

PLANNING COMMISSION MINUTES

January 8, 2024

MEMBERS PRESENT

Mr. Petrick
Mr. Dodson
Ms. Evans
Mr. Bolton
Mr. Jones
Mr. Ranson

MEMBERS ABSENT

Mr. Khan

STAFF

Cynthia Lester
Renee Burton
Clarke Whitfield
Shanika Williams

The meeting was turned over to Mr. Whitfield for the election of officers.

Mr. Whitfield open the Public Hearing.

I. ELECTION OF OFFICERS

Mr. Whitfield called for nominations for Chairman.

Mr. Dodson nominated Mr. Petrick as Chairman. The nomination was approved by a 6-0 vote.

Mr. Whitfield called for nominations for Vice Chairman.

Ms. Evans nominated Mr. Bolton as Vice Chairman. The nomination was approved by a 6-0 vote.

Mr. Whitfield called for nomination for Secretary.

Ms. Evans nominated Mr. Dodson for Secretary. The nomination was approved by a 6-0 vote.

Mr. Whitfield stated. I would like to congratulate all the officers.

II. ITEMS FOR PUBLIC HEARING

OLD BUSINESS

1. Special Use Permit application PZ23-00465 filed by Powers Signs requesting a special use permit at 540 Central Boulevard (Parcel 26372) to allow a waiver to maximum sign area in accordance with Article 3.1 Section C Item 25.

Mr. Petrick opened the Public Hearing.

Mr. Powers stated. I'm with Power Signs, we did make the changes to bring the height down and I'll add that the church is a little more pleased with the looks that we've come up with now rather than what we started with. I will be glad to answer any questions.

Mr. Petrick closed the Public Hearing.

Mr. Bolton made a motion to approve Special Use Permit application PZ23-00465. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

II ITEMS FOR PUBLIC HEARING

NEW BUSINESS

1. Code Amendment Request PZ23-00495 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3. Section C to create Item 23 "Automobile and light vehicle repair establishments".

Mr. Petrick opened the Public Hearing.

Mr. Gould stated. I'm attorney with PLDR Law. As you see on the agenda this is the first of three items that we have for you. I want to give you a key background before we start. This is property that was included in last annexation in the late 80's. It was acquired by the current owner in September 2023, and it has been zoned residential for the last 20 years. Prior non-conforming uses in the space included a Cabinet making operation and Regional One EMS. Later last year, the tenant Choice Transmissions desired to move into the space after it had been acquired by the new owner, but that use was deemed expansive beyond the prior non-conforming use by the Planning staff and confirmed by the Board of Zoning Appeals. In consultation with Ms. Burton and her team who as usual have been fantastic to work with through this process. We identified what was really a three-step process to provide for potential continued operation of this business. The first step was a code change which you 've just heard discussed and described. The second step would be a rezoning of the property and the third would be a special use permit. As I mention there are three specific applications that are before you this afternoon from the property owner, Mr. Wilkins and the tenants First Choice Transmissions. The first is the code change that you just heard described to allow vehicle repair in a neighborhood commercial district with screened outdoor storage as a special use. The second is a rezoning from Old Town Residential to neighborhood commercial and the third would be a special use permit for operating a vehicle repair business on this newly rezoned neighborhood commercial property. We would submit to you all that rezoning to neighborhood commercial which will be the second item that you will hear. That rezoning is appropriate, this is a legacy property that came into the city during the last annexation, and it's been commercial as long as anyone of us can likely recall. The one thing that you can see here is a screenshot from Google maps from October of 2012. So, going back eleven a half year, you see what an operating business at this site looks like in terms of the number of vehicles and the fact that it was a commercial operation. Now, we have an image from the fall of 2023 after First Choice had begun operating from the property. You can see that the present day looks exactly the same as 11 years ago when there was an earlier tenant on the property and it's important for us to point out to you that the use of the property by First Choice is one that is less disruptive. We believe in what's been seen there before. When you had an EMS operator on the property, you had lights and sirens at all hours of the day. You didn't have your normal hours of operation were 24/7 as opposed to the 9-5, 9-6 that First Choice has, and repairs here occur inside the building so there's not sound that's being projected out as you would have when ambulances and other emergency services vehicles were running. I think one of the most important things here to keep in mind is that whether it's a cabinet making operation, EMS, or whether it First Choice desiring to continue doing on the site. This is a parcel that has seen commercial activity long as our records go back. This is a neighborhood that is accustomed to having a certain level of activity on this parcel and we believe that the activity that First Choice is engaging in is preferable to what has occurred there before. Also, since the property has been zoned OTR which goes back to 2004, the neighborhood has changed considerably and that's been by virtue of the extension of Franklin Turnpike.

The neighborhood is no longer remote. We have improvements looking from First Choice up toward Franklin Turnpike. You can see some of the Roman Eagle there in the distance. Forestdale looks completely different. You now have a direct connection from Forestdale to Franklin Turnpike and by extension to North Main Street and Danville Expressway and we would suggest that neighborhood commercial zoning for this property makes sense based on the current landscape and the connections that are enjoyed to North Main and Franklin Turnpike and the Expressway.

In Ms. Burton report to you, she mentioned that the type of business that First Choice operates is in character with the intent of the NC Zoning classification but that is not something that should be a by right use in a neighborhood commercial district and we would suggest that this is exactly the type of situation where zoning this parcel as neighborhood commercial and allowing the special use make sense. We have a situation where the applicants are endeavoring to make the best of what, I think we could all agree is a challenging parcel. This is a parcel that the city inherited it was commercial when the city inherited it, and it was surrounded by residential, unfortunately absent this use I think there is a high likelihood of the parcel sitting vacant of it having deleterious effect on the neighborhood causing a reduction in property values rather than lifting up the neighborhood, which is what we believe First Choice operation is doing.

Rezoning this parcel as neighborhood commercial recognizes we say is a historically commercial se while also preventing uses that commercial uses that are incompatible with the area.

Ms. Burton described. It's a very specific set of things that make sense in neighborhood commercial. And this is one of those that does.

We also would offer that a special use permit here is appropriate given the unique circumstances. Again, this is a legacy property from the county. This is a property we want to make sure remains in productive use and but for this productive use, there is I don't think that it's going to remain that way. I think no one here would suggest that if the parcel had a resonance on it that we try to rezone at neighborhood commercial and operate an automobile repair facility there. We would not suggest that, wouldn't dream of that but here we have a situation where something is zoned residential with clearly commercial use historically and we're working with what we have and make the best of what is a complicated situation and really at the end of the day what this boils down to is helping to keep a small business several employees are her with us helping to keep a small business operating in the city and at a location that make sense for them and has a benefit for that section of town.

Mr. Bolton stated. You call repair, specifically any type of car repair, specialty cars, high-end cars, just general car repair.

Mr. Gould stated. General repair with some specific expertise when it comes to transmission and that's now exhausted my knowledge of car repair.

Ms. Evans stated. They don't open until 9 because most repair places open earlier than 9.

Mr. Gould stated Yes, definitely not operating 24/7 like its predecessor.

Mr. Petrick closed the Public Hearing.

Mr. Bolton stated. This kind of remind me of one we had I think maybe my first year or two, I was on the Planning Commission, I think we tabled it several times and it boiled down to just common sense. I think it was an apartment building that if we didn't make that recommendation, it would have to be nothing, It was like eight units and if we denied it, they basically would have to tear it down and build a house just didn't seem like the right thing to do and doesn't seem like the right thing to do here.

Mr. Bolton made a motion to approve Code Amendment Request PZ23-00495. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

2. Rezoning Application PZ23-00496 filed by First Choice Transmissions LLC, requesting to rezone 135 Forestdale Drive (Parcel 54834) from OT-R Old Town Residential to N-C Neighborhood Commercial.

Mr. Petrick opened the Public Hearing.

Mr. Gould stated. The First Choice was operating from a separate location within the city prior to moving to Forestdale. So, it did have a business license for that property and just did not have the zoning clearance for this property. The appeal of Ms. Burton's determination was made to the Board of Zoning Appeal and within the window to either appeal that to Circuit Court or move over to the Planning Commission. Those steps were taken. Since October we've either been working through the BZA Appeal process or working to get in front of you all with this three-step application process today. The conversations that Ms. Burton and I had worked through the different classifications within the city where an automobile repair is either allowed by right or could be allowed through a special use and from our perspective, neighborhood commercial was really the only one that made sense. Trying to make the most of what is a challenging situation. Obviously, this is not going to be a parcel that you reclassify HRC or TOC. Certainly not light industrial. So, neighborhood commercial was the one that made sense, going back to the comments that we saw in the staff recommendation for the code amendment. These types of business are often seen in the neighborhood commercial setting, and I would submit to you all that there is benefit to the neighborhood. There is benefit to the larger community for having a business like this where First Choice is located. Again, this is a type of business that traditionally been found in NC designations and would argue that the benefit here extends well beyond just that, that would be received by the applicant and the owner. I think this is again a situation where we would just ask you help provide a path forward so that this property stays in productive use and recognizes the challenge that we're again inherited by the city here. This is not what anyone would create if they were drawing this area today, but we do believe that it is situation where this three-step process does make sense. I would be happy to answer any questions.

Mr. Petrick stated. I have a question for staff. Does the historical grandfathered use of this property in any way defend the idea of rezoning as far as a spot zoning?

Ms. Burton stated. The Property itself being zoned residential. In order to rezone and not be consider spot zoning would be if it has that greater good capacity. Property was for Life Care previously and then the Cabinet Shop, so it has some commercial use in its history. Just not one the intensity of an automobile repair.

Mr. Dodson stated. Has any of the neighbors commented or complained about this.

Ms. Burton stated. Yes, we received 5 responses, 4 were opposed, 1 unopposed.

Mr. Bolton stated. And how many notices were sent out.

Ms. Burton stated. Thirty-three notices were sent out.

Mr. Petrick closed the Public Hearing.

Mr. Bolton stated. I'm not going to repeat what I said before I stand by that. I just kind of feel like this is one of those unique and I've only seen one other that kind of fell into this, and it just make sense that this not be torn down or a house built when it's providing jobs. It's good for everybody.

Mr. Bolton made a motion to approve Rezoning Application PZ23-00496. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

3. Special Use Permit Application PZ23-00497 filed by First Choice Transmissions LLC. Requesting a Special Use Permit at 135 Forestdale Drive (Parcel 54834) to allow automobile and light vehicle repair establishments in accordance with Article 3.J Section C Item 23.

Mr. Petrick opened the Public Hearing.

Mr. Gould stated. Nothing to add with respect to the Special Use Permit request. I believe that hopefully it's fairly clear based on our discussion up to this point what our rationale is and requesting it. Happy to answer any questions.

Mr. Ranson stated. I think looking at the pictures that it can fairly be inferred that the entire parking lot would be considered storage because they could park vehicles there waiting to be worked on. It seems that the site does not comply with the regulations in that the storage areas are not screened. Are there plans? Am I incorrect in making that assumption of if I am correct are there plans to provide such screening.

Mr. Gould stated. Thanks for the question I will look to Ms. Burton to make sure that I'm characterizing the amendment correctly but the amendment as it been proposed, and you all have adopted would require screening for vehicles that are left outside. So, that would be something that would occur at the end of this process.

Mr. Ranson stated. What form would that screening take?

Mr. Gould stated. Don't know that particular decisions have been made about what the screening would look like but certainly we would talk with city staff to make sure we are meeting all requirements.

Mr. Ranson stated. The approval of that would be a separate issue that you would deal with the city on.

Mr. Gould stated. Yes.

Mr. Petrick stated. If this was to go through this would be approval be contingent upon all the requirements such as screening.

Ms. Burton stated. That's right, the minimum, it would need to be a fence that has obstructed views of slots in between or a solid fence, something of that nature. You could add landscaping as well but at minimum, it would need to be that obstructed view of a fence line.

Mr. Ranson stated. Landscaping would help minimize the impact of the whole facility just as an aside.

Mr. Petrick closed the Public Hearing

Mr. Bolton stated. On something like this does the city require the landscaping or if landscaping is a good idea? Should this be the time we put it on there? Or is landscaping an option. I know the fencing is not but landscaping.

Ms. Burton stated. Right, there will be a requirement for a buffer between the NC Commercial District and then the residential. So, all of that would need to be necessary and taken care of when they receive their inspections for their certificate of occupancy for the change of use. All of that will be handled prior to them getting a zoning clearance for a business license.

Mr. Bolton stated. Perfect.

Mr. Bolton made a motion to approve Special Use Permit Application PZ23-00497. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

4. Rezoning Application PZ23-00498 filed by River City Developers LLC, requesting to rezone Parcel (73170) from PS-C Planned Shopping Center Commercial to M-R Multifamily Residential.

Mr. Petrick opened the Public Hearing

Mr. Gould Stated. I don't have much to offer beyond what Ms. Burton has already shared in her report. As she mentioned this is the initial step in anticipated development of this parcel for multifamily residential use. The plans are currently being formulated and we've had initial conversations with Ms. Burton and Ms. McCulloch with the Housing Office about the possibilities. But at this point none of the details have been finalized. So, we're very much closer to the start of the process than the end. The end result though, we certainly believe will be new high-quality housing units outside of the River District and close to an important commercial corridor within our city and we know that there is a crucial need for new housing in different pockets of the city. The owner anticipates as Ms. Burton suggested that Special Use Permit for planned unit development be the next step and we look forward to presenting a fully developed plan to you and the neighbors in the coming months.

Mr. Bolton stated. Is that property all in the city? It's right near the county line, is it?

Mr. Gould stated. Yes, it bumps up on the county line but it's all within the city.

Mr. Bolton stated. Okay.

Mr. Williamson stated. I would like to thank you for letting me speak and represent my wife and myself in the matter of rezoning the property near our home at 111 Kohler Road or Cola Street, in the City of Danville. We have lived at this address since 1975. We have experienced many changes over the years. Originally, we're located in Pittsylvania County and then annexed into the city. We saw the origination in the building of Home Depot and Coleman Marketplace as well as the many improvements, additions to Central Boulevard and Piedmont Drive.

This leads me to our concern for proposed changes in the rezoning of Parcel (73170) by River City developers. We feel that we have been asked to offer input on an important decision without being provided enough detailed information of what is being proposed. On face value the definition of multifamily has not been explained. Does it mean apartment buildings, triplexes, duplexes, or something entirely different. Conversely the aforementioned properties are currently zoned commercial. The proposed change in designation would immediately limit options for the future and therefore decrease property values. In attempting due diligence and get some idea of what was being proposed, we researched River City Developers and found that the organization were only recently filed in November of 2023. There were no previous projects listed. We would ask that a comprehensive plan be submitted by River City Developers before this application is given consideration and that the surrounding property owners have the opportunity for a new vote.

In closing, we acknowledge the opportunity for improvements of the community and maybe realized but feels the future and the well being of the entire community as well as the City of Danville be given careful consideration.

Mr. Dodson stated. Exactly where do live Mr. Williamson?

Mr. Williamson stated. That dot on the map that's my swimming pool.

Mr. Dodson stated. What street is that?

Mr. Williamson stated. That's Kohler Street. We are actually the only one that lives on Kohler Street, when we moved there, it was gravel driveway,

Mr. Petrick closed the Public Hearing

Mr. Ranson stated. I agree with Mr. Williamson, without knowing how the site is going to be developed, a typical comment from community is the traffic, additional traffic. This may not be appropriate but the traffic situation at Coleman Marketplace is not ideal. Having one way in and one way out. This strikes me as potential help alleviate that problem but at the same time, as I look at the plan that it might be that way to alleviate it is to run a large road right by Mr. Williamson house. Again, I know that's not a possibility but without knowing how it's going to be developed we will not know how it is going to affect the neighborhood and that's concerning. I am very much in favor of more housing in Danville particularly if market rate housing is included in the development. But I really don't feel like I know what's the implications of all this would be at this point.

Mr. Williamson stated. Has been planted in pines and they're about 20 years old. So, I'm under the impression that the developer would come in and cut those. As far as future plans who knows it up in the air and that was my concern. I'm looking at my property values as well as the whole community. It's a quiet little community and as you can probably tell from the photo, it's only one street in you turn on Parker Road and then you take a left and go down Sweetbriar and it's like a cul-de-sac down there and that's where the cut off is then you got Kohler Street coming down to the left. Yeah, you may be right as far as something a thoroughfare, but it would still be inside of Home Depot. It would be kind of tough, but I guess it could be done, but not I'm trying to convey my concern as far as the community and house values. I would love to see retail, housing come in. I would have liked commercial better, but it is what it is. It has been sitting there since before I moved in 1975. It was originally hardwood and about the time they built Home Depot, they cut all the hardwood and planted in pines. Was just recently sold auctioned off I think in November.

Mr. Petrick stated. Can staff add to the concern? I know we're at the very beginnings of development here. Nothing has been decided but when something is decided, approval is going to result in traffic studies for this larger track for this particular area.

Ms. Burton stated. Potentially, yes, depending on how many residential units there are proposed. If they do decide that they want to go the PUD route, that will come before you for approval. You will see the site plan. You'll be able to look at that as well as any traffic counts or landscape buffers, any of that information will be posted before the Planning Commission to determine that route.

Mr. Bolton stated. For my clarity, I guess you really wouldn't expect the developer to have plans if we don't change the zoning. You almost have to know that we recommend approval and Council approves before you go to the trouble of submitting any kind of plans, proposals. Is that correct? You don't see that many plans before the change is even approved in most cases, do you.

Ms. Burton stated. Not in an acreage of this large. This is thirty plus or minus 30-acre track. Starting a development plan can be costly and time consuming. In general, we talk rezoning first, before we go into development.

Mr. Bolton stated. Right just wanted to be sure.

Mr. Ranson stated. That makes sense but still we might be buying a pig and a poke.

Mr. Petrick stated. We will prove the poke. When it comes time.

Mr. Williamson stated. My impression that a holistic or encompassing plan should be submitted before any type of.

Mr. Petrick stated. No.

Mr. Williamson stated. Am I wrong? Well, I though anyone can come in on a whim and say I want to change this and all of a sudden, the damage is done.

Mr. Petrick stated. Further approval will be required depending on exactly what they decide to develop this parcel. How they decide to develop it. So, further approval will be down the road.

Mr. Williamson stated. So, you don't feel putting the cart before the horse.

Mr. Petrick stated. It could be.

Mr. Bolton made a motion to approve Rezoning Application PZ23-00498. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

V. PLANNING DIRECTOR'S REPORT

Happy New Year.

Agendas are slightly shorter than previous months.

VI. MINUTES

**The December 11, 2023, minutes were approved by unanimous vote.
The December 19, 2023, minutes were approved by unanimous vote.**

With no further business, the meeting adjourned at 3:56 p.m.

s/Cynthia Lester
APPROVED