couple of random appliances but, it just needs a facelift on the inside. But as far as doors and everything it is set up. The major work will be in the roof and other than that it was pretty well prepped.

Mrs. Evans stated you plan to live there?

Mr. Sudduth stated yes, I plan to live upstairs and rent the downstairs.

Mrs. Evans stated it's an upstairs and downstairs opposed to a side by side?

Mr. Sudduth stated correct.

Mrs. Evans stated there is a door on the front and one on the side.

Mr. Sudduth stated yeah, there is a door in the front and then right around the corner is another door on the porch under the awning. Then in the back there is another door where I would probably have to create a common space in the back where you can go upstairs. There are already two stairways in the house. So I would have to put another door on the back end inside of the house. So you could get upstairs if you needed to from the entry way.

Mrs. Evans stated so if you are living upstairs what door do you access?

Mr. Sudduth stated I would access either the back down or the side door.

Mrs. Evans stated so they front door is for the downstairs apartment?

Mr. Sudduth stated front or back. So it's three exterior doors if that makes sense.

Mr. Wilson stated I just always have my question of is the person that is requesting this in the room.

Mr. Scearce stated I think she is here.

Mrs. Wright stated I am here.

Mr. Gillie stated the panel that is in the house that is not feeding a house meter setup its feeding the building in the back. Is there a subpanel in the back?

Mr. Sudduth stated I think so I'm almost positive.

Mr. Gillie stated I didn't go in the back building; she went in the house itself.

Mr. Sudduth stated I'm almost positive that there is a subpanel in the back shed; as soon as you walk in, to the right. Then, there is a panel when you walk into the main house back door there is one there at the steps; then when you go down the steps its one in the basement. That is the three panels that I know about.

Mr. Gillie stated we knew the two panels were in the house but we didn't know there was another panel out in the separate building that's why we thought that meter was for a house set up.

Mrs. Evans stated we have the comments from the neighbors. Have you or Mrs. Wright approached the neighbors and talk to them about the duplex?

Mr. Sudduth stated I did not see the person.

Mr. Wilson stated I don't understand what you mean you haven't seen the person.

Mr. Sudduth stated I haven't seen any of the comments.

Mrs. Evans stated no I just mean have you approached the neighbors?

Mr. Sudduth stated I have talk to one lady that was in the yard one day when I was there looking around. But other than that I have not had any contact with any of the neighbors. I know a couple of people in the apartments across the street, directly across the street and

the house to the right. I mentioned to them that I was the potential buyer for the house. Her biggest concern was obviously parking because that street is narrow to start with. But this house has a driveway. So for me to do a duplex obviously two vehicles will be present. So there is substantial amount of room in the front of the house for parking and then I also have a driveway.

Mrs. Evans stated how big will each apartment be? How many bedrooms and how many baths?

Mr. Sudduth stated two bedrooms upstairs and two bedrooms downstairs. They both have their own bathroom and kitchen. They are almost identical floor plans. They will end up being two and two. I would rent to one person. That's what I would be aiming for.

Mr. Bolton stated I have been in the property it is actually almost a mirror image. Do we know where it was built as a duplex originally? It is just laid out perfectly.

Ms. Levi stated we don't have an original floor plan. I was in the house also and I saw the same thing. It looks like it had to have been. But I haven't seen and original floor plan and from the street file it was only evident to me that it has operated in the past as a duplex.

Mrs. Wright stated I can probably answer that. I inherited this property from my parents. They bought it from a gentleman by the name of Mr. Pierce. My parents lived next door to this property for many years. My mother loved this house and always wanted to move next door. When it became available Mr. Pierce the owner sold it to my parents and he had single women living there for many years. So as far as I know the only think my parents did to it to make it a single family dwelling was to cut a door in the basement. So that they could get upstairs without going out onto the porch. So basically it operates well as a duplex and it has done so for many years now.

Mr. Dodson made a motion to approve PLSUP20160000087 with conditions per staff. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

5. *Rezoning application PLRZ20160000089, filed by Gus Dyer requesting to rezone from A-R , Attached Residential to M-R, Multi-Family Residential parcel ID #58991, and to rezone from OT-R, Old Town Residential to M-R, Multi-Family Residential Parcel IDs #50393 and #50394, otherwise known as Grid 0715, Block 011, Parcels 000028, 000006, and 000005, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for consolidation and development into apartment units.*

Ms. Levi read the staff report. 53 notices were sent to surrounding property owners within 300 feet of the subject property. Ten responses were not opposed. Fifteen responses were opposed.

Mr. Scearce opened the Public Hearing.

Mr. Scearce stated we can still listen to the comments.

Mr. Whitfield stated yes you can still listen to the comments then determine whether you want to table it.

Present on behalf of this request Gus Dyer, the applicant.

Mr. Dyer stated I have some information to pass out to you all. I apologize for lack of information that I have been able to bring before you. I thought that was pretty much what this meeting was for, for me to answer all the questions that you have beforehand. I do have LED working on a site plan for the project. The problem I am having is that all of that cost a lot of money and so I really need a little bit of feedback here, so I can see if I will proceed with this project. I would like to go ahead and have you all comment on it and have the public comment on it. The paperwork work that I presented to you all on the front page you will see a small plat and front elevation. This is Westover Drive toward the front of the park. It shows a 24 foot wide drive going down the side and with 4 park spaces in the front. This building here is a duplex it's approximately 48x26 and if you will look at the next page you will see a drawing, a floor plan for the unit. They are approximately 850 square feet two bedroom, one bath. These will not elaborate or as expensive as the buildings in Oak Park. I have had several people come by that have needed something a little bit more entry level. So I am at this point proposing two units. The lot itself, I don't know if it is one lot or two lots. Kenny says it is consolidated by use of the one lot because there is actually one house that sits on two lots. The legal description is still listed as being two separate lots and when we purchased it, it was purchased as two separate lots. Regardless under the OTR Zoning Regulations the lot could be set back under two fifty foot lots and two single family houses could be built in place of what is there now. So the difference between two small single family houses and a duplex to me doesn't seem like much of an issue. This is actually a two phase request. One phase is depending upon the other phase getting approved. If you will turn to the next page you should have a map, if you will look where it says for the property that fronts on Westover Drive, Do you see where it says 907? Then you go over and you see the house that sits on 907 and you will see that it also sits on the adjacent lot to the left. Those are actually two lots. Those two lots run back to triangular piece of property located on Fairview Avenue. The property on Fairview Avenue is already zoned AR which is attached residential which is the same zoning category as the villas in Oak Park. The intention originally was to incorporate both of these lots into Oak Park. The demographic on this triangular piece is very challenging. It was basically unusable for the AR because AR is really sort of spread out. In order to get flat areas where you can build it was inappropriate for that use. So what we are attempted to do then is to get it rezoning multi family. The difference between AR and multifamily is that AR doesn't allow one unit to be on top of another. AR would be town houses and OR multi family style apartments. That parcel contains a little over three acres so with regulations in the AR we still would be able to build 23 units on that property. If you will turn to the next page, if you will look right toward the triangular piece you will see that it is basically the foot print of the building that I have proposed for the apartments. Like I said the apartments are separate from the duplex on Westover but they were going to be linked together. So what I wanted to do was show you what part of this parcel we are talking about. The issues we are dealing with are the new storm water regulations and if we can keep the footprint of this development under one acre than we won't have to worry so much about storm water management regulations. When I met with Mark Johnson the other day he was telling me about another project he was working on and because the project he was working on was 1.09 acres that kicking him into the regulations for the storm water management and it increasing the cost of the developing the lot by 144,000 dollars. So I can tell you right now if it cost 144,000 dollars acre you are not going to see anymore development in the City of Danville because you can't afford to develop at that price. Either the regulations are going to have to change or people are going to have to get creative. That's what I'm trying to do instead of spreading the 16 units out like we have in Oak Park. Let me give you a little background on Oak Park I have been working

on it for the last eight years. Actually, I worked on it eight years prior to when we started construction. We started construction eight years go so I have spent 16 years of my life on Oak Park. It's going through this and getting plans drawn up and getting the financing in place. I don't start a project on a whim. Oak Park we are constructing our final four units right now. I hope we will have the last ones finished by June. Those units have been under contract for over a year and we have been completely sold out since the project started eight years ago. We have had one resell so the people that brought the units there love the units they want to stay there. I was going to tell you I have had twelve people call since January but I had someone call me this afternoon and said she had two clients she wanted to bring by I told her sorry I don't have anything available. The demand for this type of unit is very high. The demand usually comes from older couples or older single people who have large homes where they have raised their families and they want to downsize. The units themselves are approximately 1200 square feet two bedrooms and two bath. The floor plan of the proposed apartment building is actually a little bit larger than my smaller condos. So these are sizable units they will be priced at $1000 a month plus. People say well who is going to rent those? I have absolutely no problem renting my condos for a little over $1000 a month. I could probably rent ten more if I had them available right now. The need for this is huge because this type of housing is very scarce in Danville. If you will turn to the last page there is a picture of apartments at the end of Westmoreland court. I would say those are the only apartments in Danville that are comparable for what I am proposing and they have ten units. In this entire City of Danville there are 10 units of that time so I'm proposing up to 16 more it may turn out to be only 12. On this sheet as well I included the picture of Oak Park in case some of you are not familiar with it. This is a very nice project I spent 16 years of my life working on it I don't intend to in danger it's desirability in fact I am keep four units there as lease units. I certainly will make sure that will protect our property values. The picture at the bottom of the page I am actually standing at the site of the proposed apartment building back towards Oak Park. If you will look right here you will see the roof line of the closest building you don't even feel like you are 200 feet off of Riverside Drive. I know that we have some concerns from some folks; I have had people call me about it. I have been able to talk to them on the phone I think I have been able to address most of their concerns. For those folks who didn't have that opportunity I'm happy to answer any of their questions. Let me get back to the point of it being a two phase project in order to access this triangular piece we have to come off of Westover Drive. If you will look on the map where I showed you, there is no way we can come off of Fairview Avenue. I had some engineering work done to see if we could get off of Fairview Avenue and it was about $400,000 worth of dirt we needed just to create a land bridge to get to something in this building. So the only way to access this property is to come off Westover Drive. Those lots are 500 feet deep on Westover down to the triangular piece; because we have to keep this under one acre for the entire footprint for the project that include the driveway. Where you see these two lots where the triangular lot is that's pretty close to where the building is and that is indicated by the site plan that I have provided you with. Other than the building and the parking that it is going to require the rest of the property is going to remain naturalized it's not going to be its not going to be graded out, I think if you stood along Westover of Fairview you wouldn't even realize anything was back there. I'm here to answer questions if you all feel like you need to table this whether they can generate a site plan in a month I don't know. But if we could get some feedback that would help us and guide us in how you would like to see the site plan materialized.

Mr. Bolton stated do you anticipate having elevators?

Mr. Dyer stated yes. Actually with a four story building an elevator will be required.

Mrs. Evans you said if you were in the woods you would have no idea the apartments were there; but you would have to get rid of those trees to be able to build it.

Mr. Dyer stated for less than one third, the back of the lot where the drive will come through has already been cleared. So there are really no trees there. It's not unit on this piece of property that there are trees. We are anticipating that the footprint that is actually going to be where there are trees is going to be probably about two thirds of an acre which is the size of a single family lot. To our advantage it is economically feasible, as well as environmentally friendly to disturb as least amount of property as possible. The more you disturb the more storm water management we have to have in place. So if we can leave the trees and grass there all the rain water gets sucked up into them.

Mr. Scearce stated it sounds like a nice project.

Mr. Wilson stated just for clarification, so you say its two phases. What is this here?

Mr. Dyer stated is Westover Drive.

Mr. Wilson stated is you will look on the first page that is what is on this lot now.

Mr. Wilson stated okay I get that. Does the road go past it?

Mr. Dyer stated this is how it would be laid out, this is Westover Drive. This is the structure we are proposing. This is a duplex that is two units.

Mr. Wilson stated I'm asking to get into the apartment complex where would there be access from? Would the complex connect to the Oak Park?

Mr. Dyer stated no, we are estimating the floor level for the bottom unit will be 15 to 20 below the floor level for the closest condos. So it's actually going to sit down in a valley.

Mr. Scearce stated does staff have any questions for them. How do you feel after the additional information was provided?

Mr. Gillie stated without the site plan we still need more to go on. We think it is an exceptional idea but based on the concerns of the neighbors we need more.

Mr. Scearce stated you still feel like you need a site plan?

Mr. Gillie stated yes, we need a little bit more information.

Mr. Dyer stated can I ask you what more do you need?

Mr. Gillie stated we would like to know exactly how the building is going to sit. The floor layout, is this something you are going to condition? Are you willingly to proffer that this is how the layout is going to be?

Mr. Dyer stated are you requesting certain setbacks or as long as we meet the minimum's?

Mr. Gillie stated as long as you meet the minimums I'm not requesting anything beyond that.

Mr. Dyer stated you know we are going to meet that. We are not going to submit a site plan that doesn't meet the rules and regulations.

Mr. Gillie stated well, I would like to see the landscaping, I would like to see the buffering, some of the things that usually come up at this meeting.

Mr. Dyer stated what I can tell you are that the only part we are going to disturb is exactly what we need to put in the building and the parking lot. So to denude in order to make them green spaces back again it's probably not going to be on the table. If that is something that you are going to require we are probably going to pull the plug right now. Like I said once we get over that one acre all hell breaks loss. If what is there now is agreeable, the only thing that would change is if you wanted landscaping around the building itself I mean that is not going to affect the neighbors in anyway. They are going to have 100 feet of trees in between the landscaping and where there property is anyway.

Mr. Wilson stated so you are currently having LED do a site plan?

Mr. Dyer stated right. But we are in the preliminary stages of it.

Mr. Wilson stated they would come about today whether we were meeting or not?

Mr. Dyer stated yes. Like I said what I need here is some feedback because at this point I can pull the plug and walk away with a lot less expenses. I have Jeffrey Bond and Solex designing the building and that's $5000 to do that. If I don't get some positive feedback then I can save myself $5000.

Mr. Wilson stated I think the only issue for me is that we don't really, at least I don't know what positive feedback to give without having more detail clarifying we are going to do this, we are going to this and this. Part of our job here especially since we have a lot of neighbor questions and some of those are actually in your other property. Without having something that we can kind of verify by. It's very difficult for us to know exactly what we are talking about. I understand your concept there but our job is to kind of sort this stuff out and I hear them saying they still need more information.

Mr. Dyer stated I realize that a picture paints a thousand words.

Mrs. Evans stated perhaps we could hear from the neighbors and then we could give feedback to you.

Mr. Dyer stated other than the people that live in this complex; I don't feel like the people on Westover Drive are going to know this complex is even there.

Mr. Scearce stated let me get some more questions in and we will call you back up.

Mr. Jones stated Gus is this your layout?

Mr. Dyer stated yes.

Mr. Jones stated I thought you said two bedrooms and two baths.

Mr. Dyer stated no, two bedroom one bath.

Mrs. Carolyn Blair stated I live at of 101 Naples Street. When I walk out my front door I am facing this large lot on the corner. I haven't had the opportunity to see what he is presenting there. I didn't get how you are planning to get people in and out of that bottom are you planning to come on Fairview Avenue?

Mr. Dyer stated no we are coming into Westover Drive.

Mrs. Blair stated we will object to any entrance into Fairview Avenue and anyone that travels that would know that it is a wreck waiting to happen every day.

Mr. Dyer stated okay, this is the property that I purchased on Westover. We will enter Westover here and come down this way and the building will be approximately right here.

Mr. Scearce stated lets go on.

Mr. Dyer stated she asked a question.

Mrs. Blair stated the one that you said you are going to build on Westover will actually be down here on this lot.

Mr. Scearce stated ma'am let's keep it this way. He is already got a plat being worked on and we are probably going to table this anyway for more planning to see how things will be laid out.

Mrs. Blair stated I think a plan would help and I would like to see. I know this lot he is talking about it is a gully basically. I also know that many of the people in the development say that Oak Park is a very pretty place. The purpose it was built for the elderly citizens are very pleased with what it is now. We were very upset when we got this letter. I went down and seen one of the ladies and she said you don't understand, I have talk to Gus he is only going to build one little building up on Westover Drive and it's not going to involve us one bit. I thought alright if that is what he is going to do. I didn't understand the 3.7 acres in the big lot and then these two little lots up there.. That's why I am here today I don't understand that I think the people Oak Park have been misled.

Mr. Scearce stated maybe they just didn't understand the whole concept.

Mrs. Blair stated well, what he told her was we were looking at the map wrong. Well I don't know how many ways you can look at this map up here, which is what we all got.

Mr. Scearce stated what we are going to do is try and get a plan and map for you. What I would recommend is if you would have a conversation with a few of the neighbors.

Mr. Dyer stated I have had conversations with the neighbors. Also, in their home owners association agreement there is a clause in there where they acknowledge that I have an additional parcel next door and that they will not interfere with my ability to develop that parcel.

Mrs. Blair stated I had questions about his plan. But based on what he has told us today his whole ball game has changed. It says in there that the property borders multifamily dwellings. I don't know of an apartment house in the whole area. I guess the project down by Westover down by Avis down in that area I guess that could be considered that. But I

don't know of any apartment's buildings that border it or in that area. My neighbors and I haven't been able to figure out where that would be. Also, it says ingress and egress into Westover and Fairview Avenue we oppose Fairview Avenue. In fact, when he put the original park in I had the same question then and I talked to Mr. Gillie and he ask me to write the letter from my neighborhood and I did. He fixed it to where they were in and off on 58.

Mr. Scearce stated there will be no entrance and exit on this property from Fairview.

Mrs. Blair stated the traffic is says moderate to high and the traffic was very high. Since then they have had Fairview church has increased their kindergarten to a daycare so we have traffic from that and I would say it's very high. On Westover where they have added bike lanes and there is no sidewalk. I don't know anybody that would let their child walk on that street even to the school two blocks away. Since you have decided to table it and get more information. Will we get another letter?

Mr. Scearce stated yes there will be another hearing.

Mrs. Blair stated alright thank you.

Mr. Ed Polhamus, Chairman of the Danville School Board. Mr. Polhamus stated we did receive the same letter because Park Avenue School property is just barely within the 300 foot radius of the property in question. At our meeting last Thursday evening the members of the School Board vote unanimous to respond with no opposition. The only public statement that was made was made by me and it was to simply say that if the apartments would be approved it might attract young families with children and we look forward to the opportunity to educate them at Park Avenue or other schools in the City of Danville. For what I have heard today I think the issues might not be relevant to the schools but I did want to explain our letter.

Mr. Scearce closed the Public Hearing.

Mr. Wilson stated obviously some kind of plat layout or placement is the kind of things we really need to have to have a legitimate discussion about where it is on the property. That needs to go in the hands of the neighbors and we need to something so that we can make a wise decision. You know this may turn out to be a fantastic project and all the neighbors may things its wonderful and I think that is a possibility here but the thing is its just almost impossible for us to make a wise decision based on the information that we have. So the question to me is either we reject it or table it and give the opportunity for that to happen.

Mr. Scearce stated I think it looks like a good project and a nice place in the City. Being in the real estate business I can see what he is doing I can understand it pretty easily and also see how people cannot. That goes to your point I think if we had a plat that would cut back on a lot of the concerns that people have. A plat could show in black and white this is the entrance in this is the exit out. We are not messing with the trees it's going to be all wooded; its going to be buffers you won't even know it's there that type of thing.

Mr. Wilson stated this is significant opposition that we have; given comparison to other things that we do. Then, if they are opposed as least they are opposed to something that they know exactly what it is as opposed to just a general thing.

Mr. Garrison stated I would agree with those two cents.

Mrs. Evans stated I agree as well and the fact that the Planning Department requested this and does not have it.

Mr. Dyer stated they didn't request it until day before yesterday. Kenny called me in his office and said do you have a plat and I said I didn't know I needed one. You all have passed projects in the past without a plat.

Mrs. Evans stated he called you on Saturday?

Mr. Dyer stated when did we meet?

Mr. Wilson stated we got our packets through email a good while ago.

Mr. Dyer stated Mr. Gillie only questioned me about my plat until what day was that last week.

Mr. Wilson stated it don't matter the bottom line is I can't make an informed decision we have got neighbor opposition that because really they don't know what's going on it just seems prudent to table this and give that time and then we can deal with the real issues.

Mr. Dyer stated well.

Mr. Scearce stated I have got the public hearing closed.

Mr. Dyer stated the question if I submit a plat that meets all the zoning requirements that is going to be setbacks. Are you going to have objection to that? If there are the possibility that you will have objections I would like to know what they are now so that we can make sure we don't have to come back a third time.

Mrs. Evans stated I'm not sure I can object to something I haven't seen.

Mr. Dyer stated well what I am saying is what would be submitted would be a building that meets all the requirements as far as setbacks.

Mr. Scearce stated I think we need to see and entry and exit, egress and ingress showing the buffering and things so that it will answer the neighbor's questions.

Mr. Dyer stated but there is not feedback as far as where you feel like it should be.

Mr. Scearce stated the building itself?

Mr. Dyer stated I have to submit it and then you all can go yay or nay and then you all can tell me well we would like to see it sitting closer to Westover Drive or we would like to see it sitting further to the East or further to the West.

Mr. Wilson stated well the professionals you have working you have hired these people and Jeff and this people do what they do. I think it would make a difference if we had a sense of their ideas.

Mr. Dyer stated but no feedback as far as what you think it should look like?

Mrs. Evans stated what do you and your professionals think it should look like?

Mr. Dyer stated because it is a very challenging site I have told them to try and minimize the amount of site work that would need to be done to get the building constructed. From one corner lot I have a slope like this and then one has a slope like this let's go with this corner lot because this requires less foundation work and less fill. So that's how they are doing the design. If in fact I come back with that plan then you are like well we sort of like this but we would sort of like it better if it was sitting fifty feet further to the East or to the West.

Mr. Scearce stated personally I don't think that's our decision to make. We look at zoning issues.

Mr. Dyer stated right and that's what I'm here with to basically ask you all if you feel this is an appropriate place for a multi-family household? To tell you the site plan is going to comply with the City's rules and regulations and if that's all you care about. If you are asking for proffers or some other conditions placed on the project I would like to know that now if I can.

Mr. Bolton stated you mentioned just for feedback the La George with if that's what you are planning on I know from real estate that that would be a wonderful project. The La George stays full. There is a waiting list. But I think we need to know that for sure you need to bring us something that is certain.

Mr. Dyer stated I am going to tell you right now if you are telling me that I have to come up with a $5000 set of plans for you to tell me yay or nay I'm going to drop the whole project. I can't spend $5000.

Mr. Bolton said you said that's what you're going to do.

Mr. Dyer stated I have said that what else do you want me to do write it down and sign it?

Mrs. Evans stated we are asking for your best site plan.

Mr. Dyer stated as long as it meets the City's rules and regulations you all will be comfortable with that?

Mrs. Evans stated I'm not going to say that.

Mr. Dyer stated tell me if I submit something that meets all the City's rules and regulations what you might object to.

Mrs. Evans stated I can't know until I see it. I honestly don't know what I will object to until I see it.

Mr. Wilson stated also part of our job is not just whether we like your plan; part of our job also is to respond to neighbors who will be looking at that plan. Our job here is to really sort through the issues of any facility. It's really not any different than the car wash that we dealt with for a while. We had to sort through the multi issues that we had with that.

Mr. Dyers stated they mentioned that they sent out 53 notices. We had one person here objecting.

Mr. Scearce stated we have a lot more here.

Mr. Garrison stated can we ask if there are others in here that actually live in that area that object.

Mr. Dyer stated we have some folks here and she said she didn't have a problem with it.

Mr. Scearce stated let's get back to where we were. I had the public hearing I allowed everyone time to speak. We as a Commission I think we agree we need something other than I'm sorry but this little black dot is hard to see. This little black dot is hard for us to see and maintain where the drive is coming in. I can visualize it but I think a lot of people have a hard time. To me that's the simplest thing I don't know how detailed the city requires the site plan to be.

Mr. Gillie stated we have standards in the code that they are supposed to meet for the site plan. The concerns that were raised today were access to Fairview, number of units, how the building is going to be located, I'm not going to look at where it is placed on the lot as long as it meets the setbacks. If we are not going to access from Fairview the plans shouldn't show that. If it is only going to be one building the plans should only show one building as opposed to 5 or 6 small buildings. That kind of thing that may be able to address the neighbors' concerns that is the purpose of having the plan submitted to us.

Mr. Bolton made a motion to table the rezoning application *PLRZ20160000089* until meeting to request a site plan. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

Mr. Jones stated Mr. Dyer is there any way you could announce a place to meet with the neighbors and see if they show up. Maybe the paper could print when you could be available and if they don't show.

Mr. Dyer stated well to be perfectly frank there are some people who object to something and it's nothing I can say. I feel that it is my responsible to educate you folks and City Council to make this decision. So you are the buffer between the folks who are unreasonable.

Mr. Jones stated we do not make the decision we recommend to City Council. They make the decision.

Mr. Dyer stated so I feel like it is my responsibility to educate you all. But I can't go out and visit 53 people if they didn't bother to show up or call me and try to find out about it then I'm not going to worry about it. I tried to educate the ones that tried to call me and find out about it.

6. *Rezoning application PLRZ20160000090, filed by Richard Rowland requesting to rezone from S-R, Suburban Residential to "Conditional" HR-C, Highway Retail Commercial, a portion of Parcel ID #70928, otherwise known as Grid 9707, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning Map. The applicant is proposing to rezone a 50 ft by 310 ft strip of Parcel ID #70928 so that it may be consolidated with Parcel ID #78531.*

Mr. Gillie read the staff report. 10 notices were sent to surrounding property owners within 300 feet of the subject property. Two responses were not opposed.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request the applicant, Richard Rowland. Mr. Rowland stated I am the property owner. I am back again today because when we first subdivided this piece of property, I had some grand plans of one day doing something further back on the adjacent property that I own further back from 58. Due to cost and other reasons I have totally lost interest in pursuing that so the idea was just to fold this fifty foot strip into the existing property that is for sale in hopes of making it a little bit more desirable. It will make it a little bigger to make get something going on this property.

Mr. Scearce closed the Public Hearing.

Mr. Wilson stated on this property that we have dealt with a few times; originally it was somehow related to an apartment complex?

Mr. Gillie stated correct.

Mr. Wilson stated by doing this will this open that up as a possibility again?

Mr. Gillie stated it's still conditional highway retail it still has the same limitations that the other parcel had all we will do is allow for an additional strip that was on the east side of the property to be added to it. Just to make the second commercial piece slightly larger than what it was originally.

Mr. Wilson made a motion to approve PLRZ20160000090 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

I. MINUTES

Mrs. Evans made a motion to approve the March 7, 2016 minutes. The motion was approved by a unanimous vote.

II. OTHER BUSINESS

Mr. Scearce stated going back to the Gus Dyer issue what is the minimum site plan requires that someone has to have to make you guys happy and ask to give us enough information?

Mr. Gillie stated it's actually spelled out in the subdivision ordinance on what they are supposed to have; if you would like for me to read the whole chapter.

Mr. Scearce stated well that's what I was getting at is it something that you have to go to LED and spend thousands of dollars on?

Mr. Gillie stated no, you don't necessarily have to go to someone and spend thousands of dollars. If you are a capable drafts person you can do that on your own. We have had plans that have come in that they have done on their own. When we knew this project would be a potential for concern we were hoping to have a plan. When it didn't come we started receiving substantial questions from the neighbors. I don't think the neighbors were

opposed to the request they just didn't have the information and as staff we couldn't answer their questions. So that's why we recommended tabling it. We didn't recommend denial unless we didn't have a plan because we knew there were things that could be addressed. It's great a project, the Villas that are already there and I think the additional project would have that same kind for feel for the area. We just needed more information to make that decision.

Mrs. Evans stated I want to go on record saying that we do as well.

Mr. Scearce stated I think so. I don't know if he just didn't feel like it was necessary?

Mr. Gillie stated the application came in at the last minute. So there was not substantial time for a lot of things to work out; that we can usually workout ahead of time. The Commission has directed staff recently to make sure that we have this kind of things so that we are not coming to you without the information. Especially if there are going to be concerns from neighbors regarding it in this case we received that kind of concern. So we were taking direction from you in tabling it. As you said earlier the same with the car wash because that fell under someone else review we thought it was necessary that they got to review it and with this case we think that this may be able to address some concerns. You all ask if he would meet with the neighbors. Although this is not his place to do that it would help, if not if we had that information we will send it out to the neighbors. So ask we send our letters we will send letters out again telling them that this item has been tabled. If we have any time of plan we will attach that plan with that letter. So that will help alleviate it for next month.

Mr. Scearce stated I agree if you have pictures it is a lot easier to understand.

Mr. Wilson stated a couple of times Averett has come to present something to us and they always have a plat with elevation. I know it's expensive but you have got to have something to make decisions on.

Mr. Scearce stated I think something could be done in a less expensive way and still address the concerns of the neighbors.

Mrs. Evans stated you said it came at the last minute so wouldn't it have been feasible for you all to work on it for another month before it is brought before us so that everything is done?

Mr. Gillie stated as long as they turn them in by the deadline we try to set them up for the next meeting. As they say in business time is money as long as we have it we try to set them up and at least get the ad in the newspaper and everything else. That affords the applicant time if they need another week or something to get something to us. They haven't missed that deadline. In this case when it comes in late and we set it up to go and it has to run in the newspaper two weeks before the meeting it has to be to the newspaper a week before that. So we are three weeks out there is usually time to get some things some last minute things items in and us still be able to get them to the neighbors and then still have time to make the staff reports for you. So we try if it's not fully complete or substantial complete we will process it. In this case it was substantial but not fully and that's why we recommended tabling it.

Mrs. Evans stated but we have asked in the past if something is going to be contentious we have longer than receiving the packet on Friday.

Mr. Gillie stated you got your packets early this time I think? The mail copies are coming later but that's why we are doing the electronic pdfs now so you can look it up. At least you can see the visuals beforehand and the hard copies come afterward.

Mrs. Evans stated we didn't have any information other than what was in the print packet.

Mr. Gillie stated I didn't have it until it was passed out today. I saw it the same time you did. The items that went before City Council last month were approved we do have cases for next month already submitted. So there will be a meeting in May. Mr. Bolton has already said he won't be here so if anyone is unable to attend the meeting in May please let us know.

Mrs. Evans stated about the items that were approved by City Council. I'm concerned again that people are going directly to City Council and expressing their opinion for or against instead of coming to the Planning Commission meeting.

Mr. Scearce stated I'm not following what you mean.

Mrs. Evans stated the shooting range I think a couple of people showed up to City Council that didn't come to the Planning Commission meeting. We had expressed before that Planning Commission is the first base that you come before us and express your for or against before going in front of City Council.

Mr. Wilson stated I think I know where Anna is going with that. Maybe we just want to say that as a reminder.

Mr. Jones stated it is possible that some of the people that went to City Council were outside of the three hundred foot and they read about it through the paper when we discussed it in Planning Commission. They might have showed up to City Council and never had the opportunity to come to Planning Commission to discuss it.

Mr. Scearce stated we don't have any control over who does or don't come.

Mr. Garrison stated but the three hundred foot range is just like today. There were people in Oak Park who did not get the letter, because they were outside of the three hundred feet. I think there were about seven units outside of the three hundred range that didn't get it. Even though this people are in the same area and are affected by it because basically they bought these duplexes and they are all elderly people. When you start saying there is going to be an apartment com0plex three hundred feet away they are going to be upset. SO of those of those people might show up for Council who didn't show up here because they didn't get the letter.

Mr. Scearce stated they have a right to come anyway. That's just the mailing perimeters for that.

Mr. Gillie stated that is the perimeter established by City Council. The law actually only requires us to notify adjacent property owners and those across the public right-of-way. It used to be 150 feet probably 15 or so years ago, it's been a long time ago that they changed it to make sure that additional notifications were sent. You could go 5 or 1000 and

someone is still going to say we didn't know that's why we put the ads in the newspaper and a bunch of others things to try to notify people the best we can.

Mr. Garrison stated your generally over three hundred feet.

Mr. Gillie stated if it comes close to it we jump over. Also, the fact that these meetings are held during the day sometime that impacts the ability for people to be able to come.

With no further business, the meeting adjourned at 4:17 p.m.

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APPROVED