



City of Danville

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

City Planning Commission

AUGUST 13, 2018

3:00 P.M.

CITY COUNCIL CHAMBERS

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEM FOR PUBLIC HEARING
 1. *Special Use Permit application PLSUP20180000191, filed by Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 523 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000014, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.*
 2. *Special Use Permit application PLSUP20180000052, filed by Ross Fickenscher on behalf of Lynn Street, LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 525 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000013, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.*
 3. *Special Use Permit application PLSUP20180000192, filed by Barry Davis, on behalf of Spotlight Express LLC, requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 0000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an Airbnb on a residential property.*
 4. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more Article 3.M: entitled "HR-C*

Highway Retail Commercial”, Section C. entitled “Uses Permitted by Special Use Permit” by adding item #28 to allow for Urban agriculture.

5. *Special Use Permit application PLSUP20180000196, filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map. The applicant is proposing an urban agriculture project/community garden.*

IV. APPROVAL OF MINUTES FROM JULY 9, 2018

V. OTHER BUSINESS

VI. ADJOURNMENT



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

City Planning Commission

City Planning Commission

Meeting of Monday, August 13, 2018

Subject:

Special Use Permit application PLSUP20180000190, filed by Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 523 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000014, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.

Background:

Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 523 Lynn Street.

The request is to construct a total of forty-six (46) market rate apartment units, and approximately 30,000 sq. ft. of commercial space in 523 and 525 Lynn St (combined). Specifically, the applicant requests approval for mixed-use occupants and specific relief from any and all density and parking requirements.

Planning Commission previously heard a similar proposal for these two same properties on March 12, 2018. The prior proposal requested a Special Use Permit to construct a total of forty (40) one, two and three bedroom market rate apartments and approximately 30,000 sq. ft. of commercial space. The prior proposal was approved by Planning Commission on March 12, 2018, and by City Council on April 3, 2018. The current proposal is different from the previous proposal by requesting the following:

1. Specific relief from any and all density and parking requirements;
2. Forty-six (46), rather than forty (40) market rate apartments, a net increase of six (6) apartments.

Thirteen (13) notices were sent to property owners within three hundred (300) feet of both 523 and 525 Lynn St. Feedback from property owners will be reported to Planning Commission on August 13, 2018.

Recommendation:

The Planning staff recommends approval of Special Use Permit application PLSUP20180000190, filed by Ross Fickenscher on behalf of Lynn Street, LLC, with the following conditions:

- The maximum floor area ratio (FAR) shall not exceed 6.0;
- There shall be no more than forty-six (46) multifamily residential units between the two properties;
- Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

This would allow mixed-use development involving commercial space on the ground floor, and residential space above. The bicycle parking is to help offset the waived parking requirement and deal with increased multimodal transportation demand associated with downtown revitalization.

City Planning Commission Alternatives:

1. Recommend approval of the request as submitted.
2. Recommend approval of the request subject to conditions recommended by staff.
3. Recommend approval of the request subject to conditions by the Planning Commission.
4. Recommend denial of the request.
5. Recommend tabling the request.

Attachments:

- Explanation of Existing Requirements
- Application
- Property Ownership/Zoning Map
- Data Sheet
- Existing Land Use Map (2015 Aerial)

Explanation of Existing Requirements:

If no relief from density requirements were granted, the property would be limited to 20 multifamily units between the two properties. Additionally, the maximum square footage for the two properties is currently 111,600.72 sq. ft., including both retail and residential space. A waiver would allow increased units, and a total of 223,201.44 sq. ft. of combined retail and commercial space between the two properties. These calculations are based on Article 3.L of the Zoning Ordinance which states the following:

- *Maximum floor area ratio: 3.0, provided that the floor area ratio of any building may be increased to a maximum of 6.0 by special use permit.*
- *Maximum residential density:*
 - *a. 24 dwelling units per net acre for mixed-use structures containing residential dwellings with commercial uses on first floor.*
 - *b. 24 dwelling units per net acre for multifamily dwellings.*

If no relief were to be granted, the property would be required to provide 41 parking spaces for the retail parking, with the amount for residential to be based on the final total number of bedrooms. At a minimum, there would be 26 parking spaces for the residential use. The combined retail and residential parking would equal a total of 67 parking spaces between both 523 and 525 Lynn St. If parking were provided in the form of perpendicular parking, 6,642 sq. ft. would be required for parking at both properties. These calculations are based on Article 8 of the Zoning Ordinance, which states the following regarding minimum parking requirements:

- *Minimum parking space dimensions and layout.*
 - *(a) Parallel spaces: Standard parallel parking spaces shall have minimum dimensions of seven (7) feet by twenty-three (23) feet.*
 - *(b) Perpendicular spaces: Standard perpendicular parking spaces shall be designed with a width of nine (9) feet and a length of eighteen (18) feet, provided that travelways combined with parking bays providing perpendicular parking shall have a minimum width of twenty four (24) feet (with 2-12 foot lanes) to accommodate two-directional traffic movements. Long-term or compact car perpendicular parking spaces (such as parking lots for full day shift for office or industrial employees or other forms of long-term parking) may reduced to eight and one-half (8.5) feet upon petition to and acceptance by the Planning Commission, provided that such spaces are clearly designated.*
- *Dwelling, Multi-Family, Duplex and Single-Family Attached Dwelling. One and one-half (1.5) space per dwelling unit with one (1) bedroom; two and one half (2.5) spaces per dwelling unit with two (2) bedrooms; three (3) spaces per dwelling unit with three (3) bedrooms; four and one-quarter (4.25) spaces per dwelling unit with four or more bedrooms, provided that parking requirements for housing for the independent elderly (without central dining facilities) may be reduced to two (2) spaces per three (3) dwelling units plus one (1) space per employee at peak shift*
- *Retail Sales Establishment. One (1) space per 200 square feet net floor area for the first 1000 square feet, plus four (4) spaces per each additional 1000 square*

feet. The wholesale component of any industrial, manufacturing or warehousing facility shall provide parking based on requirements for Retail Sales Establishments. Discount stores, wholesale outlets, "big box retailers" and "superstores" marketing as wholesale establishments shall provide parking based on requirements for Retail Sales Establishments.



City of Danville
427 Patton Street, Suite 208
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City Planning Commission

City Planning Commission

Meeting of Monday, August 13, 2018

Subject:

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Background:

Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 523 Lynn Street.

The request is to construct a total of forty-six (46) market rate apartment units, and approximately 30,000 sq. ft. of commercial space in 523 and 525 Lynn St (combined). Specifically, the applicant requests approval for mixed-use occupants and specific relief from any and all density and parking requirements.

Planning Commission previously heard a similar proposal for these two same properties on March 12, 2018. The prior proposal requested a Special Use Permit to construct forty (40) one, two and three bedroom market rate apartments and approximately 30,000 sq. ft. of commercial space. The prior proposal was approved by Planning Commission on March 12, 2018, and by City Council on April 3, 2018. The current proposal is different from the previous proposal by requesting the following:

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Recommendation:

The Planning staff recommends approval of Special Use Permit application PLSUP20180000191, filed by Ross Fickenscher on behalf of Lynn Street, LLC, with the following conditions:

- The maximum floor area ratio (FAR) shall not exceed 6.0;
- There shall be no more than forty-six (46) multifamily residential units between the two properties;
- Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

This would allow mixed-use development involving commercial space on the ground floor, and residential space above. The bicycle parking is to help offset the waived parking requirement and deal with increased multimodal transportation demand associated with downtown revitalization.

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If no relief were to be granted, the property would be required to provide 41 parking spaces for the retail parking, with the amount for residential to be based on the final total number of bedrooms. At a minimum, there would be 26 parking spaces for the residential use. The combined retail and residential parking would equal a total of 67 parking spaces between both 523 and 525 Lynn St. If parking were provided in the form of perpendicular parking, 6,642 sq. ft. would be required for parking at both properties. These calculations are based on Article 8 of the Zoning Ordinance, which states the following regarding minimum parking requirements:

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- *Retail Sales Establishment. One (1) space per 200 square feet net floor area for the first 1000 square feet, plus four (4) spaces per each additional 1000 square*

feet. The wholesale component of any industrial, manufacturing or warehousing facility shall provide parking based on requirements for Retail Sales Establishments. Discount stores, wholesale outlets, "big box retailers" and "superstores" marketing as wholesale establishments shall provide parking based on requirements for Retail Sales Establishments.

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: _____

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

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

City Of Danville Tax Parcel #26811

Gross Area/Net Area: 24,785 SF Property Address: 523 Lynn StreetProperty Location: N Side of: Lynn StreetBetween: Colquhoun Street and Newton StreetProffered Conditions (if any, please attach): N/A

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

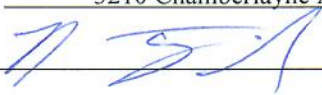
Please provide a brief description of the proposed development:

Construct 17 market rate apartment units and 10,000 square feet of commercial space all within exterior wall of the existing building. This SUP application requests approval for mixed-use occupancy and specific relief from any and all density and parking requirements. Note: TOTAL DEVELOPMENT OF BOTH PARCELS @ 523 & 525 LYNN STREET = 46 APARTMENT UNITS AND 30,000 SQ FT OF COMMERCIAL SPACE.

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

1. NAME: Lynn Street LLC TELEPHONE: 804.925.0109

MAILING ADDRESS: 3210 Chamberlayne Avenue, Richmond, VA 23227

SIGNATURE:  DATE: 07/06/18

APPLICANT (PLEASE TYPE OR PRINT)

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

NAME: Ross Fickenscher TELEPHONE: 804.925-0109 – ross.fick@gmail.com

MAILING ADDRESS: 3210 Chamberlayne Avenue, Richmond, VA 23227

SIGNATURE:  DATE: 07/06/18

525

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

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

City Of Danville Tax Parcel #21396

Gross Area/Net Area: 25,134 SF Property Address: 525 Lynn Street

Property Location: N Side of: Lynn Street

Between: Colquhoun Street and Newton Street

Proffered Conditions (if any, please attach): N/A

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

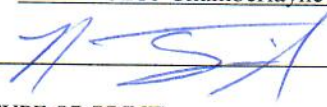
Please provide a brief description of the proposed development:

Construct 29 market rate apartment units and 20,000 square feet of commercial space all within exterior wall of the existing building. This SUP application requests approval for mixed-use occupancy and **specific relief from any and all density and parking requirements.** Note: TOTAL DEVELOPMENT OF BOTH PARCELS @ 523 & 525 LYNN STREET = 46 APARTMENT UNITS AND 30,000 SQ FT OF COMMERCIAL SPACE.

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

1. NAME: Lynn Street LLC TELEPHONE: 804.925.0109

MAILING ADDRESS: 3210 Chamberlayne Avenue, Richmond, VA 23227

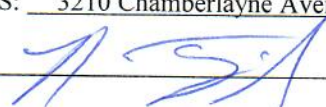
SIGNATURE:  DATE: 07/06/18

APPLICANT (PLEASE TYPE OR PRINT)

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

NAME: Ross Fickenschner TELEPHONE: 804.925-0109 – ross.fick@gmail.com

MAILING ADDRESS: 3210 Chamberlayne Avenue, Richmond, VA 23227

SIGNATURE:  DATE: 07/06/18

SPECIAL USE PERMIT REQUESTS
DATA SHEET

DATE:	July 26, 2018
LOCATION OF PROPERTY:	523 & 525 Lynn Street
PRESENT ZONE:	TW-C Tobacco Warehouse Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	The applicant is requesting Special Use Permits to have residential units above a first floor commercial use, with specific relief from any and all density and parking requirements
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Residential units above a first floor commercial use
PROPERTY OWNER (S):	Lynn Street, LLC
NAME OF APPLICANT (S):	Ross Fickenscher
PROPERTY BORDERED BY:	Mixed commercial and residential development to north, east and west, City Fire Station to the south.
ACREAGE/SQUARE FOOTAGE:	0.438 & 0.416 Acres (0.854 acre total)
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Lynn & Newton Streets
TRAFFIC VOLUME:	Low to medium
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of August 13, 2018



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/3/2018

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



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

City Planning Commission

City Planning Commission

Meeting of Monday, August 13, 2018

Subject:

Special Use Permit application PLSUP20180000192, filed by Barry Davis, on behalf of Spotlight Express LLC, requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an Airbnb on a residential property.

Background:

Barry Davis, has filed a request a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000002 of the City of Danville, Virginia Zoning District Map.

The applicant is proposing to operate an Airbnb on a residential property. This use is defined in the Zoning Ordinance as:

“Bed and breakfast lodging. A single family dwelling, occupied by its owner or operator, containing sleeping and breakfast accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no more than eight (8) room accommodations for transient persons and wherein a charge is normally paid for such accommodations. A bed and breakfast may include banquet/event facilities for private parties as an accessory use.”

As stated in the Zoning Ordinance, a bed and breakfast lodging requires the owner or operator to occupy the site. The applicant has listed the neighboring property of 406 Plum St. as his mailing address, but specified that he uses both 406 and 418 Plum St. as his home.

Notifications were sent to surrounding property owners within 300' of the subject property. A full report will be presented at the meeting of August 13th.

Recommendation:

The Planning staff recommends approval of Special Use Permit application PLSUP20180000192, filed by Barry Davis, requesting a Special Use Permit to operate a bed and breakfast, subject to the following conditions:

- 418 Plum St. continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast.
- The facility shall use no more than three (3) guest rooms for occupancy.
- Guests may not stay for longer than 30 consecutive calendar days.

This would allow the applicant to operate a bed and breakfast in an OTR – Old Town Residential District.

City Planning Commission Alternatives:

1. Recommend approval of the request as submitted.
2. Recommend approval of the request subject to conditions recommended by staff.
3. Recommend approval of the request subject to conditions by the Planning Commission.
4. Recommend denial of the request.
5. Recommend tabling the request.

Attachments:

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

SPECIAL USE PERMIT



The City Council, with the advice of the City Planning Commission, is authorized by the Municipal Code to grant a Special Use Permit to any property within the City as long as this action is justified by the PUBLIC NECESSITY, GENERAL WELFARE, OR GOOD ZONING PRACTICE.

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

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

1. NAME: BARRY DAVIS TELEPHONE: 434 251 8020

MAILING ADDRESS: 406 PLUM ST.

SIGNATURE:  DATE: 6-13-18

SIGNATURE:  DATE: _____

EMAIL ADDRESS: BARRY DAVIS FX @ COMCAST.NET

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: AIR BNB

CASE NUMBER: _____

EXISTING ZONING: _____

PROPOSED ZONING: _____

TAX MAP NUMBER: _____

RECEIVED BY: _____

DATE FILED: _____

PLANNING COMMISSION DATE: _____

CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: _____ Property Address: 418 PLUM ST

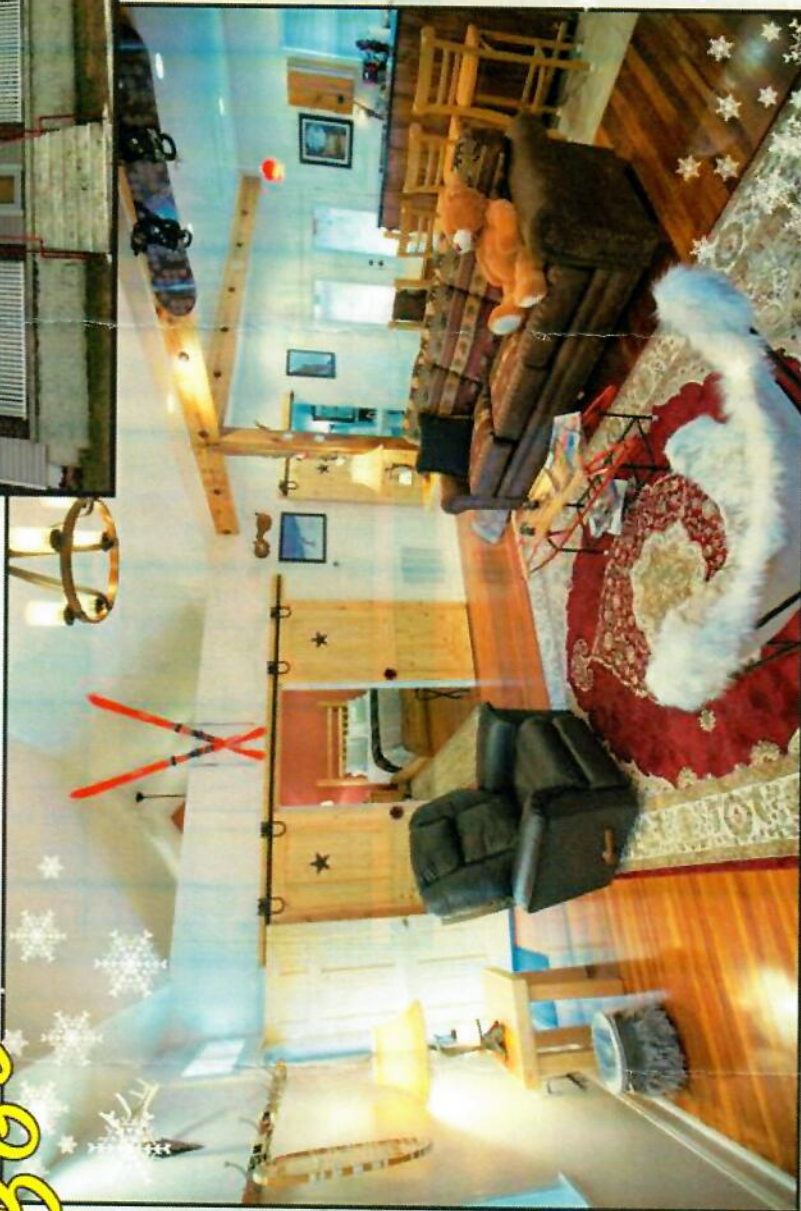
Property Location: N S E W Side of: _____

Between: _____ and _____

Proffered Conditions (if any, please attach): _____

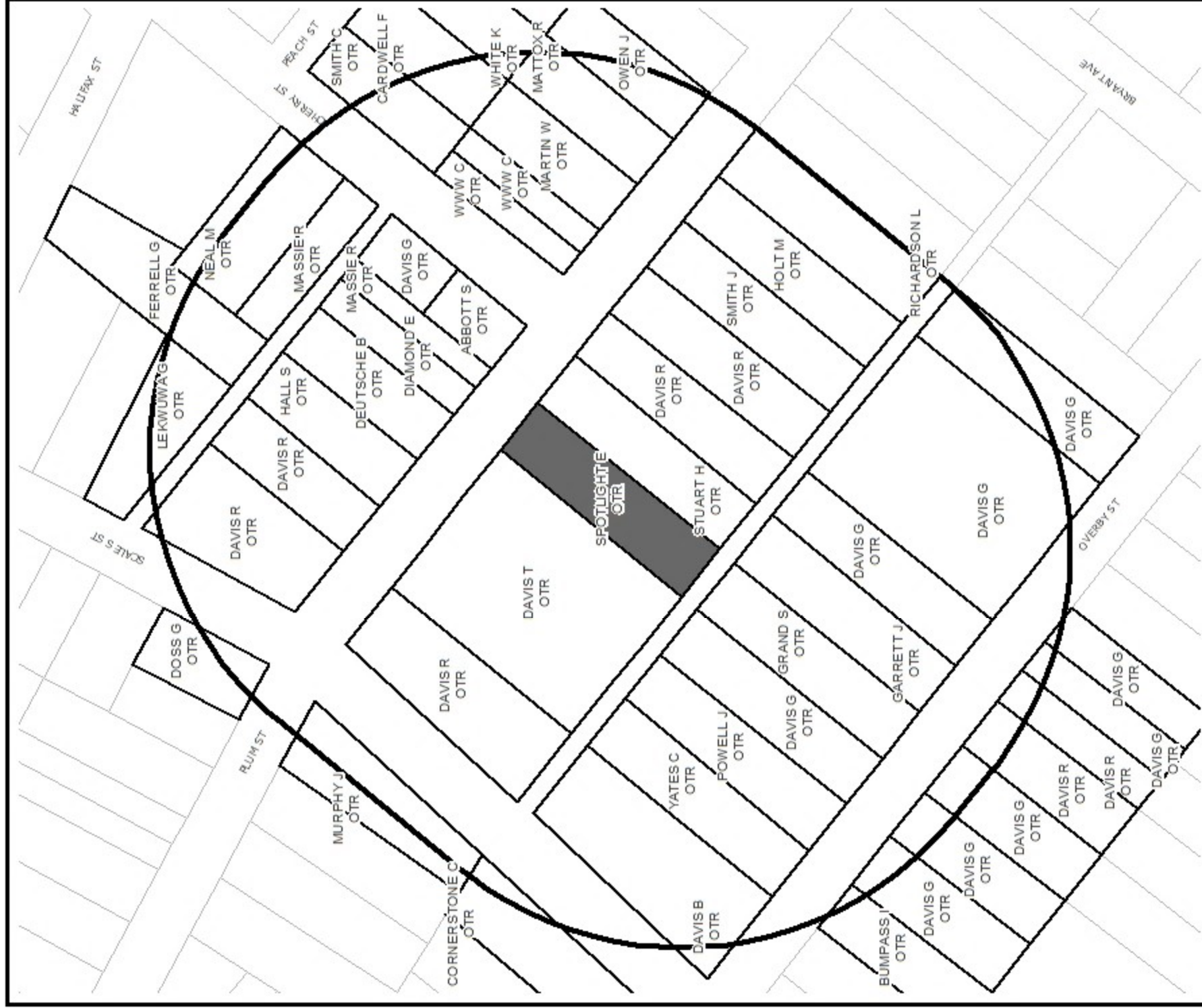


The Lodge Ski Air B&B



**418 Plum Street
Danville, VA 24540**

**Call For Reservations
434-251-8000**



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
7/31/2018

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SPECIAL USE PERMIT REQUESTS
DATA SHEET

DATE:	August 13, 2018
LOCATION OF PROPERTY:	418 Plum St
PRESENT ZONE:	OTR - Old Town Residential
PROPOSED ZONE:	Unchanged
ACTION REQUESTED:	Special use permit to allow a bed and breakfast
PRESENT USE OF PROPERTY:	Residential
PROPOSED USE OF PROPERTY:	Residential with bed and breakfast
PROPERTY OWNER (S):	SPOTLIGHT EXPRESS LLC
NAME OF APPLICANT (S):	Barry Davis
PROPERTY BORDERED BY:	Residential on all sides
ACREAGE/SQUARE FOOTAGE:	0.23 (Acres)
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Plum St
TRAFFIC VOLUME:	Low to medium
NEIGHBORHOOD REACTION:	To be reported at public hearing on Monday, August 13, 2018



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
7/31/2018

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City of Danville

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

City Planning Commission

City Planning Commission

Meeting of Monday, August 13, 2018

Subject:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended for Article 3.M: entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for Urban agriculture.

Background:

There has been a request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more Article 3.M: entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for Urban agriculture.

Urban agriculture is defined in the Zoning Ordinance as:

"Urban agriculture. The production, keeping or maintenance, for sale or lease on lots or portions of lots equal to or less than two (2) acres, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products. The raising of livestock shall be no more than one (1) form of livestock animal or five (5) poultry per every three (3) acres. This district does not permit feed lots and confinement operations for swine, veal, poultry and the like."

At present, there are unused lots within the HR-C Highway Retail Commercial District, which offer viable sites for urban agriculture. In the *Danville: 2030 Comprehensive Plan*, some of these sites are marked for future open space. Additionally, urban agriculture use would allow use of properties in this district even if development might be discouraged, such as for properties existing in the Flood Zone. However, not all properties in this district are suitable for urban agriculture. Therefore, this use should be subject to approval through a special use permit, granted by City Council with the advice of the City Planning Commission.

Recommendation:

The Planning staff recommends the Article 3.M: be amended to read as follows:

ARTICLE 3.M: - HR-C, HIGHWAY RETAIL COMMERCIAL (Highway Retail Commercial District)**C. - Uses Permitted by Special Use Permit.***28. Urban Agriculture*

This would allow urban agriculture on property within the HRC – Highway Retail Commercial District, subject to obtaining a special use permit. This process would make sure that surrounding property owners were notified, and allow for the placement of conditions to protect the interests of the citizens.

City Planning Commission Alternatives:

1. Recommend approval of the requested code amendment
2. Recommend approval of the code amendment with modifications per Planning Commission
3. Recommend denial of the request



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City Planning Commission

City Planning Commission

Meeting of Monday, August 13, 2018

Subject:

Special Use Permit application PLSUP20180000196, filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map. The applicant is proposing an urban agriculture project/community garden.

Background:

An application has been filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map.

The applicant is proposing an urban agriculture project/community garden. The application includes a Soil Test Report, which includes recommendations for how to manage the property's soil for the use of urban agriculture. The report makes no mention of lead within the soil.

This property is in the HRC – Highway Retail Commercial District, which does not currently allow for urban agriculture as a by-right use or by special use permit. Therefore, this application is also considered with a proposal to amend the Zoning Ordinance to allow urban agriculture by special use permit within this zoning district.

Urban agriculture is defined in the Zoning Ordinance as:

“Urban agriculture. The production, keeping or maintenance, for sale or lease on lots or portions of lots equal to or less than two (2) acres, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products. The raising of livestock shall be no more

than one (1) form of livestock animal or five (5) poultry per every three (3) acres. This district does not permit feed lots and confinement operations for swine, veal, poultry and the like.”

If the Zoning Ordinance were amended to allow urban agriculture in this district, the site meets the conditions of the zoning ordinance regarding being less than two (2) acres, and being useable for growing crops. At this time, the applicant has not discussed the raising of any animals on the site.

Additionally, the rear portion of the property falls within the flood zone. Here, the flood zone includes land with a 0.2% annual chance of flooding, and land with a 1% annual chance of flooding.

Notifications were sent to property owners within three hundred (300) ft. of the subject property. A report will be presented at the Planning Commission meeting of August 13th.

Recommendation:

The Planning staff recommends approval of Special Use Permit application PLSUP20180000196, filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture, subject to the following conditions:

1. Unless a soil test reports the absence of lead, any crop growth will be restricted to raised beds of at least 12 inches in height, or planting pots;
2. Any and all accessory structures must adhere to the Zoning Ordinance's specifications regarding the FP-O, Floodplain Overlay District if located within the floodplain;
3. No chemical fertilizers or animal waste may be stored on the property unless located within an accessory structure and not in exceedance of the amount allowed by building and fire codes.
4. No waste shall be kept within 10 linear feet of the floodplain line.
5. Composting of material shall be permitted on site, but not within 100' of Memorial Drive and 30' from adjacent property lines.
6. No sales of agricultural products shall occur on site.

This would allow urban agriculture on a property within the HRC – Highway Retail Commercial District at 760 Memorial Drive. The recommended conditions are to minimize potential adverse impact, specifically related to the nearby presence of the Dan River.

City Planning Commission Alternatives:

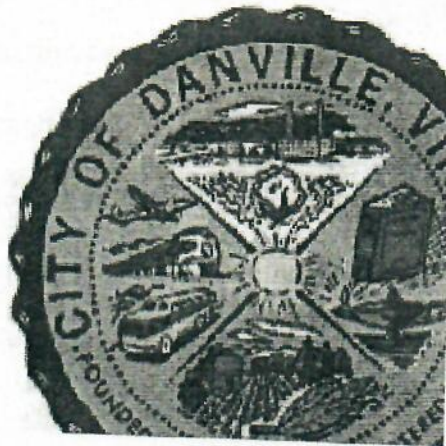
1. Recommend approval of the request as submitted.
2. Recommend approval of the request subject to conditions recommended by staff.

3. Recommend approval of the request subject to conditions by the Planning Commission.
4. Recommend denial of the request.
5. Recommend tabling the request.

Attachments:

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

SPECIAL USE PERMIT



The City Council, with the advice of the City Planning Commission, is authorized by the Municipal Code to grant a Special Use Permit to any property within the City as long as this action is justified by the PUBLIC NECESSITY, GENERAL WELFARE, OR GOOD ZONING PRACTICE.

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

Urban agriculture project / community garden

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

1. NAME: JAMES A. RICH JR TELEPHONE: 434 250 2635
MAILING ADDRESS: 455 PINE LAKE RD DANVILLE VA 24541
SIGNATURE: James A. Rich Jr EXECUTOR DATE: 7-12-18
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: JRICH3RD@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: Robert Maher TELEPHONE: 541-848-7361
MAILING ADDRESS: 750 Memorial Dr.
EMAIL ADDRESS: urbanfarm@godsstorehouse.org
SIGNATURE: RM DATE: 7/12/18

Virginia Cooperative Extension

Soil Test Report

Questions? Contact:
Danville City Office
 128 Third Avenue
 Danville, VA 24540-2710
 434-799-6558

Virginia Tech Soil Testing Laboratory
 145 Smyth Hall (0465)
 185 Ag Quad Ln
 Blacksburg, VA 24061
www.soiltest.vt.edu

SEE NOTES:

1 19at www.soiltest.vt.edu under Report NotesO
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DANVILLE, VA 24541

SAMPLE HISTORY

Sample ID	Field ID	LAST CROP		LAST LIME APPLICATION		SOIL INFORMATION				
		Name	Yield	Months Prev.	Tons/Acre	SMU-1 %	SMU-2 %	SMU-3 %	Yield Estimate	Productivity Group
GSG										

LAB TEST RESULTS (see Note 1)

Analysis	P (lb/A)	K (lb/A)	Ca (lb/A)	Mg (lb/A)	Zn (ppm)	Mn (ppm)	Cu (ppm)	Fe (ppm)	B (ppm)	S.Salts (ppm)
Result	237	200	2336	480	2.2	13.7	0.7	52.3	0.2	
Rating	VH	H-	VH	VH	SUFF	SUFF	SUFF	SUFF	SUFF	

Analysis	Soil pH	Buffer Index	Est.-CEC (meq/100g)	Acidity (%)	Base Sat. (%)	Ca Sat. (%)	Mg Sat. (%)	K Sat. (%)	Organic Matter (%)
Result	6.2	6.24	9.0	10.5	89.5	64.7	21.9	2.8	

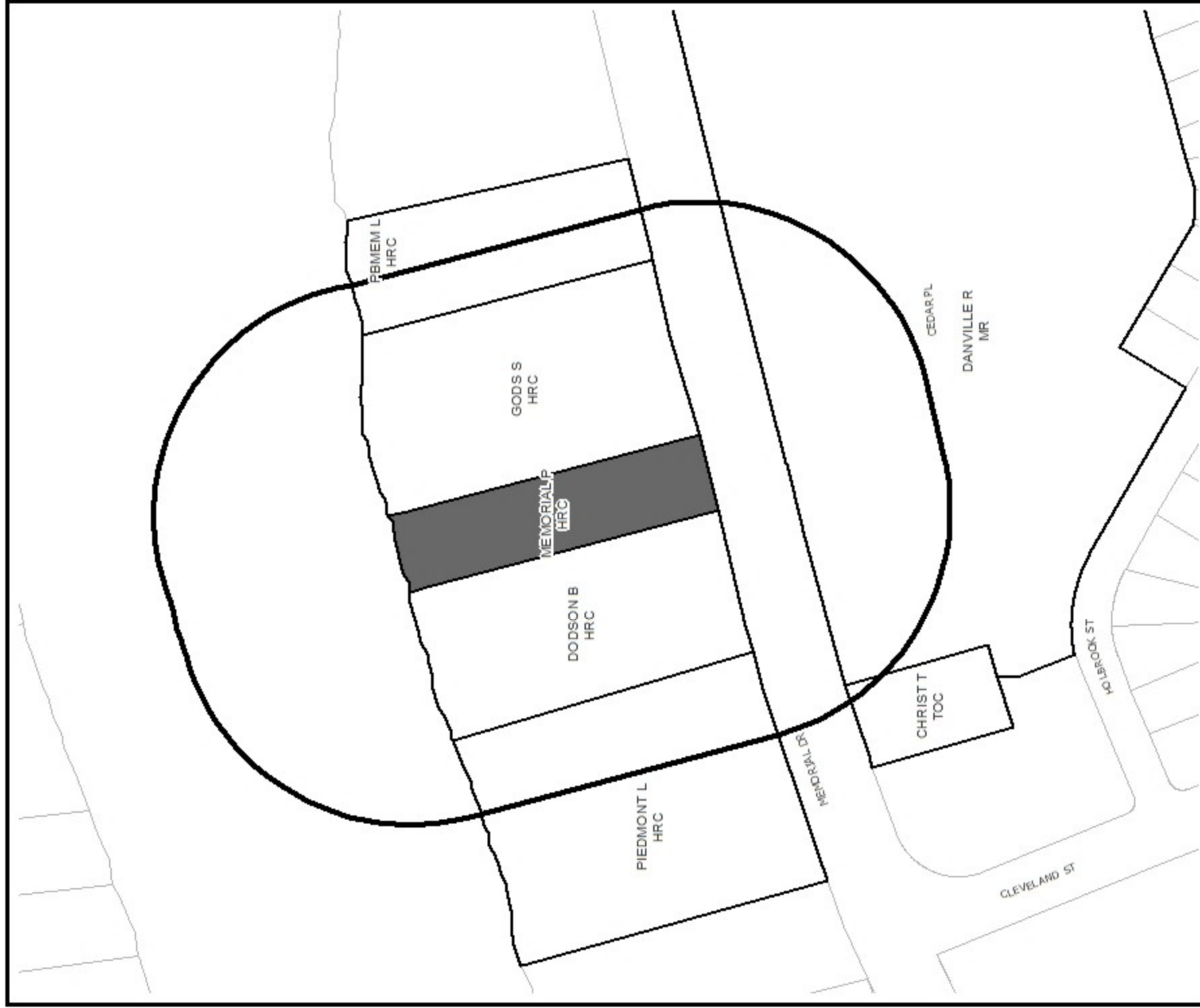
FERTILIZER AND LIMESTONE RECOMMENDATIONS

Crop: VEGETABLE GARDEN (210)

610. LIME RECOMMENDATIONS: Apply 6 pounds of agricultural limestone (ground or pulverized) per 100 square feet. If lime is not going to be mixed into the soil, make several small applications of up to 5 lbs each, at intervals of 1 to 6 months, until the full amount is applied.

991. "Explanation of Soil Tests, Note 1" and other referenced notes are viewable at www.soiltest.vt.edu under Report Notes.

225. FERTILIZER RECOMMENDATIONS: Apply a nitrogen-only fertilizer, such as one of the following amounts per 100 sq. ft. --- 1.25 lbs (2 cups) of nitrate of soda (16-0-0) or 1.33 lbs (2 2/3 cups) of calcium nitrate (15-0-0) or 1.0 lb (2 1/2 cups) of ammonium sulfate (21-0-0) or 0.4 lbs (1 cup) of urea (46-0-0). Do not over fertilize! These products will burn plants at high rates! If you are unable to find one of these fertilizers, apply a turf-type (lawn maintenance) fertilizer that is high in nitrogen with little or no phosphorus and potassium at a rate close to 0.2 lb of nitrogen per 100 sq. ft., such as applying two-thirds of a pound of either 26-0-2 or 32-0-4. For additional information on fertilization, see Note 19.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
7/26/2018

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SPECIAL USE PERMIT REQUESTS
DATA SHEET

DATE:	August 13, 2018
LOCATION OF PROPERTY:	760 Memorial Drive
PRESENT ZONE:	TW-C Tobacco Warehouse Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	The applicant is requesting Special Use Permits to allow urban agriculture on the property
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Urban agriculture/community garden
PROPERTY OWNER (S):	Memorial Properties LP
NAME OF APPLICANT (S):	Robert Maher
PROPERTY BORDERED BY:	Commercial to the West and East, Dan River to the North, Retail to the South.
ACREAGE/SQUARE FOOTAGE:	0.9 (Acres)
CHARACTER OF VICINITY:	Highway Commercial
INGRESS AND EGRESS:	Memorial Drive
TRAFFIC VOLUME:	Medium to High
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of August 13, 2018



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/3/2018

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PLANNING COMMISSION MINUTES

July 9, 2018

MEMBERS PRESENT

Mr. Wilson
Mr. Dodson
Mr. Garrison
Mr. Bolton
Mr. Petrick
Mr. Searce

MEMBERS ABSENT

Mr. Jones

STAFF

Lisa Jones
Ken Gillie
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

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

Mr. Searce opened the Public Hearing.

Ms. Alfrieta Bennett Reaves stated I'm the visionary for Present Help Ministries. The first thing that I need to do is apologize for last month, because I got my days mixed up. I'm here to answer any questions, and I want to explain to you what we would like to do with this property. It has four bedrooms, two full bathrooms, there is a dining room that we are going to turn into a rec room, kitchen and waiting area. What our vision is for that property, is like Grace's house next door that is the home for homeless women and their children. Then when we put the Grandma's house in place that is for battered women and their children with us covering Pittsylvania County, Halifax County, City of Danville and the overflow of Caswell County. When the families come the children will have to go to school and they will have to get their education. What we want is to have four classrooms up stairs and we have some volunteer retired teachers that have volunteered to reach out to schools and get their work. We have to make them feel special and make them feel at home and we don't call our homes shelters. Our goal is to temporarily help them to forget where they are, bring a child a new light and fresh air, because by the time that these children get to Grace's house homeless, they have already been through a lot.

Mr. Searce stated how far along have you gotten on the other project that you are on?

Ms. Reaves stated the big house, we have not started the carriage house behind. We have gotten the vinyl siding on it and we have replaced all the floor joists, and all the sub floors. We raised money this past weekend so we can get our HVAC system installed. Then it's just a matter of getting the drywall done and upstairs is good.

Mr. Searce stated so progress is being made.

Ms. Reaves stated yes, hopefully in the next forty-five to sixty days this project will be complete.

Mr. Searce closed the Public Hearing.

Mr. Garrison stated is it going to be used as a school because she marked school off in the permit uses.

Mr. Gillie stated it's not supposed to be used as a school. If that is her intention that is not what we discussed. Now, providing after school tutoring and other things does not classify it as a school according to the zoning code.

Mr. Wilson stated that's how I understood it to be is a tutoring program while they are not in school.

Mr. Wilson made a motion for approval for Rezoning of application PLRZ201870000156 with conditions set by the Planning Department. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

Mr. Wilson made a motion for approval for Special Use Permit of application PLSUP20180000151 as subject conditions set by the Planning Department. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.

3. Rezoning application PLRZ20180000164, filed by Danville Dental Properties, LLC, requesting to rezone from N-C Neighborhood Commercial to "Conditional" HR-C Highway Retail Commercial District, 5011 Riverside Drive, otherwise known as Grid 9712, Block 005, Parcel 0000046, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for additional uses of the property.

Mr. Searce opened the Public Hearing.

Mr. Chris Payne with Danville Dental Properties stated the reason for the request today, we have no immediate plans to change the use of the property in any way. It's being used as a dental office and that's our intention to keep it that way. The reason for the request, as you know recently there was a tornado that went through the area, and did a lot of damage to the area of 58 West. It did some damage to the building and in the process it destroyed our sign. We have always had some visibility issues with our sign. There is of way service road in front of that property, which limits where we can place the sign and there's always been some visibility issues. We had a consultation with Mr. Gillie on what was the best way to approach replacing the sign and found that changing the zoning designation would increase the visibility when we replace the sign. The property next to the Dental office is a hair salon

and I own that property and on the other side of the office is used as a day care. The reason for the request is to help us replace the sign..

Mr. Searce closed the Public Hearing.

Mr. Wilson stated does this mean that the sign is able to go closer to the road?

Mr. Gillie stated it will not be able to go closer to the road, on the screen that is up above you can see there is a rather large right of way for that portion of 58, in case a frontage road system was ever built similar to what is there now. Placing a sign out on the right of way is not possible. It would allow for a larger sign, and also allow for a taller sign, as you are aware, this building sits kind of down on a hill. The N-C District does have height as well as size restrictions that the HR-C doesn't have, and this will bring the sign up a little taller and allow a larger sign.

Mr. Bolton made a motion for approval for Rezoning application PLRZ20180000164 as submitted with the condition of the two uses added by staff. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.

- 4 Rezoning application PLRZ20180000170, filed by Danny Marshall, requesting to rezone from S-R Suburban Residential to LED-I Light Economic Development District, Parcel ID#s 78315 & 75881, otherwise known as Grid 2505, Block 001, Parcel ID's 0000011 & 00008, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for construction of a parking lot.*

Mr. Searce had to abstain due to a conflict of interest.

Mr. Wilson opened the Public Hearing.

Mr. Danny Marshall stated so thank you for your time and let me give you a little background. These two warehouses were built by my family for Dan River. At that time Dan River only had six employees, and this was the distribution center for their shipment of cloth. Dan River is gone, so we have rented one of the spaces to American Phoenix and they have about twenty employees. The other building has about 110,000 square feet. What we are trying to do now is to have this rezoned for potential parking lot, and I don't know how many spaces it will have. Just want to have it rezoned, so the next person that comes, and wants to rent this building we will have this behind us.

Mr. Wilson closed the Public Hearing.

Mr. Petrick made a motion for approval for Rezoning application PLRZ20180000170 as submitted. Mr. Bolton seconded the motion. The motion was approved by a 5-0 vote. Mr. Searce abstained

- 5. Rezoning application PLRZ20180000176, filed by Brandon P. Farmer, et al., requesting to rezone from S-R Suburban Residential to HR-C Highway Retail Commercial District, Parcel ID# 60407 (3.32 acres on Terry Ave) otherwise known as Grid 2913, Block 001, Parcel 000001, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for development with adjacent property located within Pittsylvania County.*

Mr. Searce open the Public Hearing.

Jeff Davis stated I'm here on behalf of Brandon Farmer. I'm just here for any questions or concerns that you may have.

Mr. Searce closed the Public Hearing.

Mr. Bolton made a motion for approval for Rezoning application PLRZ20180000176 as submitted. Mr. Wilson seconded the motion. The motion was approved by a 6-0 vote.

I. MINUTES

The June 11, 2018 minutes were approved by unanimous vote.

II. OTHER BUSINESS

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

APPROVED