



City of Danville

427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

NOVEMBER 9, 2020

3:00 P.M.

SECOND FLOOR CONFERENCE ROOM

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING
 1. *Special Use Permit Application PLSUP20200000215, filed by applicants Jim and Kathy Cropp and current property owner ETENESCH & M LLC, requests a Special Use Permit for a restaurant in accordance with Article 3.I Section C.15. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1050 Main Street (Parcel ID#21618), otherwise known as Grid 1720, Block 010, Parcel ID#000009, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for a restaurant in the TO-C Transitional Residential/Office Zoning District.*
 2. *Special Use Permit Application PLSUP20200000220, filed by property owner William Soyars Jr., requests a Special Use Permit for accessory buildings (i.e., barn, stable, silo, corn crib, etc.) or accessory uses without a primary building being located on the parcel in accordance with Article 3.B Section C.19 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, Parcel ID#74720, otherwise known as Grid 3709, Block 003, Parcel ID#000003, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for accessory buildings without a primary building in the T-R Threshold Residential Zoning District.*
- IV. DANVILLE 2030 COMPREHENSIVE PLAN REVIEW
- V. APPROVAL OF MINUTES FROM OCTOBER 13, 2020
- VI. ADJOURNMENT



City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

STAFF REPORT

MEETING DATE: NOVEMBER 9, 2020

RE: SPECIAL USE PERMIT APPLICATION - 1050 MAIN STREET

Special Use Permit Application PLSUP20200000215, filed by applicants Jim and Kathy Cropp and current property owner ETENESCH & M LLC, requests a Special Use Permit for a restaurant in accordance with Article 3.I Section C.15. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1050 Main Street (Parcel ID#21618), otherwise known as Grid 1720, Block 010, Parcel ID#000009, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for a restaurant in the TO-C Transitional Residential/Office Zoning District.

BACKGROUND

The applicant requests a Special Use Permit for a restaurant at 1050 Main Street. They plan on moving their King Cropp restaurant to this location and making building improvements. They presented the proposed improvements to the Commission for Architectural Review and received their Certificate of Appropriateness on October 22, 2020.

23 notices were sent to surrounding property owners within 300' feet of the subject property. The Planning Division will present a complete report at the November 9, 2020 Planning Commission meeting.

STAFF ANALYSIS AND RECOMMENDATION

The property owner applied to the Planning Division for a Special Use Permit.

The Planning Commission may grant a special use permit for a restaurant in the in the TO-C Transitional Residential/Office Zoning District. (Chapter 41 Zoning Ordinance, Article 3.I. §C.15.). The City of Danville Zoning Ordinance provides Special Use Permit review standards (Chapter 41 Zoning Ordinance, Article 6. §B.1-4.).

The Comprehensive Plan puts the subject property in the River District Community Commercial planning area. The future land use designation for the subject parcel 'Community Commercial'. If approved, the Special Use Permit is in harmony with the Transitional Residential/Office District's purpose and intent to provide for the location of office and other non-retail uses in a low intensity development patterns. The district is intended to provide opportunities for offices and businesses within areas of Danville which are in transition from stable residential neighborhoods to intensive, non-residential uses.

The neighboring properties include multiple-family residential, office, commercial and institutional, uses. If granted, this proposed Special Use Permit is in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development, is adequately serviced by streets, drainage, fire protection and public water + sewer, will not negatively impact any ecological, scenic, or historic community assets, and will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

Danville City Code allows City Council impose any conditions necessary to assure that the proposed use will conform to zoning ordinance requirements. The Planning Division recommends the Planning Commission endorse Special Use Permit Application PLSUP20200000215 for City Council approval with the following condition:

1. The applicant must comply with the Certificate of Appropriateness granted by the Commission of Architectural Review on October 22, 2020.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend continuation of Special Use Permit Application PLRZ20200000215 to a future meeting.
2. Recommend approval of Special Use Permit Application PLRZ20200000215 as submitted.
3. Recommend approval of Special Use Permit Application PLRZ20200000215 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLRZ20200000215.

ATTACHMENTS

- ✓ Application
- ✓ Data Sheet
- ✓ Property Ownership/Zoning Map
- ✓ Aerial View
- ✓ Future Land Use Map

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: 1050 Main Street from TOC to Special Use so we can
move our restaurant, King Cropp, to this location

CASE NUMBER: _____

EXISTING ZONING: TOC Transitional Office

PROPOSED ZONING: Commercial

TAX MAP NUMBER: 21618

RECEIVED BY: _____

DATE FILED: 9/21/2020

PLANNING COMMISSION DATE: _____

CITY COUNCIL DATE: _____

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

Exact legal description of property (Attach if insufficient space). Parcel 10: 21618, 5251 sq. foot
building on 0.2 acres, Land Code Commercial, Tax Map 1720-010-000009.00
50 ft NO A main Street

Gross Area/Net Area: 8750 Property Address: 1050 Main Street

Property Location: N S E (W) Side of: Main Street

Between: Broad and Holbrook

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas. *shared parking w/ nursery*
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided. *clinic*
3 on street, 13 designated spaces
- Net acreage. *0.2 acres*
- Gross and net square footage of building (s) (proposed and existing). *5251 sq ft*
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

We want to remodel the 1st floor so it includes a fully professional kitchen. We would remodel another room by adding a bar, the rest would be painted and repairs made to various parts. Adding ADA bathroom.

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

1. NAME: *Daniel Addis* TELEPHONE: *(336) 681-0340*
MAILING ADDRESS: *421 Old Spring Rd*
SIGNATURE: *[Signature]* DATE: *9/21/22*
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: *Jim + Kathy Cropp* TELEPHONE: *434-797-1063*
MAILING ADDRESS: *162 College Avenue*
EMAIL ADDRESS: *kgcropp162@gmail.com* *CROPPJIM@GMAIL.COM*
SIGNATURE: *[Signature]* *Kathy Cropp* DATE: *9/21/2020*

Parcel ID: 21618
Address: 1050 MAIN ST
Owner: ETENESCH & M LLC
 421 OLD SPRING RD L-17
 DANVILLE, VA 24540
Mail-To: ETENESCH & M LLC
 421 OLD SPRING RD L-17
 DANVILLE, VA 24540



Value Information	
Land / Use:	\$43,800
Improvement:	\$204,700
Total:	\$248,500.00

Building Information	
Year Built:	1940
Total Rooms:	0
Bedrooms:	0
Full Bathrooms:	0
Half Bathrooms:	0
Finished Square Feet:	5,251

Additional Information			
State Code:	4281 Professional & Misc	Approx Acres:	0.2
Land Use:	Commercial	Legal Description:	50 FT NO A MAIN ST
Tax Map:	1720-010-000009.000	Zone:	TOC Transitional Office
Notes: Card 01: Vacant building. (Map 70-7-39)			

Building

Building Information - 1			
Property Class:	Commercial	Finished Square Feet:	5,251
Style:	No Data	Basement Square Feet:	0
Year Built:	1940	Total Rooms:	0
Condition:	No Data	* Bathrooms are not included in total room count	
Story Height:	No Data		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
No Data		100 %	
Single -Stucco on Wood Frame		100 %	
Warmed and Cooled Air		100 %	

Improvements

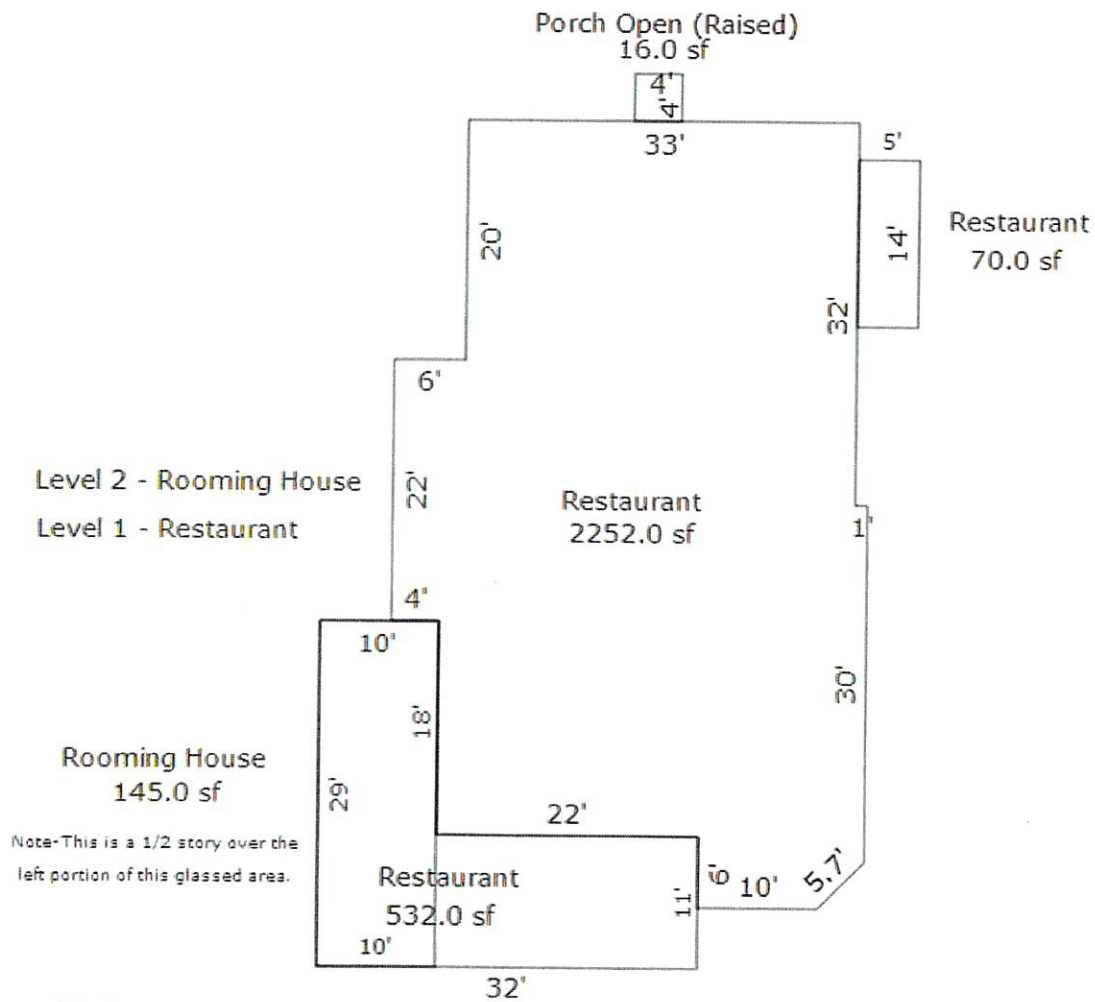
Bldg #:	Improvement:	Size:
1	Asphalt Paving	2,800
1	Porch Open (Raised)	16
1	Porch Open (Raised)	25
1	Porch Open (Raised)	180

Land

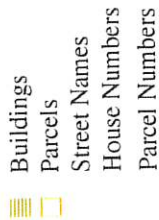
Land Code:	CS01 Com Per Sq Ft	Rate:	\$5
Acres:	0.2	Adj. Rate:	\$5
Sq. Ft.:	8,750	Base Value:	\$43,750
Front:	0	Adj. Amount:	\$50
Effective Front:	0	Value:	\$43,800
Depth:	0		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 05	3236	\$0	7/1/2005	ADDIS DANIEL	ETENESCH & M LLC
D 05	329	\$115,000	1/21/2005	DANVILLE UROLOGIC CLINIC	ADDIS DANIEL & KIM NAMEE
D 530	137	\$0	1/29/1974	No Data	No Data

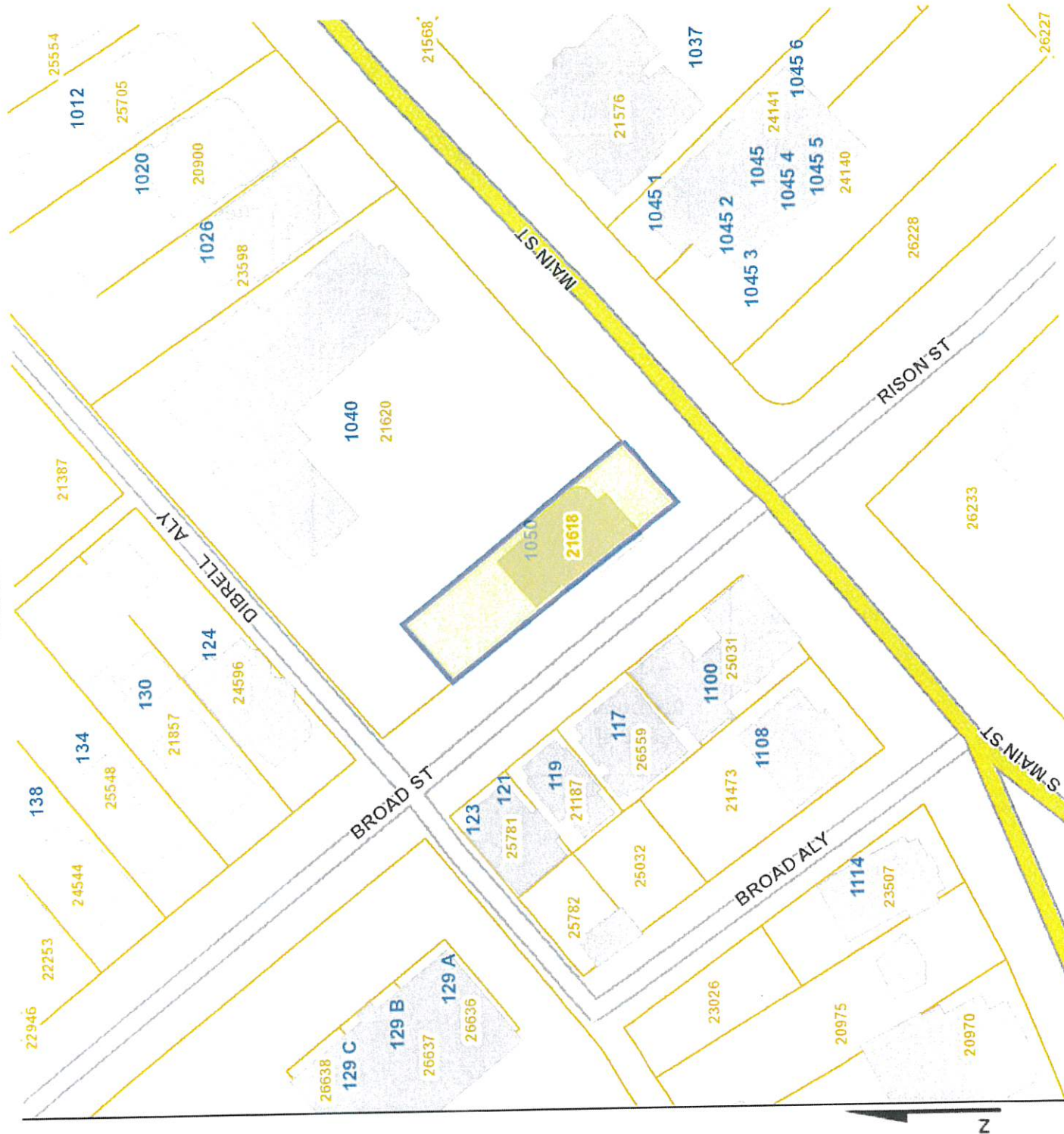


Sketch by Apex Medina™



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Date: 9/19/2020



SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP20200000220

PUBLIC HEARING DATES: PLANNING COMMISSION AT 3PM
NOVEMBER 9, 2020

LOCATION OF PROPERTY: WEST SIDE OF KINGOFF DRIVE, APPROXIMATELY
1,150' FEET NORTH OF INTERSECTION WITH
LEXINGTON AVENUE.

PRESENT ZONE: TO-C TRANSITIONAL OFFICE COMMERCIAL

PROPOSED ZONE: NO CHANGE

ACTION REQUESTED: THE APPLICANT REQUESTS A SPECIAL USE PERMIT FOR A
RESTAURANT USE IN THE TRANSITIONAL OFFICE
COMMERCIAL ZONING DISTRICT.

**PRESENT USE OF
PROPERTY:** VACANT

**PROPOSED USE OF
PROPERTY:** RESTAURANT

**FUTURE LAND USE
DESIGNATION:** PLANNING AREA 7 – RIVER DISTRICT
COMMUNITY COMMERCIAL

PROPERTY OWNER (S): ETENESCH & M LLC

NAME OF APPLICANT (S): JIM AND KATHY CROPP

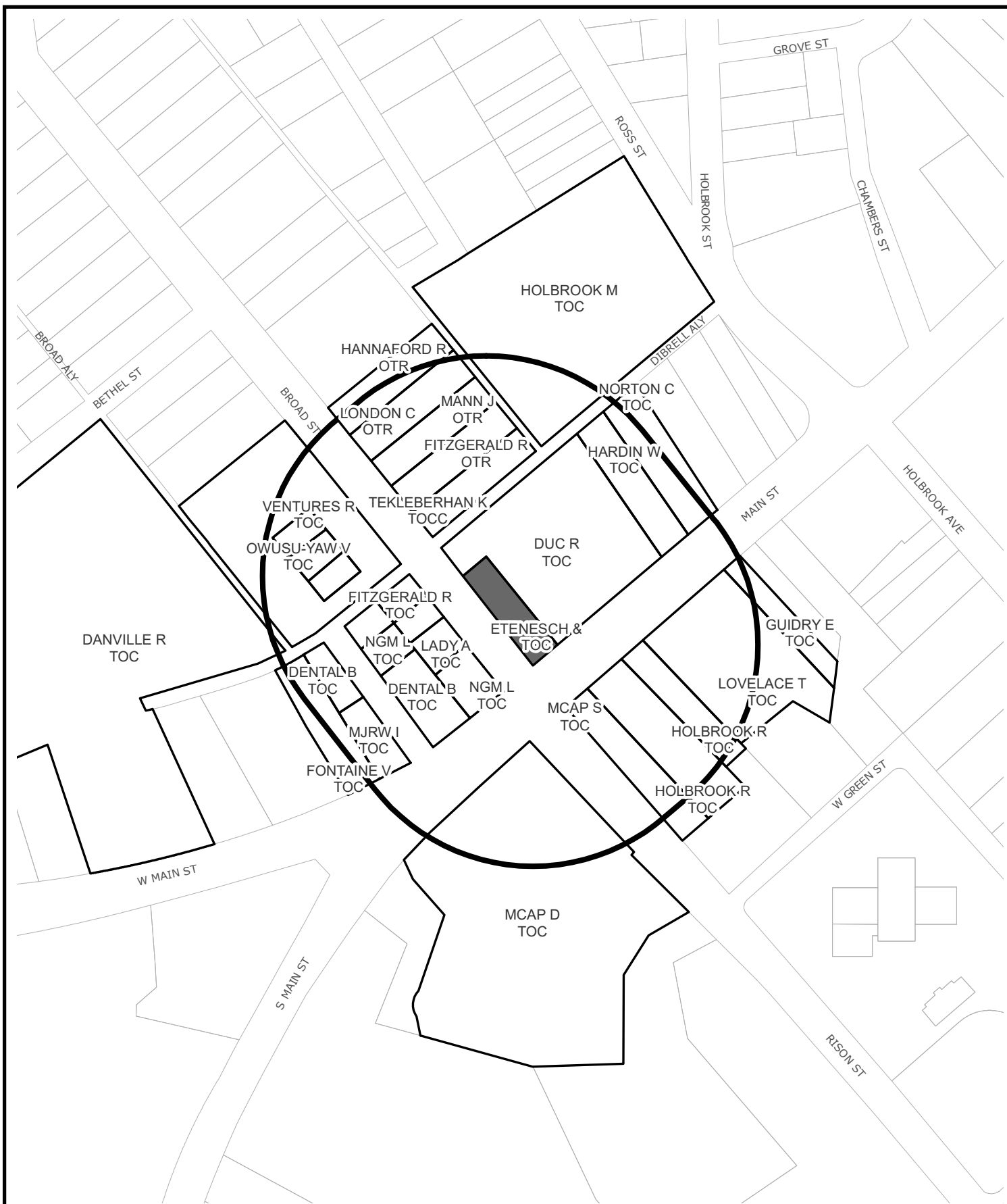
PROPERTY BORDERED BY: MEDICAL OFFICES TO THE NORTHEAST AND
ACROSS MAIN STREET TO THE SOUTHEAST,
MULTIPLE FAMILY ACROSS BROAD STREET TO THE
SOUTHWEST, FORMER BED AND BREAKFAST TO THE
NORTHWEST.

PROPERTY SIZE: ~0.2 ACRES

CHARACTER OF VICINITY: MEDICAL OFFICES, MULTIPLE-FAMILY RESIDENTIAL,
SINGLE-FAMILY NEIGHBORHOOD NORTH ON EAST
SIDE OF BROAD STREET.

INGRESS AND EGRESS: BROAD STREET, DIBRELL ALLEY

TRAFFIC VOLUME: 8,800 (2019 VDOT AADT)



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/26/2020

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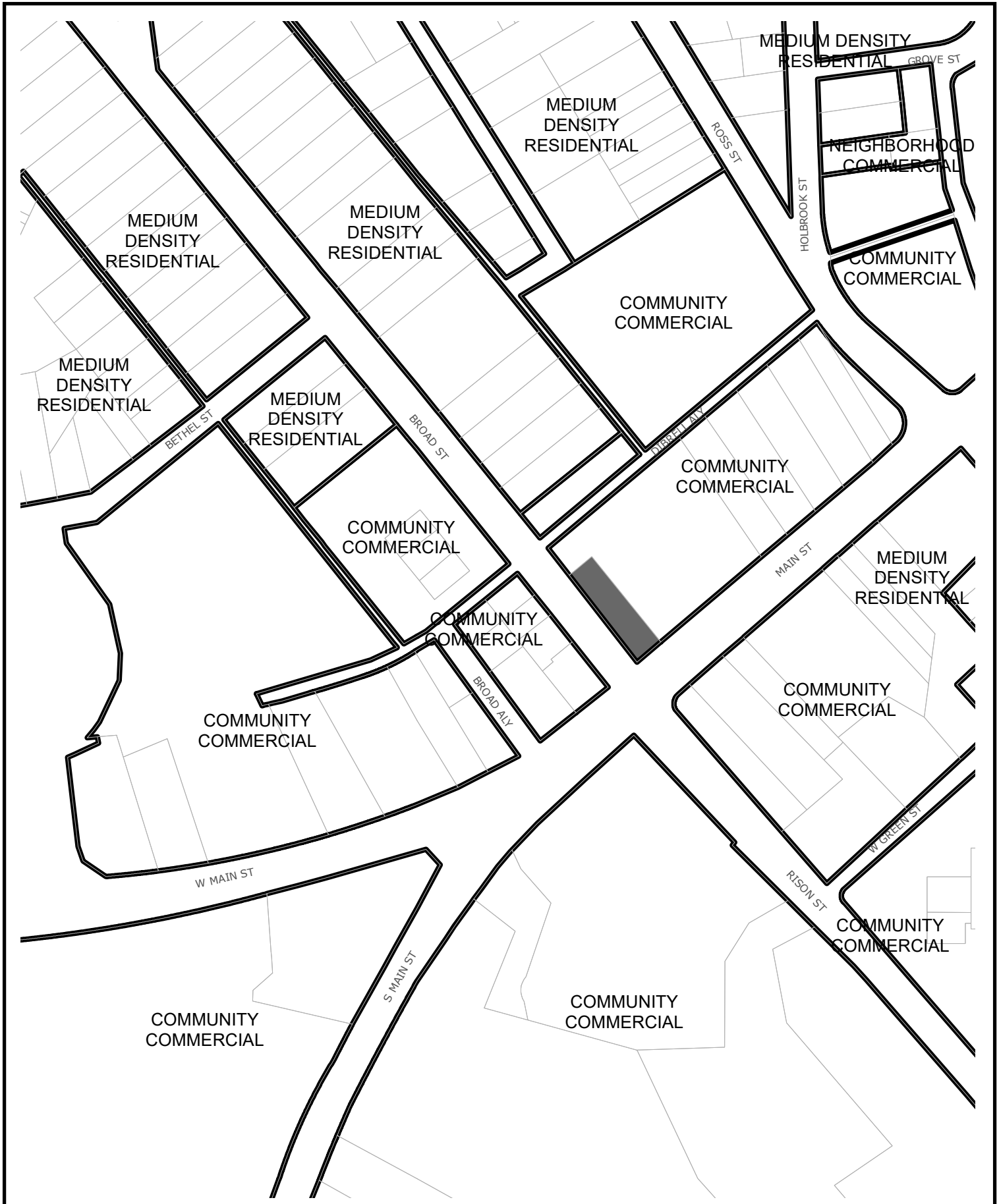


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
10/26/2020

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
10/26/2020

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City of Danville
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Phone: (434) 799-5260

City Planning Commission

STAFF REPORT

MEETING DATE: NOVEMBER 9, 2020

RE: SPECIAL USE PERMIT APPLICATION - TBD KINGOFF DRIVE

Special Use Permit Application PLSUP20200000220, filed by property owner William Soyars Jr., requests a Special Use Permit for accessory buildings (i.e., barn, stable, silo, corn crib, etc.) or accessory uses without a primary building being located on the parcel in accordance with Article 3.B Section C.19 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, Parcel ID#74720, otherwise known as Grid 3709, Block 003, Parcel ID#000003, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for accessory buildings without a primary building in the T-R Threshold Residential Zoning District.

BACKGROUND

The applicant requests accessory buildings without a primary building on his Kingoff Drive property. They store items in the sheds and applied for electrical service. The applicant states they would like to eventually put a dwelling on the property.

Twelve (12) notices were sent to surrounding property owners within 300' feet of the subject property. The Planning Division will present a complete report at the November 9, 2020 Planning Commission meeting.

STAFF ANALYSIS AND RECOMMENDATION

The property owner applied to the Planning Division for a Special Use Permit.

The Planning Commission may grant a special use permit for an Accessory building (i.e., barn, stable, silo, corn crib, etc.) or accessory use without a primary building being located on the parcel in the T-R Threshold Residential Zoning District. (Chapter 41 Zoning Ordinance, Article 3.B. §C.19.). The City of Danville Zoning Ordinance provides Special Use Permit review standards (Chapter 41 Zoning Ordinance, Article 6. §B.1-4.).

The Comprehensive Plan puts the subject property in the South Boston Road planning area. The future land use designation for the subject parcel 'Low Density Residential'. If approved, the Special Use Permit is in harmony with the Threshold Residential District's purpose and intent to provide for single family detached residences at relatively low densities which are compatible with the Comprehensive Plan's goals for large lot residential development in selected locations in Danville.

The neighboring properties are large-lot residential in nature. If granted, this proposed Special Use Permit is in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development, is adequately serviced by streets, drainage, fire protection and public water + sewer, will not negatively impact any ecological, scenic, or historic community assets, and will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

Danville City Code allows City Council impose any conditions necessary to assure that the proposed use will conform to zoning ordinance requirements. The Planning Division recommends the Planning Commission endorse Special Use Permit Application PLSUP20200000220 for City Council approval with the following condition:

1. The property may only have accessory buildings and uses limited to toolsheds, children's playhouses, and play structures as allowed in Chapter 41 Zoning Ordinance, Article 3.B. §B.2. Specifically, there must be no commercial use on the property.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend continuation of Special Use Permit Application PLRZ20200000220 to a future meeting.
2. Recommend approval of Special Use Permit Application PLRZ20200000220 as submitted.
3. Recommend approval of Special Use Permit Application PLRZ20200000220 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLRZ20200000220.

ATTACHMENTS

- ✓ Application
- ✓ Data Sheet
- ✓ Property Ownership/Zoning Map
- ✓ Aerial View
- ✓ Future Land Use Map

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:

I USE THESE BUILDINGS FOR MY WORK AND STORAGE
I NEED POWER FOR SECURITY LITE. AND TOOLS
I INTENT TO PUT SOME SORT OF DWELLING
AT SOME POINT AND TIME

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

1. NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: William Soyars TELEPHONE: 434-251-6800

MAILING ADDRESS: 144 Garden Grove ST DANVILLE VA. 24541

EMAIL ADDRESS: _____

SIGNATURE: William S Soyars DATE: 9/24/20

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING
USE: _____

CASE NUMBER: _____

EXISTING ZONING: _____

PROPOSED ZONING: _____

TAX MAP NUMBER: _____

RECEIVED BY: _____

DATE FILED: _____

PLANNING COMMISSION DATE: _____

CITY COUNCIL DATE: _____

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

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

Gross Area/Net Area: _____ Property Address: _____

Property Location: N S E W Side of: _____

Between: _____ and _____

Proffered Conditions (if any, please attach): _____

SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP20200000220

PUBLIC HEARING DATES:	PLANNING COMMISSION AT 3PM NOVEMBER 9, 2020
LOCATION OF PROPERTY:	WEST SIDE OF KINGOFF DRIVE, APPROXIMATELY 1,150' FEET NORTH OF INTERSECTION WITH LEXINGTON AVENUE.
PRESENT ZONE:	T-R THRESHOLD RESIDENTIAL
PROPOSED ZONE:	NO CHANGE
ACTION REQUESTED:	THE APPLICANT REQUESTS A SPECIAL USE PERMIT FOR ACCESSORY BUILDINGS WITHOUT A PRIMARY BUILDING IN THE T-R THRESHOLD RESIDENTIAL ZONING DISTRICT.
PRESENT USE OF PROPERTY:	VACANT
PROPOSED USE OF PROPERTY:	ACCESSORY STORAGE BUILDINGS
FUTURE LAND USE DESIGNATION:	PLANNING AREA 9 - SOUTH BOSTON ROAD REDEVELOPMENT AREA 1 – LOW DENSITY RESIDENTIAL
PROPERTY OWNER (S):	WILSON DOROTHY C & SOYARS VIC LANE & WILLIAM S
NAME OF APPLICANT (S):	WILLIAM S SOYARS
PROPERTY BORDERED BY:	DANVILLE EXPRESSWAY TO THE EAST, SINGLE FAMILY RESIDENTIAL TO THE SOUTH AND WEST, AND VACANT TO THE NORTH
ACREAGE:	~2.4 ACRES
CHARACTER OF VICINITY:	SINGLE FAMILY RESIDENTIAL, VACANT
INGRESS AND EGRESS:	KINGOFF DRIVE, LEXINGTON AVENUE
TRAFFIC VOLUME:	VERY LIGHT (NO COUNT AVAILABLE)



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/26/2020

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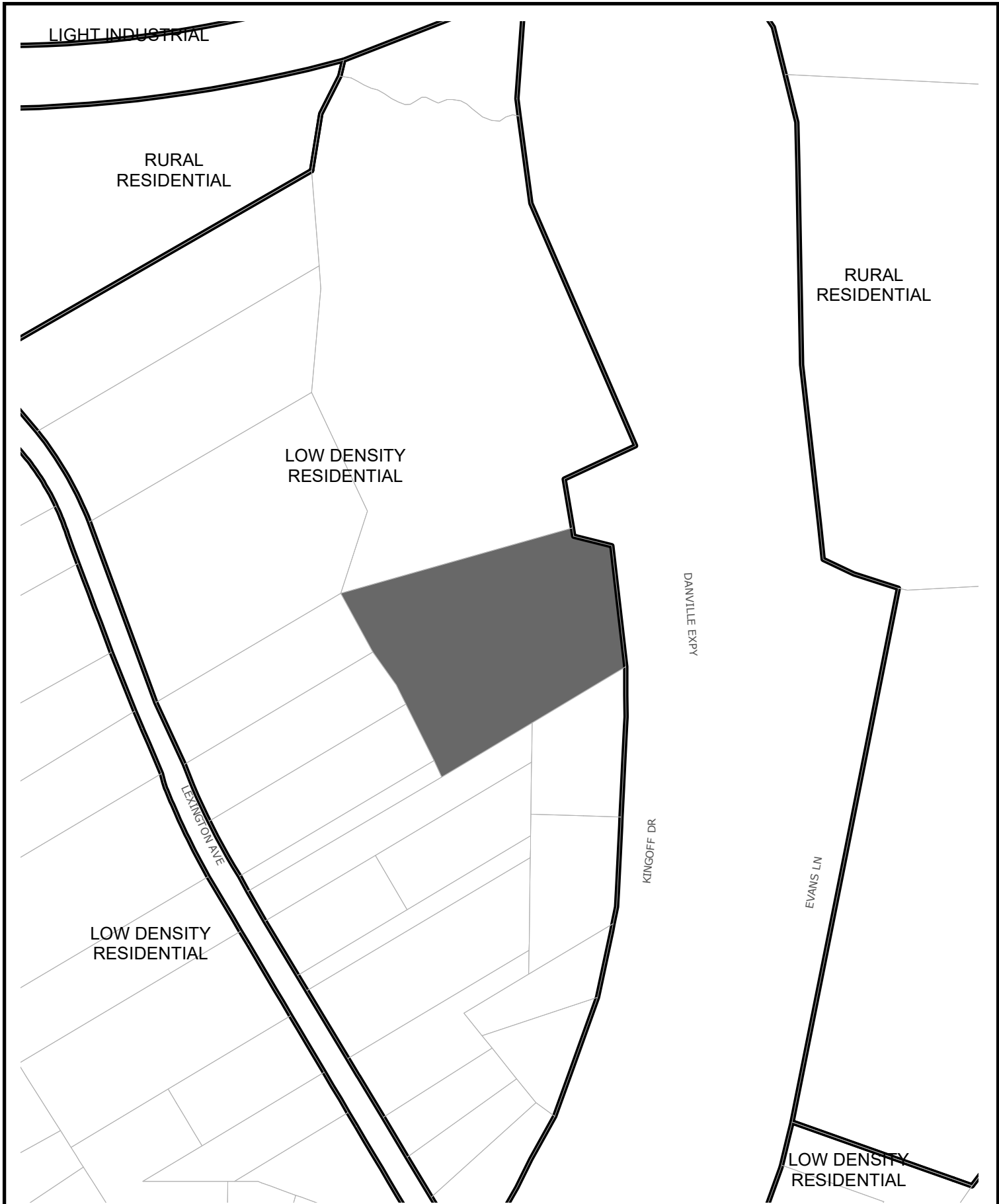


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
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427 Patton Street, Suite 208
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City Planning Commission

MEMORANDUM

DATE: NOVEMBER 4, 2020
TO: CITY PLANNING COMMISSION
FROM: DOUG PLACHCINSKI, PLANNING DIVISION DIRECTOR
RE: **CITY OF DANVILLE COMPREHENSIVE PLAN REVIEW**

BACKGROUND

Chair Garrison requested Planning Division staff add this November agenda item at the October Planning Commission meeting. Virginia law states "At least once every five years the comprehensive plan shall be reviewed by the local planning commission to determine whether it is advisable to amend the plan." I researched the City of Danville's 2030 Comprehensive Plan and determined it was adopted by the City Council on September 15, 2015.

The 2030 Comprehensive Plan served the City well with formulated growth strategies. Other sub-area and specific topic planning initiatives like the Danville MPO's long range transportation plan and the Schoolfield Neighborhood Plan provide contextual support to updated development patterns across the City.

VIRGINIA COMPREHENSIVE PLAN REQUIREMENTS

Code of Virginia Chapter 22, Planning, Subdivision of Land, and Zoning Article 3. The Comprehensive Plan explains the comprehensive plan adoption process, the elements required and allowed in comprehensive plans, the 5-year review requirement, and the legal status of plans.

FACTORS FAVORING A NEW COMPREHENSIVE PLAN

The 2020 pandemic changed and disrupted the ways live, work, and recreate. We should review our physical space designs and development patterns to affirm and enhance the City's ideal growth and rebalance our expectations with social, economic and political constraints. Now is an ideal time to update the Comprehensive Plan accounting for these and other changes. The following factors may influence 2040 Comprehensive Plan development:

- ✓ The Schoolfield Neighborhood Plan
- ✓ 2020 US Census Data
- ✓ Investing in Danville virtual Town Hall meeting and survey outcomes
- ✓ Additional public involvement identifying stakeholder desires
- ✓ A zoning ordinance technical evaluation
- ✓ A Comprehensive Plan audit for state of the practice techniques and Commonwealth standards
- ✓ City branding and identity standards
- ✓ Other specific studies as directed

NEXT STEPS IN COMPREHENSIVE PLAN DEVELOPMENT

- ✓ We should examine the existing Comprehensive Plan and validate its structural elements against common practices and what is required/enabled under Virginia Law.
- ✓ We should discuss what available and recent public outreach efforts will inform the Plan and what additional opinion we need prior to drafting plan sections.
- ✓ Lastly, the 2030 Comprehensive Plan did not initiate significant zoning ordinance revisions. We should review the code, beginning with a technical audit, to understand how it can be more easily understood and administered.

We can determine City resources and set a completion schedule once there is consensus on the Comprehensive Plan update scope.

PLANNING COMMISSION MINUTES

OCTOBER 13, 2020

MEMBERS PRESENT

**Mr. Khan
Mr. Garrison
Mr. Bolton
Mr. Petrick
Mr. Dodson
Mrs. Evans
Mr. Craft**

MEMBERS ABSENT

STAFF

**Doug Plachcinski
Lisa Jones
Clarke Whitfield**

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

Mr. Gillie stated he would like to introduce everyone to Doug Plachcinski, he is our new Division Director of Planning. He will now be handling the Planning Commission Meetings and I will still be around if anyone has any questions or anything else. Please be nice to Doug and I think he will do a wonderful job here. I'm glad to turn it over to someone else.

Mr. Garrison stated Thank you and Welcome. We are glad to have you, not that we are tired of Ken but we are glad to have you.

Mr. Plachcinski stated my pleasure to be here.

Mr. Garrison stated Mr. Khan we are glad to welcome you as our new commissioner.

Mr. Khan stated Thank you.

ITEMS FOR PUBLIC HEARING

1. Special Use Permit Application PLSUP202000000183, filed by Terry Owens of PN Restaurants Inc, requests a Special Use Permit for setback waivers in accordance with Article 3.N Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3230 Riverside Drive (Parcel ID#55466), otherwise known as Grid 1713, Block 0013, Parcel ID#000002, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to reduce the side setbacks for a proposed dumpster enclosure and existing drive-up ATM resulting from a proposed land subdivision.

Mr. Plachcinski stated I will point out one thing that has come up after consultation with the applicant in recommendations and in the potential conditions. Two additional conditions are the lot width must be no less than 141.6' and that the lot area must be no less than 28,446 square feet.

Mr. Garrison opened the Public Hearing.

Mr. Terry Owens, stated I am with PN Networks, Director of Construction. I would be happy to answer any questions that you may have.

Mr. Bolton stated are the conditions that staff put in okay?

Mr. Owens stated yes, they are.

Mr. Garrison stated you are putting this restaurant on a smaller lot than what would normally be there for a restaurant. Has the covid19 restrictions changed the way that you were going to do fast food restaurants going forward or is this just something that is smaller?

Mr. Owens stated the covid19 situation has us gearing more towards the customer service through drive thru and we also offer deliveries.

Mr. Garrison closed the Public Hearing.

Mr. Bolton made a motion to recommend approval for special use permit PLSUP20190000183 with conditions per staff. Mr. Craft seconded the motion. The motion was approved by a 7-0 vote.

2. Special Use Permit Application PLSUP20200000198, filed by Mary Davies, requests a Special Use Permit for Urban Agriculture in accordance with Article 3.E Section C.28 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 598 Elizabeth Street (Parcel ID#75710), otherwise known as Grid 0619, Block 002, Parcel ID#000014, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to keep chickens.

Mr. Garrison opened the Public Hearing.

Ms. Mary Davies stated I'm here to obtain chickens and I have been in the neighborhood for twenty years. I have never done anything to try to offend my neighbors or anything. These were given to us by my husband's father when he died suddenly. My son died in January from pancreatic cancer and his last wish was for his son to get his chickens. We were trying to obtain them and we have had some problems with a lot of rain. I had surgery and then my husband had surgery and about the time that we got everything to be set up to be able to build the coop, we didn't know that it was against the law and you came and told us to stop on our building. We have had a lot of problems with water drainage towards where the poop is at and we have had some odor. I have pictures of where the coop would be built and properly maintained. It has been upgraded since I went to court. I have pictures if you care to see them.

Mr. Garrison stated does anybody want to see the pictures?

Ms. Evans stated yes, please.

Ms. Davies explained to Ms. Evans where everything was going to be by the pictures. Then the pictures were passed around to all the commissioners.

Mr. Bolton stated are you raising chickens for eggs or chicks?

Ms. Davies stated I'm raising them for just the eggs. I got them because they were my father in laws and I have five granddaughters and the six year old likes four eggs a morning. The eggs come in very handy.

Mr. Bolton stated so you don't need a rooster then, obviously.

Ms. Davies stated I have this collar and if you put it here it stops them from doing the crow. It is called the chicken collar and it prevents them from doing the crow. I have done a lot of leg work trying to keep peace. Most of them are six years old and life expectancy is eight years. We had nineteen of them and we are now down to thirteen.

Mr. Craft stated what means do you have of getting rid of the droppings?

Ms. Davies stated if you will look on the thing, I have a spring that will drop into trays and I can pull the trays out and dump them.

Mr. Craft stated that is only when they are roosting right? What about when they are running around?

Ms. Davies stated I clean it out and put straw down. I have used wood chips, mulch and lime; it keeps the odor down. When it is muddy where I have them, there is not a good drainage spot. I'm aware of this and that is why I'm trying to get to the bottom. I have had a lot of illness.

Mr. Craft stated the main thing is the run off should have some kind of silt fence around it that could filter that. The type crews put up would prevent any future run off. You might want to install that.

Ms. Davies stated I don't mind meeting any of the things that need to be done.

Ms. Evans stated have you had any complaints with your neighbors?

Ms. Davies stated on rainy days yes and every time I have tried to correct it. The neighbor that complained, he tore down his deck and gave me all the material to build the chicken coop. By the time that I got the material is when I received the warrant and went to court and was told to hold off.

Ms. Evans stated what was his complaint?

Ms. Davies stated odor and when it is raining. Another time there was a dead deer that was causing the odor. When it has been raining, it has been some bad times. I have everything to correct it.

Ms. Evans stated one of the comments mentioned that there is a dog outside that suffers from the flies.

Ms. Davies stated she did have flies and I went and treated everything. I have done garlic and all kinds of nature herbs and everything to her and her ears are completely healed. It is when we had about two weeks of rain and I corrected it as soon as possible.

My neighbors said nothing to me until I got this petition signed by the neighbors that do agree with me. If you would like to see it. I don't have a lot of neighbors around me.

Mr. Garrison stated the petition will not help us at all. You will need to save that for City Council when we send it to them.

Ms. Davies stated I thought that is where I was at.

Mr. Garrison stated no this is Planning Commission. We only recommend to City Council. Then City Council will make the final decision on it which will be November 5.

Mr. Khan stated does anybody else on that street raise chickens?

Ms. Davies stated I have about four on my street that raise chickens and have for years but that is their business. I'm not being smart with you sir at all. I feel like it is the individual's right.

Mr. Khan stated I don't think your being smart. I would just like an answer to the question please.

Ms. Davies stated there are three or four on my street that have livestock.

Mr. Khan stated thank you very much.

Mr. Petrick stated I just have a question for staff. Does something like this come under the control of public health service or the health department? Who polices this type of arrangement here?

Mr. Plachcinski stated right now it is an alleged zoning violation.

Mr. Petrick stated if it were approved then she has these chickens is this my compliment.

Mr. Plachcinski stated I believe it would fall back under zoning because it is a condition applied under a zoning process. Let's say that any of the conditions are violated should it be approved it would go back through that code enforcement process. Is that it, Mr. Attorney?

Mr. Whitfield stated it would probably come under animal control that is one of the things that I was going to suggest to you when the public hearing is concluded is another condition to comply with city code 5-32.

Ms. Evans stated I have a couple of questions. It is my understanding that years ago, and I don't know if it is still enforced or not, you had to have permission from your neighbors to have chickens. Is that correct?

Mr. Whitfield stated you don't have to and maybe I should go ahead now and explain 5-32. What you have to do is all poultry has to be kept at least 125 feet from any building or dwelling. Now that doesn't include your house if you are the one keeping the chickens, but it can't be next to any other buildings around you. It has to be at least 125 feet and that is why animal control would eventually investigate, and police as well.

Ms. Davies stated the nearest house is in the picture and all back behind me is woods.

Mr. Whitfield stated that might be something that you would add as a condition even though we see where she is keeping it. If you grant this, it goes with the property not with the

person. You might want to make sure that you have a condition for all poultry yards be kept at least 125 feet from any neighboring buildings or houses.

Mr. Garrison stated so whoever makes the motion, add that as a condition, please.

Ms. Evans stated next question for staff. You said number 3 the applicant must keep the property clean, meaning that our guess is debris, food, and excrement to be removed in a reasonable time. Can you define reasonable?

Mr. Plachcinski stated I believe that terminology is pulled from the definition of properly cleaned under the animal portion of the city code. Obviously it is a subjective statement in the code. I believe it to be at a point of not being a nuisance to the neighbors.

Ms. Evans stated that is very subjective.

Mr. Plachcinski stated it is, working with the existing language in the city code. We could put whatever time limit the commission feels that is reasonable in the motion. Either today, forty eight hours, whatever is decided? We won't be out there policing it but if there needs to be a time limit then we can certainly set it up.

Ms. Evans stated okay.

Mr. Bolton stated so how often would you clean it normally?

Ms. Davies stated I try to clean it at least twice a week because right now it is a very small lot and it needs more attention. The new one that I want to build is going to give them a lot of run place and it won't be a problem.

Mr. Bolton stated you think once a week falls under reasonable?

Mr. Plachcinski stated it could be once or twice a week.

Ms. Davies stated the only time that I have problems period is when it rains. It's kind of hard to get out there in the middle of the rain. I try to put lime out there when it rains so it will calm it down. I'm not trying to offend anybody. I've been there twenty years and never had any problem.

Mr. Whitfield stated Ms. Evans to answer your question the dead animals would also be patrolled by animal control, which probably would be under complaint basis.

Mr. Garrison stated Mr. Attorney reasonable would be something that a judge would have to decide as far as a specific time right?

Mr. Whitfield stated that is correct.

Mr. Mike Smith stated I got a house on Still Street and got this letter in the mail. I live on Air Port Drive. What does this have to do with me and what is this about?

Mr. Garrison stated all I can tell you is that generally speaking if the property line of the applicant is within three hundred feet of your property line you will get notification. If there is

any question of whether it is three hundred feet or three hundred twenty feet you will probably still get the notice.

Mr. Smith stated what does notification mean?

Mr. Garrison stated that means that you got the letter.

Mr. Smith stated my back yard dips into the golf course.

Mr. Garrison stated so you may be within the three hundred feet. This is whether or not you want chickens on her lot.

Mr. Smith stated I don't care how many chickens she has.

Ms. Lisa Jones stated Mr. Garrison, he is here for the next case not this one.

Mr. Garrison stated you are here for the next case, not this one so don't leave.

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated I have a question for staff. We have had this before and we defined a definition of chickens and didn't exclude roosters or did we not?

Mr. Garrison stated I can't answer that but I was here when we had a case where we specifically stated that there could not be roosters on the property.

Mr. Bolton stated that is what I thought.

Mr. Garrison stated and I don't remember what case it was.

Mr. Bolton stated so when we make a motion we don't have to exclude roosters because they are excluded anyway?

Mr. Whitfield stated no sir. Since it was for that specific case that doesn't change the zoning code. If that is what you wanted to do then you would have to specifically list that as an additional condition to the ones that we have already talked about.

Mr. Bolton stated we did not change the code? Well roosters are a nuisance, but if she has a necklace that works.

Mr. Whitfield no sir.

Mr. Bolton stated well roosters are a nuisance, but if she has a necklace that works.

Ms. Evans made a motion to approve special use permit PLSUP20200000198 with the conditions that the property is cleaned every other day and that all poultry be kept at least 125 feet from any residential or commercial building surrounding the property and conditions by staff. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

3. Rezoning Application PLRZ20200000203, filed by Vera and Mark Hopkins, requests to rezone from S-R Suburban Residential to OT-R Old Town Residential, a 0.3 acre portion of Parcel ID #75418 also known as Grid 0616, Block 001, Parcel ID#000016, of the City of Danville, Zoning District Map. The applicant proposes the rezoning in conjunction with a land subdivision that adds the subject property to the parcel at 647 Elizabeth Street, Parcel #75724.

Mr. Garrison opened the Public Hearing.

Mr. Mark Hopkins stated my daughter is getting ready to build a house and she purchased a lot from us. We realized that the lot was not going to accommodate the residential zoning. So, we needed to figure another .3 acre to make that possible.

Mr. Garrison closed the Public Hearing.

Mr. Petrick made a motion to approve this Rezoning Application PLRZ20200000203. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

Mr. Whitfield stated Mr. Garrison just for the benefit of the gentleman that had come up here. You might want to let him know that all that happened was that lot is being enlarged and doesn't really affect him at all.

Mr. Garrison stated it really doesn't affect you at all. The only thing they are doing is taking a small portion of land off the golf course to add into a residential parcel to make that parcel large enough to put a house on.

4. Rezoning Application PLRZ20200000204, filed by the Daniel Group and Cherney Development Company, Inc. requests to rezone a ~4.157 acre portion of 3311 Riverside Drive, (Parcel ID #51741) from PS-C Planned Shopping Center to HRC Highway Retail Commercial, The subject parcel is also known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map. The applicant proposes subdividing the property and redeveloping the vacant principal building (former K-Mart) into a self-storage use.
5. Special Use Permit Application PLSUP202000000205, filed by the Daniel Group and Cherney Development Company, Inc. requests a Special Use Permit to waive certain yard requirements in accordance with Article 3.M Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to waive certain yard requirements in conjunction with a land subdivision and a redevelopment proposal that converts the vacant principal building (former K-Mart) into a self-storage use.

Mr. Garrison open the Public Hearing.

Mr. Mark Johnson, with LED Professionals and we are representing the Cherney Development Company. As always I want to start by thanking you for your service and time on the Planning Commission and your consideration for our request. We have finally found a use for this old Kmart building and it has set there vacant for so long. This is a value added use because it gives us the opportunity to have at least two more out parcels between it and Riverside Drive. The rezoning request comes about because the PSC

Rezoning does not permit mini storage use, so we are asking for HRC which does. The waivers has to do mainly with the size of Kmart itself and given the area were subdividing because you guys require a .5 ratio and I think we are at a .529. We are just over the threshold. The setback waiver request is from Trade Street from the two rear corners of the existing building. Those conditions have been there since it was built. It does not comply with the setbacks. That is our reasoning for all of our requests. Do you have any questions for me?

Ms. Evans stated you are taking this whole building for these?

Mr. Johnson stated yes ma'am.

Ms. Evans stated do you have any drawings of what this will look like?

Mr. Johnson stated no, I sure don't. Are far as the façade after they are finish no, and I don't know that they have gone that far or awaiting the outcome from these proceedings.

Ms. Evans stated it would be very helpful. Do you plan to landscape with trees and greenery or just leave it as asphalt?

Mr. Johnson stated the intent is hopefully those areas will get redeveloped including perimeter and landscaping and for whatever new use is coming. Until that time comes there is really no plan to dig the asphalt and landscape.

Ms. Evans stated so you are going to redo this building and you have nothing to show us. Is that correct?

Mr. Johnson stated pardon me?

Ms. Evans stated you are going to redo this building, renovate this building but you have nothing to show us.

Mr. Johnson stated yes ma'am. Convert to interior condition space mini storage or self-storage.

Ms. Evans stated so it won't be like other units where you drive up and there's lanes between buildings.

Mr. Johnson stated no, you will drive up the East end of the building that will be the main loading and unloading area and go down quarters to your units. I'm assuming and envision the West end of the building having a series of switch backs or handicapped access and that sort of thing and some parking to get to the floor area. They are intending to raise the finished floor of this building to get it out of the flood plan. That is going to raise it five feet plus, so in order to do that we are going to have to provide for ADA Accessibility. That is going to be accomplished by a series of grants and switch backs negotiated to the five feet of the differential.

Ms. Evans stated will it be fenced in? Will the people that rent these buildings need a code to get into this building?

Mr. Johnson stated I'm sure they will have access and some kind of security access.

Ms. Evans stated I understand that you are just proposing this in order to get the property sold.

Mr. Johnson stated we are proposing it on behalf of the potential buyers. I have not seen any drawings or anything of that nature that they may have prepared to date. My assumption is that they are still working on it.

Mr. Bolton stated you do envision some exterior improvements or kind of leaving it like it is with the building?

Mr. Johnson stated I would assume that there would be improvements on the exterior. There would have to be at some extent anyway by raising the floor.

Mr. Craft stated at this point the Engineering hasn't been done for the simple reason they don't know if it will be approved or not. It is foolish to spend hundreds of thousands of dollars for all the drawings and everything to bring it up to get approval until you have something to show, unless you think that you are going to get approval. That would be my assumption.

Mr. Johnson stated and you not get it approved.

Mr. Craft stated then you have wasted all of your money.

Mr. Johnson stated this is the first piece of the puzzle to get this thing together and bring life back into that building. We have had a lot of people look at it and this is the first liable group that I'm aware of that can make it work to benefit everybody including the City.

Mr. Craft stated that building is big enough where it could have a drive thru from one end of the building to another. Drive through to your unit get your stuff out or in and exit the building.

Mr. Johnson stated I have seen several of these like Kmart boxes and one of them that I'm thinking of specify is in Salisbury. They did the same thing just converted and old Kmart into storage space.

Mr. Johnson stated here is Mr. Bill Holland, owner representative. He may can answer some of those questions.

Mr. Bill Holland, stated I'm from Winston Salem and my partner is Jim Cherney, and he was not able to be here today. I will be a perspective partner of his in this and he and I have developed a number of self- storage properties in the past. Jim has done more than I have. I have been in with him three of them in the past. Kmart's all of the country have been closed down and the big box concept is not viable in a lot of places anymore. Other self-storage industries have been able to convert these into self-storage. They are already air conditioned and they are high quality interior space. Mr. Johnson said we are looking at two possibilities one would be to raise the floor four or five feet. This property sits in the hundred year flood plan. We have been told that it has never flooded. Another possibility would be to do a drive through we have done several drive through concepts. We just completed ones in Roanoke, Winston-Salem, and Greensboro. Where you actually drive into the building and you would be able to unload your car, truck or whatever you are bringing your stuff in under

cover, out of the weather, and in light. Then you would take it to your individual units. We have a couple of concepts that we have been working on again, but we wanted to make sure that we could get the property rezoned before we spend a lot of money. We have done a feasibility analysis that came back and was favorable. That is where we are and in order to make this project viable is that it has to look attractive. The building would definitely be painted. We want to do self-storage with the building and we think it is a good variable use and it doesn't use up all the land that could be put to a higher and better use for this particular building. Does that answer your question?

Ms. Evans stated do you have those pictures with you?

Mr. Holland stated I might. Let me sit down here and look while you talk.

Mr. Garrison stated Mr. Attorney, whatever they do with the building still has to meet the building code and it would fall under the code inspectors. Am I correct?

Mr. Whitfield stated yes sir. That is correct.

Mr. Garrison stated for us to sit here and say what are you going to do. They are going to have to do whatever needs to be done.

Mr. Whitfield stated that is correct. Yes, otherwise they won't get a certificate of occupancy.

Ms. Evans stated can we ask questions of the staff at this point?

Mr. Garrison stated you may.

Ms. Evans stated is this not spot zoning?

Mr. Plachcinski stated that is an excellent question. Both of the zoning districts fall under the potential zoning plan within the comprehensive plan. The comprehensive plan basically says the PSC District or the HRC District is appropriate in this area. They are adjacent HRC properties.

Ms. Evans stated would that affect not knowing what someone else would do with the parcels. What if they wanted it to be a shop, would that affect it?

Mr. Plachcinski stated they are only proposing to rezone on the portion of the building.

Mr. Garrison stated depending upon use they may have to be rezone HRC.

Mr. Plachcinski stated certainly and we will know when they will have a proposal.

Mr. Garrison stated if I am correct, existing buildings, we can't force landscaping requirements on existing buildings can we? If it were new construction we could force landscaping. I am not sure that we can do that on existing buildings and my correct.

Mr. Plachcinski stated I am not sure of the City's practice in the past.

Mr. Garrison stated we have done it before on new construction.

Mr. Whitfield stated just by changing the zoning it would not trigger that.

Mr. Plachcinski stated I would say that it is part of the special use permit. If there is a condition that you could apply that you feel mediates part of what they are asking for. Certainly the Commission adding their discretion applies conditions such as landscaping or other appearance.

Mr. Garrison stated to Ms. Evans does that help you.

Ms. Evans stated yes.

Mr. Garrison closed the Public Hearing.

Mr. Craft made a motion to approve this Rezoning Application PLRZ20200000204 as requested. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

Mr. Petrick made a motion to approve this Special Use Permit PLSUP20200000205 as requested with conditions by staff. Mr. Craft seconded the motion. The motion was approved by a 7-0 vote.

6. Rezoning Application PLRZ20200000207, filed by ROE Enterprises LLC and Sterling Lighting LLC, requests to rezone 116 Maplewood Street (Parcel ID #60494) from HR-C Highway Retail Commercial to LED-I Light Economic Development District also known as Grid 1920 Block 002, Parcel ID#000001.001, of the City of Danville, Zoning District Map. The applicant proposes to warehouse, store, and manufacture lighting fixtures and accessories.

Mr. Garrison opened the Public Hearing.

Mr. Mark Tabard stated I am with Dewberry and we represent Sterling Lighting who is one of the applicants. I just want to thank you for your time and the opportunity to present this. I am happy to answer any questions that any of you may have.

Mr. Patrick Harders stated I am one of the founders of Sterling Lighting. We have spent the last eighteen months looking to onshore our LED product line. Beginning first with the electronics and then the brass and fixtures; the highest quality premium American lighting fixtures that are made. We searched throughout the Country and Danville is really what attracted us. We kept getting drawn back and there is so much that Danville does offer. We are very excited about that and bringing jobs back to Virginia. We are very excited to have the opportunity to build our products here in America. Danville is such a great fit for us and with the Community College, The Institute, and Averett College and we are very excited for the opportunity.

Mr. Bolton stated no plans now to have any kind of retail?

Mr. Harders stated no. We sell the product directly to professionals, landscape architects and lighting professionals. No retail and most of our products will be shipped out and that is what we are here for.

Mr. Craft stated do you manufacture on site?

Mr. Harders stated we might do some advance manufacturing on site and we will do assembly. Currently our drive is electronics being made in Cincinnati, Ohio we just made that change this year. We have been speaking with ETI a company out of Leesburg, Virginia and here in Danville.

Mr. Khan stated I am very happy to hear from you that you have looked all over places and Danville is the place.

Mr. Harders stated we kept getting drawn back to Danville. We were in Kentucky, Ohio, Wisconsin, and Danville is such a great location for us. The ability to ship out of Danville is great. The Institute is really something that drew us because the training of people in the field that we are looking for. We are both in building our electronics and also in the metal work that we are doing. It is a great fit for us.

Mr. Khan stated just so you know that you are not alone, twenty five years ago I bought a company and I experienced the same thing: only Danville.

Mr. John Mead stated I am Chairman of Master Gage and Tool Company. We are located at 112 Maplewood Street. We provide products and services to manufacturing companies throughout the South East. We have administrative sales office and laboratory at 112 Maplewood Street. I want to say that we very much would welcome Sterling Lighting to share the building with our company and we also believe that it is a wonderful opportunity for our community of Danville. I would be happy to answer any questions that any of you might have. I appreciate your consideration in this matter.

Mr. Garrison closed the Public Hearing.

Ms. Evans stated I have questions for staff. Is there enough parking if they choose to do manufacturing because people will have to park there and work?

Mr. Plachcinski stated they do show adding some parking to the plan.

Mr. Garrison stated there are about twenty five spaces added based on the plan.

Mr. Dodson made a motion to approve Rezoning Application PLRZ20200000207 as submitted with conditions by staff. Mr. Petrick seconded the motion. The motion was approved by a 7-0 vote.

IV. APPROVAL OF MINUTES FROM AUGUST 10, 2020.

The August 10, 2020 minutes were approved by unanimous vote.

V. OTHER BUSINESS

Mr. Garrison stated can we add for next month to review the Comprehensive Plan because that has to be done by the end of the year. Just in case we don't have any cases in December. If we add that it will keep us from just having a meeting for just the Comprehensive Plan.

Ms. Jones stated that next month's meeting will be in the 2nd floor conference room.

Ms. Evans stated I would like staff to encourage applicants to bring drawings and I'm not talking about anything expensive. I am a visual person and we have talked about this before. When we are looking at cases like this it would be very helpful to have some pictures like he showed on his phone. If we had that available that would be very helpful.

Mr. Plachcinski stated of course I understand.

VI. ADJOURNMENT

With no further business, the meeting adjourned at 4:20 p.m.

APPROVED