



City of Danville

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

City Planning Commission

SEPTEMBER 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 PLSUP2021-263, filed by Nadine Etchison, requests a SUP for 107 Walters Street (Parcel ID# 21027) for a private community facility in accordance with Article 3.E Section C.17. The applicant intends to develop an outdoor gathering space.
2. Special Use Permit Application PLSUP2021-297, filed by Trinity United Methodist Church, requests a SUP for 409 Arnett Boulevard (Parcel ID# 05074) for an accessory building or accessory use without a primary building located on the parcel in accordance with Article 3.E Section C.23. The applicant intends to develop an outreach supply storage and distribution building.
3. Rezoning Application PLRZ2021-312, initiated by the City of Danville Planning Director requests to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended. Specifically, to add an Article 17, entitled Planned Unit Developments. Planned Unit Developments (PUDs) provide greater flexibility in land development regulation and land use arrangement than applying the Zoning Ordinance conventionally.

IV. OLD BUSINESS

1. Rezoning Application PLRZ2021-255, initiated by the City Planning Director, requests to rezone 924 Arnett Boulevard (Parcel ID# 00319) from OTR Old Town Residential to HR-C Highway Retail Commercial. The owner intends to operate commercial uses on the site as it was developed in 1950.

V. NEW BUSINESS

1. Review of a Final Major Subdivision Plat PLMAJP 2021-325 for the creation of five (5) lots on Seminole Drive.

VI. PLANNING DIRECTOR'S REPORT

VII. APPROVE MINUTES FROM AUGUST 9, 2021

VIII. ADJOURNMENT



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

City Planning Commission

STAFF REPORT

DATE: September 9, 2021
TO: Planning Commission
FROM: Doug Plachcinski, AICP, Planning Division Director + Zoning Administrator
RE: SPECIAL USE PERMIT APPLICATION – 107 WALTERS STREET

Special Use Permit Application PLSUP2021-263, filed by Nadine Etchison, requests a SUP for 107 Walters Street (Parcel ID# 21027) for a private community facility in accordance with Article 3.E Section C.17. The applicant intends to develop an outdoor gathering space.

BACKGROUND

This applicant would like to establish a gathering space on the vacant lot. The applicant included a sketch with the application that proposes a variety of different activities. The City has many subdivided lots that may never have homes built on them, or at least not any time soon. The preponderance of these vacant lots can disconnect and disempower our communities and fracture neighborhoods. They are often devolving from an urban development form and back to nature. Regardless of the Planning Commission's review of this proposal, addressing vacant land activation must be an important part of the City's 2022 Comprehensive Plan.

STAFF ANALYSIS

The applicant, Nadine Etchison, applied to the Planning Division for a private community facility in the OT-R, OLD TOWN RESIDENTIAL DISTRICT (Urban Areas Single Family Residential District). The application is attached to this report.

The City may allow a private community facility in the OT-R Zoning District. (Chapter 41 Zoning Ordinance, Article 3.E. §C.17.).

The Comprehensive Plan puts the subject property in the Southwyck 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 consideration of infill lots situated within the City's urban residential environs. Properties subject to this district shall be developed with the objective of preserving existing historic and natural features, providing adequate public facilities and infrastructure, promoting excellence in site organization and landscape design, and encouraging housing with a compatible scale and character of architecture to that which is found in many of the City's stable urban neighborhoods.

The neighboring adjacent properties neighborhood residential. If granted, this proposed Special Use Permit is in harmony with the character of adjacent properties and the surrounding neighborhoods, 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.

RECOMMENDATION

The Planning Division recommends the Planning Commission endorse Special Use Permit Application PLSUP-2021-263 for City Council approval for 12 months with the condition that the Planning Commission review the project in 12 months and make a recommendation to the City Council whether to extend the Special Land Use Permit at that time.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend approval of the Special Use Permit Application as submitted;
2. Recommend approval of the Special Use Permit Application with conditions per Staff;
3. Recommend approval of the Special Use Permit Application with conditions per Planning Commission;
or
4. Recommend denial of the 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#): 107 WALTERS ST
Applicant: NADINE M. EDELSON
Applicant's Address: 1910 HALIFAX RD
Applicant's Phone Number: 770-364-8415
Applicant's E-mail: alwaysblessedbygod2018@gmail.com
Describe Proposed Development: See Attached

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.

See Attached

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.

Special Use Permit Application / Parcel # 21027
Article 6 Section B

1B. This detailed land use proposal is in line with the Comprehensive Plan as well as past and present land uses within the residential community of Almagro, in Danville, Va.

Almagro has always been a place that welcomes businesses that enhances the community, i.e. Winslow Hospital/Ashwood Home for Adults/Winslow Loving Care/Health Dept, several community churches, recreation ctr, Betts Grocery, barber shop, schools, Boys and Girls Club, etc. I believe that using my land in the community as a venue for community, family, and social events such as birthday parties, reunions, and graduation celebrations, as well as pop-up shops that promote entrepreneurship will do just that, enhance the community.

Growing up in Danville, Va, on the other side of Oak Hill Cemetery, in Liberty View projects, Almagro played a big part in my life, memories I hold fondly.

It seems that my proposal is not only in harmony with the Adopted Comprehensive Plan for Danville, Va, but also in line with the character of this community. I recently read an article where Rev. Bridgeforth is pushing for the revitalization of Almagro and I believe that there will be improvements made and it is my desire to be an asset to the revitalization process as we all work together to help Almagro come back better.

Some of the things I wish to do at The Venue

- **Rent spots for Pop-Up Shoppes- 2-4 weekends per month**
- **August - Back - To - School Fun Day and Supplies giveaway**
- **October - Trunk-o-Treat safety zone**
- **December - Christmas Wish Program**
- **March - Spring outdoor revival services**
- **April - Easter egg hunt for the children**
- **Rent Venue for various type celebrations**

2B. This residential district is adequately served by the essential public services and I intend to have the necessary services connected on the property to include public restrooms.

3B. The use I am proposing does not result in the loss or damage of any feature determined to be of significant ecological, scenic, or historic importance. On the contrary, it is my intention to add to the future scenic beauty of Almagro through the requested revitalization process of the community. I intend to increase the historic importance of the community by placing various plaques throughout the property which will depict and tell the history of the important role that Almagro has played in the lives of the African Americans in Danville, Va and surrounding areas.

4B. It is my desire that the landscape and use of this lot will not only encourage the appropriate upgrading of homes but also increase their value, and also encouraging surrounding neighborhoods to do the same.

Article 6 Section D3

3a. See attached site plan

3b. See attached site plan

3c.

1. The Danville Comprehensive plan for the Neighborhood Revitalization Plan mentions "The preservation of Danville's historic neighborhoods is critical to maintaining elements of the city's character and vitality" which is an inevitable part of how I plan to use this land by including historical plaques on it that is sure to strike up historical conversations during social and recreational gatherings that will help to keep the history of this community vital.
2. The zoning district is OT-R
3. The surrounding properties consist of several adjoining lots (two empty), three residential homes (two empty), one church, the old Winslow Hospital, Edwin A. Gibson school, Boys and Girls Club, and historic Peters Park.
4. At present Almagro is in much need of revitalization, to include infrastructure improvements. I believe that the intended use of my land will surely add to that revitalization.
- 5 There will be ample space on the lot for vendor and patron parking, with separate marked entrance and exit to ensure easy flow of vehicles. This will minimize vehicle parking off-site.

6 Once approved I plan to have water, electricity, and public restrooms on-site.

Lay-out

MAUDE RANDALL NICHOLS
MATTOX
CPN: 1808-C09-000013.000
Parcel ID: 22665
DB W12 Pg 281
DB 544 Pg 222

OWNER OF RECORD:
NADINE M. STICHSON
GPIN: 1808-009-000014.000

~~049 Acres~~

CORD: 25
Parking For
Vendors &
Potions.

Does
strong.
Can drink
on front of
on 4.
Beich

Beickwall
344 H/6

STARS (18)

MARK & PORTIA GUNN
GPIN: 1608-009-000015.00X
Parcel ID: 20527
DB 722 PG 132

ADELL WATKINS &
HAMPTON HERA & LEE ALFRED
GPIN: 1602-002-000017.000

Parcel ID: 25501
DB 357 PG 105

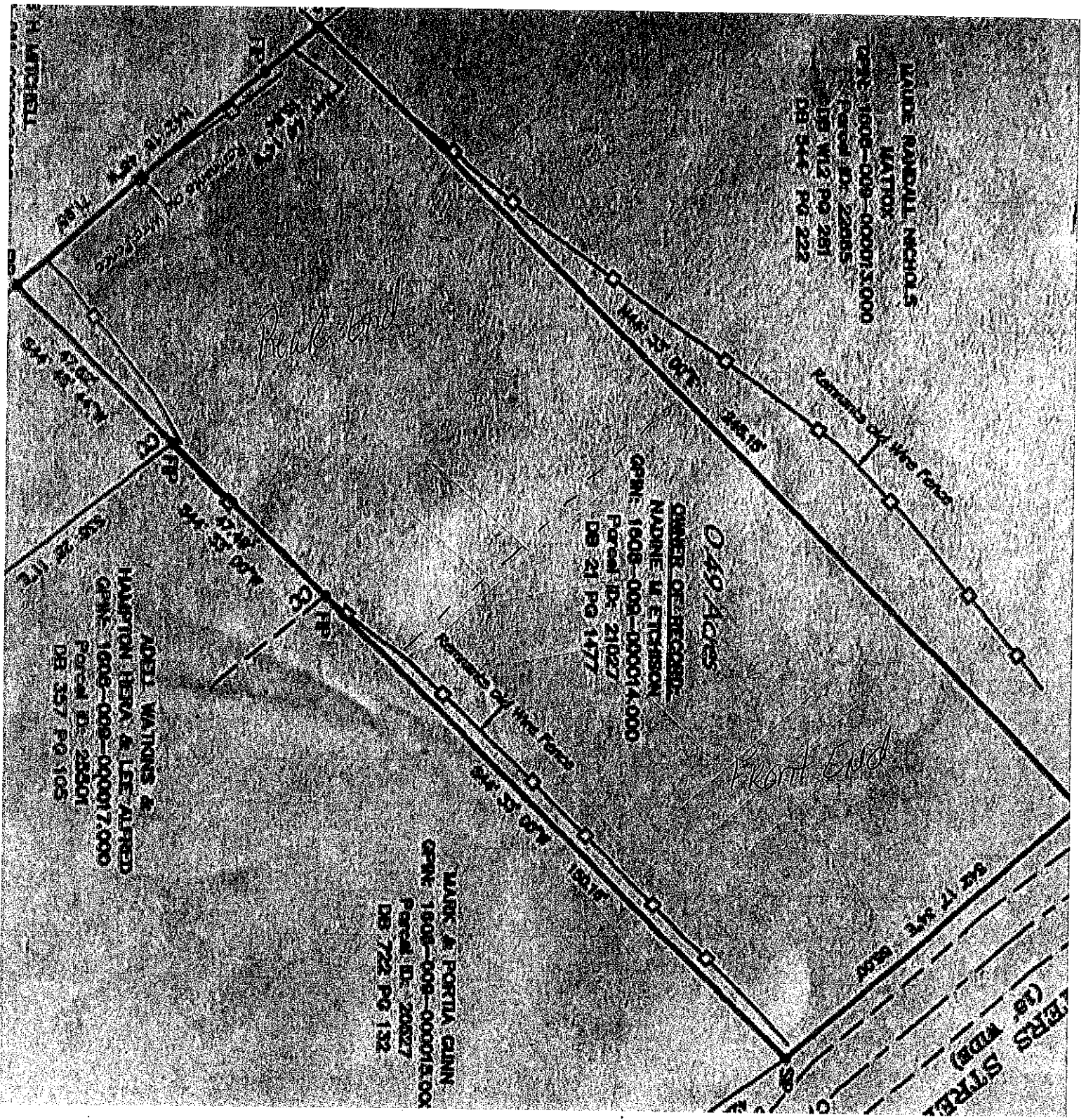
DB 722 PG 132

LAURE RABEALL NICHOLS
WATTON
GRANT: 1608-008-000015.000
Parcel ID: 22885
DB 544 PO 261
DB 544 PO 222

0.69 Acres
SUMMER OF RECORD:
MADINE M. EICHSON
GRANT: 1608-008-000014.000
Parcel ID: 21027
DB 21 PO 1477

ADRIEL WATSON &
HAMPTON HERA & LEE ALFRED
GRANT: 1608-008-000017.000
Parcel ID: 23501
DB 257 PO 105

MARK & PORTIA CLANN
GRANT: 1608-008-000016.000
Parcel ID: 20827
DB 722 PO 132



SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP 2021-263

PUBLIC HEARING DATES:	SEPTEMBER 13, 2021 PLANNING COMMISSION AT 3PM
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LOCATION OF PROPERTY:	107 WALTERS 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:	THE APPLICANT REQUESTS A SPECIAL USE PERMIT FOR A AN OUTDOOR GATHERING SPACE
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PRESENT USE OF PROPERTY:	VACANT
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PROPOSED USE OF PROPERTY:	SAME
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FUTURE LAND USE DESIGNATION:	RESIDENTIAL
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PROPERTY OWNER (S):	NADINE ETCHISON
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NAME OF APPLICANT (S):	NADINE ETCHISON
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PROPERTY BORDERED BY:	RESIDENTIAL AND VACANT
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ACREAGE:	0.43 ACRES TOTAL
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CHARACTER OF VICINITY:	RESIDENTIAL NEIGHBORHOOD
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INGRESS AND EGRESS:	WALTERS AND BROADNAX
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TRAFFIC VOLUME:	RESIDENTIAL STREET – NO RECENT COUNTS
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2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
8/27/2021

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.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
8/27/2021

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY



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

City Planning Commission

STAFF REPORT

DATE: September 9, 2021
TO: Planning Commission
FROM: Doug Plachcinski, AICP, Planning Division Director + Zoning Administrator
RE: SPECIAL USE PERMIT APPLICATION – 409 ARNETT BOULEVARD

Special Use Permit Application PLSUP2021-297, filed by Trinity United Methodist Church, requests a SUP for 409 Arnett Boulevard (Parcel ID# 05074) for an accessory building or accessory use without a primary building located on the parcel in accordance with Article 3.E Section C.23. The applicant intends to develop an outreach supply storage and distribution building.

BACKGROUND

This applicant would like to put a small building on the vacant lot next to the Church's parking lot.

STAFF ANALYSIS

The applicant applied to the Planning Division for an accessory building or accessory use without a primary building in the OT-R, OLD TOWN RESIDENTIAL DISTRICT (Urban Areas Single Family Residential District). The application is attached to this report.

The City may allow an accessory building or accessory use without a primary building in the OT-R Zoning District. (Chapter 41 Zoning Ordinance, Article 3.E. §C.23.).

The Comprehensive Plan puts the subject property in the North 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 consideration of infill lots situated within the City's urban residential environs. Properties subject to this district shall be developed with the objective of preserving existing historic and natural features, providing adequate public facilities and infrastructure, promoting excellence in site organization and landscape design, and encouraging housing with a compatible scale and character of architecture to that which is found in many of the City's stable urban neighborhoods.

The neighboring adjacent properties neighborhood residential. If granted, this proposed Special Use Permit is in harmony with the character of adjacent properties and the surrounding neighborhoods, 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.

RECOMMENDATION

The Planning Division recommends the Planning Commission endorse Special Use Permit Application PLSUP-2021-263 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend approval of the Special Use Permit Application as submitted;
2. Recommend approval of the Special Use Permit Application with conditions per Staff;

3. Recommend approval of the Special Use Permit Application with conditions per Planning Commission;
or
4. Recommend denial of the 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 SUP 2621-297 PC Meeting Date: 9/13
Date Received: 8/12/21 Received By: HDP
Parcel ID: 05074 Address: 409 ARNETT
Existing Zoning: 6TR Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 409 Arnett Blvd - Danville - 05008 - located - 05074
Applicant: Albert Payne For Trinity United Meth. Church
Applicant's Address: 1921 Stony Mill Rd Danville 24541
Applicant's Phone Number: 434-489-4304
Applicant's E-mail: apayne1950@yahoo.com
Describe Proposed Development: Mission house shed - 8' x 10'

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.

will be on an empty lot - made to look like a church - steeple

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:

yes - no electricity planned at this time
battery operated lighting -

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:

CORRECT

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:

yes - mini church look -

MLP
Applicant Signature

Trinity U Methodist Church
Nancy Clark Trustee
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.
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 - (6.) Environmental impact statement.

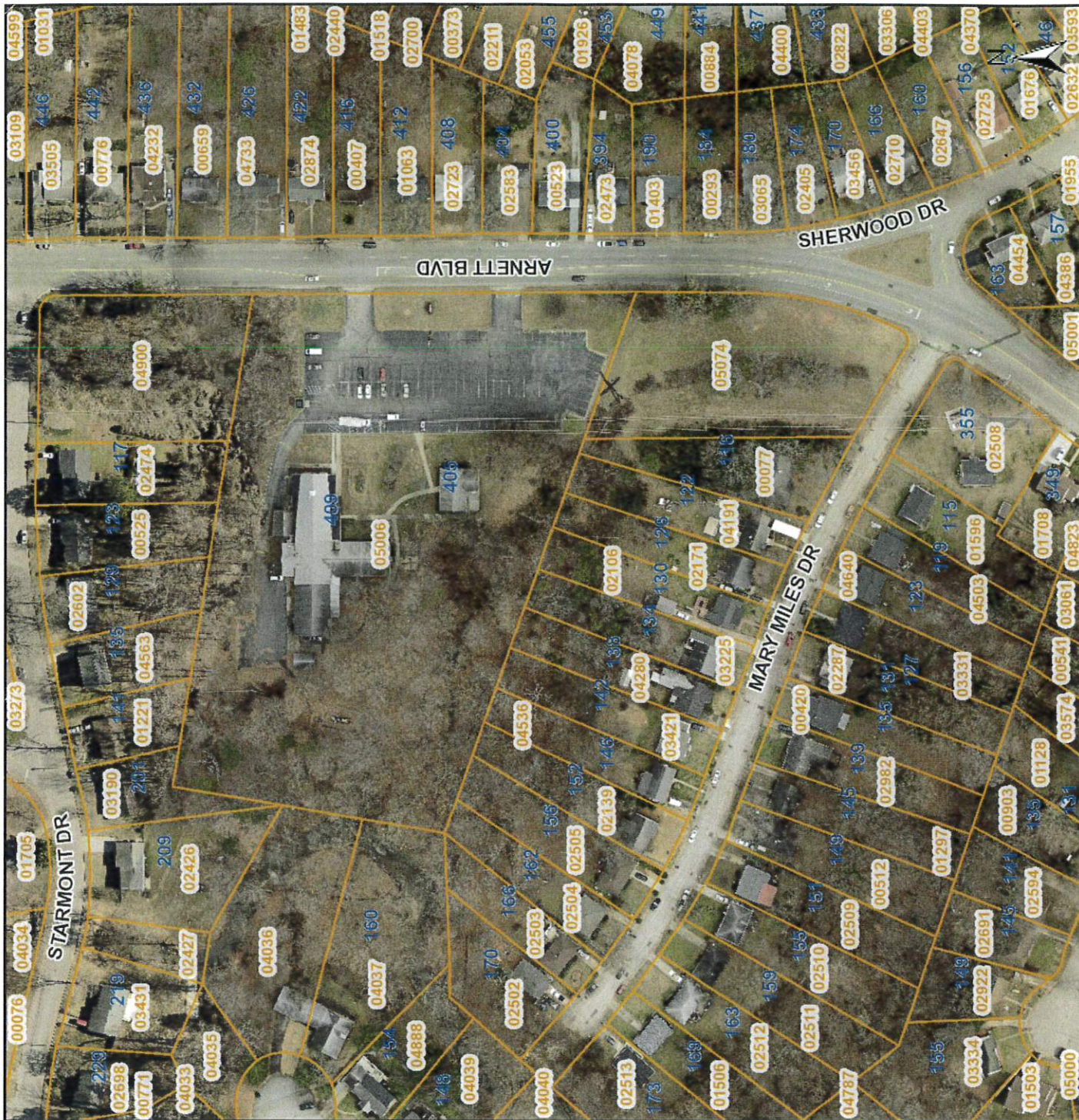
City of Danville

Legend

- Parcels
- Street Names
- House Numbers
- Parcel Numbers



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Title:

Date: 6/15/2021

SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP 2021-297

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

LOCATION OF PROPERTY: 409 ARNETT BOULEVARD

PRESENT ZONE: OT-R OLD TOWN RESIDENTIAL

PROPOSED ZONE: NO CHANGE

ACTION REQUESTED: THE APPLICANT REQUESTS A SPECIAL USE PERMIT FOR A
FOR AN OUTREACH SUPPLY STORAGE AND DISTRIBUTION
BUILDING.

PRESENT USE OF PROPERTY: VACANT

PROPOSED USE OF PROPERTY: SAME

FUTURE LAND USE DESIGNATION: RESIDENTIAL

PROPERTY OWNER (S): TRINITY UNITED METHODIST

NAME OF APPLICANT (S): TRINITY UNITED METHODIST

PROPERTY BORDERED BY: RESIDENTIAL AND CHURCH

ACREAGE:

CHARACTER OF VICINITY: RESIDENTIAL NEIGHBORHOOD

INGRESS AND EGRESS: ARNETT BOULEVARD

TRAFFIC VOLUME: RESIDENTIAL COLLECTOR STREET – 2019 2600 AADT

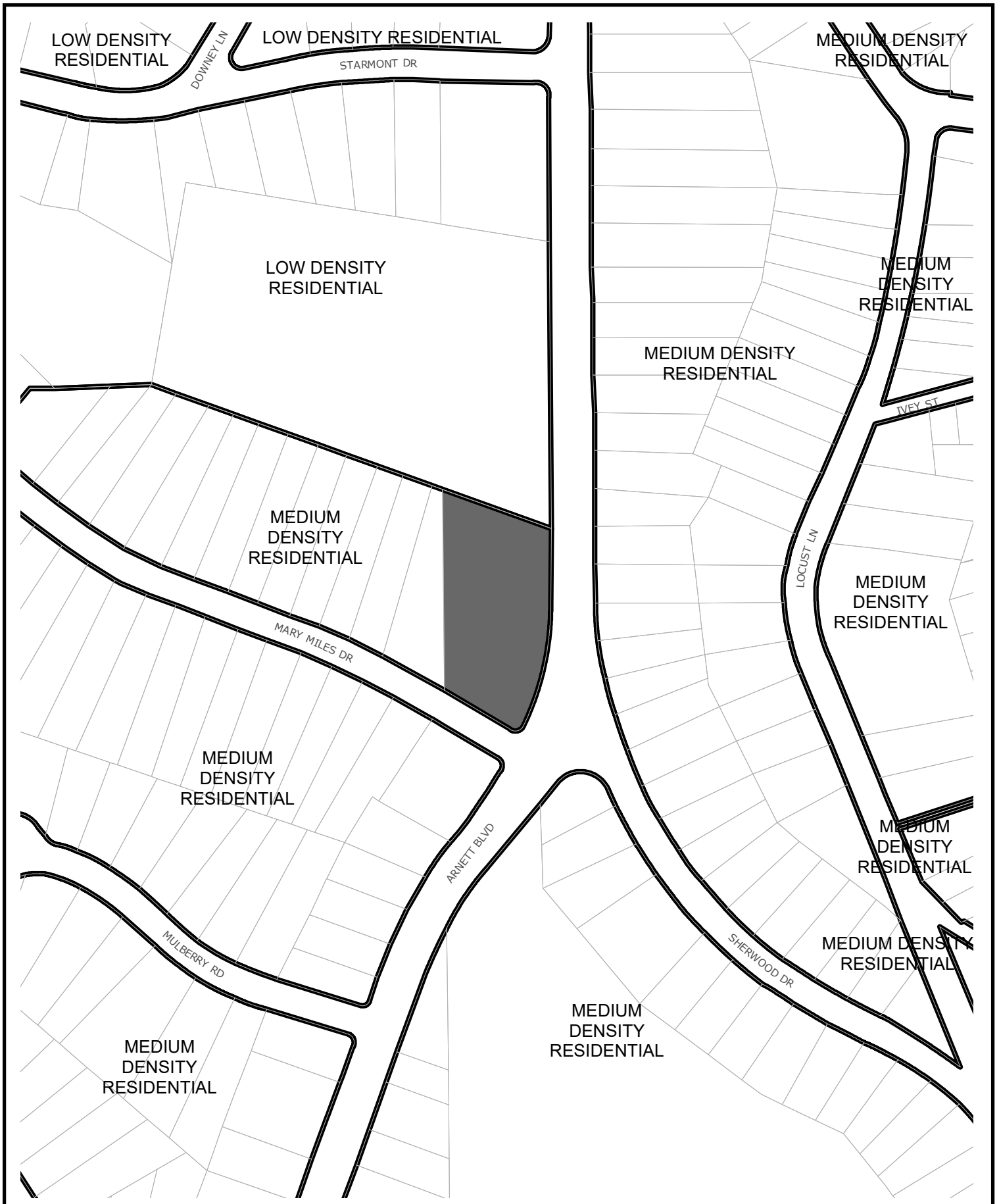


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
8/26/2021

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
8/26/2021

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

City Planning Commission

MEMORANDUM

DATE: September 9, 2021
TO: Danville Planning Commission
FROM: Doug Plachcinski, AICP, Planning Division Director + Zoning Administrator
RE: REZONING PLRZ 2021-312 TEXT AMENDMENT

ARTICLE 17. – PLANNED UNIT DEVELOPMENTS

Danville's zoning code does not have a process for mixed land use developments. In the future, conventional zoning may not conveniently apply to mixed housing product neighborhoods or developments that include residential and commercial components. The Planned Unit Development process, allowed under Virginia Code, provides a tool for public review and input to approve the development concept. The Concept plan can then be adjusted to allow the developer flexibility in implementing the concept without restarting the review over again each time like they would under the conventional zoning procedure.

Ultimately zoning ordinance improvements can implement goals like, but not limited to:

- ✓ Promote economic growth and avoid unnecessarily strict regulations;
- ✓ Make regulations easier to understand;
- ✓ Incorporate technical best practices;
- ✓ Balance the historic and ecologic preservation with property rights;
- ✓ Ensure high quality development; and (but not least)
- ✓ Implement the City of Danville Comprehensive Plan.

The following summarizes the proposed PUD amendment:

1. The amendment provides the PUD purpose.
2. The amendment establishes requirements for all PUD's including review process, open space minimums, connectivity, and developer.
3. The amendment defines the PUD's Concept Plan and General Design Plan steps and explains the materials and documentation necessary for each. An important feature is a development agreement executed between the City and the Developer. If a PUD is not developed, the underlying conventional zoning remains in effect on the property.
4. The amendment categorizes minimum and major modifications to the PUD special use permit.

ARTICLE 17. PLANNED UNIT DEVELOPMENTS

A. Purpose of Planned Unit Developments (PUDs).

Planned Unit Developments (PUDs) provide greater flexibility in land development regulation and land use arrangement than conventional Zoning Ordinance application. Through this option, more creative development approaches can take advantage of the special characteristics of the land than would otherwise be possible. A PUD must include an application, Concept and General Design Plans, other appropriate documentation, and a development agreement. The specific objectives of this Section are to:

1. Require land innovation and design variety, structure layout, and type while preserving the intent and integrity of the City Comprehensive Plan;
2. Achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities;
3. Permit compatible land use mixtures;
4. Permit flexibility in the placement, lot area and building type regulations, while assuring sound site planning standard applications
5. Provide safe, efficient access, and traffic circulation;
6. Manage the quality and quantity of stormwater with low-impact development techniques; and
7. Preserve steep slopes, floodplains, historic structures and areas, and significant natural resources.

B. General Requirements.

These Planned Unit Development (PUD) regulations apply to all proposed PUDs. Where there are conflicts between the PUD regulations and general zoning, subdivision, or other City regulations or requirements, the PUD regulations control.

- a. A PUD project may be permitted in any zoning district subject to City Special Use Permit approval.
- b. No PUD may be approved unless Planning Commission reviews the application. The Planning Commission must conduct at least one (1) public hearing as required in Section 15.2-2204 of the Code of Virginia. Following the public hearing, the Planning Commission will prepare and by motion adopt its recommendations, which may include changes in the applicant's original proposal resulting from the hearing, and then report such recommendations, together with any explanatory material, to the City Council.
- c. Before acting on a PUD application, the City Council must hold at least one (1) public hearing in accordance with as required in Section 15.2-2204 of the Code of Virginia. After the public hearing, the City Council may make appropriate changes to or impose appropriate conditions upon the proposed PUD. The City Council may hold a joint public hearing with the Planning Commission.
- d. A minimum of fifteen (15%) percent of the developable land area must be open space. This open space may include required landscaping and stormwater management improvements.
- e. A PUD must access sidewalks, multi-modal paths, and public transportation options to the extent practical.

- f. The project may be owned, leased, controlled or under option by a single person or corporation or by a group of individuals or corporations. The owner or owners of all property included in the PUD or the property owner's authorized agent must file the application. In case of multiple ownership, the approved Special Use Permit binds all owners.

C. PUD Process

1. Concept Plan. The applicant must submit a Concept Plan to the Planning Division before applying for PUD General Design Plan Special Use Permit.
 - a. The Concept Plan must show the PUD concept in schematic form, indicating generalized land use areas and their relationship to each other, density calculations, underlying zoning, circulation patterns, utility availability, existing conventional zoning, and existing site characteristics including historic and environmental resources.
 - b. The Planning Division must review the Concept Plan in consultation with other City Departments and provide a report containing comments and suggestions on the proposed PUD to the applicant.
2. PUD General Design Plan. The applicant may apply for a PUD General Design Plan Special Use Permit after receiving the Planning Division's Concept Plan report.
 - a. The PUD General Design Plan Special Use Permit application follows the Special Use Permit procedure in Article 6.
 - b. The PUD General Design Plan must include the following:
 - i. Residential development designs including the general street layout and the number and type of dwelling units proposed for each phase.
 - ii. Non-residential development designs including the general building footprint, street layout, building area, and the location and number of parking spaces.
 - iii. Proposed open space, recreation area, and other community facility locations, types, and sizes.
 - iv. Zoning district uses and standards applicable within the PUD development.
 - v. A statement specifying conventional zoning standard modifications from zoning districts necessary for the PUD development.
 - vi. Proposed development density, maximum floor area coverage, dwelling unit count, and estimate of net developable areas.
 - vii. Vehicular and pedestrian circulation plan.
 - viii. Existing environmental features.
 - ix. A development phasing plan, if applicable.
 - x. A description of all landscaping, lighting, signage, and architectural themes used for each building including example building elevations.
 - c. The PUD General Design Plan Special Use Permit application must include a development agreement for review and recommendation by the Planning Commission, then executed and recorded at the Clerk of Court if the City Council approves the PUD. The development agreement shall include, at a minimum, the following:
 - i. The permitted uses of the property.

- ii. The permitted density and/or intensity of the proposed use.
 - iii. Applicable reservations or dedications of land for public purposes.
 - iv. Terms, conditions, restrictions and requirements upon which approval is based, including development phases, architecture standards, landscape standards, necessary on-site or off-site improvements, and public infrastructure upgrades.
 - v. A time frame for commencement and completion of improvements associated with the PUD.
 - vi. A statement indicating that, except as otherwise provided by the PUD development agreement, regulations governing permitted land uses, density, design, improvement and construction standards, and specifications applicable to land development are the regulations in force at the time.
 - vii. Any other development issues determined necessary by the City.
 - d. PUD Site Development Plan. The applicant may apply for a PUD site development plan for the entire development or as phased after the City Council approves the PUD General Design Plan Special Use Permit and the executed development agreement is recorded with the Clerk of Court.
3. Extension. The developer may request an extension of PUD approval established by the City Council for improvements that are Special Use Permit conditions for up to one (1) year.
4. Modifications
- a. Minor modifications. The Zoning Administrator may approve minor modifications to the PUD General Design Plan Special Use Permit if they do not:
 - i. Increase by more than ten (10%) percent the total number of dwelling units or non-residential building floor area;
 - ii. Decrease the amount of private and/or public open space more than five (5%) percent as long as the 15% open space requirement is met;
 - iii. Adversely impact public infrastructure and utilities;
 - iv. Violate the PUD General Design Plan Special Use Permit development agreement.
 - b. Major modifications. Any proposed major modification to the PUD General Design Plan Special Use Permit, as determined by the Zoning Administrator, must be approved by the same process as the initial application.



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

City Planning Commission

STAFF REPORT

DATE: September 9, 2021
TO: Planning Commission
FROM: Doug Plachcinski, AICP, Planning Division Director + Zoning Administrator
RE: REZONING APPLICATION – 924 ARNETT BOULEVARD

Rezoning Application PLRZ2021-255, initiated by the City Planning Director, requests to rezone 924 Arnett Boulevard (Parcel ID# 00319) from OTR Old Town Residential to HR-C Highway Retail Commercial. The owner plans commercial uses on the site as it was developed in 1950.

UPDATE

The property owner, Richard Holbrook, contacted the Division and told me he had worked out the neighbor issues and would attend the Planning Commission meeting.

BACKGROUND

The property owner requested a use change at the property to a more intense use, used car sales. Article 7 of the zoning ordinance regulates non-conforming uses and I determined that the change did not meet the criteria outlined in the ordinance. At some point, the City rezoned this commercially developed property to residential. I initiated the zoning ordinance amendment to allow the property owner and planning commission to determine the appropriate zoning district for the development after a public hearing for neighbor input.

STAFF ANALYSIS

The proposed rezoning's future land use designation in the Comprehensive Plan is "Medium Density Residential". The adjacent land use along Piney Forest Road is planned "regional commercial". The site is adjacent to sub-area 3 in the Piney Forest Road Planning Area. Sub Area 3 includes 20 acres of transitional office and highway retail commercial.

RECOMMENDATION

The Planning Division recommends that the Planning Commission endorse Rezoning Application PLRZ2021-255 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



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City Planning Commission

STAFF REPORT

DATE: September 8, 2021
TO: Planning Commission
FROM: Doug Plachcinski, Planning Division Director + Zoning Administrator
RE: FINAL MAJOT SUBDIVISION PLAT – SEMINOLE DRIVE

Review of a Final Major Subdivision plat for five (5) lots on Seminole Drive.

BACKGROUND

Habitat for Humanity submitted an initial phase of its subdivision at the west corner of Seminole Drive and Springfield Road. The first phase includes 5 lots fronting on Seminole Drive. These lots all meet required lot widths and area in the NT-R Neotraditional Residential zoning district.

RECOMMENDATION

The Planning Division Staff recommends that Planning Commission adopt a resolution to grant approval of the Final Major Subdivision Plat PLMAJP 2021-325.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Adopt a resolution to grant approval of the Final Major Subdivision Plat, subject to the allowance for minor changes for typographical errors and errors of omission
2. Deny approval of the Final Major Subdivision Plat.

ATTACHMENTS

- ✓ Final Subdivision Plat
- ✓ Resolution

PRESENTED: SEPTEMBER 13, 2021

ADOPTED: SEPTEMBER 13, 2021

RESOLUTION NO. 2021 – 09.1

A RESOLUTION APPROVING A FINAL MAJOR SUBDIVISION PLAT FOR THE CREATION OF FIVE (5) LOTS ON GREEN ACRE DR UNDER THE SUBDIVISION ORDINANCE OF THE CITY OF DANVILLE, VIRGINIA.

BE IT RESOLVED by the Planning Commission of the City of Danville, Virginia that a Final Major Subdivision Plat for the creation of five (5) lots on Seminole Drive, is approved under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended, said plat being more fully described as follows:

PLAT SHOWING SUBDIVISION PHASE I OF HABITAT VILLAGE NORTH CITY OF DANVILLE, VIRGINIA, as drawn by Armstrong & Associates, dated 06-09-2021 and shown as attached Exhibit A.

APPROVED

Chairman, City Planning Commission

1. THE EXTERNAL FIELD WORK FOR THIS SURVEY WAS PERFORMED 9-12-2018 BY THIS FIRM & THAT SURVEY IS RECORDED AT INST 19-2699. LOTS 1-5 ARE NEW AND THE CORNERS WERE SET AS PART OF THIS SURVEY PERFORMED AS PER DATE OF THIS PLAT AND THERE ARE NO READILY APPARENT EASEMENTS EXCEPT AS SHOWN.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE, DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD ZONE PER FEMA FLOOD MAP 51143C0519E EFFECTIVE 9-29-2010.
4. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, DETECTION, OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED ON THE SURVEYED PREMISES.
5. ALL LOTS SHOWN ARE TO BE SERVED BY PUBLIC WATER AND SEWER.

SOURCE OF TITLE:

PIN 60571 & 60572
HABITAT VILLAGE NORTH
INST 20-2997

PLAT OF REFERENCE:

INST 19-2699

CITY APPROVAL CERTIFICATION:

I CERTIFY THAT THIS PLATTING IS IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND HEREBY APPROVED IN ACCORDANCE WITH CODE OF THE CITY OF DANVILLE 2004, AS AMENDED.

CITY ENGINEER

ZONING ADMINISTRATOR

THE SUBDIVISION OF LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LOT AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

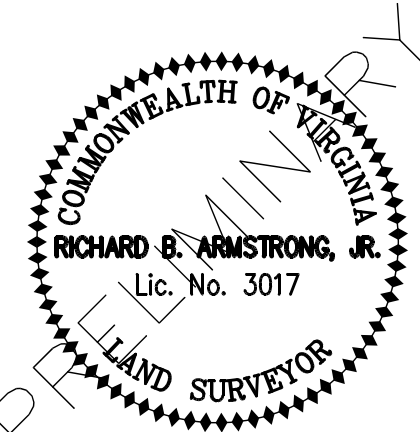
OWNER

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/ CITY OF _____

I, _____, A
NOTARY PUBLIC IN AND FOR THE STATE
AFORESAID, DO HEREBY CERTIFY THAT THE
OWNER:

_____, WHOSE NAME
(NAME) (TITLE)
IS SIGNED HEREON HAS ACKNOWLEDGED THE
SAME BEFORE ME THIS _____ DAY OF _____,
20____. MY COMMISSION
EXPIRES: _____

NOTARY PUBLIC



CITY OF DANVILLE SURVEYORS CERTIFICATE (SUBDIVISIONS):

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND CITY COUNCIL, AND ORDINANCES OF THE CITY OF DANVILLE, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS, DIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH GIVEN UNDER MY HAND THIS 9th DAY OF JUNE, 2021.

RICHARD B. ARMSTRONG, JR. LS 3017

COMMONWEALTH OF VIRGINIA DEPARTMENT OF MILITARY AFFAIRS
DB 691 PG 122
DB 179 PG 458 (PITTSYLVANIA CO.)
PIN 59957

2.675 ACRES (PID 60571) (ORIGINAL LOT 1)
+2.407 ACRES (PID 60572) (ORIGINAL LOT 2)
-0.118 ACRES (NEW LOT 1)
-0.100 ACRES (NEW LOT 2)
-0.100 ACRES (NEW LOT 3)
-0.100 ACRES (NEW LOT 4)
-0.157 ACRES (NEW LOT 5)
4.507 ACRES (NEW LOT 6)

REMAINDER OF
ORIGINAL LOT 1
2.511 ACRES
PART OF PID 60571

REMAINDER OF
ORIGINAL LOT 2
1.996 ACRES
PART OF PID 60572

NEW LOT 6
4.507 ACRES

ZONING

NTR - NEO TRADITIONAL-RESIDENTIAL

MINIMUM LOT WIDTH
45X70

MINIMUM LOT DEPTH 80'

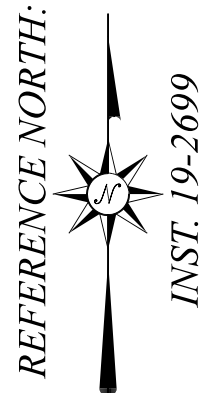
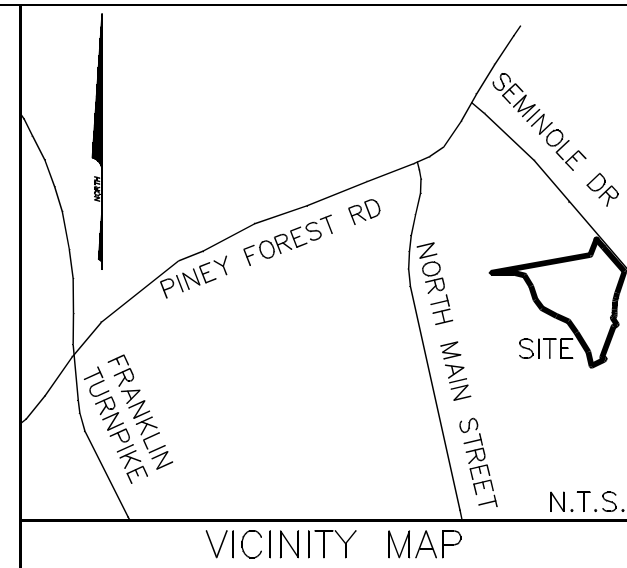
MINIMUM AREA 4000 SQ FT
" CORNER LOT 6000 SQ FT

MINIMUM YARD REQUIREMENTS

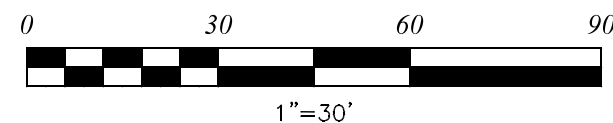
FRONT = 16'
SIDE (INTERIOR) = 6'
REAR = 20'

LEGEND

- IPF● IRON PIN FOUND
● IRON PIN SET
○ COMPUTED POINT
○ UTILITY POLE
○ CENTERLINE
--- CREEK
-x-x- FENCE
-OU- OVERHEAD UTILITY
/// EDGE OF PAVEMENT



LINE	BEARING	DISTANCE
L1	S 39°52'22" E	16.72'
L2	S 36°54'08" E	53.20'
L3	S 21°34'00" W	6.39'



PLAT SHOWING
PROPOSED PHASE 1 SUBDIVISION FOR
HABITAT VILLAGE NORTH
CITY OF DANVILLE, VIRGINIA

PROJECT#:180107-2

DATE: 06-09-2021

DRAWN BY:RBA

SHEET 1 OF 1

105 NORTH MAIN STREET
GRETN. VA 24557
434-636-1051

**ARMSTRONG
& ASSOCIATES**
SURVEYING, PLANNING, DEVELOPMENT

ARMSTRONGANDASSOCIATES.NET
ARMSTRONGLANDSURVEYING@GMAIL.COM

PLANNING COMMISSION MINUTES

AUGUST 9, 2021

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Doug Plachcinski
Lisa Jones
Clarke Whitfield

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

ITEMS FOR PUBLIC HEARING

1. *Rezoning Application PLRZ2021-246, filed by D&R Jones, requests to rezone 180 American Legion Boulevard (Parcel ID# 73227) from TR Threshold Residential to M-R, MULTIFAMILY RESIDENTIAL DISTRICT. The applicant intends to develop a multifamily housing complex.*

Mr. Craft arrived at 3:03 pm.

Mr. Garrison opened the Public Hearing.

Mr. Mark Johnson stated I am with LED Professionals here in Danville. We have had several multi-family developers interested in this property and of course we needed proper zoning so that we can move forward. It is not the intent of D&R Jones to develop it, they just want to get it so they can market it so these folks can try to get a positive response. We will not impact American Legion load. We will have one single entrance on the East Franklin. Which the designed to accommodate a cross over with a full interchange to access the property across Franklin which is another fifty plus acres for itself. I do have Mr. Jones here if any of you have any questions that he or I can answer.

Mr. Baldwin stated the American Legion I know that you are not going that route but is that road closed already anyway?

Mr. Johnson stated it is a cul-de-sac. It terminates right before you get to Franklin Turnpike. It was intended to go across, but you know when Franklin Turnpike was constructed it was much lower. It just terminates at the cul-de-sac now.

Ms. Evans stated my question is how close will these apartments be to the cul-de-sac?

Mr. Johnson stated we are above it, but elevation wise we will be much lower, just because the grading required made this property work.

Mr. Khan stated how many acres?

Mr. Johnson stated eighteen acres.

Mr. Khan stated you say there is going to be a road leading to that and how will it affect the American Legion?

Mr. Johnson stated no, there will be a new road connected to Franklin Turnpike.

Mr. Khan stated from Franklin?

Mr. Johnson stated it will not be connected to the American Legion road.

Mr. Petrick so this is still a specula true endeavor and of course you don't have any plans or things like that?

Mr. Johnson stated we did a layout which we shared with you guys to try to get an idea of how many units we think we could reasonably get on there considering the grading area and the parking requirements. Whoever buys it will provide full development of open drawings for the city ordinance as well as TIA traffic studies or any of that stuff.

Mr. Bolton stated that needs us to disapprove or say a recommendation of approval before they even do all those plans.

Mr. Johnson stated we will need all the city approvals. This is just to get it to a point where we can market it. Instead of these guys looking at it to find the zoning and then walk away at least we will say, okay, it's zoned as multifamily, go at it.

Mr. Kahn stated how many acres?

Mr. Johnson stated eighteen acres.

Mr. Kahn stated you said that it will be a road leading to that and it's not going to affect the American Legion?

Mr. Johnson stated there will be a new road connecting to Franklin Turnpike.

Mr. Craft stated isn't there a small stream connected to that property?

Mr. Johnson stated there is a stream down below us.

Mr. Craft stated do you have to have EPA to look and get approval of that. Are there any plans for that?

Mr. Johnson stated I did a little quick grading plan and we're just staying away from it. It doesn't work and there is such a steep drop off down there. When you get next to the creek it doesn't gain any good areas.

Mr. Craft stated has there been a study yet of how much runoff is going to go into the stream?

Mr. Johnson stated no, that will come with the full development drawings. We'll have stormwater management devices to control it. That's all part of the final approval.

Mr. Garrison closed the Public Hearing.

Mr. Garrison stated one of the things that we need to understand is that we are not approving the development of this today. We are only approving the zoning change. Anything that is developed on that property will have to meet all city's requirements prior to being built. I don't think that would come back to us; it shouldn't once it is properly zoned. Then the city's building requirements would take effect. Before you make a motion, I want to ask you to do one thing, because I can't make the motion. Just to elevate any concerns with the people on American Legion Boulevard would you be willing to put in there a condition that the back gate to the entrance to the American Legion Boulevard must be locked and only used for emergency purposes, so there will not be any confusion about the ingress and egress on American Legion Boulevard.

Mr. Bolton stated but it's like that already.

Mr. Garrison stated I'm not sure that it is locked. I was over there less than an hour ago and it looked like to me that it was easily opened. I would like to make sure that it's locked so that we won't have traffic coming in and out on American Legion Boulevard.

Mr. Bolton stated is that a big deal process to close a road?

Mr. Plachcinski stated no, our emergency services have lock boxes and keys like that in many places. It is pretty standard that we may want a secondary Egress to American Legion should the development proceed, but we don't want to generate traffic there. So, it would be for emergency access only.

Mr. Clark Whitfield stated much like they have over at the railroad crossing near the country club. There is a little-known emergency exit so emergency vehicles can get in and so that residents can get out in case there is an emergency in there.

Mr. Garrison stated and that is locked unless it is being blocked by a train.

Mr. Whitfield stated that is correct and it's being controlled by the closest fire department to the gate.

The applicant agreed to the condition.

Mr. Bolton made a motion for recommendation of approval for Rezoning Application PLSUP 2021-246 with the condition that the cul-de-sac on the American Legion Boulevard be locked except for emergency purpose use as submitted. Ms. Evans seconded the motion. The motion was approved by a 7-0 vote.

- 2. Rezoning Application PLRZ2021-255, initiated by the City Planning Director, requests to rezone 924 Arnett Boulevard (Parcel ID# 00319) from OTR Old Town Residential to HR-C Highway Retail Commercial. The owner intends to operate commercial uses on the site as it was when developed in 1950.*

Mr. Garrison opened the Public Hearing.

Ms. Phyllis Inge stated, my husband and I are the owners of 916 Arnett Boulevard. We are right beside the property of 924 Arnett Boulevard. Mr. Holbrook is trying to rezone it to commercial. My husband and me have lived there for twenty-four years and we have put a lot into our property. We oppose this rezoning because we keep his property up. My husband mows the grass and we everything over there. This past year I retired, and I want to sit out on my porch and enjoy my home. I can't because of the renters that he has there,

the violent language, and men are coming out of there house and using the bathroom. I am standing in the kitchen and I see all of this and it is unnecessary. We have said something to him, and he says okay, but nothing changes. We would prefer to let it stay as Old Town Residential. I have talked to the owners of A-1 Traveler's service, the other day and he said how do you stand it? I told him that I had the police over here, but nothing was done. Before he rented it to the tattoo place it was a computer place, and we had no problem at all. We cut the grass and we would pick up trash. Since they put that Walmart behind us on Nor-Dan Drive and most of the traffic on Piney Forest they come from the backway of Dalton and Arnett. Some days we can't get out of the driveway because the traffic that is backed up. If you want to put a car wash or something there, it's not going to work because traffic is backed up. I wish you could come over there and look at it in the evenings because every week is like that. I would appreciate if you would consider not to rezone it and leave it as residential.

Mr. Bolton stated what did you say is there now?

Ms. Inge stated it is an empty building there but next to him he owns all that property from 924 Arnett all the way down. Beside the empty building is a tattoo parlor.

Mr. Craft stated you don't think you would rather have commercial than what you have there now?

Ms. Inge stated there is nothing there.

Mr. Craft stated you have all these people coming in and out using the property.

Ms. Inge stated there is one way in and one way out. When we bought our home the homeowners before us said that we had access to that driveway to go to our back shed. We have that but the tattoo parlor and the hairdressers are blocking the driveway. We asked Holbrook to put signs saying don't block the driveway, but he won't do it. Like I said for twenty-four years my husband has been cutting their grass and has gotten no thank you or anything. We do it out of the goodness of our heart. We want our property to look nice because I work hard and my husband did thirty-eight years at Goodyear, and I did thirty some years at Health-Tex, and I worked eight years at Mohawk, and now I am retired. I am seventy-one years old I shouldn't be subjected to all that abuse over there.

Mr. Craft stated that was my question wouldn't you think that you would be better off commercial there rather than what you have now?

Ms. Inge stated no because we don't know what he will put there. If you had property wouldn't you check on your property that you had renters in. You don't see him over there checking on his property. I don't want my property to go down because his is going down. I pay taxes just like he does.

Mr. Garrison closed the Public Hearing.

Mr. Doug Plachcinski stated I would respectfully ask the Planning Commission to table this item until the next meeting so perhaps I can talk to Mr. Holbrook and provide him the feedback and maybe connect with Ms. Inge and try to straighten out the situation to see if there is some resolution that they can agree on like a conditional rezoning or something before we take action.

Mr. Garrison stated before we make a motion is there anyone living in that building now? It is not suitable for a residence. It was brought into the city in 1951 in the annexation. I believe that building was there as a business in 1951 when it was brought in, but I'm not positive.

Mr. Craft made a motion to postpone Rezoning Application PLSUP 2021-255 until the next meeting. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

3. *Rezoning Application PLRZ2021-259, initiated by the City Planning Director, requests to rezone 212 Jefferson Avenue (Parcel ID# 24689) from OTR Old Town Residential to M-R, MULTIFAMILY RESIDENTIAL DISTRICT. The owner is rehabilitating the historic Old West End multifamily dwellings.*

Mr. Garrison opened the Public Hearing.

Mr. Steven Staats stated this was a single-family home back in the late 1800's and for some reason they disappeared. They built this six-plex and it operated as an apartment since then. I think it has been vacant for about eight years. I bought six apartments and refurbished it into six apartments and was notified that it is still zoned as single-family. So, that's why I want to make it multi-family since it has been used has a multi-family for about sixty, seventy to eighty years.

Mr. Dodson stated so how many units do you think that you will have?

Mr. Staats stated It is the original six and I'm not adding or subtracting.

Mr. Petrick stated I heard some conversation about condominiums. Do you plan to change or switch these?

Mr. Staats stated I don't think so. It was up in the air.

Mr. Craft stated will you have six different meters?

Mr. Staats stated it will be separate water meters, gas meters, and separate electricals.

Mr. Garrison closed the Public Hearing.

Mr. Garrison stated Mr. Attorney your favorite legal nonconforming words.

Mr. Whitfield stated that is correct.

Mr. Petrick made a motion for recommendation of approval for Rezoning Application PLRZ2021-258 as submitted. Mr. Craft seconded the motion. The motion was approved by a 7-0 vote.

4. *Rezoning Application PLRZ2021-260, initiated by the City of Danville Planning Director requests to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended. Specifically, to amend Article 2. Section Y. Short Term rentals to update the City's short-term rental provisions and consolidate the zoning regulations regarding such into this section.*

Mr. Garrison opened the Public Hearing.

Then Mr. Plachcinski summarize those changes please see below:

BACKGROUND AND SUMMARY

The City recently received an influx of short-term rental requests and noticed many non-complaint short-term rentals. Further, there was a police incident at one of the unpermitted short-term rentals. The incident prompted a review of the short-term rental regulations. A summary of the changes are as follows:

- Remove definitions for boardinghouse, homestay, and 'short-term rental, entire furnished home'. These definitions are unused elsewhere in the ordinance and add to confusion.
- Revise the short-term rental definition to remove regulations.

- Remove the subsection addressing short-term rentals in the home occupation section.
- Remove the requirements for a registration and replace them with the business license process that the Planning Division uses for other zoning approvals.
- Establish a specific regulation subsection that addresses zoning districts, emergency contact, parking, building code, rental inspection districts, and rental period.

Article 15 Definitions

Short-term rental. Any furnished residential-property that provides sleeping accommodations for monetary compensation for thirty (30) or fewer consecutive days. This definition specifically excludes establishments otherwise licensed as businesses with the City or State like bed and breakfast establishments, hotels, and motels.

Article 2.T. Home Occupations.17. (DELETED)

Article 2.Y. Short Term Rentals

1. Short-term rental approval
 - a. Short-term rentals must obtain a business license clearance from the Zoning Administrator and register with the Commissioner of Revenue prior to operating or advertising the property for short-term rental.
 - b. A short-term owner/operator must apply for a receive a business license clearance prior to registering with the Commissioner of Revenue
 - c. The short-term rental must register with the Commissioner of Revenue to collect and remit the City's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation".
2. Short-term rental standards
 - a. A short-term rental may only provide short-term occupancy services for compensation for guests including lodging, packaged food and beverages, and other incidental items typically found within a residence. The short-term rental must not prepare food or beverages, provide event services, or provide unrelated services for compensation.
 - b. Short term rentals are permissible accessory uses to permitted dwellings in the SR-R, T-R, S-R, NT-R, OT-R, A-R, MHP-R, TO-C, CB-C, and TW-C zoning districts.
 - c. If the owner of a short-term rental does not live within 60 miles of the City, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance.
 - d. Short-term rentals must comply with applicable provisions of the Virginia Uniform Statewide Building Code (Danville City Code sections 9-81 through 9-88).
 - e. If a short-term rental is within a City Rental Housing Inspection Division, then the property must register as a rental property and maintain a certificate of compliance (City Code sections 9-204 through 9-207).
 - f. The minimum short-term rental contract rental period is 18 hours.
 - g. Short-term rentals are allowed the same signage as their associated dwellings under Article 10.

- h. Short-term rental parking must be on the associated property or on street immediately adjacent to it unless the short-term rental is in the CB-C or TW-C zoning districts.

Mr. Doug Plachcinski, Director of Planning with the City of Danville stated the city recently received an influx of short-term rental requests and noticed a lot of non-compliant short-term rentals. You know when we, the Commission of Revenue checks the websites, you know, often. There was a police incident at one of the short-term rentals and some of the neighbors expressed some concern. We decided to review the short-term rental regulations because we have them in different places in the ordinance. The goal here is to put them all in one place and to make sure they are consistent and make sure they align with the processes that we use for all our other functions in the department.

Mr. Bolton stated is there any way that it could be regulated? I guess they would have the normal rules if there was noise would the remedy be to call the police?

Mr. Plachcinski stated right, typically if there is a problem caused by renters then those are typically police issues. We want to make sure there is sufficient parking or that we have emergency contacts. The other big regulation that this clarifies is that when you register to get your business license you have to go to the commissioner of revenue, because our lodging taxes are a big source of revenue for the community. If we have a lot of folks that are operating transient lodging and are not paying their taxes then that is not a good example for collecting that revenue. This just helps us cement that step.

Mr. Bolton stated the regulation where the homeowner had to, I guess live in the property is that be removed, or do they have to live in the city or be in the state or does that matter?

Mr. Plachcinski stated there was never actually a requirement that said that. It didn't say for someone to operate an Airbnb that they had to live there. If the owner doesn't live within sixty miles, we are just asking for them to register an emergency contact so there is someone that we can contact that will be here. The incident where we had a shooting the owners were in Raleigh and they had not provided an address or contact information where anyone could get a hold of them. It was upsetting for the emergency responders and neighbors. We want to alleviate that potential problem.

Mr. Bolton stated what is the cost do you know that? Do you know yet of the license that they would pay?

Mr. Plachcinski stated the clearance is eleven dollars. I think if the commissioner of revenue wants them to register as a business then I believe it is a fifty-dollar annual fee. For example, the home that we had an incident at rents for three hundred a night. So, the fees that we are asking is very minimal for the regulation side. We're not trying to make revenue or cover costs on that. We are just saying that they can pay their transient lodging fees and get the revenue that way based on their success.

Mr. Bolton stated that will work.

Mr. Petrick stated did you say that you found a lot of people without licenses?

Mr. Plachcinski stated if you pull up AIRBNB or VRBO nearly all of them in Danville are not registered.

Mr. Petrick stated is the commissioner taking this under advisement?

Mr. Plachcinski stated we are trying to work together again, but part of that will be cleaning this up. So that we can get together a very short concise handout explaining the rules and make sure that you understand that it is not a hurdle, but a step.

Mr. Bolton stated what do you need from us? I don't see a motion of any sorts, like choices.

Mr. Plachcinski stated I just need a recommendation to City Council approving the zoning ordinance amendment.

Mr. Garrison stated we will still need a motion to change in the code.

Mr. Bolton made a motion to recommend approval of Rezoning Application PLSUP 2021-260 as submitted. Ms. Evans seconded the motion. The motion was approved by a 7-0 vote.

VI. PLANNING DIRECTOR'S REPORT

VII. APPROVE MINUTES FROM JULY 12, 2021

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

VIII. ADJOURNMENT

With no further business, the meeting adjourned at 3:38 p.m.

APPROVED _____