

**PLANNING COMMISSION MINUTES**  
**December 8, 2014**

**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

**Mr. Searce**  
**Mr. Dodson**

**STAFF**

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

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

**I. ITEMS FOR PUBLIC HEARING**

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

Mrs. Burton read the staff report. 43 notices were sent to surrounding property owners within 300 feet of the subject property. Eleven responses were not opposed; three responses were opposed.

Mr. Laramore opened the Public Hearing.

Mr. Jeff Davis was present on behalf of the request.

Mr. Davis stated good evening my name is Jeff Davis and I represent Betty Milam as the broker who is marketing the property and just wanted to see if there's any questions or concerns.

Mr. Laramore closed the Public Hearing.

Mr. Wilson stated just out of curiosity, you said that there's a copy of the results attached to this report about the notices to surrounding properties. I don't have that.

Mrs. Burton stated it's directly behind the staff reports on the next page. The memorandum dated October 13<sup>th</sup>.

Mr. Wilson asked so these are the responses from the last one?

Mrs. Burton stated right. They were both advertised together in October and only one of them was tabled.

Mr. Wilson stated that's right.

Mr. Bolton asked did we do anything about proffering? I noticed one of the comments talked about a privacy fence. When we approved the first part that had the survey, did we proffer it and say a privacy fence would have to separate the commercial possibility from the residential or not?

Mr. Gillie stated no we did not put in a proffer. The applicant has to offer the proffer. There are buffer requirements between commercial residential and multifamily residential, various usages are a part of the code. They have the option of increasing the buffer area depending on spacing requirements so we did not require an actual privacy fence.

Mr. Bolton stated that takes care of itself.

Mr. Gillie stated we feel the buffers are actually more attractive than the privacy fence.

Mrs. Evans stated I have a question. The comments from the October meeting, the area the 300 square feet wasn't notified again to see if they had comments on this one?

Mr. Gillie stated we notified them that there was another Public Hearing today. They were not asked for questions or comments, they were given the opportunity to come to this meeting or call into the office. I didn't receive any phone calls regarding anything and I think as you can see by the attendance we didn't have anyone who'd come in and spoke about opposition.

Mr. Wilson asked is that normal protocol once something is submitted to put it out then to not do that again when something is brought back to us?

Mr. Gillie stated we re-notified them telling them this item has been taken off and this is what they're asking for. We usually don't send a second set of comments you know asking to check off a box because they already had an opportunity the first time. We do notify them when the meetings will be and we also give them our name and number and the ways to contact us so if there's anything in between, they can call staff directly. I didn't receive anything, I don't believe Mrs. Burton received anything either.

**Mr. Bolton made a motion to recommend approval of rezoning application PLZ20140000254 as submitted. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.**

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

Mrs. Burton read the staff report. 43 notices were sent to surrounding property owners within 300 feet of the subject property. Eleven responses were not opposed; three responses were opposed.

Mr. Jones opened the Public Hearing.

Mr. Rick Rowland was present on behalf of the request.

Mr. Rowland stated I'm Rick Rowland and I'm here to answer any questions that you may have. As previously mentioned, proffers are the same that we did on the previous lot. The only reason that we didn't do it all at the same time was frankly the way we move the field etcetera, we felt like maybe we couldn't do anything over there but after reexamining, it's a small lot but I'm confident that we could get something good to go in there. That's the way it sort of panned out.

Mr. Jones asked does anybody have any questions for Mr. Rowland? Anyone else wish to speak in favor of this item? Anyone opposed to this item please step forward. Members of the Commission do you have any questions for staff?

Mr. Jones closed the Public Hearing.

**Mr. Bolton made a motion to recommend approval of PLRZ20140000324 with conditions per staff. Mrs. Evans seconded the motion. Mr. Laramore abstained from voting due to personal interest in the sale of this item. The motion was approved by a 4-0-1 vote.**

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

Mr. Holtry read the staff report.

Mr. Laramore opened the Public Hearing.

Mr. Will Leggett was present on behalf of the request.

Mr. Leggett stated good afternoon, my name is Will Leggett. I'm the property owner and here really just to answer any questions or concerns about this.

Mr. Wilson asked we're going to deal with this request issue next?

Mr. Gillie stated that's correct.

Mr. Wilson asked so really we're just setting up for that?

Mr. Gillie stated he filed a request to change the code as well as on the next issue. So right now it's asked to amend the zoning code and if you agree that it should be then it goes on to the next case.

Mr. Wilson stated ok.

Mrs. Evans stated I have a question. What type of items will you be wholesaling?

Mr. Leggett stated well it's not for me in particular, it's for someone who would like to lease the property. I'd rather not say who it is, but it's not really large or oversized items I would say. I would say it would fit in with what we're doing at the automotive place right beside it. It's very somewhat similar.

Mr. Jones asked is there going to be a lot of big heavy trucks going in there? Huge 18 wheelers?

Mr. Leggett stated no they have one 18 wheeler that will come once a week to make their deliveries; the rest is pickup trucks, vans, and stuff that's good for customers.

Mr. Laramore asked any more questions? Anyone wishing to speak in opposition to this case?

Mr. Laramore closed the Public Hearing.

Mr. Wilson asked basically if my understanding is right, what we're deciding is to amend the code to allow for Special Uses prior to this time if the code is very cut and dry?

Mr. Gillie stated correct.

Mr. Wilson stated so the question that's here is the sentence that most intrigues me is that the difference in intensity is based on the amounts and types of products sold, amount of truck traffic that's near the facility, as well as the amount of square footage necessary to operate. How is that determined? Would all of these cases come to the Planning Commission or to some group to determine whether the intensity is reached at threshold point?

Mr. Gillie stated the intensity is a staff decision, whether it's light versus heavy. If it is a heavy intensity wholesaler then that would come through the Special Use permit through Planning Commission and through City Council. What we as staff look at is the number of vehicles, the size of vehicles, the amount of square footage that's being used, the type of products that may be held at that facility or going in and out of the facility, the potential for any storage materials that go above and beyond what you would find at your usual retail facility, and the type of product. So you can have small wholesale type operations, I'm trying to think of one we may have. Somebody selling items in bulk could be considered wholesale. What they're proposing possibly to do at this facility didn't really fit our needs for a light intensity wholesale establishment, but it would be similar to what occurs in the highway retail commercial district depending on the finality of the product and how the operation works. We felt it was prudent to have it come through the Planning Commission and City Council just to vet it out, give a chance to notify neighbors and everyone that's around and say hey this is what's going on at this property see if anyone has any concerns above and beyond the standards that staff has.

Mr. Wilson asked so really by making it Special Use we're not just saying anything like this goes, we're going to be able to bring it back on a case by case basis?

Mr. Gillie stated correct. It gives the chance for the case by case and it also gives the chance for neighbors and other property owners who might be affected to have a chance to say as opposed to just saying as staff ok we'll allow it to go in there, we feel as though this is a better process.

Mr. Wilson asked so more community input and accountability?

Mr. Gillie stated correct.

**Mr. Wilson made a motion to approve amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986. Mr. Bolton seconded the motion. The motion was approved by a 5-0 vote.**

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

Mr. Holtry read the staff report. 14 notices were sent to surrounding property owners within 300 feet of the subject property. Four responses were not opposed; one response were opposed.

Mr. Laramore opened the Public Hearing.

Mr. Will Leggett was present on behalf of the request.

Mr. Leggett stated my name is Will Leggett and if you have any questions I'll be glad to answer. I will say that this current person we're looking at leasing the property to probably does 20 percent of their sales in retail and 80 percent in wholesale. They are a current business that's in Danville and they're looking just to relocate and have a larger space to do their business out of.

Mr. Laramore asked anyone speaking in opposition of this case?

Mr. Laramore closed the Public Hearing.

Mr. Laramore asked do any of the Commissioners have a question for staff?

Mr. Bolton stated I have a question. Did you put any conditions- one of our options is conditions per staff- you didn't put any conditions on it?

Mr. Gillie stated we did not put any conditions. Again as Mr. Leggett said, the potential is an existing facility here in Danville based on their operation, we didn't feel it was necessary to put it on. Again it's going to grow in size, but even growing in size we don't feel is going to cause a problem at that location. So we don't think the conditions were necessary.

Mrs. Evans asked and the amount of trucks going in, if they're growing, the amount of trucks going in to service them won't be a problem?

Mr. Gillie stated not at that location. Even if they would triple their size, we don't feel that would create anything more than what that facility's already had or what Mr. Leggett has with his existing facility or with what Car Quest has. We don't feel as though it would create any additional problems in that road.

**Mr. Wilson made a motion to approve Special Use Permit Application PLSUP20140000325 as submitted. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.**

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

Mr. Holtry read the staff report. 14 notices were sent to surrounding property owners within 300 feet of the subject property. Four responses were not opposed; one response were opposed.

Mr. Laramore opened the Public Hearing.

Mrs. Gretchen Clarke was present on behalf of the request.

Mrs. Clark stated I am Gretchen Clark from Reynolds, Clark Development the civil engineer that laid the development out for J-Ray Investments so I'm just here to answer any questions you might have.

Mr. Bolton stated the road that's going into it, it says that it's a private road. Do you see that always being a private road or at some point would you be looking to the City to take it over?

Mrs. Clark stated the developer would like for it to remain a private road.

Mr. Gillie stated we're actually going to come back and discuss with you later on. You'll notice that the width of that road is down to 18 feet, our standard width is a 24 foot road. We're looking at possibly changing later down the road the requirements for the width of roadways to better address concerns with storm water management and some other things. With an 18 feet wide road, we couldn't accept it as a public street anyway. So no it's not going to become public and two we're going to ask that you work with them on maybe doing some different designs on the width of the road to begin with. So no it's not going to be ours.

Mr. Bolton asked so for now it's okay to just stay private?

Mr. Gillie stated it's narrower than what we allow now but we think it's good concept and we've been working with the developers on potentially narrowing that down and again

based on initial moderations that came into effect in July, it's one of those things that the City needs to look at anyway.

Mr. Wilson asked so it's a likelihood that it gets widened is that what would be the preferred path here?

Mr. Gillie stated there's very little likelihood that it would get widened unless Planning Commission doesn't want to adopt and allow for a 24 foot wide roadway. We think that may be a way to address some of the storm water issues that we have limiting the amount of impervious surface and improving pervious materials to grass and other things. So we're possibly looking at changing the Code; this is going to be a test case for us to see how it works. We had recently the parking lot that came in front of you where they were doing the grass parking lot with kind of a gravel. We're looking at ways that we'd like to test out a few things on the subdivision.

Mr. Wilson asked and you all are okay with that?

Mrs. Clark stated yes that's something that the developer desires.

Mrs. Evans asked so should we be looking at this today?

Mr. Gillie stated you're looking at the rezoning today just to allow them to change the zoning. We've got a mixture of multifamily threshold residential and they're trying to set up the A-R zoning and then allowing them to develop based on what the A-R zoning is.

Mr. Wilson asked so like this one we dealt with last time this will come back?

Mr. Gillie stated this will come back to you with the final subdivision plat and everything will have to come back to you. Again with the A-R they're proposing to sell these individual units so you will have to approve the sale of the lots for the individual and as part of that we'll look at the roadways and cul-de-sacs and everything else. I just wanted to give you a heads up when you were asking about the roadway question, you'll notice it's wide then narrows and then it gets wider because we're looking at possibly doing some tweaking to the City code to possibly try something like this.

Mr. Laramore closed the Public Hearing.

Mr. Laramore does any of the Commissioners have any further questions for staff?

Mr. Wilson stated I do. You know this sounds great but it kind of raises some of the same questions that came up last time. Are we going to get to see more detail if we approve this, which means it's possible for the project to move forward, are we going to get to see more of what housing's going in there? Maybe some sort of like landscape design or something?

Mr. Gillie stated the subdivision layout, the final layout, will come back to you on how the individual lots are, how the streets are. In this case, the private street itself won't come back but the lots will. The parts of that in improving the Master Development Plan you will get to see more. Right now they don't know how to design it because they don't have the zoning in place. They've got a mixture of multifamily and threshold residential. Those rules are all different so if they would bring you something now based on that, it's going to change as they go through the process. So what they're doing now is just asking can we have it all as

a standard zoning and they can design based on what that standard zoning is. So you do get a chance to look at this again later on, but right now they don't have that. They have some information that they could probably share with you, but it's not the final version that comes here now. They're just trying to figure out how to design it and make sure everything matches what our code is.

Mr. Wilson stated I understand and that's really good. I guess my thing is conversations with neighbors, being able to see some idea of what's actually going in there, and stuff like that I just think is a good act on our part to do that at that next round. I guess what I'm really saying is just encouraging conversation with neighbors, encouraging more visuals and that just helps us make better decisions and it certainly helps with community relations. That's really what our job is to do is make sure when a project goes in that people feel good about it, not just the builders but the neighborhood all around.

Mr. Gillie stated that's why we send out the notification to those property owners affected. We go more than what the State law says. The State law is just adjoining property owners; we go 300 feet above and beyond so we can try to get people involved in the process. I believe they may have contacted the neighbors and he actually lives in the neighborhood, so the people will know him because he's a regular in that area. So as we go through the process again, we'll get the word out more but I think people are pretty aware of what's going on in that area.

Mr. Wilson stated yeah but occasionally we have a case where there aren't efforts made to interact with the neighbors and do that and we're kind of forced to try to do that in here. It just helps everybody along if those kind of interactions take place ahead of time and maybe some of the details get worked out, just kind of encouraging that I guess.

Mrs. Evans stated tagging on to that, I'm not sure if it's appropriate to talk about this now before we vote or after we vote, but I'm concerned about making decisions about this like we had last month with a two day notice of a packet. I know you post in the newspaper, you advertise it at least two weeks in advance. I would like to see the Planning Commission to receive a packet two weeks in advance to at least give us time to view it. There's lots of times when I go on vacation and I get back on Sunday and I have the meeting on Monday, I have not had time to review and to ride around and look at properties.

Mr. Gillie stated okay, we will try for two weeks in advance. We've been trying this new electronic system to hit at least a week in advance. We've had some technical difficulties with our system.

Mrs. Evans stated I'm not just talking about, this has been ongoing for me for a long time. It's just not recently.

Mr. Gillie stated if we send out the notices two weeks in advance so we'd be making decisions before we actually heard from some of the neighbors ourselves. We try to wait and send out the response letters and while we give time to receive those response letters, we like to get a feel for anything when people are calling in before we make our final decision. What we would have to do to try and get them out that far ahead of time is probably move our cutoff dates because today's the cutoff date for the January meeting which is only four weeks from now. So in effect, staff would have to have a packet to you from today, we'd only have two weeks to process something and we would not be able to notify the adjacent property owners or anything else and get the responses back to help us

shape our recommendations to you. I guess we'll have to do some internal changes to our schedule and maybe make the cutoff a month and that's going to increase the time that it takes to come to you. We can work on it but I'm not quite sure how it's all going to work out. That may be something where we have to sit down with Planning Commission in a work session and figure out a better way to do it.

Mrs. Evans stated I know it will increase the time, but I think for something as important as what we do I'm not really sure that that makes a lot of difference for the future and where we're going.

Mr. Laramore asked any other questions?

Mr. Jones asked is there a City Code that says when applications are supposed to be in and cutoffs dates and things like that?

Mr. Gillie stated there's not a Code section that says when it comes in. we are bound by what the State law says and the State law says we are to advertise two weeks before the meeting and a week before the meeting. Then the newspaper has a week deadline prior to the meeting actually being advertised, so three weeks out is what we need as our final cutoff so that's why we set our cutoff as a week beforehand to give us a chance to process and write up the legal ads, get it to the newspaper so it can run and hold the meeting. So as staff, we're time crunched as well which is why sometimes gets to you a little later and if we have technical difficulties that throws a wrench into the whole thing. If we want to get the packets that far ahead, we're going to have to push deadlines earlier. There's nothing in the Code that says we can't, it's just we try to make the process as quick as possible for people. That's one of the things we hear that's good about us is how quickly we can move through things. We would slow that down, but it may be possible. It's probably something we should sit down and have a work session on and say these are all the various dates and see what we have. Depending on how the request is set up, maybe we can do some sort of trigger system that if it goes one way it's fast tracked and if it's another thing then it's in a different path. I don't know without looking at it further.

Mr. Jones stated one other question. Say for a January meeting, when are you going to send out the notices to the property owners within 300 feet of an agenda item in January.

Mr. Gillie stated hang on one second let me get my calendar up. And this is probably something we should be talking about in the other business at the end, but I'll still answer your question in the moment.

Mr. Wilson stated well it does help us though think about this particular case or ones like it.

Mr. Gillie stated the January meeting is scheduled for January 12<sup>th</sup>, which means I have to have my ads to the newspaper by the 22<sup>nd</sup> for them to run on the 29<sup>th</sup> and 5<sup>th</sup>, but the newspaper because of the holidays would probably require that ad to be there the week of the 15<sup>th</sup>-18<sup>th</sup> so probably around the 17<sup>th</sup>. So today's the 8<sup>th</sup> and if today's the cutoff, I have to have my stuff to the newspaper in less than a week. We're sending out letters the week of the 15<sup>th</sup>. Two weeks before that meeting means you would have your report on the 22<sup>nd</sup>. So I've sent the report to Planning Commission making recommendations yes or no before I've even had a chance to hear from the neighbors because we can't get the letters out until about probably the 15<sup>th</sup> or 16<sup>th</sup> so that means the neighbors only have one or two days to decide, send it, and get it back to us. It compresses the time frame quite a lot if we want to

try and do that. Again it may be possible, I think if we're going to go that route we should look at different tracks. If it's one way we do it as one track, if it's a very simple change we do it as another track; but that's something we'd have to work out.

Mr. Wilson stated I would be really open to a work session because I do think this is a bit of an issue. City Council knows what we do then they have a whole month to think about it, if they're going to think about it; but we kind of have this short window here. I suppose we could use tabling if we're uncomfortable with something as a way to go ahead put it forward. You hate to do that when you have applicants out here ready to get on with their business and get on with things. So I would really welcome a sit down meeting and try to think of various options that would work for you because it sounds like you all already have a lot of pressure on you to get stuff out within the timeframe. We don't want to add to that, we just really want to make good decisions that's all and think through things. I think we've had some cases where, I know I was uncomfortable with the case last week where something like neighbors should have been considered and things like that. A little more time to have thought about through would have helped if that makes more sense. Yeah I would welcome that.

Mr. Gillie stated I think the work session would be a good idea just because again where they've asked for the narrower driveway and some other things. We've got some Code issues that we have to work our way through, so a work session to allow us to talk about those things and also changes to the State law and how they've impacted some of the stuff in the Code that we're going to have to be tweaking. So I think that would be good if you could get your schedules in January and let us know, we could advertise and I think we could probably set up a good meeting.

**Mr. Wilson made a motion to approve Special Use Permit Application PLRZ20140000326 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.**

## **II. MINUTES**

**Mr. Bolton made a motion to approve the November 10, 2014 minutes with a name change made by staff. The motion was approved by a unanimous vote.**

## **III. OTHER BUSINESS**

Mr. Gillie announced that this would be Mr. Laramore's last meeting and thanked him for his service to the Planning Commission.

Mr. Gillie set a work session for January 12, 2015 at 7:00 p.m. with Planning Commission to discuss potential changes to the process of sending out notices for future meetings.

With no further business, the meeting adjourned at 3:47 p.m.

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APPROVED