

PLANNING COMMISSION MINUTES

May 7, 2012

MEMBERS PRESENT

Mr. Wilson
Mr. Griffith
Mr. Jones
Mr. Scarce

MEMBERS ABSENT

Mr. Jennings
Mrs. Evans
Mr. Laramore

STAFF

Renee Blair
Ken Gillie
Christy Taylor
Emily Scolpini

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

Mr. Scarce stated we are going to wait a few minutes before doing the Public Hearing, since the applicant is scheduled to be here. There is an item scheduled not for Public Hearing.

I. ITEMS NOT FOR PUBLIC HEARING

Staff recommendation that Planning Commission hold future public hearings on amendments to the Zoning Code to comply with changes to State Code, a settlement between Federal Government and Commonwealth of Virginia on providing housing of persons with disabilities and other general code amendments.

Ms. Blair read the staff report.

Mr. Scarce stated I guess all we need to do is have a motion on that item.

Mr. Gillie stated correct. In order to change the Zoning Code, it can be based on recommendation by the Planning Commission to City Council; so what Planning Commission can do is recommend that we advertise for Public Hearing. We will hold the Public Hearing probably at our June meeting, June 11th I believe is the date, then open it up, everyone can come and speak, and then Planning Commission can take whatever action they deem necessary. Right now we just want to get it out there and start the process.

Mr. Griffith stated I have one question on the last statement that says "staff received the plans for use of private property downtown areas for skateboarding." Is that people trespassing on private property when skateboarding without the owner's permission or are they using it with the owner's permission?

Mr. Gillie responded we have received complaints from both, damage and destruction to public property or private property, we have also had issues where it is known that they are using it with access to it from public properties on sidewalks and other things that have been causing some issues. We just want to look at this and see if it is something we can address through the Zoning Code.

Mr. Griffith asked I was wondering if a private property owner gave someone permission to skateboard on their property are we in a position to do something about that?

Mr. Gillie responded we are still in a position to do something about that if this is amended in the Zoning Code. In effect, you can designate an area where it is not permitted period be it on public property as well as on private property. It is similar to anything else we do in zoning where we say

you can't have a car wash or a car dealership or something in a residential district. In effect, you couldn't have this use occur in the Downtown area.

Mr. Griffith made a motion to recommend that Planning Commission hold public hearings as proposed by staff. Mr. Wilson seconded the motion. The motion was approved by a 4-0 vote.

Mr. Gillie stated just for the record, these may come at the next meeting or these may be for a future meeting. We just wanted to let you know, so we can get the process rolling and advertise them. We are still working with the groups on the skateboarding issue. The other issues, we believe we will have those ready for next month. This will be an ongoing process.

II. MINUTES

Mr. Wilson made a motion to approve the April 10, 2012 minutes. Mr. Griffith seconded the motion. The motion was approved by a 4-0 vote.

Mr. Jones asked can you give me in a 25 words or less summary what are the skateboard laws in the City?

Mr. Gillie responded currently my understanding is there are not many. You can skateboard on streets. You can on private property if permitted. I am not sure if they are allowed on sidewalks. I know you can't bicycle on sidewalks, but I am not sure about skateboards on sidewalks. This issue has come up in front of the Police Department and they have asked to work with Zoning on fixing it. That is where we are going. That is why I say that we are going to be working on this issue. This is not just cut and dry.

Mr. Jones asked what if they go into an old parking lot, like down in front of the old Value City or something like that? Is it based on the ownership whether they decide to let them or not?

Mr. Gillie responded that would be based on the ownership and that wouldn't be in the Downtown area. We are looking at just the Central Business and Tobacco Warehouse District. It is just the Downtown area. It is not City wide. That is why the City operated a skate park in Dan Daniel, they didn't want to do anything. They didn't want to impact the ability to have a skate park. We didn't want to do anything that would impact the residential areas out on West Main, Westover, and all of the other areas. The concern was just with folks Downtown and in the Tobacco Warehouse District, people walking on the sidewalks, and issues that have come up there.

Mr. Griffith stated I understand. I just don't want to do something that is going to affect private property like saying that my grandson couldn't skateboard in my driveway.

Mr. Gillie stated no, it is not designed to go into the driveway of the residential districts. It is just to be in certain areas Downtown.

Mr. Griffith asked there would be certain restrictions?

Mr. Gillie responded there would be certain restrictions. Again, that is what we are talking about at the moment. We don't have any hard and fast this is what it is going to be. It is just getting it out there and start going through that process.

III. ITEMS FOR PUBLIC HEARING

1. *Code Amendment Application PLCA20120000143, filed by Gus W. Dyer III, requesting a Code Amendment to Article 3.F, Section E. 8. B. of the Code of the City of Danville, Virginia, 1986, as amended to reduce the amount of required rear privacy yard from 200 sq. ft. to 100 sq. ft. on attached residential units sold individually in the A-R Attached Residential District.*

Miss Scolpini read the staff report.

Open the Public Hearing.

Present on behalf of the request was Mr. Gus Dyer III. Mr. Dyer stated I apologize for the way I look and not being prepared, but the City's website says that this meeting was scheduled for the 14th. What we are trying to do here and I believe it says a minimum of 200 square feet. What has happened is when you develop a project like when I developed Oak Park, which is across from Windsor Heights; you basically have to develop the whole site plan as one deal before you can start the entire project. What happens as you progress along the project like I have, I have been in this project for about three years. You find that there are things that you would like to change. One of those things is that there has been a desire for a lot of the purchasers to have a sunroom added to the back of their unit. When we planned the project, we actually planned it so that we had 360 square feet of yard that goes with the unit in the back, which we assumed would be more than sufficient to take care of everything we would need. What we have found out is you have compressors for your air conditioner, electric meter boxes, and gas meter boxes. All of those things have to be five feet away from each other. A lot of that space is taken up with those items. They have to be where they can be accessed for service and things like that. What we found out is that 360 square feet is not as convenient as we thought it would be. What we are asking and I think Ken acknowledged when I talked to him before, when they developed these regulations they sort of just pulled 200 square feet out of the air to see how it would work. I am sure that all of you are aware that some things are going to need to be tweaked. This is one of the things that we think probably needs to be tweaked. We are not reducing the amount of open space that people have, because I have 32 units on over 5 acres. We have got a lot of open space. It is just what has been officially declared as privacy yard, the yard that is fenced in for that sole unit. To my mind, if they don't want it, I don't know why that can't use it for something else. Do you have any questions?

Mr. Griffith asked on these where you talk about having a minimum of 100 square feet, if I had one of these units we are talking about basically I guess the width of the unit itself, say 20 feet.

Mr. Dyer responded the unit itself is 30' wide and so what we did is extended the property line back 12' beyond the rear of the building. We have 360 square feet that the person actually purchases with the unit. Now beyond that point we have infrastructure in for the entire project. We have gas lines; we have sidewalk and things like that. We can't just take the property line and move it back, because then we would be incorporating those infrastructure features onto that person's lot, which we don't want to do. When we developed this plan, like I say I have been working on this thing since 2002, and when we developed the site plan, the location of sidewalks, water lines, sewer lines, gas lines, all of that was predetermined before we actually broke ground on the project. Those things we can't move and even though the buildings haven't been built yet, those things are already in there and we can't move those items. Basically we are stuck with that 12' beyond back behind the 30' wide unit. We assumed that would be enough to accommodate a 200 square foot privacy yard plus all of the other space we would need. I was not anticipating at the time that there would be so much demand for these sunrooms.

Mr. Griffith stated my concern is if the unit is 30' wide, we would be looking at a backyard that is 30' by what would that be?

Mr. Dyer responded 12' deep.

Mr. Griffith stated that would be 360. If we are reducing this down to 100', my concern is say a minimum of 100', not yours necessarily, but somewhere down the road we are allowing someone to build one that is going to have a yard space of 30' or if a unit is 20' x 20', only 5' deep. You wouldn't even have room enough to put a grill out there.

Mr. Dyer stated my response to that is that is going to be a market driven concern. I mean nobody is going to buy anything like that, so nobody is going to build a unit like that. I mean people are going to get what they want. If you want the 200 square feet, we already have the 200 square feet. When I sell a unit, it is sold with a 200 square foot unit in the back. What happens is after somebody comes and purchases a unit, they want to make some additions on the back of the building.

Mr. Scarce stated they would rather have a sunroom than grass.

Mr. Dyer stated the other thing is that there are restrictions on this type of thing as far as density. I think it is limited to 8 units per acre. You are being guaranteed a little over 5,000 square feet for each unit. We have a lot of common living space. We have a large common area that nobody owns individually. What we are talking about is what the people own individually with their unit. If they want to get out and lay out in the sun, run around with the dog, or something like that, we have space for that. This is just basically what the Code is required to have.

Mr. Griffith stated I understand that. I am just concerned about reducing the minimum to a point. Does this include, does it have to be grass area?

Mr. Dyer responded actually it is not grass area; it is a concrete pad area with stone around it.

Mr. Griffith stated I am just concerned that if we are looking at no more than say 100 square feet, but you say that it is market driven and not necessarily what you would build.

Mr. Dyer stated if somebody wants a 500 square foot backyard.

Mr. Griffith stated we would have 30' x 3' is basically what we would be looking at.

Mr. Dyer stated yeah, there are a lot of particular ways to sort of get around it. I think I asked Ken one time if it actually had to be contiguous. Even now the Code allows you to have 100' on one side and 100' on the other. It is what it is.

Mr. Jones stated so what you are basically saying is somebody buys a piece of property with a backyard they ought to be able to do what they want to do with their backyard within reason.

Mr. Dyer stated within reason. When the regulations were being developed the City thought 200 square feet was within reason. Now we are thinking maybe 100 square feet is within reason. I can understand the point that they don't want to get these things so crammed in together and nobody has any personal space. If you have a barbeque grill and you want some place to have your barbeque grill you need to have spaces like that. What we found in particularly is that most of these homes belong to elderly folks and they don't spend a lot of time outside. They don't lay out in the sun. They don't have hot tubs. They don't grill out. They are actually looking for a little more

indoor/outdoor space. The sunrooms look really nice. They are glassed on three sides, so people get a view of the woods and the wildlife. They're not doing a whole lot of sunbathing. Garbage collection is all out on the street, so most people keep their garbage cans in the garage. There is no need for that.

Close the Public Hearing.

Mr. Jones made a motion to recommend approval of Code Amendment Application PLCA20120000143 as submitted. Mr. Wilson seconded the motion. The minutes were approved by a 4-0 vote.

IV. OTHER BUSINESS

Mr. Gillie stated the items that you had at your March 12th meeting were all approved by City Council. I have had what I hope was the last conversations with our consultant for our long range plan. He is fixing a few things and addressing a few things. Hopefully we will have the final draft by the end of this month. That should be coming to you guys to look at very soon. We do have cases for next month, so there will be a meeting.

With no further business, the meeting adjourned at 3:25 p.m.

APPROVED