



City of Danville

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

City Planning Commission

DECEMBER 13, 2021

3:00 P.M.

CITY COUNCIL CHAMBERS – 4th FLOOR MUNICIPAL BUILDING

AGENDA

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ITEMS FOR PUBLIC HEARING

1. Special Use Permit Application PLSUP 2021-389, filed by Benjamin F. Moomaw III on behalf of the Berean Bible Church, requests a Special Use Permit Planned Unit Development in accordance with Article 17 of the Danville Zoning Ordinance at 305 West Main Street (Parcel ID#26335). The proposed Planned Unit Development will convert the existing church into a four (4) unit dwelling building.
2. Rezoning Application PLRZ2021-399, filed by Iulian and Corrie Bobe, requests to rezone 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial to M-R, Multifamily Residential District. The applicant will renovate and restore the building to its previous triplex dwelling configuration.

3. ITEM WITHDRAWN TO A FUTURE DATE – THE CITY WILL NOTIFY IF ITEM RETURNS

Special Use Permit Application PLSUP 2021-422, filed by Keith Walden on behalf of CWC Holdings LLC, requests a Special Use Permit for a Planned Unit Development in accordance with Article 17 of the Danville Zoning Ordinance including Parcel ID#s 20596, 20597, 25672, 22841, 24958, 25085, 25226, 22099, 25069, 25070, 25074, 20420, 20421, 20422, 25542, 25073, 23886, 22924, 24974, 21173, 20425, 24984, 25098, 22104, 22103, 22513, 24649, 24358, 21117, 24359, 25088, 20424, 25087, 20418, 25086, 25089, 25090. The proposed Planned Unit Development will include multiple-family dwellings and an apartment building.

4. Zoning Ordinance amendment PLCA2021-415, initiated by the City Planning Commission, proposes amending the code so that corner lots have a front yard and a street-side yard instead of two (2) front yards. This amendment also addresses regulations that rely on the new street-side yard definition including definitions, general regulations, and zoning districts dimensional standards.
5. APPROVE MINUTES FROM NOVEMBER 8, 2021
6. ADJOURNMENT



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

City Planning Commission

STAFF REPORT

DATE: December 10, 2021
TO: Planning Commission
FROM: Doug Plachcinski, AICP Planning Division Director + Zoning Administrator
RE: SPECIAL USE PERMIT APPLICATION PUD – 305 WEST MAIN STREET

Special Use Permit Application PLSUP 2021-389, filed by Benjamin F. Moomaw III on behalf of the Berean Bible Church, requests a Special Use Permit Planned Unit Development in accordance with Article 17 of the Danville Zoning Ordinance at 305 West Main Street (Parcel ID#26335). The proposed Planned Unit Development will convert the existing church into a five (5) unit dwelling building.

BACKGROUND

This project will convert the Berean Baptist Church into a five (5) unit multi-family dwelling.

STAFF ANALYSIS AND RECOMMENDATION

The City may allow a Planned Unit Development in any zoning district with a Special Use Permit.

The Comprehensive Plan puts the subject property in the "West Main: planning area. The future land use designation for the subject parcel is 'Medium Density Residential'. If approved, the Special Use Permit is in harmony with the OT-R Zoning District which is established to provide for multifamily family residences which are compatible with the Comprehensive Plan's goals for harmonious new development, redevelopment, adaptive reuse, and revitalization in and around existing, older urban residential neighborhoods in Danville. The principal objective of the OT-R District is to maintain, reinforce and enhance the "sense of neighborhood" which exists in some of the best examples of the City's historic downtown residential areas and to promote new residential development of compatible scale, historic character, and architectural massing.

The neighboring adjacent properties on West Main are residential. If granted, this proposed Special Use Permit is in harmony with the character of adjacent properties and the surrounding neighborhoods and 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 to apply any conditions necessary to assure that the proposed use will conform to zoning ordinance requirements. The Planning Division recommends approving this application as proposed and that the Planning Commission endorse Special Use Permit Application PLSUP 2021-389 for City Council approval with the following conditions:

1. That the development has no more than five dwelling (5) units;
2. That the development provides at least one (1) off-street parking space per unit by leasing them on a property within 300';
3. That the allowed uses at the development are residential;

4. No accessory buildings are allowed for this development, and
5. That the developer executes and records a development agreement with the City that acknowledges these conditions.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend approval of Special Use Permit Application as submitted;
2. Recommend approval of Special Use Permit Application with conditions per Planning Commission; or
3. Recommend denial of Special Use Permit Application.

ATTACHMENTS

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



City of Danville
Community Development
Planning Division

**PLANNING COMMISSION
SPECIAL USE PERMIT APPLICATION**

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Address: _____
Existing Zoning: _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): _____
Applicant: _____
Applicant's Address: _____
Applicant's Phone Number: _____
Applicant's E-mail: _____
Describe Proposed Development: _____

Article 6 Section B. General Standards and Criteria for Special Use Permit Review. Please explain how the Special Use Permit request meets the following review standards and criteria:

1. The proposed use shall be: a. in harmony with the adopted Comprehensive Plan; b. in harmony with the intent and purpose of the zoning district in which the use is proposed to be located; and c. in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.

-
2. The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities:
-
-

3. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance:

-
4. The proposed use shall be designed, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods:
-
-

Applicant Signature

Property Owner Signature
(if not applicant)

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee as established by the City Council.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

General Design / Development Plan

Renovation of Berean Baptist Church Building at 305 West Main Street and Conversion to Apartments

1. Introduction

The congregation of Berean Baptist Church has decided to sell its 80-year-old building. Originally built by the Lutheran congregation in Danville, it is a part of the city's history that should be preserved and enjoyed by many. We propose to do this with an interior-only renovation and conversion to five apartments, three for short-term rental and two for long-term rental.

2. Economic Value to the City

This proposed special use will provide three unique short-term rental units in close proximity to Averett University, the hospital and the casino.

It will also provide two long-term rentals at a time when additional residential dwelling units are needed.

3. Street Layout

The building sits on a small lot that is not much bigger than the building itself. Because of this, there is nothing that will be changed about the layout of the property.

4. Apartment Design and Use

The exhibit below is a schematic showing the planned design for five apartments, three on the main level of the church and two on the lower level. Two of the main-level apartments will have two bedrooms and one will have a single bedroom. The lower-level apartments will each have two bedrooms.

5. Non-residential Design and Use

There are no non-residential uses or changes proposed for the property.

6. Zoning District/Density

The OT-R zoning district allows for special use permits for such uses as bed and breakfast and duplexes. This proposed use, while not specified in the code, is similar.

The proposed design is for five dwelling units on a 0.11-acre lot. This is obviously greater than the 5 units per acre residential building density in OT-R. We request an exception to the density requirement, given the limited size of the development. It obviously can never be any larger than five units.

7. Parking

Parking will be accommodated by a combination of on-street parking and the rental of parking spaces at Ascension Lutheran Church just across the street.

In the two blocks on West Main on either side of the property, all of the 18 homes have off-street parking, so this proposed use should not cause parking density issues for residents in the immediate area.

8. Environmental/Architectural Considerations

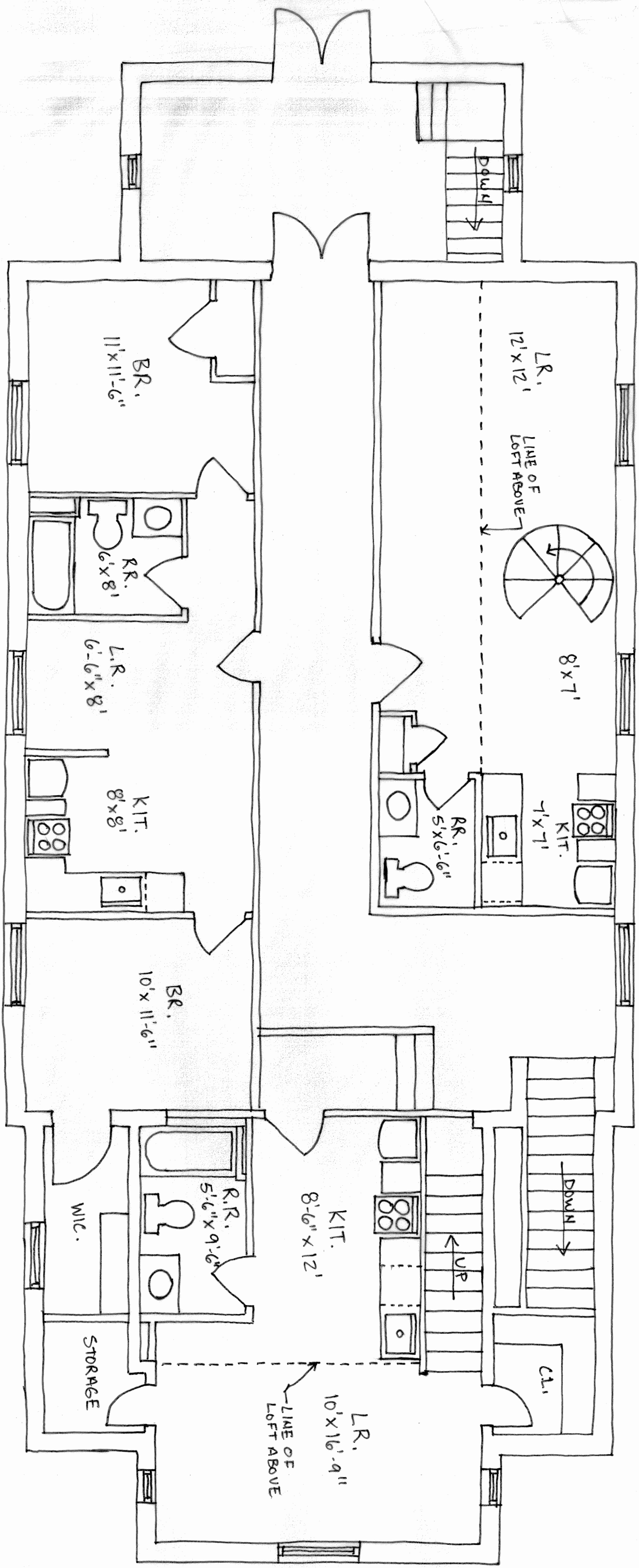
The stained-glass windows will be repaired where necessary and covered with tempered-glass storm windows to protect and preserve them.

9. Regulations

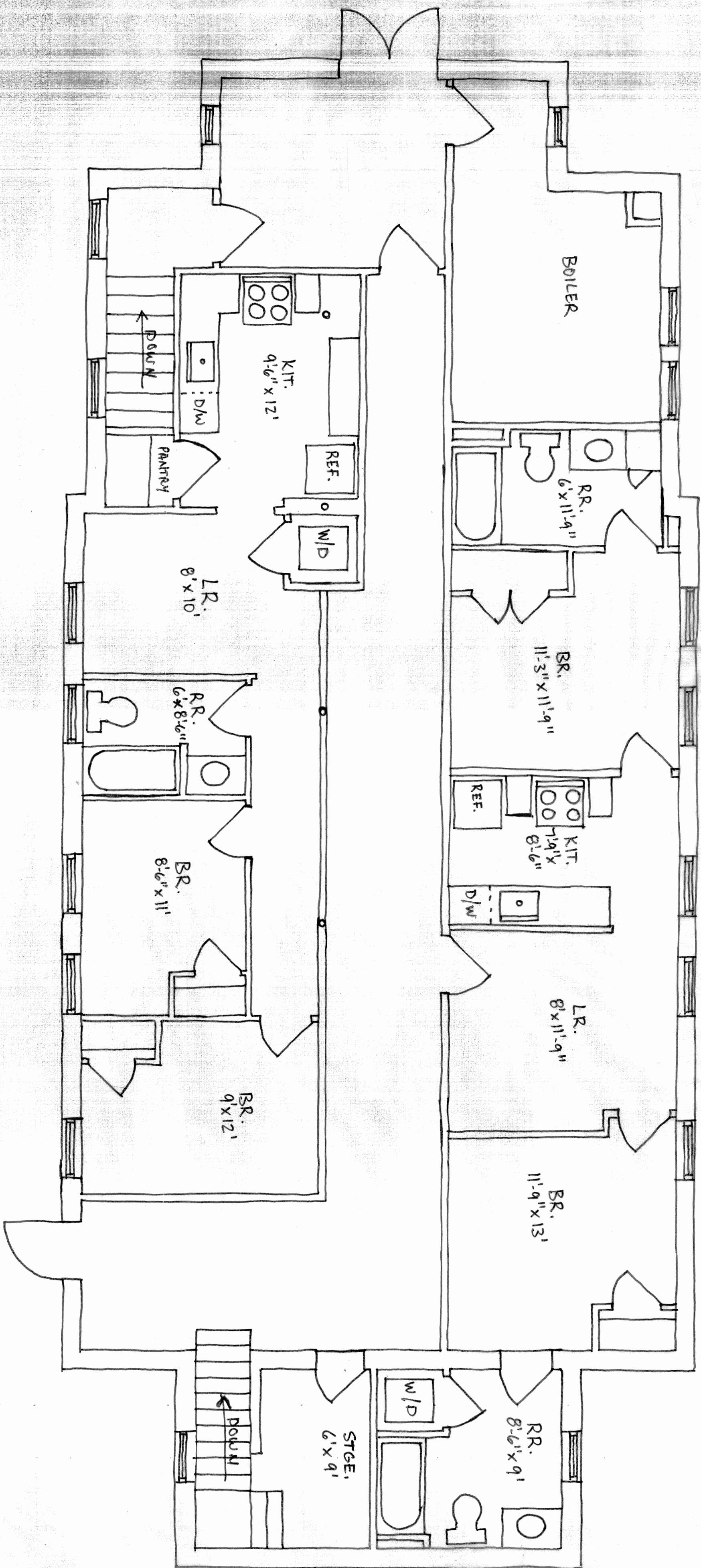
With the exception of the density requirement, the project will be executed in accordance with all design, zoning, improvement and construction standards in force at the time.

10. Timeframe

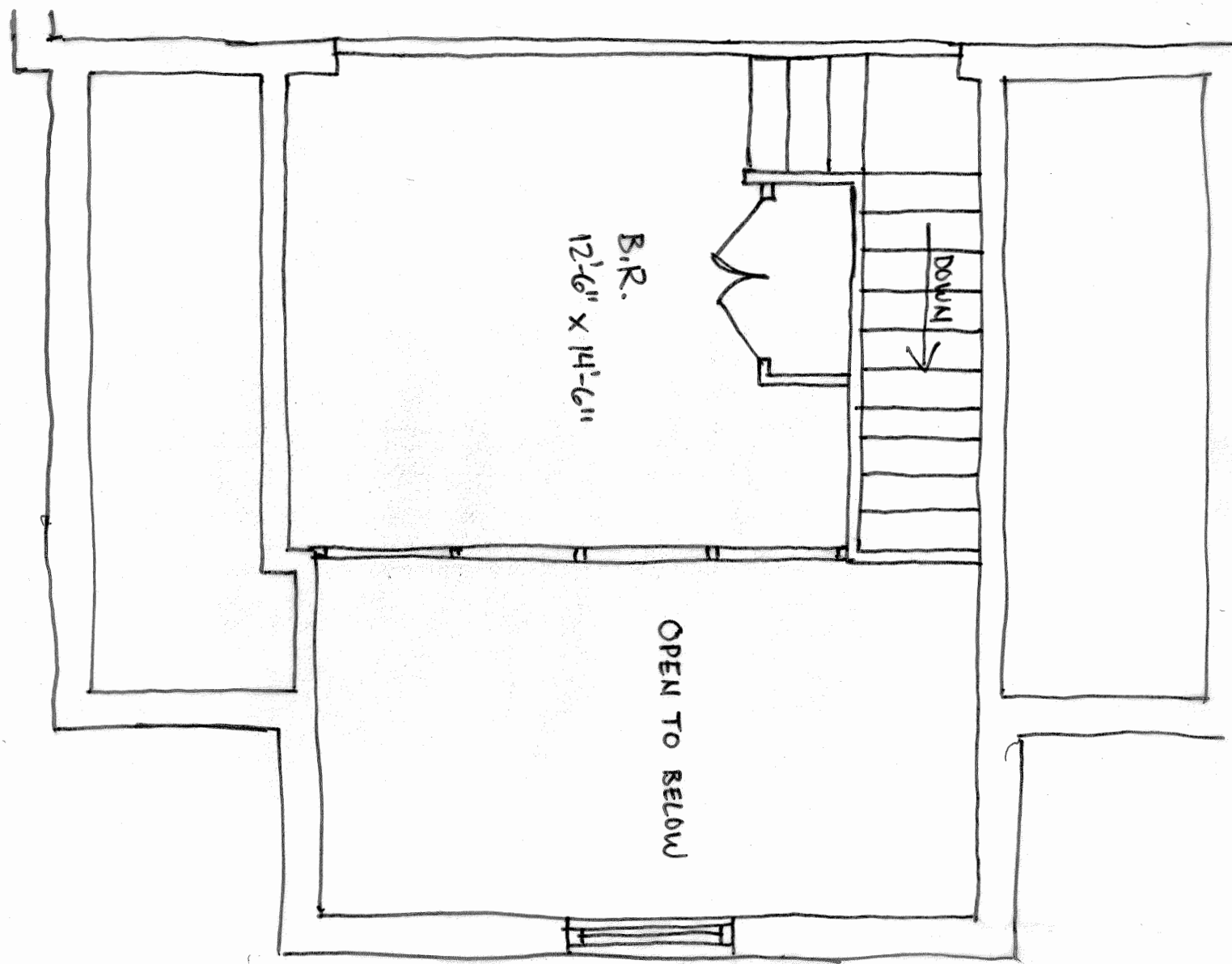
The project will commence in Q1 2022.



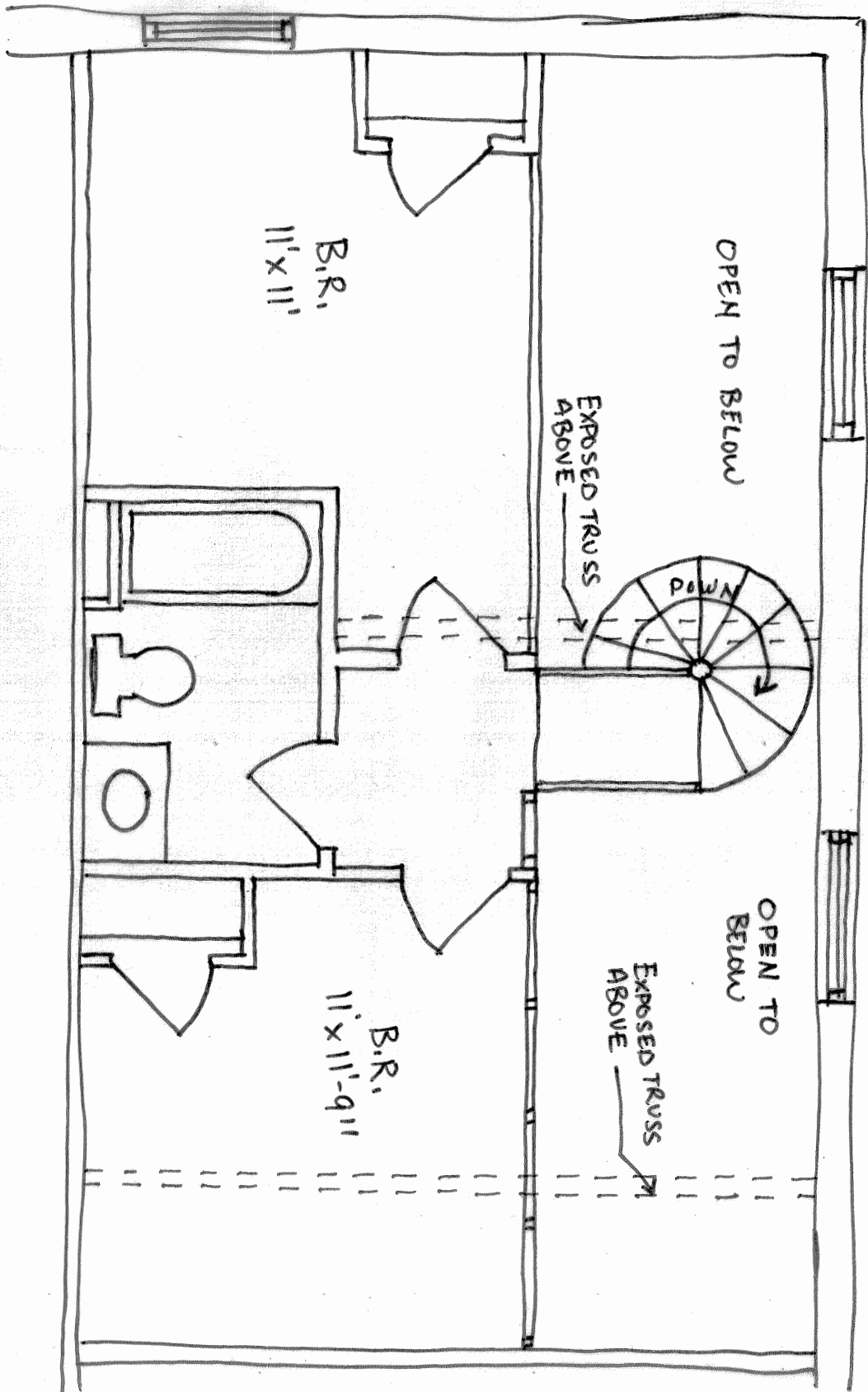
1 FIRST FLOOR PLAN
Scale: 1/4" = 1'-0"



2 LOWER LEVEL PLAN
Scale: 1/4" = 1'-0"



3 LOFT PLAN (1) BEDROOM APARTMENT
Scale: 1/4" = 1'-0"



4 LOFT PLAN (2) BEDROOM APARTMENT
Scale: 1/4" = 1'-0"



SOLEX ARCHITECTURE, INC.
641 MAIN STREET
DANVILLE, VIRGINIA 24541
434.688.0767 PHONE
434.791.3281 FAX

PRELIMINARY DOCUMENTS
NOT FOR CONSTRUCTION

BEN MOOMAW
**BEREAN CHURCH
APARTMENTS**

305 WEST MAIN STREET, DANVILLE, VA 24541

PRELIMINARY DESIGN

SHEET INFORMATION

NO.	DESCRIPTION	DATE

PROJECT NO.	20210043
DRAWN BY	MTA
CHECKED BY	JLB
DATE	2021.12.03
SCALE	1/4" = 1'-0"

SHEET NAME
PROPOSED PLAN

SHEET NUMBER

A-101

SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP 2021-389

PUBLIC HEARING DATES:	DECEMBER 13, 2021 PLANNING COMMISSION AT 3PM
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LOCATION OF PROPERTY:	305 WEST MAIN STREET
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PRESENT ZONE:	OT-R OLD TOWN RESIDENTIAL
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PROPOSED ZONE:	NO CHANGE
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ACTION REQUESTED:	SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT THAT CONVERTS A FORMER CHURCH BUILDING TO FOUR APARTMENTS
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PRESENT USE OF PROPERTY:	CHURCH
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PROPOSED USE OF PROPERTY:	MULTIFAMILY RESIDENTIAL
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FUTURE LAND USE DESIGNATION:	RESIDENTIAL
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PROPERTY OWNER (S):	BEREAN BIBLE CHURCH
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NAME OF APPLICANT (S):	BENJAMIN F. MOOMAW III
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PROPERTY BORDERED BY:	RESIDENTIAL
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ACREAGE:	0.12 ACRES TOTAL
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CHARACTER OF VICINITY:	RESIDENTIAL NEIGHBORHOOD
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INGRESS AND EGRESS:	WEST MAIN STREET
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TRAFFIC VOLUME:	MINOR ARTERIAL – 7200 AADT (2019)
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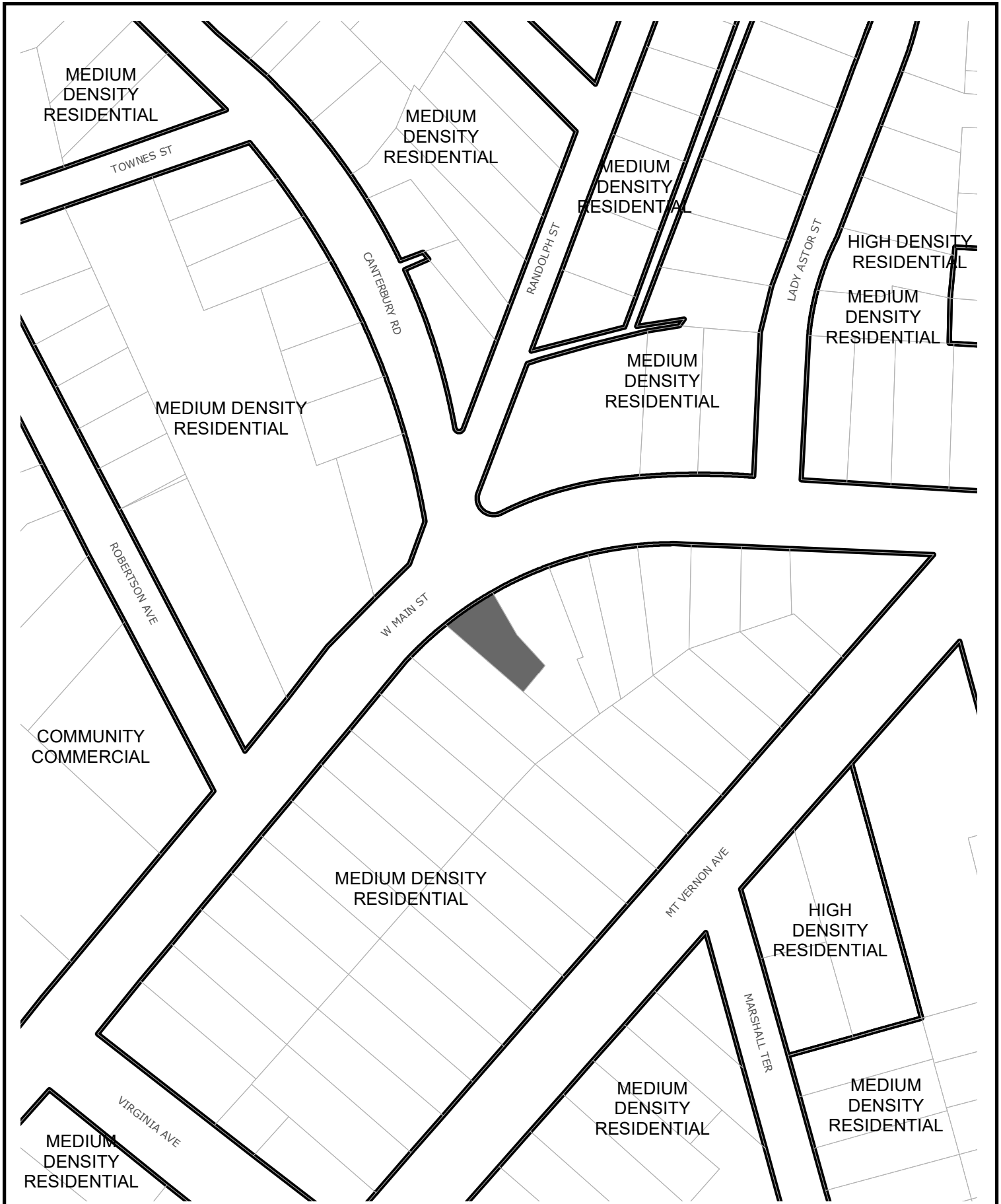


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
11/23/2021

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.



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/23/2021

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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
11/23/2021

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City Planning Commission

STAFF REPORT

DATE: December 10, 2021
TO: Planning Commission
FROM: Doug Plachcinski, AICP, Planning Division Director + Zoning Administrator
RE: REZONING APPLICATION – 125 JEFFERSON AVENUE

Rezoning Application PLRZ2021-399, filed by Iulian and Corrie Bobe, requests to rezone 125 Jefferson Avenue (Parcel ID# 23123) from N-C Neighborhood Commercial to M-R, Multifamily Residential District. The applicant will renovate and restore the building to its previous triplex dwelling configuration.

BACKGROUND

This applicant would like to amend the zoning map to convert the property for multifamily development.

STAFF ANALYSIS

The proposed rezoning's future land use designation in the Comprehensive Plan "High-Density Residential".

RECOMMENDATION

The Planning Division recommends that the Planning Commission endorse Rezoning Application PLRZ2021-399 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend continuation to a future meeting.
2. Recommend approval as submitted.
3. Recommend approval with conditions determined by the Planning Commission.
4. Recommend denial.

ATTACHMENTS

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

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: _____
PROPOSED ZONING: _____ TAX MAP NUMBER: _____
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: 4110 sqft Property Address: 125 Jefferson Ave, Danville, VA

Property Location: N S E W Side of: 125 Jefferson Ave, Danville VA

Between: Episcopal Church and 131 Jefferson Ave, Danville, VA

Proffered Conditions (if any, please attach): _____

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

1. NAME: 125 Jefferson LLC TELEPHONE: _____

MAILING ADDRESS: 247 W Main Street, Danville, VA

SIGNATURE: *Iulian Meler* DATE: Nov 1, 2021

SIGNATURE: *Conie J. Bobe* DATE: Nov 1, 2021

EMAIL ADDRESS: bobe.iulian@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: Iulian Bobe (owner of 125 Jefferson LLC) TELEPHONE: 203 524 7227

MAILING ADDRESS: 247 W Main, Danville, VA

EMAIL ADDRESS: bobe.iulian@gmail.com

SIGNATURE: *Iulian Meler* DATE: Nov 1, 2021

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:

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.~~
This property was a multi-unit (3) residential. The property was given by Troika LLC to the Episcopal Church to operate the Epiphany School. The Episcopal church requested a change in zoning to Commercial to operate the school. We are seeking the approval to re-zone the property back to residential in order to turn it into a 3 units apartments.

REZONING REQUEST DATA SHEET PLRZ 2021-399

PUBLIC HEARING DATES: DECEMBER 13, 2021
PLANNING COMMISSION AT 3PM

LOCATION OF PROPERTY: 125 JEFFERSON AVENUE

PRESENT ZONE: N-C NEIGHBORHOOD COMMERCIAL

PROPOSED ZONE: M-R MULTIFAMILY RESIDENTIAL

ACTION REQUESTED: REZONE PROPERTY TO ALLOW THREE APARTMENTS

PRESENT USE OF PROPERTY: VACANT

PROPOSED USE OF PROPERTY: MULTIFAMILY RESIDENTIAL

FUTURE LAND USE DESIGNATION: RESIDENTIAL

PROPERTY OWNER (S): FRONT PORCH LIVING LLC

NAME OF APPLICANT (S): IULIAN AND CORRIE BOBE

PROPERTY BORDERED BY: RESIDENTIAL AND CHURCH

ACREAGE: APPROXIMATELY 0.12 ACRES TOTAL

CHARACTER OF VICINITY: RESIDENTIAL NEIGHBORHOOD

INGRESS AND EGRESS: JEFFERSON AVENUE

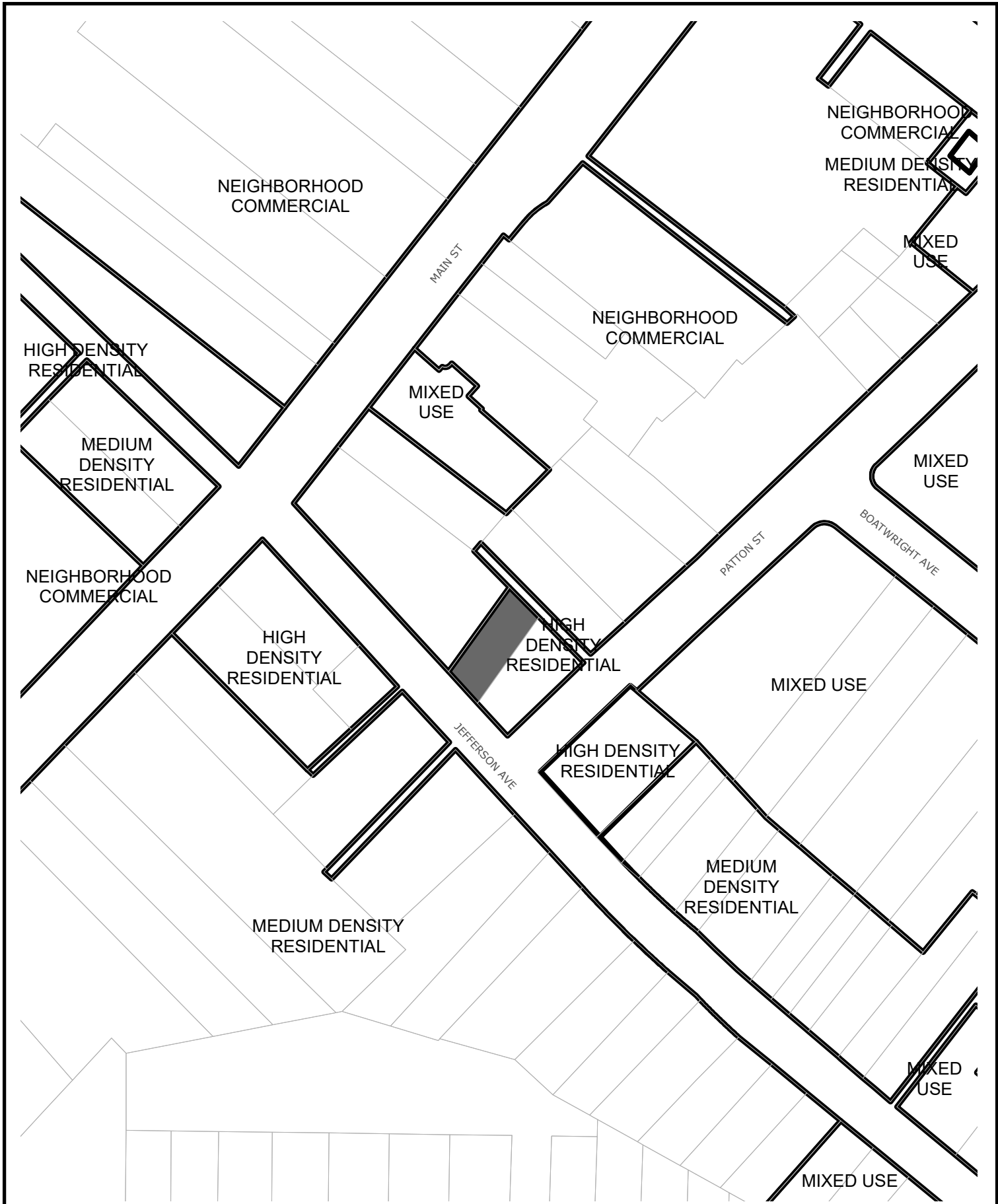
TRAFFIC VOLUME: NEIGHBORHOOD CITY STREET, NO COUNTS

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
11/23/2021

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY



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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



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City of Danville

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Phone: (434) 799-5260

City Planning Commission

MEMORANDUM

DATE: December 10, 2021

TO: Danville City Planning Commission

FROM: Doug Plachcinski, AICP, Planning Division Director + Zoning Administrator

RE: PLRZ 2021-245 Side Yard

Zoning Ordinance amendment PLCA2021-415, initiated by the City Planning Commission, proposes amending the code so that corner lots have a front yard and a street-side yard instead of two (2) front yards. This amendment also addresses regulations that rely on the new street-side yard definition including definitions, general regulations, and zoning districts dimensional standards.

EXHIBIT 'A'

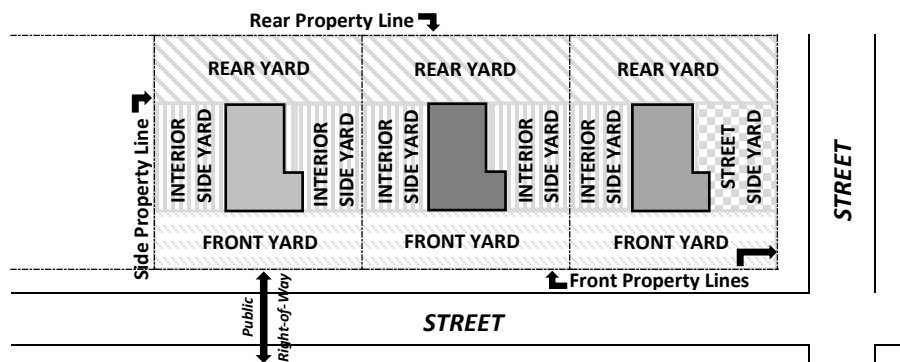
Zoning ordinance amendment to distinguish street side yards from front yards on corner properties and also establish interior side yards.

ARTICLE 15. DEFINITIONS

~~Frontage. That side of a lot abutting on a street. A lot shall be deemed to have frontage on a street if one (1) property line of a lot abuts an accessible public street right-of-way. On corner lots the frontage may be determined by the owner, but shall be consistent with the the orientation of neighboring lots.~~

Frontage. The portion of a property adjacent to a right-of-way.

Figure 15.1 Yards and Property Lines



Yard. An open space on a property with a principal building, a group of buildings, or a use that is unoccupied and unobstructed from the ground up, unless allowed by this Ordinance.

~~Yard, front. A yard extending across the full width of a lot, measured perpendicular to the front lot line and extending to the principal building. On a corner lot, all yards lying between the principal building and the intersecting streets shall be deemed front yards.~~

Yard, front. The yard between the front property line and the nearest part of the principal building or use that extends across the full property width.

~~Yard, rear. A yard extending across the full width of the lot and lying between the rear lot line of the lot and the principal building group.~~

Yard, rear. The yard between the rear property line and the nearest part of the principal building or use that extends across the full property width.

~~Yard, side. A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines.~~

Yard, interior side. The yard between an interior side property line and the nearest part of the principal building or use that extends from the front yard to the rear yard.

Yard, street side. The yard between a street side property line and the nearest part of the principal building or use that extends from the front yard to the rear yard.

ARTICLE 2. GENERAL REGULATIONS

2.P. Accessory Uses and Structures

5. No accessory ~~structure shall be located~~ building may be in a front or street side yard, ~~except for flagpoles, fences and walls.~~

~~10. Except as otherwise provided, an ornamental fence or wall not more than four (4') feet in height may project into or enclose any front or street side yard from the street line or side lot line to the main building for a depth equal to that of the front or street side yard. Ornamental provided such fences and walls do not exceed a height of eight (8') feet. This provision shall not be interpreted to prohibit the erection of an open mesh type fence enclosing any school or playground site or business or industrial activity for security purposes.~~

10. Fences or walls up to four (4') feet tall may project into or enclose front and street side yards. Fences or walls up to eight (8') feet tall may project into or enclose interior side and rear yards.

11.a. Satellite dishes greater than three (3) feet in diameter:

i. May not be in a front or street side yard;

13. In all residential zoning districts, accessory mechanical appliances may be in an interior or street side yard if they are:

Q. Walls and Fences

~~1. No walls or fences located within front yards shall exceed a height of forty-eight (48) inches as measured from the grade at the point of placement.~~

1. Fences and walls in front and street side yards may not be taller than four (4') feet.

V. Lot and Yard Requirements and Modifications

6. Swimming pools are not allowed ~~permitted~~ in front or street side yards.

~~7. Corner lots shall provide a setback equal to the required front setback for all yards adjoining a public street.~~

7. Corner properties' front and street side yards must have an equal setback.

ARTICLE 3.A: - SR-R, SANDY RIVER RESIDENTIAL (Single Family Residential District)

F.2.(2) Interior and street side yards: 50' feet.

ARTICLE 3.B: - T-R, THRESHOLD RESIDENTIAL DISTRICT

F.2.B. Interior and street side yards: 15' feet.

ARTICLE 3.C: - S-R, SUBURBAN RESIDENTIAL DISTRICT (Single Family Residential District)

F.2.A.(2) Interior and street side yards: 15' feet.

F.2.B.(2) Interior and street side yards: six (6') feet.

ARTICLE 3.D: - NT-R, NEO-TRADITIONAL RESIDENTIAL DISTRICT

F.2.B. Side yard:

(1) Interior side yard: six (6') feet.

~~0 feet, for zero lot line by special use permit.~~

(2) ~~Corner lot (yard siding a private or public street):~~ Street side yard: 15' feet.

ARTICLE 3.E: - OT-R, OLD TOWN RESIDENTIAL DISTRICT (Urban Areas Single Family Residential District)

F.2.A.(2)

~~Side yard (interior lot): 10 feet, Except that the minimum side yard for any lot of record prior to the date of the adoption of this ordinance shall be 6 feet.~~

Interior side yard: ten (10') feet, unless a lot of record then six (6') feet.

~~Side yard (corner lot): 10 feet, except that the minimum side yard for any corner lot of record prior to the date of the adoption of this ordinance shall be 6 feet.~~

Street side yard: ten (10') feet, unless a lot of record then six (6') feet.

F.2.B.(2)

~~Side yard (interior lot): 12 feet.~~

Interior side yard: twelve (12') feet

~~Side yard (corner lot): 20 feet except that the minimum side yard for accessory uses for any lot of record prior to the date of the adoption of this ordinance shall be 5 feet.~~

Street side yard: 20' feet. If a lot of record, then accessory building setbacks is five (5') feet.

ARTICLE 3.F: - A-R, ATTACHED RESIDENTIAL DISTRICT (Townhouse and Attached Residential District)

2. Minimum yard requirements for attached, duplex and two-family dwellings:

A. Front yard: 20' feet, ~~for any yard fronting a public right of way.~~

~~10 feet, for any yard fronting a private travelway and/or parking bay, provided that the minimum yard depth be measured from the face of building to either (1) the back of vehicular pavement curbing or (2) the back of sidewalk if located between building and vehicular pavement curbing, whichever dimension is closer to the building front.~~

~~20 feet, for any yard fronting a private travelway and/or parking bay serving a residential dwelling with a garage.~~

B. ~~Side yard: 16 feet, for any side yard fronting a public right of way.~~

~~14 feet, for any side yard abutting a private travelway and/or parking bay.~~

Street side yard: 16' feet

~~12 feet, for any side yard abutting an adjacent lot line.~~

Interior side yard: twelve (12') feet.

ARTICLE 3.G: - M-R, MULTIFAMILY RESIDENTIAL DISTRICT (Multifamily Residential District)

F.2.B.

~~Side yard: 15 feet, provided that where a side yard fronts a public right of way, the side yard shall be 30 feet.~~

Street side yard: 30' feet

Interior side yard: 15' feet.

F.6.A

Front yard, 25'

~~Front yard: 25 feet, for any yard fronting a public right of way.~~

~~12 feet, for any yard fronting a private travelway and/or parking bay, provided that the minimum yard depth be measured from the face of building to either (1) the back of vehicular pavement curbing or (2) the back of sidewalk if located between building and vehicular pavement curbing, whichever dimension is closer to the building front.~~

~~20 feet, for any yard fronting a private travelway and/or parking bay serving a residential dwelling with a garage.~~

F.6.B.

Street side yard: 16' feet

Interior side yard: twelve (12') feet.

~~Side yard: 25 feet, for any side yard fronting a public right of way.~~

~~16 feet, for any side yard abutting a private travelway and/or parking bay.~~

~~12 feet, for any side yard abutting an adjacent lot line.~~

ARTICLE 3.I: - TO-C, TRANSITIONAL OFFICE (Transitional Residential/Office District)

F.2.B

~~Side yard: 15 feet, provided that no parking is located within a side yard. If parking is provided in a side yard, the side yard shall be the depth of the parking plus 15 feet. Where the lot adjoins an existing residential district, the side yard must then be at least 20 feet.~~

Interior and street side yards: 15' feet without parking in those yards. If parking is in an interior or street side yard, the required setback is the parking area width plus 15' feet. If the property's interior side yard abuts a residential zoning district, then the required setback is 20' feet.

ARTICLE 3.J: - N-C, NEIGHBORHOOD COMMERCIAL (Neighborhood Retail Commercial District).

E.2.B

~~Side yard: 15 feet, parking may be located within a side yard if the N-C zoned property is adjacent to a property zoned in one of the following districts: TO-C, HR-C, PS-C, CB-C, or TW-C. If parking is provided in a side yard, the yard shall include a 2.5 foot landscape buffer. Where the lot adjoins an existing residential district, the side yard must be at least 20 feet.~~

Interior and street side yards: 15' feet. Parking is allowed in an interior or street side yard if the property is adjacent to a property zoned TO-C, HR-C, PS-C, CB-C, or TW-C and includes a two and one-half (2.5') foot landscape buffer. If the property's interior side yard abuts a residential zoning district, then the required setback is 20' feet.

ARTICLE 3.K: - CB-C, CENTRAL BUSINESS DISTRICT (Central Business Commercial District).

E.2.b

~~b. Side yard: Not regulated.~~

~~(1) Side yard shall be at least 10 feet or as otherwise required by buffer yard criteria where adjacent to any residential district; and~~

~~(2) Side yard shall be at least 5 feet where adjacent to an alley which is recorded as an access easement or public right of way.~~

b. Interior and street side yards: no setback except:

(1) If the property's interior side yard abuts a residential zoning district, then the required setback is ten (10') feet; and

(2) If the property's street side yard abuts an alley, then the required setback is five (5') feet.

ARTICLE 3.M: - HR-C, HIGHWAY RETAIL COMMERCIAL (Highway Retail Commercial District)

E.2.b

~~b. Side yard: 20 feet, provided, where side yard abuts a residential district, the side yard shall be 30 feet.~~

b. Interior and street side yards: 20' feet. Unless the property's interior side yard abuts a residential zoning district, then the required setback is 30' feet.

ARTICLE 3.N: - PS-C, PLANNED SHOPPING CENTER COMMERCIAL (Planned Shopping Center District).

E.2.b

~~b. Side yard: 40 feet, provided that if side yard is adjacent to a residential district or right of way contiguous thereto, the side yard shall be 60 feet.~~

b. Interior and street side yards: 40' feet. Unless the property's interior or street side yard abuts a residential zoning district, then the required setback is 60' feet.

ARTICLE 3.O: - LED-I, INDUSTRIAL DISTRICT (Light Economic Development District).

G.2.B.

~~B. Side yard: 50 feet, from a property line which is the exterior boundary of the industrial park property.~~

~~30 feet, from a property line interior to the industrial park property.~~

B. Interior and street side yards: 50 feet from a property line on the industrial park boundary.

30 feet, from a property line interior to the industrial park.

ARTICLE 3.P: - CP-1, CYBER PARK ONE DISTRICT (Cyber Park One Economic Development District).

~~B. Side yard: 80 feet, provided, where side yard abuts a residential district, the side yard shall be 100 feet.~~

b. Interior and street side yards: 80' feet. Unless the property's interior or street side yard abuts a residential zoning district, then the required setback is 100' feet.

ARTICLE 3.Q: - M-I, INDUSTRIAL DISTRICT (Industrial Manufacturing District).

~~B. Side yard: 25 feet, provided, where side yard abuts a public right-of-way or residential district, the side yard shall be 50 feet;~~

B. Interior and street side yards: 25' feet. Unless the property's interior or street side yard abuts a residential zoning district or right-of-way, then the required setback is 50' feet.

ARTICLE 3.V: - C-E CASINO ENTERTAINMENT DISTRICT

E.3.b.

~~b. Side yard: 40 feet.~~

b. Interior and street side yards: 40' feet.

PLANNING COMMISSION MINUTES

NOVEMBER 8, 2021

MEMBERS PRESENT

Mr. Khan
Mr. Garrison
Mr. Bolton
Mr. Petrick
Mr. Dodson
Ms. Evans

MEMBERS ABSENT

Mr. Craft

STAFF

Doug Plachcinski
Lisa Jones
Clarke Whitfield

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

Mr. Garrison stated if Planning Commissioners have no objection, I would like to add one item to the agenda today and that is the item to look at definitions for yards. It is something that I think that we need to take a look at and if there aren't any objections to adding that to the agenda?

The Commissioners agreed to add to the agenda.

ITEMS FOR PUBLIC HEARING

Special Use Permit Application PLSUP 2021-328, filed by Tynita Strickland-Cain, requests a Special Use Permit for a family day care home in accordance with Article 3.E Section C.24. of the Danville Zoning Ordinance at 420 Van Buren Street, Parcel ID# 04089. The applicant requests a Special Use Permit for a family day care home.

Mr. Garrison opened the Public Hearing.

Ms. Tynita Strickland-Cain stated my goal is to provide families in need of childcare for kids ages six weeks to five years old. I would like to also provide respite care for emergency situations like if DHS has the child, I'm not sure if it is called DHS down here but foster families when they need emergency family care here, that's my goal: to provide adequate childcare services. I want my families to feel like they're leaving their child at home. So, that's why I am requesting this permit.

Mr. Garrison stated are there any questions from any of the commissioners?

Mr. Dodson stated what hours do you think you would operate?

Ms. Strickland-Cain stated my goal was to operate from six to six. Also, like I said if it's an emergency situation, I would like to provide for families if they work overnight, so it depends on the need for care, if allowed. So, if I have a family who works overnight shift, if allowed, I'll provide the care for overnight shift. If I have a family whose child is being taken into custody for emergency situations, then they need emergency respite care. I am planning on working on providing this type of care, also.

Ms. Evans stated do you plan on those respite care cases being in addition to the up to twelve that you're requesting or inclusive in the twelve?

Ms. Strickland-Cain stated the twelve hours?

Ms. Evans stated no, the twelve non-related children.

Ms. Strickland-Cain stated I don't plan on having twelve kids in a home at one time. It is a bit overwhelming. I've been working with children for like twenty-two years. So, I know the ratio with children for my capacity depends on the age limit is four to one. I would never have more than twelve kids at a time in a care of my own because it is not smart or safe to have that many children in one capacity. Especially working with different age levels because if you're working with infants you are only allowed to have four to one for infants. If you are working with toddlers, it is five to one. Whatever group of children that you're working with the ratio drops. Now I'm just giving a ratio from Philadelphia because I'm from Philadelphia. So, in Philadelphia that's our ratio but Virginia after looking into the process of like the different ratio types when I went to training last year, it's pretty much the same. So, if I have, two toddlers and one infant, I'm going to feel allowed to have one to four children because the ratio drops according to the youngest age in your group. I would never have more than twelve kids. I can't care for twelve kids at one time. It's not safe. You can't keep your eyes on twelve kids at one time.

Ms. Evans stated so, it's just you, not any employees?

Ms. Strickland-Cain stated no.

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated just one, we don't set time. She mentioned six to six but then, if she had an overnight, that's okay or is that?

Mr. Plachcinski stated It would be alright.

Mr. Bolton stated I thought so. Thank you.

Mr. Bolton made a motion for recommendation of approval for Special Use Permit PLSUP 2021-328 as submitted. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

Mr. Garrison stated of the other item that I ask that we look at and add to the agenda, is in the last several months, the BZA has had several cases that came before them dealing with people that owned corner lots, and in the code, the code states that if you live on the corner, then you have two front yards. These people have been coming to request something that anyone else in the city living on a street, not on a corner lot, could have done simply by getting whatever permits they needed and going about their business and having it installed. In these cases, these people are having to pay \$205.00 for BZA.

Mr. Plachcinski stated I think so.

Mr. Garrison stated they're having to pay an additional \$200.00 just to get approval from BZA and I can tell you that the BZA has passed all of them, almost without any discussion. And I think that's a little unfair to treat people that have a corner lot differently in the use of

the yard that's on the side of their house. So, I bring that to you for discussion and or a recommendation that we ask Mr. Plachcinski to look into the definition and see if we can change it.

Ms. Evans stated I thought that part of the issue was they were putting a piece of equipment in their side yard. It is not necessarily front yard. Like air conditioners are supposed to be in the backyard but if they're extenuating circumstances, you can put them in the side yard.

Mr. Plachcinski stated right, we changed the ordinance to allow it in the side yard as long as it is screened. The way the ordinance reads still, if you're on that corner lot, then you don't really have a side yard. I mean, there is a side yard but in the most recent cases, that's been completely unfeasible to put it on that side of the house.

Ms. Evans stated then, that is odd to me that because it's on the corner lot that it's a front yard and not a side yard, when it's clearly not the front of the house.

Mr. Petrick stated you agree that this needs to be changed, you think?

Mr. Plachcinski stated I think so and Mr. Garrison brings up the application cost, but I think it's not even so much that as it is the time and stress of going in front of a public body and having a public hearing for something that is relatively straightforward. We will need to look at what other implications may be in the ordinance for making the change. Are there any other hidden rules or easter eggs that may you know, have to do with the definition of a front yard versus street side yard, which is how I've seen other communities handle that in the ordinance. So certainly, there are some techniques to accomplish what Chairman Garrison proposes, but we'll need to take a look at the whole ordinance and make sure we don't set off a ripple effect of or if we do, we accommodate multiple changes.

Mr. Petrick stated does this have any effect on people storing recreational vehicles or anything like that?

Mr. Plachcinski stated that would be something we want to look at clearly.

Mr. Bolton made a motion for recommendation to staff that they go in and look into this for us. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

IV. PLANNING DIRECTOR'S REPORT

Mr. Plachcinski said I was gong to bring up the front yard discussion under this section of the program, but you stole my thunder from me. So, I appreciate you and you're always welcome to. We've started our discussions about the comprehensive plan. So, after we are done here, we'll adjourn across the hall and have a brief introduction for about 45 minutes with our team that is in town having initial conversations. You know, they'll explain a little bit more about our timeline. Next month we do have at least two applications in that will be for a couple of different things. One of which will be particularly interesting, is there's the Old Baptist Church on West Main that a developer has an option on to convert to a family dwelling. It will be one more, but I can't remember right off the top of my head. We will have a discussion about this ordinance change and I think that'll be a full enough agenda for December because starting in January, we've got a lot of work in front of us as we proceed with comprehensive plan and still conducting our business week to week.

VII. APPROVE MINUTES FROM OCTOBER 12, 2021

The October 12, 2021 minutes were approved by unanimous vote.

VIII. ADJOURNMENT

With no further business, the meeting adjourned at 3:14 p.m.

APPROVED _____