



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

City Planning Commission

JUNE 11, 2018
3:00 P.M.
CITY COUNCIL CHAMBERS
AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEM FOR PUBLIC HEARING
 1. *Special Use Permit application PLSUP20180000138, filed by Ethan Brown, requesting a Special Use Permit for commercial recreation (outdoor) in accordance with Article 3:M, Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 209 Trade Street, otherwise known as Grid 1713, Block 003, Parcel 000008, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to construct an outdoor event venue for concerts and performances.*
 2. *Rezoning application PLRZ20180000156, filed by Present Help Ministries, requesting to rezone from OT-R Old Town Residential to "Conditional" TO-C Transitional Office District, 711 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000004, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone for the operation of a community facility.*
 3. *Special Use Permit application PLSUP20180000151, filed by Present Help Ministries, requesting a Special Use Permit for a Community Facility in accordance with Article 3:I, Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 711 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000004, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a community facility.*
- IV. APPROVAL OF MINUTES FROM MAY 7, 2018
- V. OTHER BUSINESS
- VI. ADJOURNMENT



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

City Planning Commission

City Planning Commission
Meeting of June 11, 2018

Subject:

Special Use Permit application PLSUP20180000138, filed by Ethan Brown, requesting a Special Use Permit for commercial recreation (outdoor) in accordance with Article 3:M, Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 209 Trade Street, otherwise known as Grid 1713, Block 003, Parcel 000008, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to construct an outdoor event venue for concerts and performances.

Background:

An application has been filed by Ethan Brown, requesting a Special Use Permit for commercial recreation (outdoor) in accordance with Article 3:M, Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 209 Trade Street, otherwise known as Grid 1713, Block 003, Parcel 000008, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to construct an outdoor event venue for concerts and performances.

The property is currently operated as Two Witches Winery and Brewery. This facility is used for indoor events, as well as a winery and brewery. The applicant is proposing to construct an elevated outdoor stage to allow for concerts and other exterior recreation opportunities. The site is within the 100-year flood plain, but the facility has been located to be outside of the regulated floodway. Construction within the 100-year floodplain can be permitted and this has been discussed with the applicant. The proposal for development is for a relocation of existing dirt material from one spot on site to be used to fill another so that no net increase in material on site will be added. This balanced fill is compliant with code requirements.

Nine (9) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on June 11, 2018.

Recommendation:

The Planning staff recommends approval of Special Use Permit application PLSUP20180000138, filed by Ethan Brown, requesting a Special Use Permit for commercial recreation (outdoor) in accordance with Article 3:M, Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 209 Trade Street, otherwise known as Grid 1713, Block 003, Parcel 000008, of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. Any outdoor performances must end by midnight (12:00 am) and none shall begin before 7:00 a.m.
2. Any structure constructed must comply with flood plain regulations.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit application PLSUP20180000138 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20180000138 subject to conditions by the Planning Commission
3. Recommend denial of Special Use Permit application PLSUP20180000138 as submitted.
4. Recommend postponement of Special Use Permit application PLSUP20180000138 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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).

GIS information is attached to this application.

Gross Area/Net Area: _____ Property Address: **209 Trade Street, Danville, VA 24541**

Property Location: N S E W Side of: _____ Dan River

Between: _____ Barter Street _____ and _____ Exchange Street

Proffered Conditions (if any, please attach): _____ None

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:

2 Witches Winery & Brewing Company proposes to design and construct an outdoor pavilion on its property at 209 Trade Street for the purposes of accommodating ticketed outdoor concerts and performances. Additional details of the proposed pavilion are attached to this document.

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

1. NAME: Ethan Brown TELEPHONE: (434)549-2739

MAILING ADDRESS: 209 Trade Street, Danville, VA 24541

SIGNATURE:  DATE: 1 May 2018

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: 2witcheswinery@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Ethan Brown TELEPHONE: (434)549-2739

MAILING ADDRESS: 209 Trade Street, Danville, VA 24541

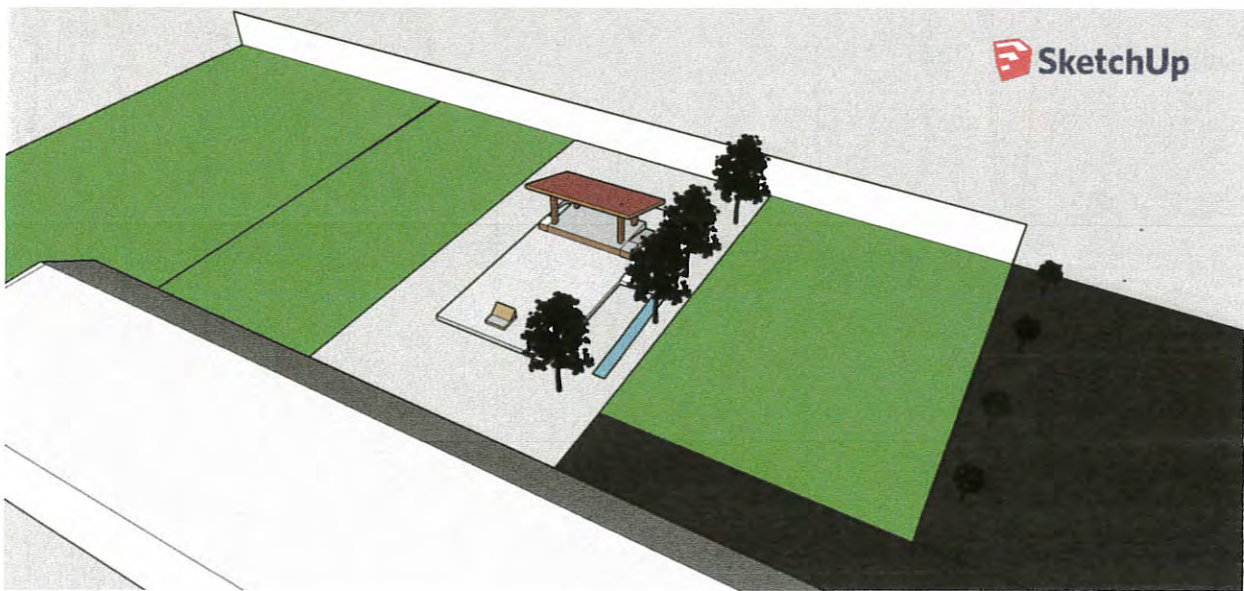
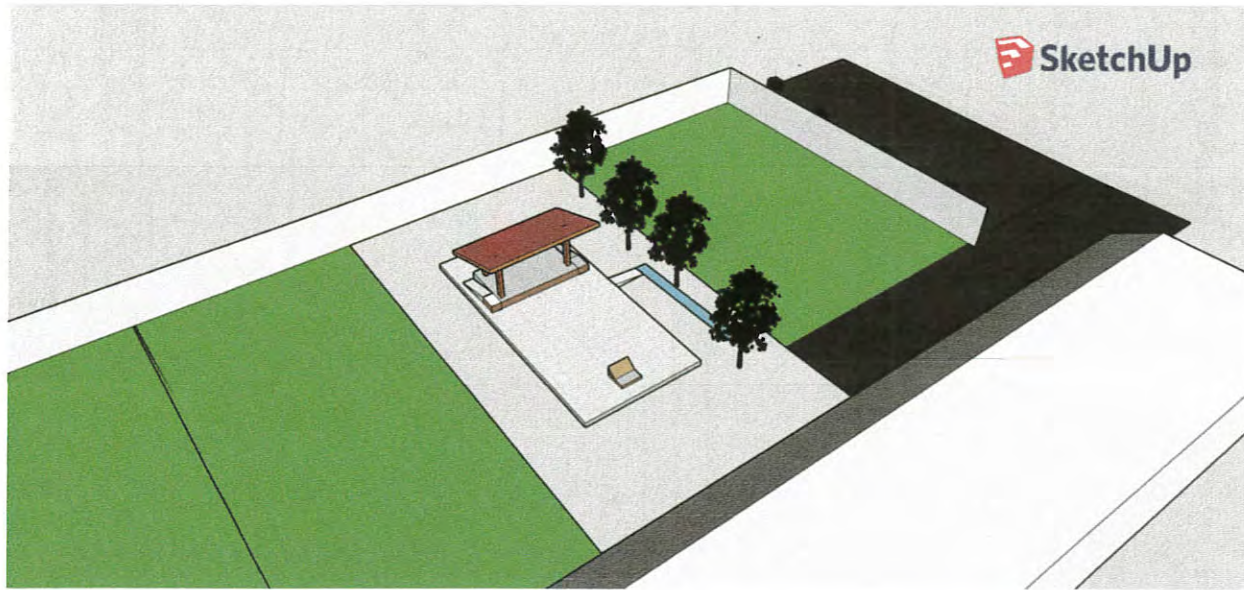
EMAIL ADDRESS: 2witcheswinery@gmail.com

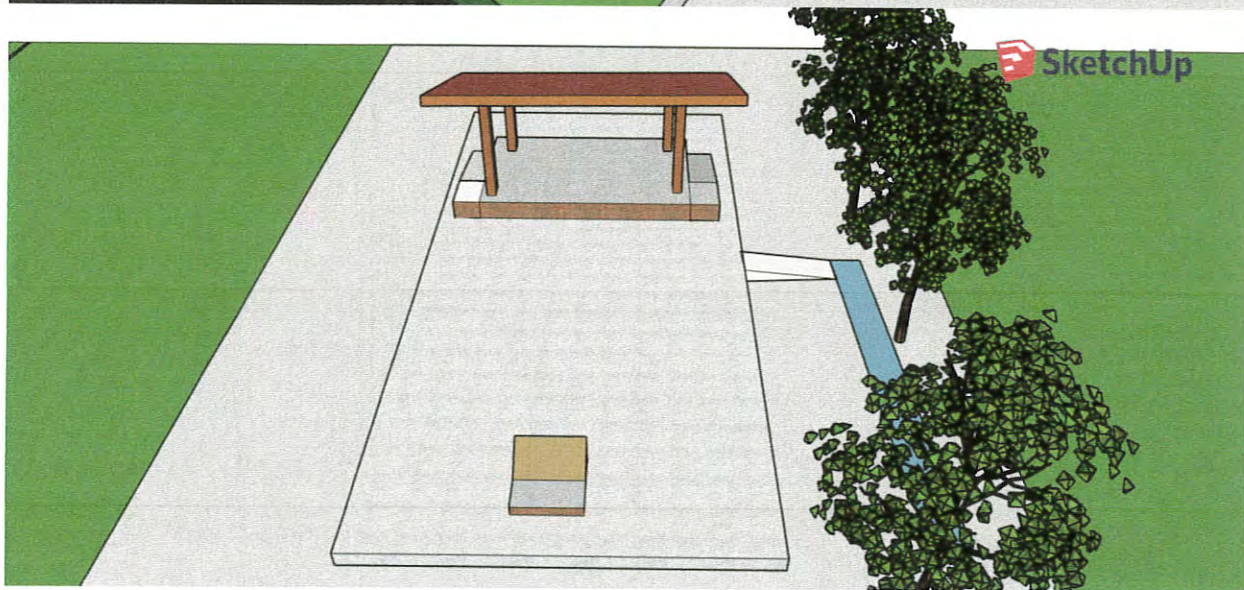
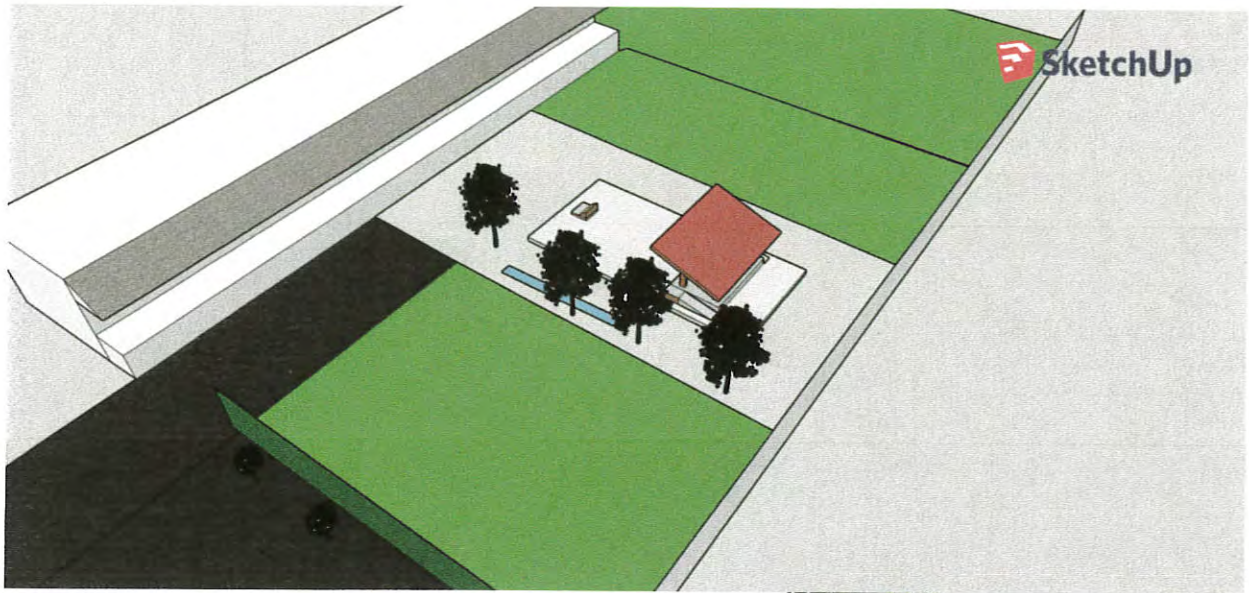
SIGNATURE:  DATE: 1 May 2018

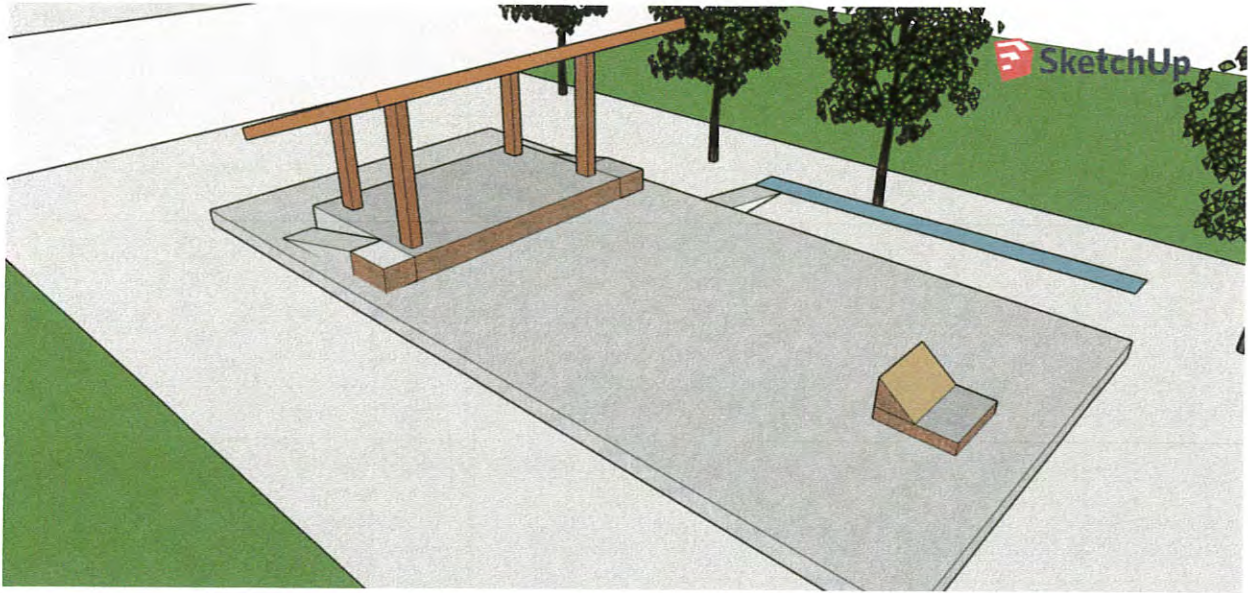
Site Plan Data:

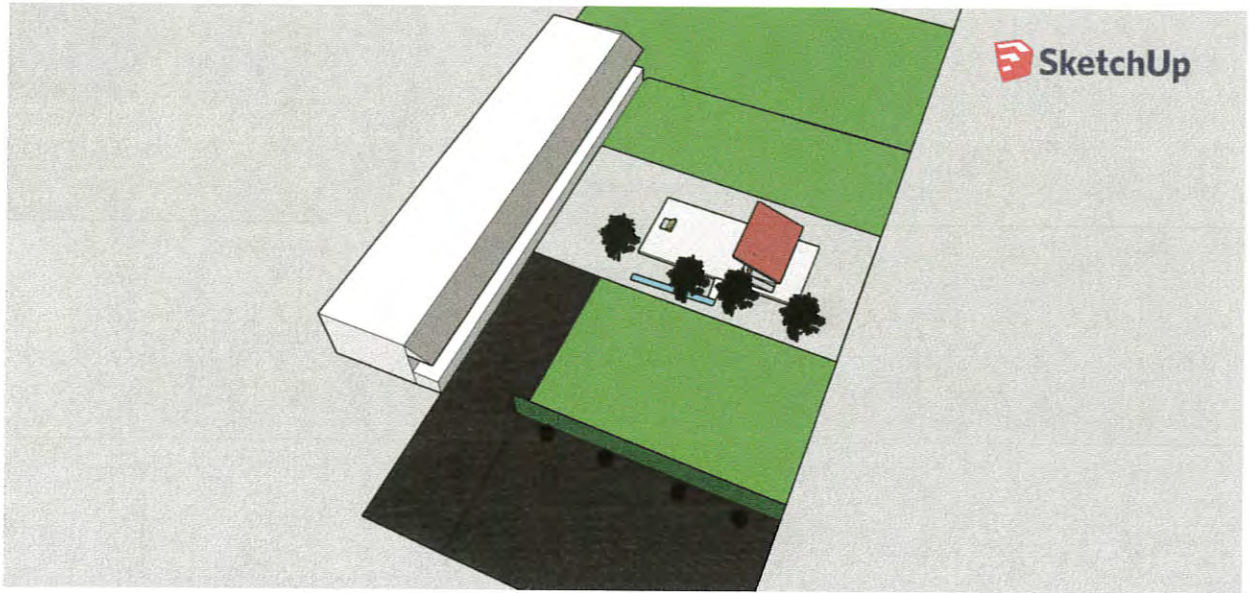
1. Proposed use: The pavilion will be used as a performance venue for musicians and artists.
2. Vehicular traffic: It is expected that traffic flow will be the same as currently exists for normal business operations at 2 Witches Winery & Brewing Co.
3. Parking areas that are currently in use for normal operations will also be used for events at the venue.
4. The pavilion will be constructed on an existing concrete pad on the property. The base of the stage will be 23' x 15' x 2' and have a slanted roof (16') supported by four beams. There will be two ramps on either side of the stage. There will also be a small sound operator booth positioned at the opposite end of the concrete pad on which the pavilion will be constructed. This booth will be 1' x 4' x 5'. Materials of construction will be brick, wood, concrete, and metal roofing.
5. 220V/50 amp electric service will be provided to the pavilion and sound booth from the main building via underground conduit.

3-D images of proposed pavilion:



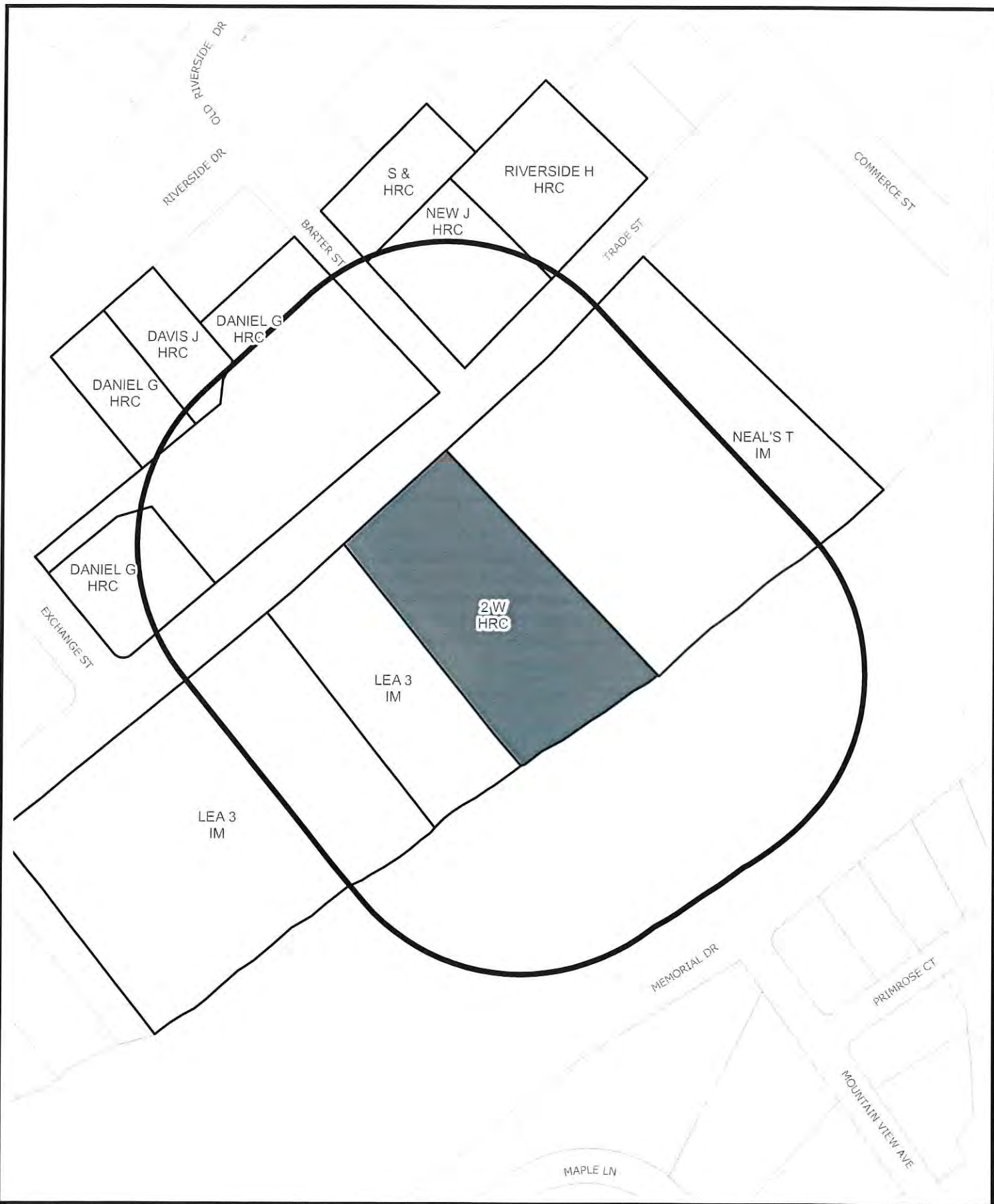






SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	June 11, 2018
LOCATION OF PROPERTY:	209 Trade Street
PRESENT ZONE:	HR-C Highway Retail Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	The applicant is requesting Special Use Permits to construct an outdoor event venue for concerts and performances.
PRESENT USE OF PROPERTY:	Winery
PROPOSED USE OF PROPERTY:	Same with added outdoor events
PROPERTY OWNER (S):	2 Witches Holding Company, LLC
NAME OF APPLICANT (S):	Ethan Brown
PROPERTY BORDERED BY:	Warehouse and commercial uses to the east and west, the Dan River to the south, office and commercial to the north.
ACREAGE/SQUARE FOOTAGE:	1.95 Acres
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Trade Street
TRAFFIC VOLUME:	Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of June 11, 2018



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/22/2018

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



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/22/2018

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

City Planning Commission

City Planning Commission
Meeting of June 11, 2018

Subject:

1. *Rezoning application PLRZ20180000156, filed by Present Help Ministries, requesting to rezone from OT-R Old Town Residential to "Conditional" TO-C Transitional Office District, 711 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000004, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone for the operation of a community facility.*
- and*
2. *Special Use Permit application PLSUP20180000151, filed by Present Help Ministries, requesting a Special Use Permit for a Community Facility in accordance with Article 3:1, Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 711 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000004, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a community facility.*

Background:

Requests have been filed to rezone from OT-R Old Town Residential to "Conditional" TO-C Transitional Office District as well as ask for a Special Use Permit at 711 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000004, of the City of Danville, Virginia Zoning District Map and . The applicant is proposing to rezone for the operation of a community facility.

The property is currently a vacant single-family dwelling. This facility is adjacent to another facility that is to be operated by Present Help Ministries. That facility was rezoned and granted a Special Use Permit is 2017. It is not yet in operation.

Nine (9) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on June 11, 2018.

Recommendation:

Staff recognizes that rezoning this one specific parcel within a single family zoning neighborhood could be spot zoning. Spot zoning is site specific and does not include a use that is compatible or necessary to the overall zoning. Spot zoning may be deemed legal or illegal. Illegal spot zoning can be where favor has been shown to one landowner to the unreasonable detriment of the surrounding area. Legal spot zoning is made for the benefit of the community at large. The adjacent property was rezoned and a Special Use Permit was granted in 2017 to the same classification.

Staff recommends that Planning Commission recommend approval of Rezoning application PLRZ2018000156 with the conditions as proffered by the applicant.

Staff recommend approval of Special Use Permit application PLSUP20180000151 with the following conditions:

1. Off street parking must be provided on site, or via cooperative agreement in compliance with the code.
2. All building code and fire code regulations be completed prior to occupancy.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning application PLRZ20180000156 as submitted.
2. Recommend approval of Rezoning application subject to condition PLRZ20180000156 s by the Planning Commission.
3. Recommend denial of Rezoning application PLRZ20180000156 as submitted.
4. Recommend postponement of Rezoning application PLRZ20180000156 by Planning Commission.

AND

1. Recommend approval of Special Use Permit application PLSUP20180000151 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20180000151 subject to conditions by the Planning Commission.
3. Recommend denial of Special Use Permit application PLSUP20180000151 as submitted.
4. Recommend postponement of Special Use Permit application PLSUP20180000151 by Planning Commission.

Attachments:

Signed Proffer List
Application
Notice of Violation
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: OT-R
PROPOSED ZONING: Cond TO-C TAX MAP NUMBER: 2717-023.00004
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: _____ Property Address: 711 Jefferson St

Property Location: N S E W Side of: Stokes St

Between: Stokes St and Lee St

Proffered Conditions (if any, please attach): _____

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: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

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

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

Please provide a brief description of the proposed development:

Request to rezone from DT-R to "Conditional"
TO-C

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

B. - Permitted Uses.

1. Accessory use, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
2. Banks and financial institutions (without drive-thru facilities.)
3. Bed and breakfast, inn, or tourist home (as defined).
4. Catering service.
5. Cemeteries.
6. Churches and places of worship.
7. Offices (general and professional).
8. Day care facilities (adult and child).
9. Funeral home.
10. Home occupations.
11. Hospital, nursing home, and medical care facility, inclusive of inpatient activities.
12. Nursing home.
13. Personal service establishments.
14. Pharmacy.
15. Schools, colleges and universities (public or private).
16. Single family residential dwelling, provided that (a) the residential dwelling is existing as a conforming use as of the date of adoption of this ordinance, (b) said residential dwelling shall conform in all respects to the OT-R District and (c) there shall be no more than one single family dwelling per lot.
17. Studio for an artist, designer, writer, photographer, sculptor or musician.
18. Child therapeutic day support services.

(Ord. No. 2004-02.04, Art. 3.I, § B, 2-17-04; Ord. No. 2014-08.09, 8-19-14)

C. - Uses Permitted by Special Use Permit.

1. Accessory apartments, within a residential dwelling and limited to one rental apartment.
2. Any use incorporating a drive-thru facility (including banks, financial institutions and fast food restaurants).
3. Antique shops.
4. Community facilities and uses.
5. Congregate care facility.
6. Cupolas, spires and steeples (for public and semi-public uses).
7. Fast food restaurant.
8. Golf course, but not including a par 3 course, miniature golf course or driving range.
9. Group home.
10. Offices with retail sales, limited to interior display and sales of high technology, scientific, electronic, health care, medical or biomedical equipment of a type not

~~customarily retailed to the general public, provided that there shall be no exterior or storefront displays.~~

11. Parking lots (private or public, off-street as a principal use).

12. ~~Private clubs and lodges.~~

13. ~~Public uses and utilities.~~

14. ~~Residential apartments, as an ancillary use within a commercial structure and limited to four (4) rental apartment units per structure.~~

15. ~~Restaurant.~~

16. Waiver of lot size requirements.

17. Waiver of maximum floor area ratio of 0.25.

18. Waiver of maximum building height regulations.

19. Waiver of minimum yard requirements.

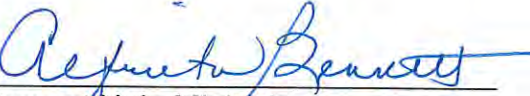
20. Homeless shelter.

21. Transitional living shelter.

22. ~~Post-release housing.~~

23. ~~Museum.~~

(Ord. No. 2004-02.04, Art. 3.I, § C, 2-17-04; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2013-10.06, 10-17-13; Ord. No. 2013-11.05, 11-19-13)


Present Help Ministries
Alfrieta Bennett

5/14/18
Date

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: Community Facility

CASE NUMBER: _____

EXISTING ZONING: OT-R

PROPOSED ZONING: Cond TO-C

TAX MAP NUMBER: 2717-023-00004

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).

40 ft. Pt # 11 Sec B Jefferson Street

Gross Area/Net Area: _____ Property Address: 711 Jefferson St.

Property Location: N S E W Side of: Stokes Street

Between: Stokes Street and Lee Street

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

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

1. NAME: Present Help Ministries TELEPHONE: 434-799-3480
MAILING ADDRESS: 3 Park Avenue 434-770-3360
SIGNATURE: Alfrieta Bennett Leaves DATE: 5/14/18
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: alfrieta@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Alfrieta Bennett Leaves TELEPHONE: 434-799-3480
MAILING ADDRESS: 3 Park Avenue, Danville, VA 24541
EMAIL ADDRESS: alfrieta@gmail.com
SIGNATURE: Alfrieta Bennett Leaves DATE: 5/14/18



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/22/2018

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REZONING AND SPECIAL USE PERMIT REQUESTS
DATA SHEET

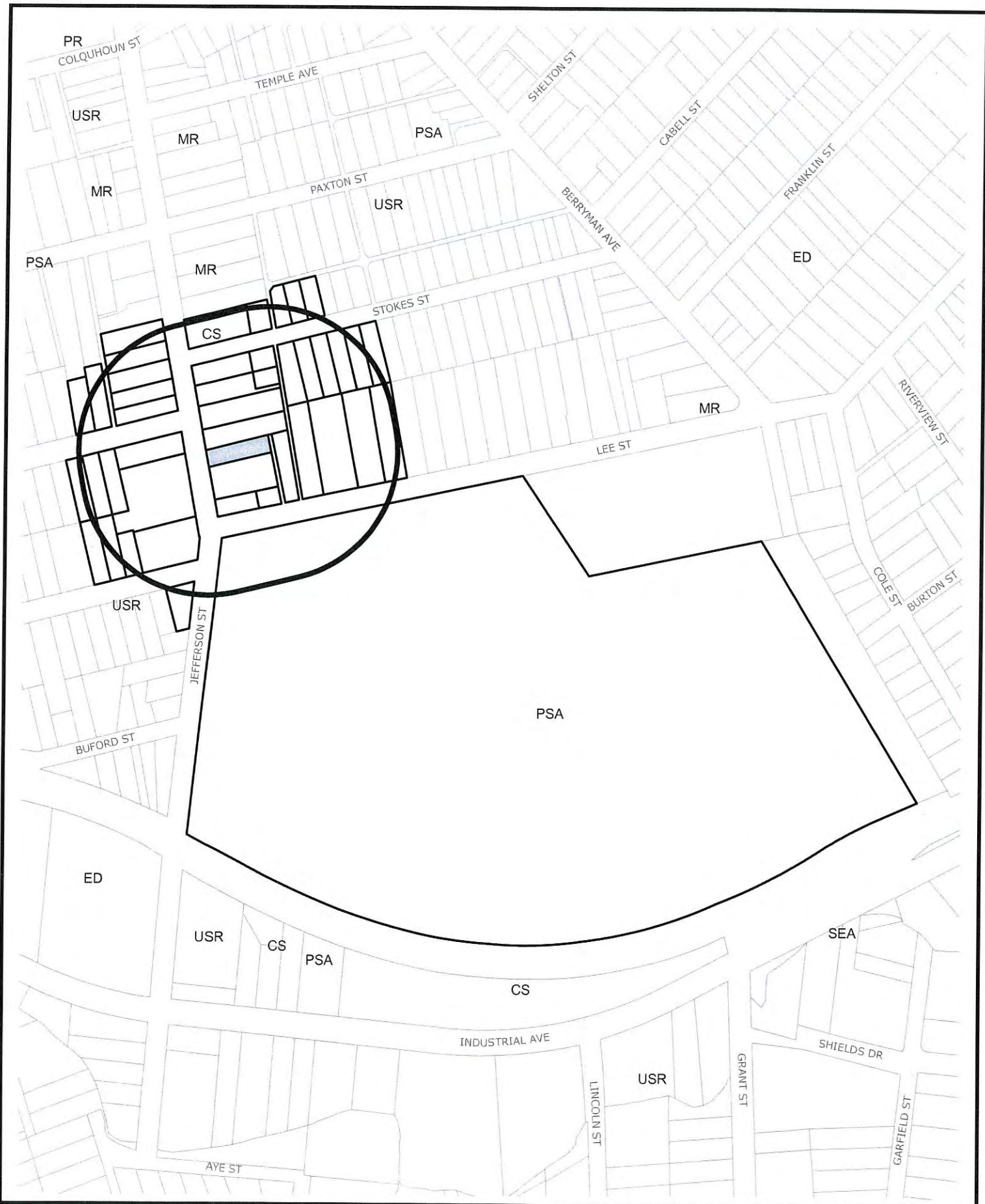
DATE:	June 11, 2018
LOCATION OF PROPERTY:	711 Jefferson Street
PRESENT ZONE:	OT-R Old Town Residential
PROPOSED ZONE:	Same
ACTION REQUESTED:	The applicant is requesting a rezoning and Special Use Permit.
PRESENT USE OF PROPERTY:	Vacant Single Family Home
PROPOSED USE OF PROPERTY:	Community Facility
PROPERTY OWNER (S):	Present Help Ministries
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Single Family Residential to the north, east and south, single family residential and a church to the west.
ACREAGE/SQUARE FOOTAGE:	0.14 Acres
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Jefferson Street
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of June 11, 2018



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/22/2018

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/22/2018

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PLANNING COMMISSION MINUTES

May 7, 2018

MEMBERS PRESENT

Mr. Wilson
Mr. Dodson
Mr. Petrick
Mr. Bolton
Mr. Jones
Mr. Searce

MEMBERS ABSENT

Mr. Garrison

STAFF

Lisa Jones
Ken Gillie
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit application PLSUP20180000109, filed by Homero Ramirez Leon, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3:N, Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 1340 West Main Street, otherwise known as Grid 0612, Block 001, Parcel 000003, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have a ballroom/ dance hall or event center for weddings, parties or special events.*

Mr. Gillie read the staff report. Twenty (20) notices were sent to surrounding property owners within 300 feet of the subject property. Six (6) were not opposed. One (1) was opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was Mr. Homero Ramirez Leon. Mr. Leon stated well the idea is described there to open an event center. It will be primary for Weddings, Quinceaneras, and parties that you may need a ball room or a special place. I have seen that we have the need here in Danville of something else a little bigger. The other ones are for about two hundred people and this one will be able to accommodate from three hundred to four hundred people.

Mr. Petrick stated do you have experience with this type of business?

Mr. Leon stated we have been handling a home based business in Providence, North Carolina. We rent places to have these events. We have rented the market and other small business to have these events and we have been doing that for about three years already. So, I guess it's time to start our own brand new building.

Mr. Dodson stated will you be providing security at these events?

Mr. Leon stated well that is the idea to have security if there is more than two hundred people at the event.

Mr. Wilson stated are you agreeable to the conditions that have been added here about the hours?

Mr. Leon stated yes. If we are going to start new business here in Danville then we need to. Yes.

Mr. Wilson stated you are okay with building and fire codes?

Mr. Leon stated yes sir.

Mr. Searce closed the Public Hearing.

Mr. Bolton stated I have one question for staff. Do you see this as like the Stratford Conference Center serving the same type?

Mr. Gillie stated yes.

Mr. Wilson made a motion to approve PLSUP20180000109 subjected to conditions by staff. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

2. *Special Use Permit application PLSUP20180000116, filed by Terrance DeShazor, requesting a Special Use Permit for a school in accordance with Article 3:M, Section C, Item 15 of the Code of the City of Danville, Virginia 1986, as amended at 101 Franklin Turnpike, otherwise known as Grid 2806, Block 009, Parcel 000011, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have a barber school at this location.*

Mr. Searce asked for Vice Chairman Wilson to handle this case since his firm manages the property.

Mr. Gillie read the staff report. Nineteen (19) notices were sent to surrounding property owners within 300 feet of the subject property. One (1) was not opposed.

Mr. Wilson opened the Public Hearing.

Present on behalf of this request was Terrance DeShazor and Dr.Cheryl Murphy.

Dr. Murphy stated I am from Martinsville, Virginia. We have Miracle University in Martinsville. This is our twenty fourth year of having the school. We offer cosmetology, barbering, nails and waxing. I have spoken with Mr. DeShazor on Barber and Cosmetology School for Danville. Over the last twenty four years we have had a lot of people from Danville. We think that this would be a great location for this School.

Mr. Searce closed the Public Hearing.

Mr. Bolton made a motion to approve PLSUP20180000116 as submitted. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote. Mr. Searce abstained.

3. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 2, entitled "General Regulations", Section R. entitled "Communication Towers and Antennas", Item 6. and Article 3.1: entitled "TO-C Transitional Office", Section C. entitled "Uses Permitted by Special Use" to allow for Communication Towers within TO-C zoning districts*

Mr. Searce opened the Public Hearing.

Present to speak on the behalf of this request was Lori Schweller, Attorney at Law at LeClair Ryan. I represent Milestone Communications. Also with me today is David Goldsmith, he is Project Manager for our request and he is with Milestone Communications and Drew Patterson, who is the Project Manager for NBC Zoning Consultant to Milestone. I have consolidated my presentation into one power point presentation that I would like to show you all at once. During this portion I would like to suggest that it would be appropriate to add wireless facilities to transitional office zoning and keeping it in mind that wireless facilities need to serve those uses that are in the vicinity based on fire uses and special permit uses that are currently permitted in TOC Zoning. We do think wireless facilities are not only appropriate but very much needed in this area. So, if you don't mind I would like defer the rest of my comments to my special use permit request unless you have questions.

Mr. Wilson stated to make sure that I heard you right are you recommending that we add something?

Mr. Searce stated she is just asking that we add to the TOC to what the request is.

Mrs. Schweller currently communication towers are only permitted in three of your Zoning Districts.

Mr. Jones stated how tall would these towers be?

Mr. Gillie stated that would still follow the standard which is maximum height total of 170, 150 for the tower and any additional antennas of anything that would go on top of it.

Mr. Searce closed the Public Hearing.

Mr. Dodson made a motion to amend Chapter 41 entitled Zoning Ordinances Code of the City of Danville Virginia at all in the form mentioned. Mr. Wilson seconded the motion. The motion was approved by a 6-0 vote.

4. *Special Use Permit application PLSUP20180000120, filed by Milestone Communications, requesting a Special Use Permit to construct a commercial communication tower and antenna in accordance with Article 3:1, Section C, Item 24 of the Code of the City of Danville, Virginia 1986, as amended at 300 Goode Street, otherwise known as Grid 1715, Block 019, Parcel 000004, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to replace a light pole with a commercial communication tower and antenna.*

Mr. Gillie read the staff report. Three (3) notices were sent to surrounding property owners within 300 feet of the subject property. One (1) was not opposed.

Mr. Searce opened the Public Hearing.

Present to speak on the behalf of this request was Lori Schweller and with me is David Goldsmith and Drew Patterson with Milestone Communications. So, I'm going to bring up my presentation now and walk you through it. I just want to introduce the applicant to you. Milestone Communications is a Virginia Based Firm and they have fifteenth years of experience. It partners with local governments and with schoolboards to provide wireless towers on public property, which serve the community and provide, if needed, a space on tower for local emergency services. There is a financial benefit to public partnering in this case the City of Danville. The proposed light pole replacement location is at Lefty Wilson baseball field. You can see roughly the location here and here it is on your GIS Parcel viewer map, just to give you some context. There is of course an access to utility easement; the site parcel is 4.8 acres. This is the site layout and you could see the ground space that is efficient for additional wireless providers. There is room on the pole for other wireless providers and room on the ground. A fence would screen all ground equipment providing security. This is the light pole that will be replaced. This pole is sixty feet tall so the lights will be replaced at the sixty foot level and this is what the evaluation of the proposed one hundred twenty foot monopole; as you can see there is room for other wireless providers to locate here. Direct benefits to the City in addition to the wireless coverage that the site would provide is twenty five thousand dollar one time for the fee for the installation and five thousand each time that a carrier locates on the pole and forty percent of all rent from all locations. Shentel provided propagation maps for us to show how this service is needed, and to give you a little bit of background; the green is emanating from the existing towers and they are roughly one mile North East and South of the proposed site and they are over taxed, so this site is not only needed to provide coverage in the area but to offer them the capacity of those three sites that are nearby, so it will serve not only the area but improve the service in the area and service around the three existing locations. This is a modeling of what that propagation would look like when that site is installed. It would provide schools and residential area with services. So, as we have already discussed we needed to change the zoning to permit this facility and this particular design district. This application we submit and it does comply with your ordinance requirements the one favor that we must request of you is a set back from the property line. The pole that was chosen is the one that is considered most tucked away, farthest from the property line. Because we are replacing an existing pole it really needs to go where the existing pole is located and it doesn't quite meet the set back so we are asking from you a waiver for that set back. In terms of SUP criteria we do believe that it would blend in with the existing uses as another light pole and would not detract from the character. The tower would have multiple uses as your zoning ordinances requires. We did investigate there is an heli pad nearby and there was an airspace study done by a third party consultant and received determination of nonhazardous from the FAA. Then we went a step further spoke directly with Bryan Fox, who is the Director of the Life Saving Crew he confirmed that the Danville Life Saving had no issue with location of the monopole for helicopter operations. That is my presentation and I will be happy to answer any questions.

Mr. Dodson stated the lights will go back same area on the pole?

Mrs. Schweller stated same place at sixty feet just like they are now.

Mr. Jones stated any idea of how big population that circle covers? How many people could benefit from this pole?

Mrs. Schweller stated I do not know the exact population there are a number of residential communities in the area judging by the maps.

Mr. Petrick stated the change in the setback that you mentioned was that part of it?

Mr. Gillie stated there are two ways to address that. They waiver can be granted through the City Manager or Planning Commission because the city owns the site. The City had given them permission to act on their behalf. We could take it through to the City Manager under Article 2 Section R Sub Section 8. Planning Commission can also grant the waiver which you did on the tower that was built on the corner of Industrial and Jefferson. You may remember that one.

Mr. Searce closed the Public Hearing.

Mr. Gillie stated staff is not opposed to the setback waiver. There is sufficient area around it. The City owns the property and it's an athletic field. We felt that is was appropriate.

Mr. Bolton made a motion to approve *PLSUP20180000120 subject to the condition by staff and add motion of wavier of set back as submitted.* Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

II. MINUTES

The April 9, 2018 minutes were approved by unanimous vote.

III. OTHER BUSINESS

With no further business, the meeting adjourned at 3:30 p.m.

APPROVED