



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

City Planning Commission

JULY 9, 2018

3:00 P.M.

CITY COUNCIL CHAMBERS

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEM 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.*
 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.*
 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.*
 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.

- IV. APPROVAL OF MINUTES FROM JUNE 11, 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 July 9, 2018

Subject:

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

Background:

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

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

Thirty (30) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Eight (8) responses were received. Seven (7) were unopposed. (Mattie Jones, Wanda Motley, Omega Enterprises of Virginia LLC, John Henry Pannell, Present Help Ministries, David Prunty and Mamie Townes). One (1) response was received opposed. (Southside Equity LLC).

These items were subsequently tabled at the June 11, 2018 meeting as the applicant did not attend to answer questions.

Recommendation:

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

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

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

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

City Planning Commission Alternatives:

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

AND

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

Attachments:

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

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: OT-R
PROPOSED ZONING: Cond TO-C TAX MAP NUMBER: 2717-023-00004
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

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

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

Between: Stokes St and Lee St

Proffered Conditions (if any, please attach): _____

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

1. NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

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

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

Please provide a brief description of the proposed development:

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

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

B. - Permitted Uses.

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

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

C. - Uses Permitted by Special Use Permit.

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

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

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

12. ~~Private clubs and lodges.~~

13. ~~Public uses and utilities.~~

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

15. ~~Restaurant.~~

16. Waiver of lot size requirements.

17. Waiver of maximum floor area ratio of 0.25.

18. Waiver of maximum building height regulations.

19. Waiver of minimum yard requirements.

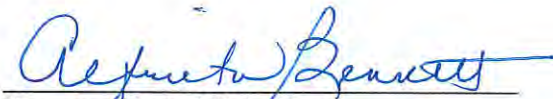
20. Homeless shelter.

21. Transitional living shelter.

22. ~~Post-release housing.~~

23. ~~Museum.~~

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



Present Help Ministries
Alfrieta Bennett

5/14/18
Date

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: Community Facility

CASE NUMBER: _____

EXISTING ZONING: OT-R

PROPOSED ZONING: Cond TO-C

TAX MAP NUMBER: 2717-023-00004

RECEIVED BY: _____

DATE FILED: _____

PLANNING COMMISSION DATE: _____

CITY COUNCIL DATE: _____

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

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

40 ft. Pt # 11 Sec B Jefferson Street

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

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

Between: Stokes Street and Lee Street

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

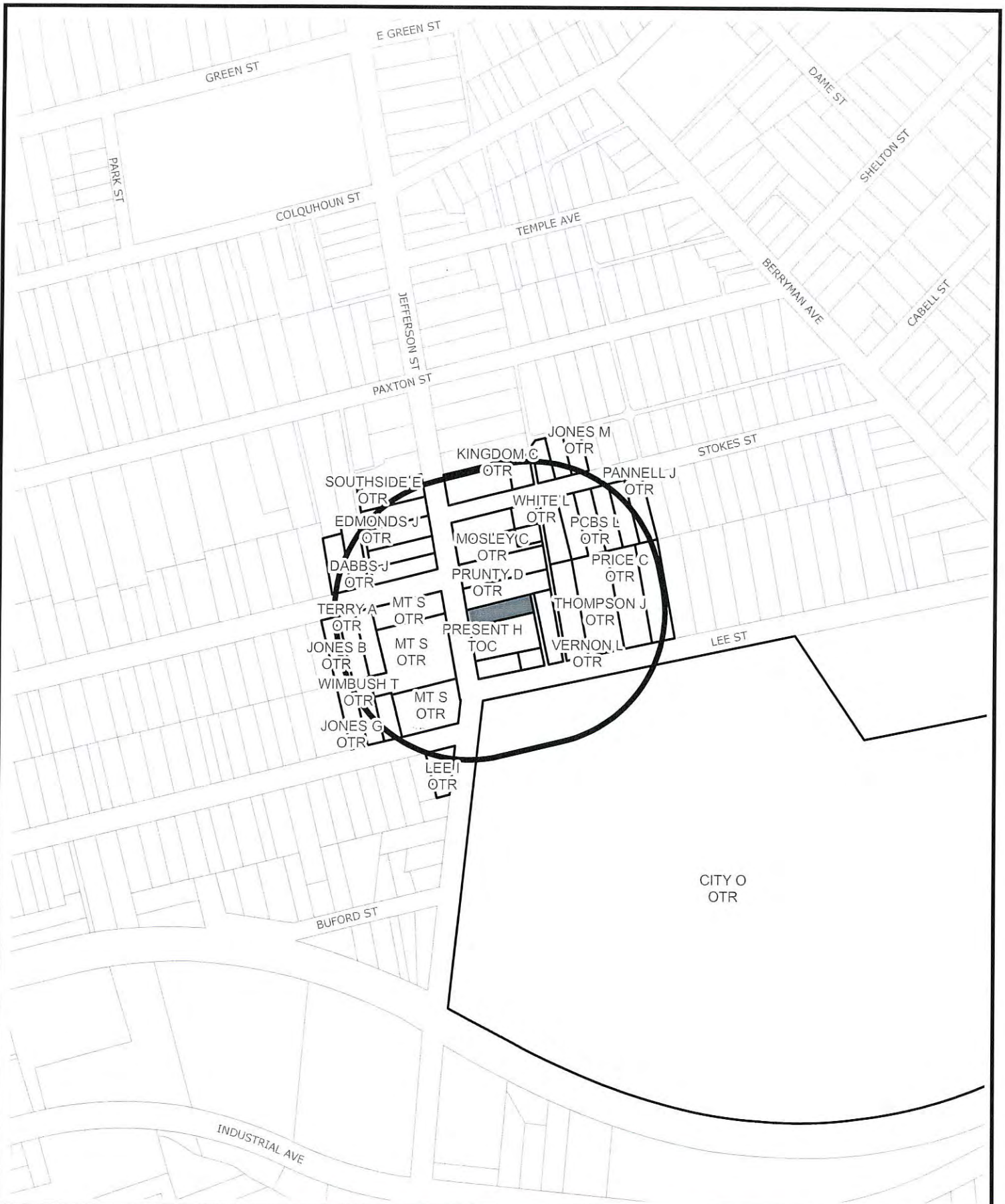
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

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

APPLICANT (PLEASE TYPE OR PRINT):

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

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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
5/22/2018

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

REZONING AND SPECIAL USE PERMIT REQUESTS
DATA SHEET

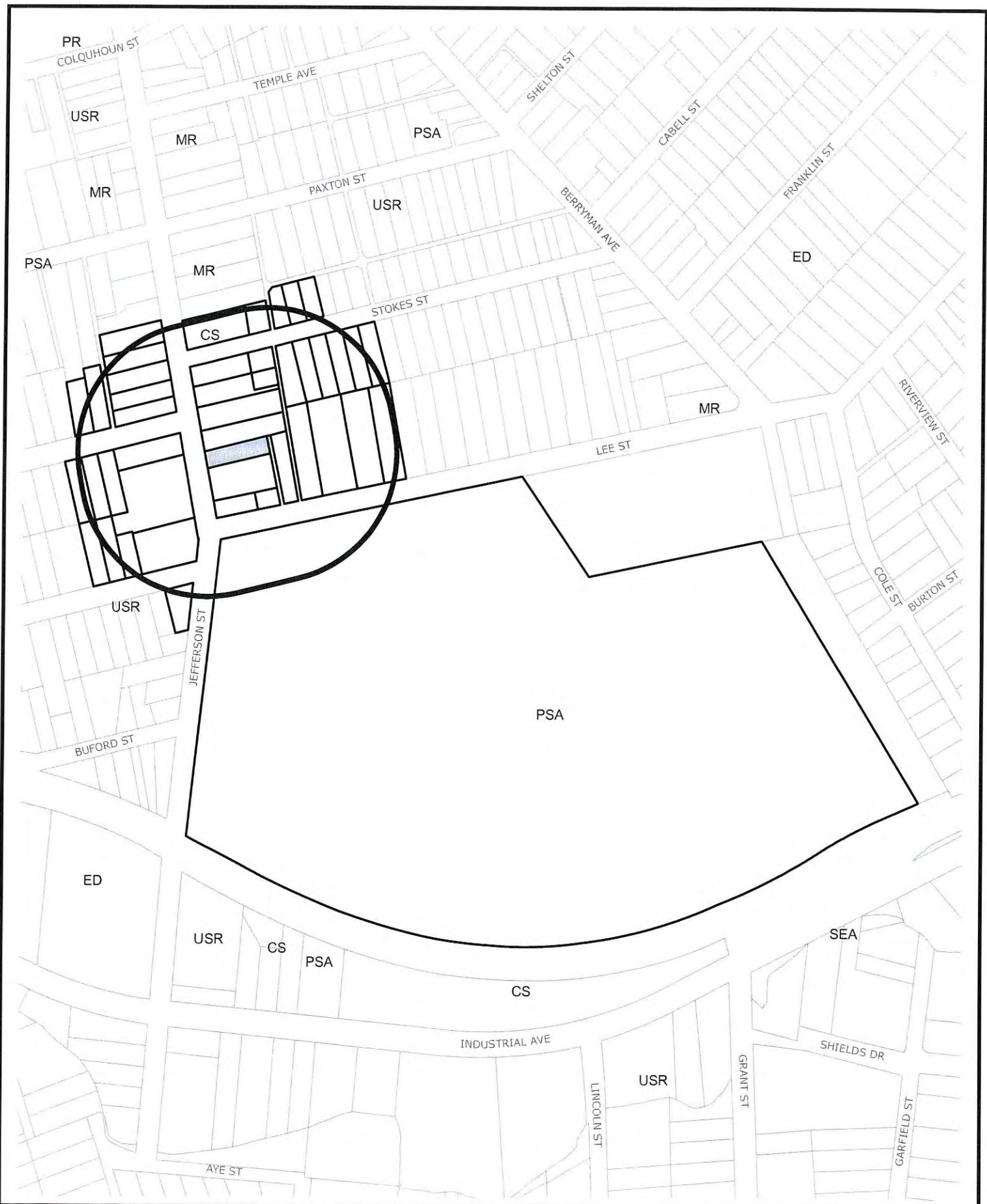
DATE:	June 11, 2018
LOCATION OF PROPERTY:	711 Jefferson Street
PRESENT ZONE:	OT-R Old Town Residential
PROPOSED ZONE:	Same
ACTION REQUESTED:	The applicant is requesting a rezoning and Special Use Permit.
PRESENT USE OF PROPERTY:	Vacant Single Family Home
PROPOSED USE OF PROPERTY:	Community Facility
PROPERTY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



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/22/2018

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/22/2018

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

City Planning Commission

City Planning Commission

Meeting of July 9, 2018

Subject:

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.

Background:

An application has been 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.

The property is currently developed with a two story commercial structure and occupied by Danville Dental. The property is bordered by a mixture of commercial and residential to the north, east and west, with vacant land to the south. Access to the property is from Riverside Drive.

The applicant has provided the attached proffer of conditions substantially limiting the uses of the property. This use is very similar to the N-C Neighborhood Commercial uses currently permitted on the property. Staff, while rare, believes that this proffered list is overly restrictive.

Eight (8) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on July 9, 2018.

Recommendation:

The Planning staff recommends approval of 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 with the following uses being removed from the proffer submitted and listed as permitted uses:

- Add restaurant and bicycle shop as by Right Uses
- Add day care centers, microbrewery and microwinery, indoor shooting facilities and distillery as uses permitted by Special Use Permit.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning application PLRZ20180000164 as submitted.
2. Recommend approval of Rezoning application PLRZ20180000164 subject to conditions by staff
3. Recommend approval of Rezoning application PLRZ20180000164 subject to conditions by the Planning Commission
4. Recommend denial of Rezoning application PLRZ20180000164 as submitted.

Attachments:

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

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: N-C
PROPOSED ZONING: cond H R-C TAX MAP NUMBER: _____
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 0.841 ac Property Address: 5011 Riverside Drive

Property Location: N(S)E W Side of: Highway 58

Between: James Road and Church Avenue

Proffered Conditions (if any, please attach): See attached

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

1. NAME: Danville Dental Properties LLC TELEPHONE: 434-548-4305

MAILING ADDRESS: 1921 Stony Mill Road, Danville, VA 24541

SIGNATURE: [Signature] DATE: 05-30-18

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: payne1921@yahoo.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: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

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

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

Please provide a brief description of the proposed development:

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

Rezoning request from Neighborhood Commercial to
Highway Retail Commercial

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

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

A. - Purpose and Intent.

The HR-C District is established to provide suitable locations in Danville's heavily traveled collector streets and arterial highways for those commercial and business uses which are oriented to the automobile and which require regional access characteristics independent of the marketplace attributable to adjoining neighborhoods or pedestrian trade. The application of the HR-C District should be to those areas of the City where individual uses can be grouped into planned concentrations which limit the "strip" development effect on newly developing areas as well as on redevelopment areas where retail and business uses currently exist. In addition, the Corridor Overlay District may impact the regulation of uses in this district.

Adequate transportation and site planning of uses within the HR-C District should have the goal of minimizing conflicts with through-traffic movements along the entrance City's corridors and major arterial streets. The HR-C District is not intended to be applied to shopping centers. Given the implications of traffic, pedestrian access, landscaping, and inter-parcel connections, large-scale individual retailers in excess of 60,000 per establishment (typically referred to as "big boxes" or "superstores") shall require a special use permit.

Minimum site improvements for uses within the HR-C District shall include adequate on-site parking, public water and sewer service, public street frontage and safe access, pedestrian improvements, storm drainage, stormwater management facilities, and outdoor lighting for parking areas.

(Ord. No. 2004-02.04, Art. 3.M, § A, 2-17-04)

B. - Permitted Uses.

An individual use or structure intended for a single use with 60,000 square feet gross floor area or less, incorporating the following uses:

- ~~1.~~ Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).
- ~~2.~~ Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage).
- 3. Banks and financial institutions.
- 4. Business services and office supply establishments.
- ~~5.~~ Car washes.
- ~~6.~~ Churches and places of worship.
- ~~7.~~ Convenience stores (with or without gasoline sales).
- ~~8.~~ Fast-food restaurants.
- ~~9.~~ Funeral homes.
- ~~10.~~ Gasoline sales establishments.
- ~~11.~~ Health club, spa or fitness center.

12. Hospitals and health care facilities with inpatient services.

~~13.~~ Hotels and motels.

~~14.~~ Laundromats/dry cleaners.

~~15.~~ Light intensity wholesale trade establishments (with no outdoor sales or display of products).

16. Medical offices and outpatient care facilities.

~~17.~~ Mini-storage warehouses, with no exterior storage.

~~18.~~ Movie theaters.

19. Offices (general and professional).

~~20.~~ Parking lots (private and public with off-street parking as the principal use).

21. Personal service establishments.

22. Private post office and delivery service.

~~23.~~ Public uses.

~~24.~~ Repair service establishments (exclusive of automobile and light vehicle service and repair, with no outdoor storage).

~~25.~~ Restaurants.

~~26.~~ Retail sales and leasing establishments, with screened outdoor sales or display of products limited to no greater than 15% of the net developable lot area. (See Additional Regulations.)

27. Schools, colleges and universities (public and private).

~~28.~~ Seasonal retail uses.

~~29.~~ Temporary retail sales.

~~30.~~ Exterminator.

~~31.~~ Bicycle shop.

32. Adult day support services.

33. Child therapeutic day support services.

(Ord. No. 2004-02.04, Art. 3.M, § B, 2-17-04; Ord. No. 2005-04.04, 4-5-05; Ord. No. 2009-12.08, 12-15-09; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2014-08.09, 8-19-14)

C. - Uses Permitted by Special Use Permit.

An individual use otherwise permitted hereinabove by-right in the HR-C District, but having greater than 60,000 square feet gross floor area, or any of the following uses:

~~1.~~ Auction establishments.

~~2.~~ Bed and breakfast, inn or tourist home (as defined).

~~3.~~ Bus stations.

~~4.~~ Commercial recreation facilities (indoor and outdoor).

5. Conference centers.

~~6.~~ Day care centers (adult and child).

~~7.~~ Kennels, commercial.

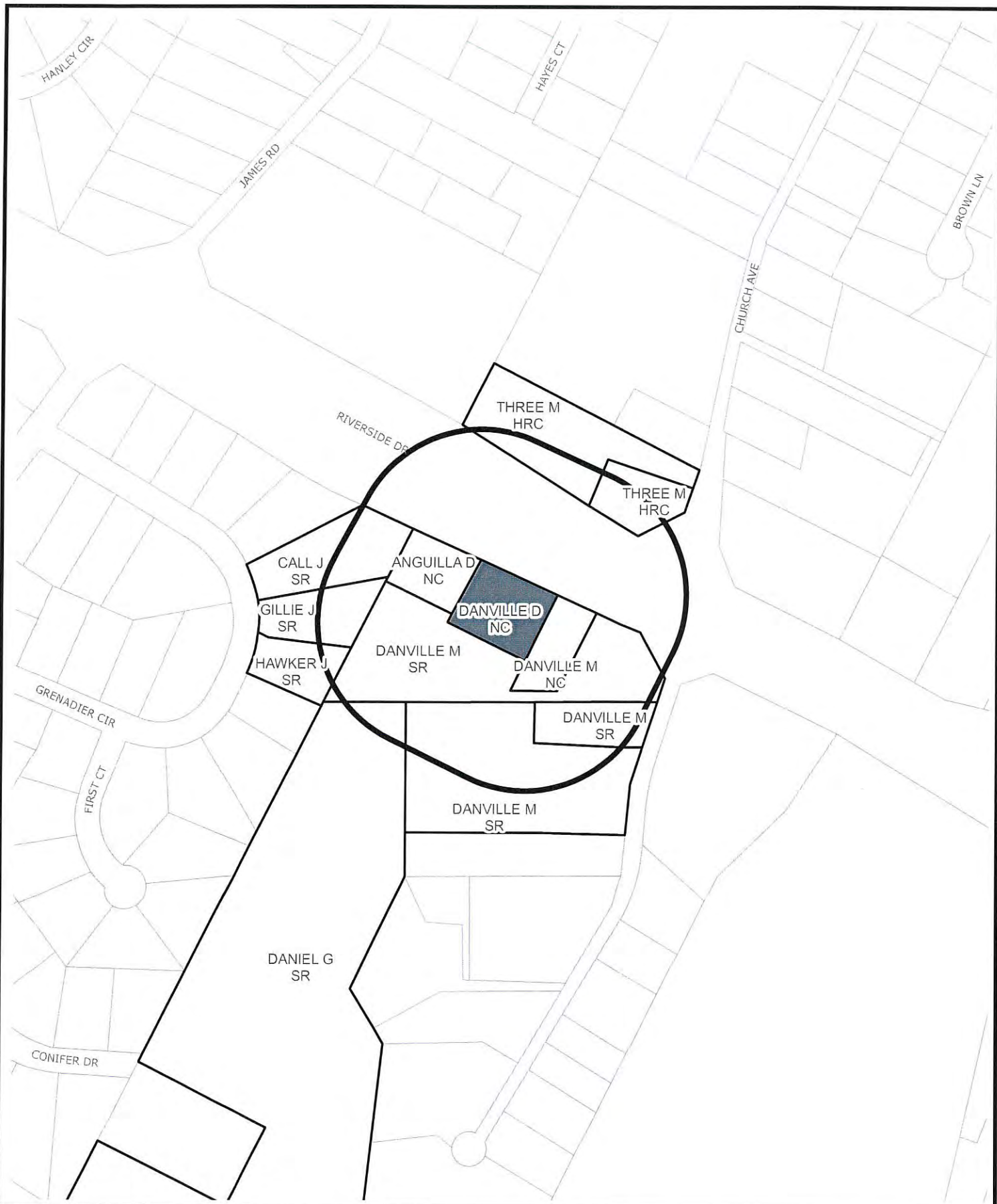
~~8.~~ Light warehousing uses related to an adjunct retail use permitted either by-right or special permit,

- provided that warehousing space does not exceed 50% of the gross floor area.
- ~~9.~~ Drive-in movie theaters.
 - ~~10.~~ Parking garages and structures.
 - ~~11.~~ Pet clinics.
 - ~~12.~~ Plant nurseries.
 - ~~13.~~ Public utilities.
 - 14. Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. All assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.
 - 15. Schools, colleges and universities (public or private).
 - ~~16.~~ Taxidermists.
 - ~~17.~~ Uses with lot frontage on the Dan River.
 - ~~18.~~ Vehicle sale, rental and ancillary service establishments, including mobile homes.
 - ~~19.~~ Veterinary clinics.
 - ~~20.~~ Waiver for increase in building heights to over 50 feet.
 - ~~21.~~ Waiver of yard requirements, subject to the prohibition of parking in front yards.
 - ~~22.~~ Caretaker's residence.
 - ~~23.~~ Homeless shelter.
 - ~~24.~~ Microbrewery or Micro-winery.
 - ~~25.~~ Wholesale Sales.
 - ~~26.~~ Indoor shooting facilities.
 - ~~27.~~ Distillery.

(Ord. No. 2004-02.04, Art. 3.M, § C, 2-17-04; Ord. No. 2008-07.04, Art. 3.M, § C, 7-15-08; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2012-09.09, 9-18-12; Ord. No. 2015-01.04, 1-20-15; Ord. No. 2016-04.03, 4-5-16; Ord. No. 2017-08.01, 8-3-17)

D. - Lot Size Requirements.

- 1. Minimum district size: Not regulated, provided that districts should be located, sized and spaced to limit potential "strip" development impacts.
- 2. Minimum lot areas:
 - (1) Interior lot: 13,500 square feet.
 - (2) Corner lot: 15,000 square feet.
- 3. Minimum lot width:
 - (1) Interior lot: 90 feet.
 - (2) Corner lot: 150 feet.
- 4. No HR-C District lot shall be designed or employed for use in which an area more than 25% of the prescribed minimum lot area is comprised of either of the following physical land units: (a) wetlands or (b) water features.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
6/21/2018

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REZONING REQUEST
DATA SHEET

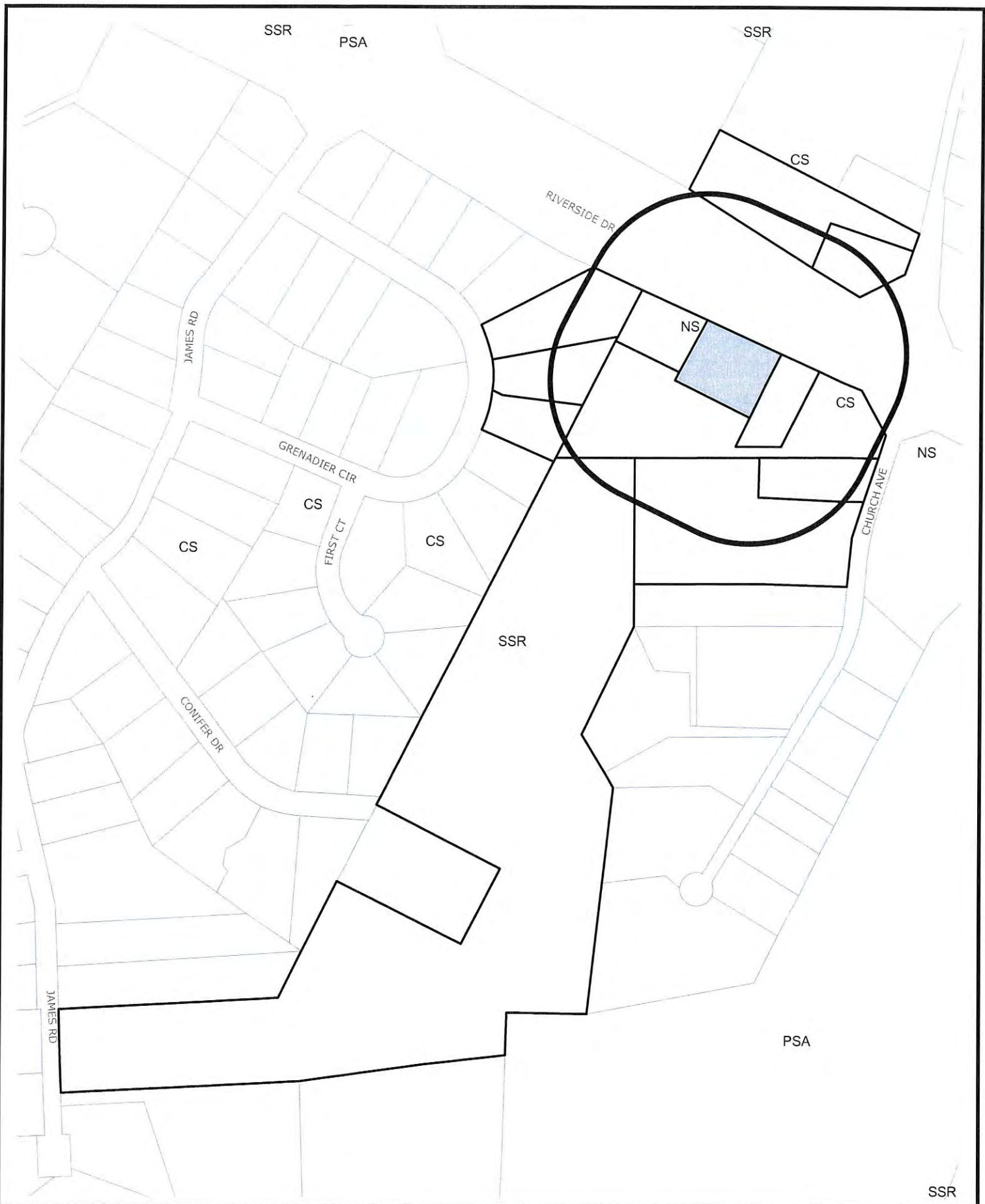
DATE:	July 9, 2018
LOCATION OF PROPERTY:	5011 Riverside Drive
PRESENT ZONE:	N-C Neighborhood Commercial
PROPOSED ZONE:	"Conditional" HR-C Highway Retail Commercial
ACTION REQUESTED:	The applicant is requesting to rezone from N-C to "Conditional" HR-C to allow for additional uses.
PRESENT USE OF PROPERTY:	Professional (Dental) office
PROPOSED USE OF PROPERTY:	same with additional options
PROPERTY OWNER (S):	Danville Dental Properties, LLC
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Commercial and residential to the north, east and west, vacant to the south.
ACREAGE/SQUARE FOOTAGE:	.748 Acres
CHARACTER OF VICINITY:	Mixed residential and commercial
INGRESS AND EGRESS:	Riverside Drive
TRAFFIC VOLUME:	Moderate to High
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of July 9, 2018



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/21/2018

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.



YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/21/2018

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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 July 9, 2018

Subject:

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.

Background:

An application has been 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.

The property is currently vacant but has been used in the past for limited material storage and parking. The applicant owns the adjacent warehouse facilities at 121 & 125 Martha Street. Due to limited off street parking options on site, a plan to create remote off site parking is being developed. Remote off site parking is permitted by the zoning code if certain criteria are met, and development on this site would meet those.

Seven (7) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on July 9, 2018.

Recommendation:

The Planning staff recommends approval of 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.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning application PLRZ20180000170 as submitted.
2. Recommend approval of Rezoning application PLRZ20180000170 subject to conditions by the Planning Commission
3. Recommend denial of Rezoning application PLRZ20180000170 as submitted.
4. Recommend postponement of Rezoning application PLRZ20180000170 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: _____
PROPOSED ZONING: _____ TAX MAP NUMBER: _____
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 50+2.51 Property Address: Parcel ID 75381

Property Location: N S E (W) Side of: Myrtle Street

Between: _____ and _____

Proffered Conditions (if any, please attach): _____

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

1. NAME: Elizabeth S Marshall TELEPHONE: 439-1065

MAILING ADDRESS: PO Box 439

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: dwmarrshall@hotmail.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: Danny Marshall TELEPHONE: 439-1065

MAILING ADDRESS: PO Box 439 Danville VA 24543

EMAIL ADDRESS: dwmarrshall@hotmail.com

SIGNATURE: Danny Marshall DATE: 5-9-13

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

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

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

Please provide a brief description of the proposed development:

build parking lot for building across street #121 & #125

2. ALTERATION OF ZONING BOUNDARIES:

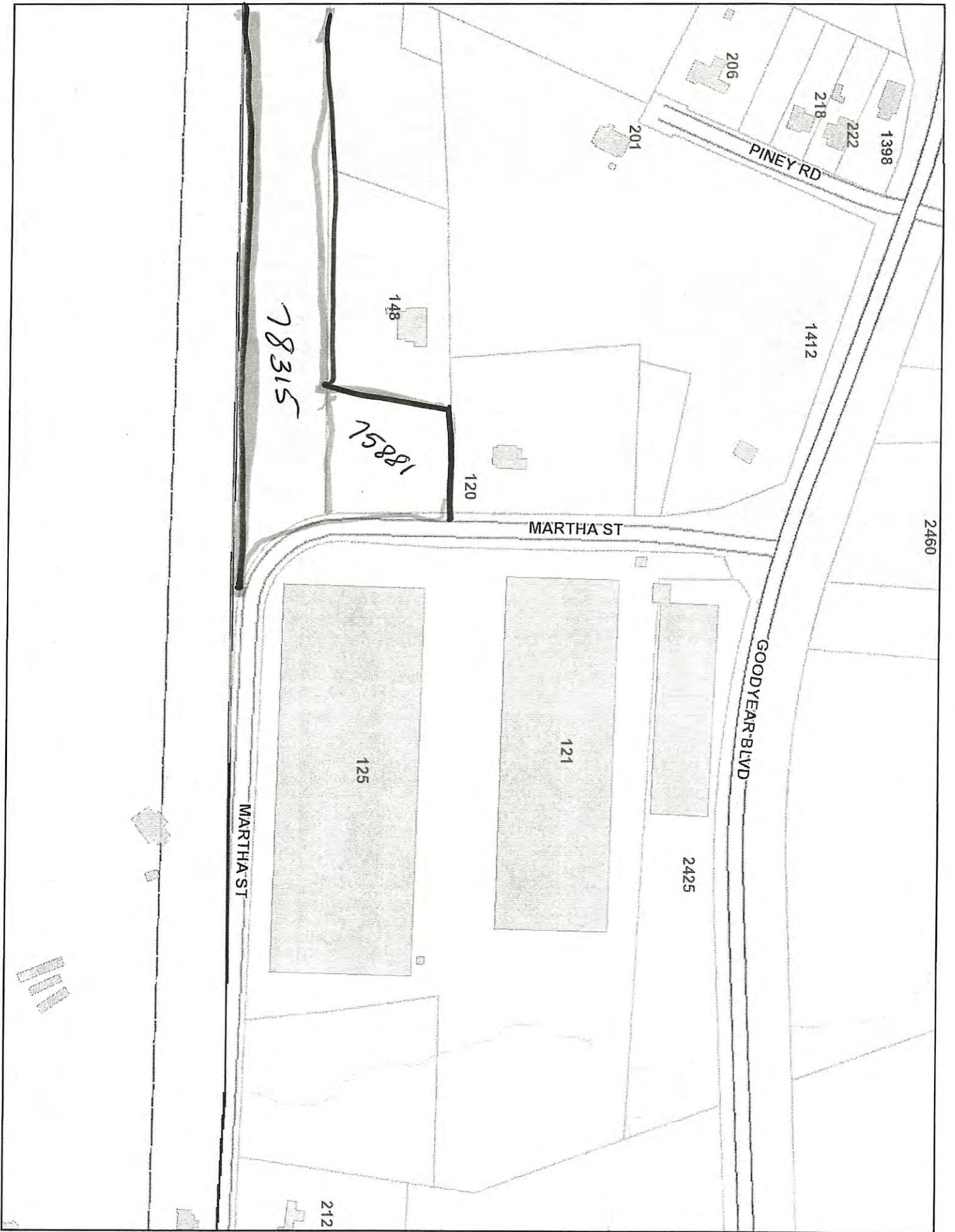
Please provide a survey of proposed Zoning boundaries.

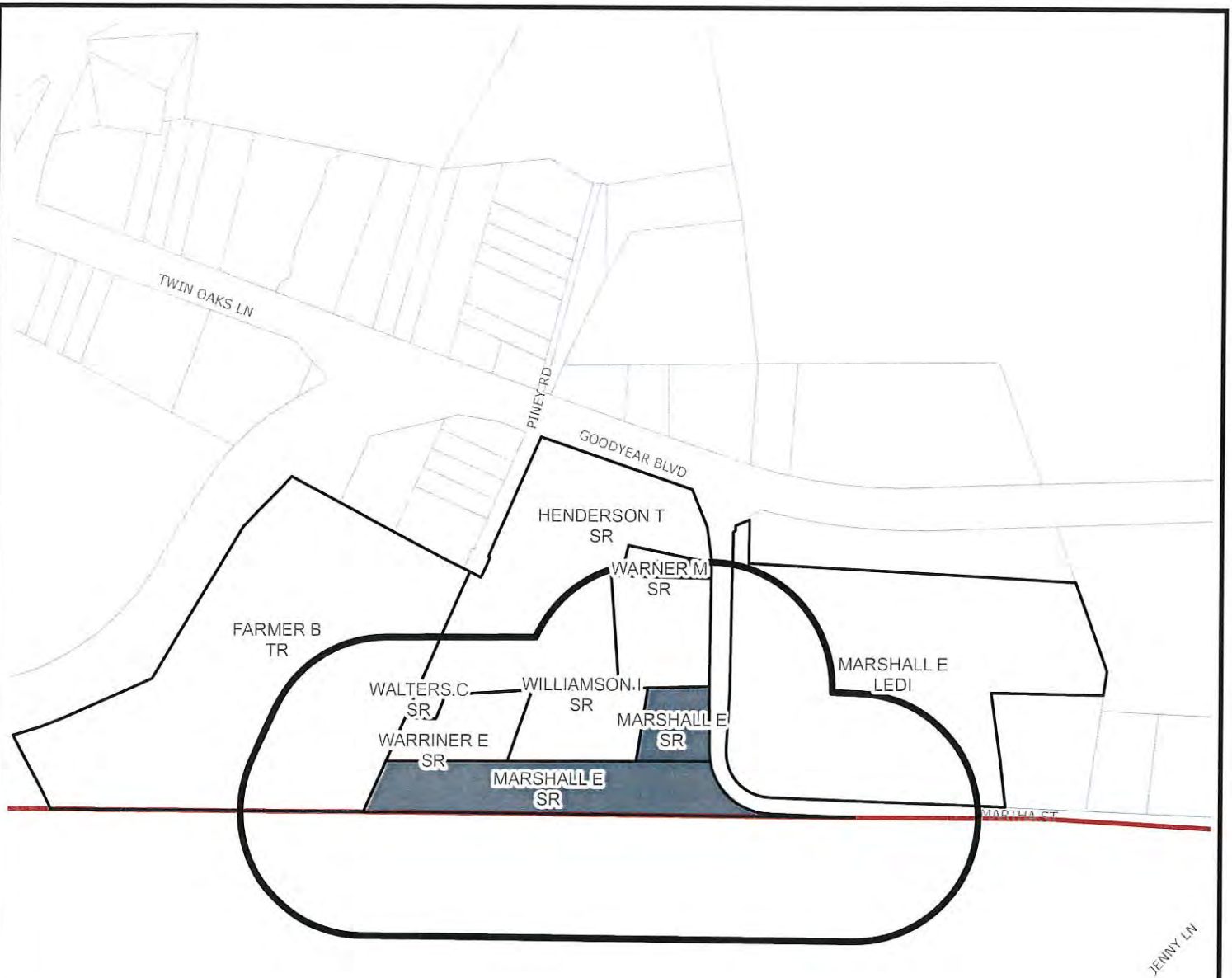
Please provide a brief description of the request:

On Map

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

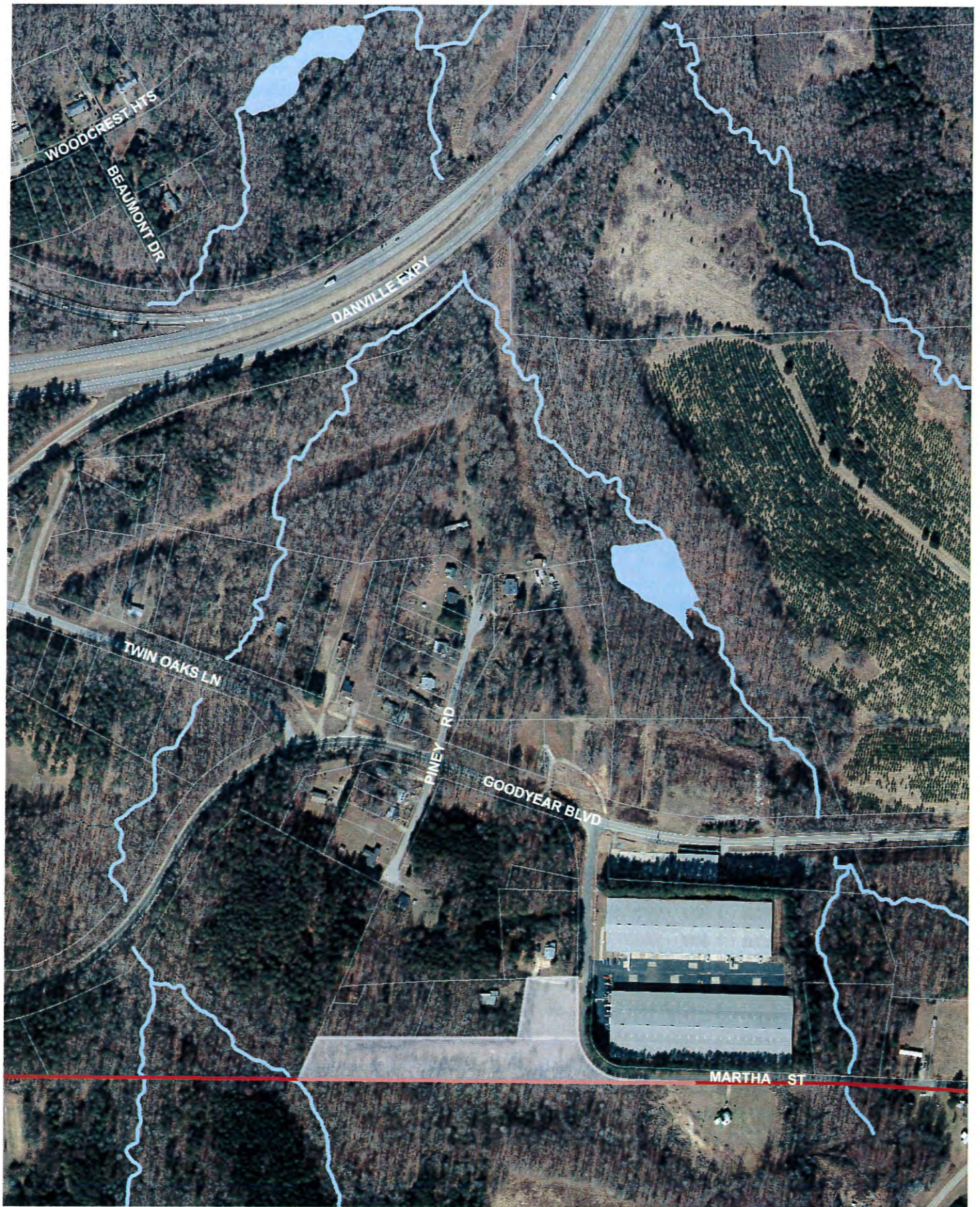


Prepared by:
Planning Division
6/21/2018

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REZONING REQUEST
DATA SHEET

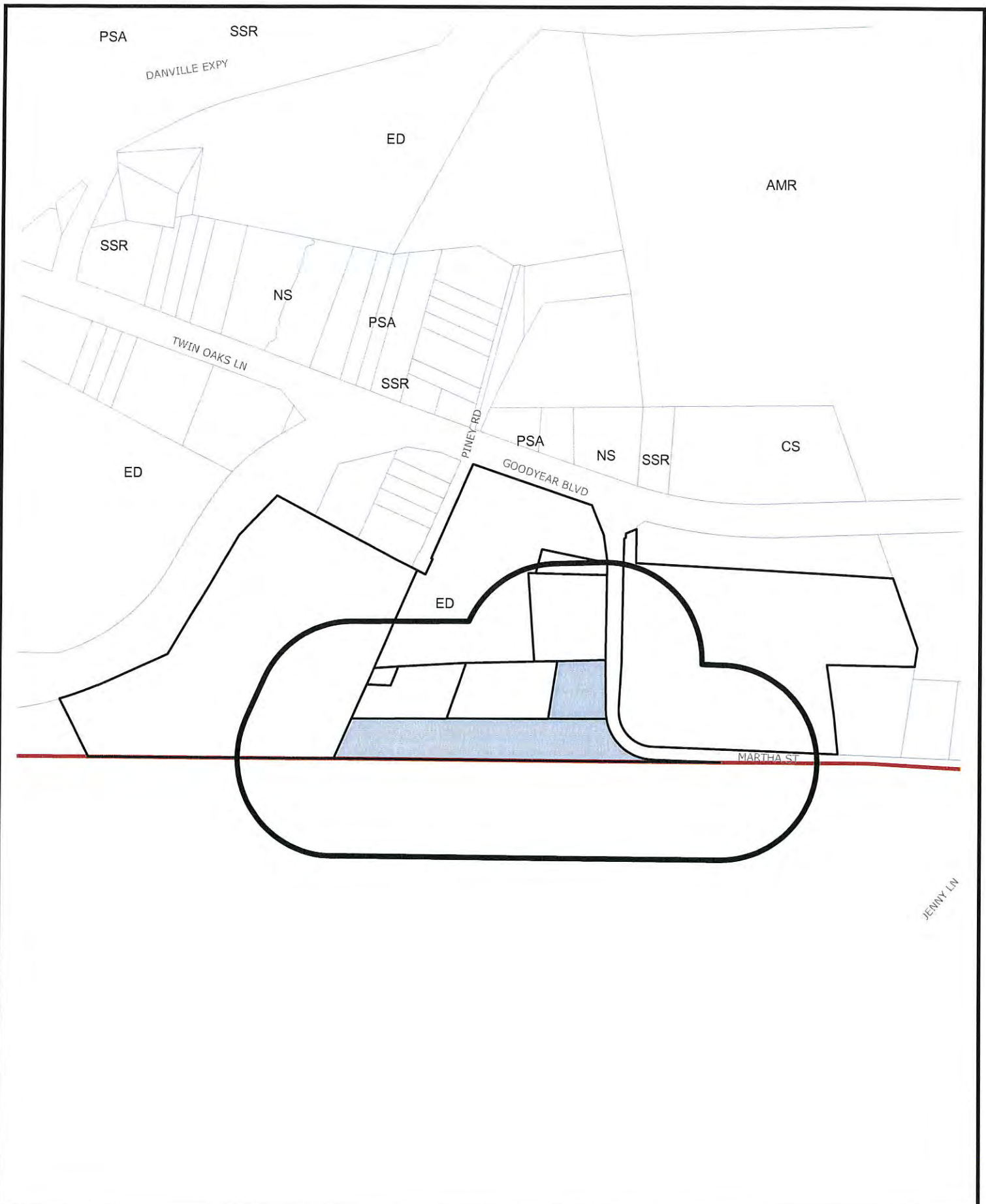
DATE:	July 9, 2018
LOCATION OF PROPERTY:	Parcel ID#s 78315 & 75881 Martha Street
PRESENT ZONE:	S-R Suburban Residential
PROPOSED ZONE:	LED-I Light Economic Development Industrial
ACTION REQUESTED:	The applicant is requesting to rezone from S-R to LED-I to build a parking area.
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Parking area
PROPERTY OWNER (S):	Elizabeth S. Marshall, et al.
NAME OF APPLICANT (S):	Danny Marshall
PROPERTY BORDERED BY:	Industrial to the east, vacant and residential to the south and north, vacant to the west.
ACREAGE/SQUARE FOOTAGE:	2.5 and .5 Acres
CHARACTER OF VICINITY:	Mixed residential and Industrial
INGRESS AND EGRESS:	Martha Street
TRAFFIC VOLUME:	Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of July 9, 2018



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/21/2018

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/21/2018

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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 July 9, 2018

Subject:

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.

Background:

An application has been 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.

The property is currently heavily wooded and vacant. The property is split, with the majority of the land being located within Pittsylvania County. The portion within the City of Danville is located to the north of the Dollar General Marketplace and east of a church. The property fronts on an unopened but dedicated portion of Terry Avenue or unopened but dedicated future Virginia Lane.

The adjacent property within Pittsylvania County is zoned B-2, a copy of their regulations are attached. The City and County zoning codes, while similar are not identical, thus the request in the City to rezone to HR-C. This is the closest to the B-2 that is available.

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

Recommendation:

The Planning staff recommends approval of 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.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning application PLRZ20180000176 as submitted.
2. Recommend approval of Rezoning application PLRZ20180000176 subject to conditions by the Planning Commission
3. Recommend denial of Rezoning application PLRZ20180000176 as submitted.
4. Recommend postponement of Rezoning application PLRZ20180000176 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____

EXISTING ZONING: S-R

PROPOSED ZONING: _____

TAX MAP NUMBER: 2913-006 000001

RECEIVED BY: KLG

DATE FILED: 6/11/18

PLANNING COMMISSION DATE: _____

CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 3.32 AC Property Address: Terry Avenue

Property Location: N S E W Side of: Piney Forest Road - 60407

Between: Highland Blvd and Virginia Lane

Proffered Conditions (if any, please attach): _____

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

1. NAME: Brandon P. Farmer, et al TELEPHONE: 434-941-8111

MAILING ADDRESS: 1018 Rocky Branch Drive, Forest, VA 24551

SIGNATURE: Brandon P. Farmer KLG Carrie Marie Farmer

DATE: 9/21/17

SIGNATURE: John H. Williams John H. Williams John H. Williams

DATE: 9/21/17

EMAIL ADDRESS: bfarmer212@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: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

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

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

Please provide a brief description of the proposed development:

To rezone the 3.32 acres from SR Suburban Residential to B-2 Business District General in order to be
in conformity with adjacent parcel located in Pittsylvania County and all other surrounding parcels.

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

DIVISION 10. BUSINESS DISTRICT GENERAL (B-2)

SEC. 35-364. PURPOSE

This district is created to provide locations for general business and commercial enterprise whereby the public shall require direct and frequent access, but which is not characterized by constant heavy trucking other than for stocking and delivery of retail goods for sale at the enterprises, or by any factors other than occasioned by incidental light and noise of congregation of people and passenger vehicles.

Uses in this district should be oriented to service to the entire County or substantial portions thereof, rather than toward a neighborhood focus as in limited business district (B-1).

This district is limited to commercial, retail and wholesale, establishments which may have outdoor displays of product, but not outside storage, and do not manufacture their product on the premises and have no outside storage of materials.

SEC. 35-365. PERMITTED USES

Within the General Business District (B-2), the following uses are permitted:

- accessory uses
- amusement centers; game rooms, electronic games; game machines; machine arcades amusement shops
- antique refinishing
- antique shops
- apartments in same building with business (upstairs apartment)
- apparel shops
- art supplies
- assembly halls
- bakeries
- banks,
- savings and loans, finance, insurance offices
- barber shops, beauty shops
- blacksmiths
- boat clubs
- bowling alleys
- brick, block sales
- building material sales
- butcher shops
- candy shops
- car and vehicle wash operations
- carpet cleaning
- cemeteries-community and commercial
- cemeteries-on joint church property
- child day care centers (licensed) (Amended February 18, 1992)
- churches
- clubs (private)
- clubs (public)
- cold storage lockers, facilities
- colleges
- community centers, buildings
- contractors offices and facilities
- convenience stores
- country clubs
- country stores

County government uses such as waste collection, recycling, recreation, etc.

craft shops

custom meat cutting operations

dormitories

drive-in restaurants/walk-ins

dry cleaning and laundry

drug stores

eldercare centers, homes, facilities (licensed)

emergency services facilities-fire, rescue

feed and seed stores

flea markets

food and groceries

funeral homes and mortuaries

furniture

garages-private, storage of personal vehicles

garages-for repair of automobiles, recreational vehicles, motorcycles, trucks

gardens (private)

gasoline stations

gift shops

golf clubs, club houses

golf courses

golf courses (miniature)

golf driving ranges

greenhouses and nurseries

hardware

hobby shops and toys

home, and apartment combinations with business

homes for developmentally disabled

hospitals

laundromats

libraries

lodge halls

lodges

manses-church-owned dwelling units

manufactured/mobile home sales

marinas

medical clinics, not veterinary

milk distribution, milk and dairy products

motels, hotels, tourist, and resort facilities

museums

newsstands

non-emergency medical transport (Amended December 21, 2010)

novelty shops

nursing homes

off-street parking

offices; professionals

paint contractors

paint stores

parks

parking facilities-commercial

piers, docks-commercial

playgrounds

print shops

printing plants-newspapers only

radio and television stations
railroad facilities
recreational facilities (private)
recreational facilities-(public)
restaurants
roads, streets, rights-of-way, easements
sales, service, and repair of automobiles, trucks, recreational vehicles, motorcycles, farm equipment, garden equipment, appliances, televisions, radios, phonographs, plumbing, boats, motors (gas, electrical), mobile homes, machinery, office equipment, sewage disposal systems, tires, telephones, upholstery, watches, jewelry, construction equipment
senior citizens homes, centers
signs-See Sections 35-95--35-101
skating rinks
sporting goods
stables, commercial riding
swim clubs
temporary uses, construction activity-including temporary buildings, portable buildings (these uses may be limited by the County as to time)
theatres, indoor
wayside stands
woodworking
water systems

SEC. 35-366. SPECIAL USE PERMITS

The following uses shall be permitted only by special use permit:

arenas
auditoriums
cabinet shops
carnivals
circuses
dance halls
drive-in theatres
fairs
heliports
airports
horse shows
kennels
laboratories, research facilities
machine shops, no presses
meat processing, not a slaughter house
outdoor displays, on business property
outdoor theatres
pool halls
public facilities, offices, storage yards
public garages
public utilities-including substations, power generation, water and sewer treatment
public utilities-towers, structures
raceways
radio and television towers
radio and television transmission/transmitters
schools
shopping centers, malls, complexes

special temporary churches (Amended December 21, 1993)
stables (private)
stadiums
veterinary clinics, hospitals
zoos and petting zoos (Amended December 21, 1993)

SEC. 35-367. AREA REGULATIONS

Notwithstanding any definitive area requirement herein, the minimum permitted size of any commercial district or commercial lot, parcel, or tract shall be subject to approval by the local Department of Health.

SEC. 35-368. MAXIMUM HEIGHT OF BUILDINGS

The maximum height of buildings in this district shall be sixty (60) feet.

Belfries, cupolas, chimneys, flues, flagpoles, television antennae, radio aerials, silos, and water tanks are exempt.

Any building or structure constructed, erected, installed, maintained shall be of an approved type in accordance with the provisions of the Virginia Uniform Statewide Building Code as amended and the Fire Prevention Code.

SEC. 35-369. MINIMUM YARD DIMENSIONS

A. Front Setback

Setback from the nearest point of house or principal structure (including porches or any accessory buildings) shall be thirty-five (35) feet from the edge of right-of-way.

B. Side Setback

No side setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than twenty (20) feet from a residential district boundary. (Amended December 21, 1993)

C. Rear Setback

No rear setback is required except that no building, structure, accessory use or outdoor storage area shall be located closer than fifty (50) feet from any type of residential use or living quarters nor residential district boundary,

SEC. 35-370. MAXIMUM FLOOR AREA

Not regulated.

SEC. 35-371. MINIMUM OFF-STREET PARKING SPACE

See Regulations, Sections 35-80--35-82.

SEC. 35-372. OPEN SPACE REQUIREMENTS

A minimum landscaped area on any lot shall not be less than ten percent (10%) the area of the lot. This area shall be used to enhance the lot's appearance. The Zoning Administrator may require buffer zones as appropriate.

SEC. 35-373. MINIMUM LOADING SPACE

See Regulations, Section 35-85.

SEC. 35-374. SIGNS

See Sign Regulations, Sections 35-95--35-101

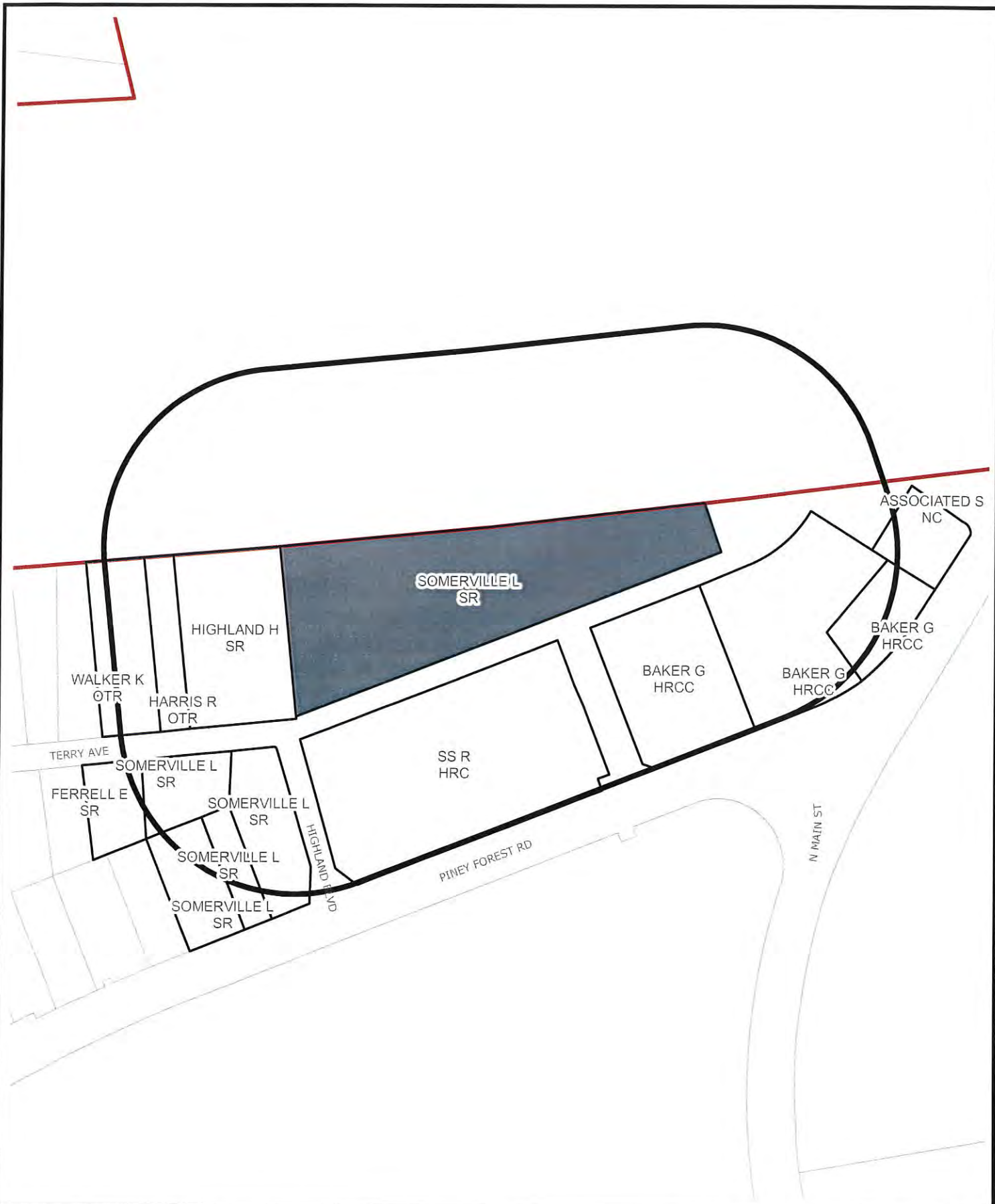
SEC. 35-375. OTHER REGULATIONS

Site plans are required for all uses prior to issuance of zoning permit and building permit.

SECS. 35-376---35-381. RESERVED

REZONING REQUEST
DATA SHEET

DATE:	July 9, 2018
LOCATION OF PROPERTY:	Parcel ID# 60407
PRESENT ZONE:	S-R Suburban Residential
PROPOSED ZONE:	HR-C Highway Retail Commercial
ACTION REQUESTED:	The applicant is requesting to rezone from S-R to HR-C to match adjacent property zoning in Pittsylvania County.
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	none
PROPERTY OWNER (S):	Somerville & Farmer, et al.
NAME OF APPLICANT (S):	Brandon Farmer
PROPERTY BORDERED BY:	Commercial to the south and east, church and residential to the west, vacant to the north.
ACREAGE/SQUARE FOOTAGE:	3.32 Acres
CHARACTER OF VICINITY:	Mixed residential and commercial
INGRESS AND EGRESS:	Terry Avenue & Highland Boulevard
TRAFFIC VOLUME:	Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of July 9, 2018



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
6/21/2018

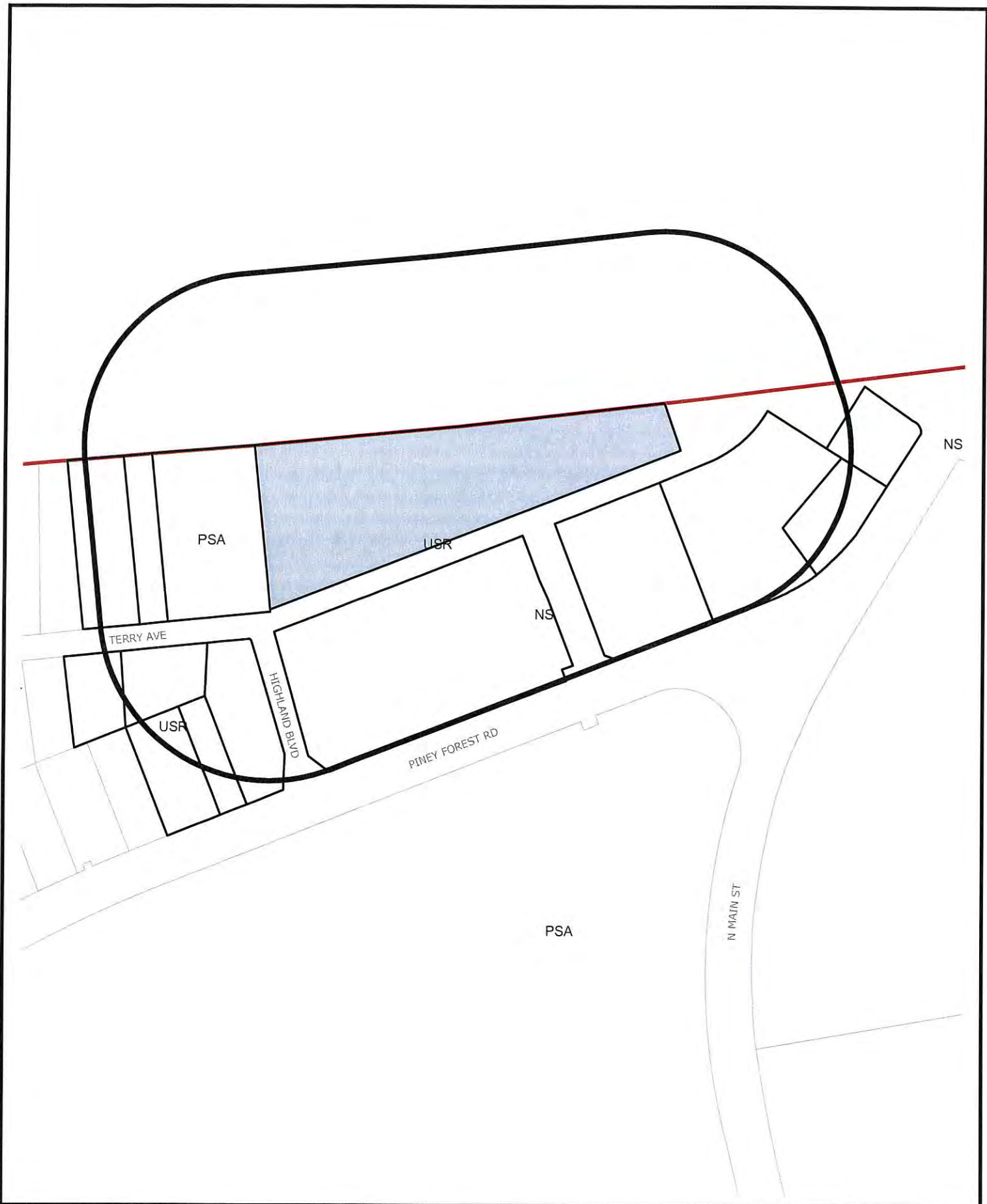
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2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/21/2018

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YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/21/2018

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PLANNING COMMISSION MINUTES

June 11, 2018

MEMBERS PRESENT

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

Mr. Gillie read the staff report. Nine (9) notices were sent to surrounding property owners within 300 feet of the subject property. Four (4) were not opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was Mr. Ethan Brown. Mr. Brown stated I am co-owner of 2 Witches Winery and Brewery. I am here to answer any questions that Commissioners or the City may have.

Mr. Dodson stated about how many people do you think that you will get to attend one of these concerts?

Mr. Brown stated we are targeting anywhere from between two hundred to three hundred.

Mr. Dodson do you think that you will have any problem with parking?

Mr. Brown stated no, with our accommodations on street parking and we have a verbal agreement with the Daniel Group across the street.

Mr. Wilson stated the pictures that we have do they meet all the flood plains regulations?

Mr. Gillie stated the pictures themselves not necessarily but we have discussed various options to comply with it. I feel that we can create a design that does comply. To answer Mr. Dodson's question, the parking, it does not trigger any additional parking, because parking is based on the building itself and since there is no building on the open stage it does not

add additional. We had the same concerns that you have but we are aware there are additional options for parking available. There are big open lots in the immediate area, while they are not necessary, places designated for parking. I don't know that they will chase anyone off of any of it and there is adequate on street parking. The City is in the process of promoting some additional things in the immediate area. So we think the parking could be adequately be addressed.

Mr. Wilson stated so the pictures are conceptual of the idea.

Mr. Brown stated if our plan is approved then we will go into the particulars of the design.

Mr. Garrison stated I have questions for Staff just because I don't understand what I have discussed with Mr. Brown. The GIS Map for the City, the orange is the flood plain right? The River and everything beside the River goes to orange.

Mr. Gillie stated I'm color blind so I apologize because I don't know orange, but there is a dark gray in my world. Yes that is the flood plain.

Mr. Garrison stated is that lighter gray the hundred year plan?

Mr. Gillie stated the lighter gray is the flood plain and the darker gray is the flood way.

Mr. Garrison stated does anyone know if we have had a hundred year flood?

Mr. Gillie stated according to the corps of Engineers we have not received one. The map is based on their anticipation on calculations. Hurricane Fran was the closest one but was not deemed to be a hundred year flood, but that is what they based their calculations off of.

Mr. Garrison stated in 1996 we had we had forty seven thousand one hundred cubic feet per second flowing down the River. That's 21.1 four millions gallons per minute of water. I remember that very well because I was working down on the River and almost got in position where I could get back to where I could get out of the flood. I worked on that River for twenty years before that, so I know that is the highest we have had in forty years. I don't know where they affected up River because I was too busy down River worried about my wood yard and Efland Plant. When I talked to Mr. Brown he indicated he would like to be with that stage back towards the River. So he could bring the River into the concept of this. Is there a problem with putting it back there?

Mr. Gillie stated according to the flood plain regulation, yes, no construction can occur in the flood way itself. So, the area that you are calling orange and I call it dark gray is not supposed to have any construction that is why the stage was relocated to a point further up; it brings it out of flood way itself.

Mr. Garrison stated his whole property is what is dark gray to you?

Mr. Gillie stated no, there are portions of it that are in the flood plain not flood way. We actually had drawn on the map where the flood way line was verses where the flood plain started and moved the stage area to be outside of the flood way. We proposed that back corner adjacent to the River which is the designated flood way bringing it out and I'm sorry I don't remember the exact distance, but he and I sat down for a while going over the various

maps figuring out what that distance was to pull the stage out of the flood way into the flood plain.

Mr. Garrison stated that yard is flat.

Mr. Gillie stated there is slight grade difference.

Mr. Garrison stated there is ten feet from the River bank itself; there is ten feet up to the back line of his property. Most of his property he has given access to the City and an easement to build a trail.

Mr. Gillie stated correct.

Mr. Garrison stated which will take up a good part of it, but from fifty feet from the South Riverside of his property line all the way to the street there is no change in the gray. The next change of gray come across Trade Street and across the parking lot against the retaining wall or where Dr. Milam's office use to be. And since it is flat, why does he have to move half way up?

Mr. Gillie stated the regulations are the adopted flood plain map. No construction can occur in the area that I'm calling dark gray and you are calling orange. So, that map shows that area is being shown as the flood way. What can be done rather than an expensive hydrological study of whether that could occur in that immediate area, we can build it in the flood plain which is outside of that designated area on that map without the need for that Hydrological study. The easiest option that we both felt was to move the stage outside the designated map on the flood way into the flood plain which it is allowed to go.

Mr. Garrison stated okay, it seems odd to me we are spending thirty million dollars in the River District to get people to come to the River. We built the YMCA which is in the same orange color which is flood plain.

Mr. Gillie stated actually it's not.

Mr. Garrison stated it is dark gray, we spent three million dollars of tax payer's money to buy the White Mill, which is in the flood plain. It just seems odd to me that we are spending public money to try to get people to come to the River and we have someone that has property on the River that is willing to spend private money to get people to come to the River and we are telling him no.

Mr. Gillie stated I can answer the YMCA question but it's a different matter. Dewberry actually did a hydrological study on the YMCA and that's why it was constructed the way it was and also why they don't have additional parking lot on the lower side of the building. That's something otherwise. The flood plain maps are the best available information and that is why I am required to go by through FEMA to continue the flood insurance policy for the City. I always point out the fact if you look at portions of the mall are actually being labeled as being part of the flood plain. Which if anyone knows the mall there's no way in the world. That is what the map shows and I am required to go by based on what the Federal Government is saying this is where the flood plain is. In this case, I have that map that shows the flood plain at this area and the flood way at this area. I can allow him to construct in the flood plain but not flood way. We have done the best that we can for what is presented to us.

Mr. Searce stated you will have to probably take your battle up to what is the Army Corps of Engineers.

Mr. Wilson stated we would not have the ability just by State Law to even be able to adjust this?

Mr. Gillie stated the Planning Commission or City Council does not have that option. There are means to go through but it is a quite extensive process to go through the study and I don't believe it would be cost effective for him at this time.

Mr. Garrison stated I agree with that.

Mr. Gillie stated that is why we have discussed and talked about that. The best option to meet the needs of everything is to go with this layout.

Mr. Wilson stated in light of this discussion are you satisfied with that based on the laws?

Mr. Brown stated yes I understand it's nothing and it's out of his control. Like Mr. Garrison said I would like to be able to change that because there is some common sense things like the wall and Sears. Somebody does need to raise their hand and say hey, it's up to the Army Corps of Engineers. It would have been nice. We have a lot of customers from out of town and talk about what their City has done to promote River front development. Ken and I talked about that and they are spending lots of money. We thought it would be another way to promote because eventually a trail will come up. Have the trail with an outside pavilion there.

Mr. Searce stated you can still use the area for people with their chairs right?

Mr. Brown stated yes. The other reason for the corner, is so we would have more green space for folks to spread out their blankets and chairs.

Mr. Wilson stated so if you had your covered area or stage area backed up to the River itself?

Mr. Brown stated yes the original plan was to put in that corner in the South West Corner and so you are looking back at the Dan River, Trail and sound that would point away from Riverside. We had also considered the opposite corner. Then that would direct the sound towards Forest Hills and I don't think that they want that. So this is a compromise position.

Mr. Wilson stated just out of curiosity what would be the procedure, obviously our hands are tied to the laws as they now stand. What is the procedure for challenging like that? City Council have a path or any options there?

Mr. Gillie stated you can petition for a letter of map revision which will require Hydrological Analysis to show that the map itself is wrong. Then you will have to submit that to FEMA. FEMA will have to agree with the engineering background and then amend the map.

Mr. Garrison stated a map is not wrong, but every City in the United States that has a River flowing uses the River banks to the best of their ability to attract people to come to the River. I don't understand how they can get away with it and we can't.

Mr. Gillie stated we can if someone spends the money to do the study. That's the question to get that study and then approved.

Mr. Garrison stated to me a flood plain on a flat lot that is the whole thing so if the River floods it's not a matter of where it is. It's still going to be flooded. The whole lot is going to be flooded in a four hundred year flood.

Mr. Gillie stated during a hundred year flood probably. During Fran if I remember correctly not entirely this lot flooded. Trade Street Auto was down there at the time and we looked at it and that's the reason the fence is the way that it is. We had some break away gates and other things on this fence. It did get water on the lot. My problem is I've got those maps and I have to go by them. Changing the map, it can be done, we have had it done in the past. It is a very costly process. The Movie Theatre was constructed, it had a letter of map revision done or the construction of that. So, it's not impossible it is cost effective for this particular property. The City is trying to do Mapping on the River itself. This is what we got and the information that we have to go on so it's sort of like my hands are tied. Mr. Wilson, yes things can be done just for him to build his stage. How much money do you want to put into this small stage? As he said, Sears that shows up as being in the flood zone and when we got these maps in 2010, I pointed out this is fifty feet on top of a hill. I was told that is not what the study shows. I argued and said your stuff is taking three dimensional stuff and laying it on a two dimensional map. It still ended up that way. We adopted them; maintain the insurance policies for everybody in the City. We did the best that we could for what we were allowed to modify at the time.

Mr. Garrison stated if Sears gets under water I'm going to have a lot of people at my house on the far end of Westover Drive since that is the highest spot on that side of town.

Mr. Gillie stated I agree with you Sir.

Mr. Garrison stated but when you look at that map, particularly the light and the dark gray everything between Robertson Bridge and Union Street Bridge from the River to Riverside Drive and some cases the other side of Riverside Drive is in flood plain. So if we were building Danville today under current policy there would be a whole lot of vacant space along the River.

Mr. Gillie stated things would be further back from the River. The flood way itself is approximately a hundred feet from the back of the River. So for that portion we would not have as much there.

Mr. Scearce stated the main difference is and I know that you know the difference is the flood way and the flood plain. You just can't build in the flood plain way per certain requirements.

Mr. Petrick stated and you can't make any modification to construction to allow it to be built in the flood way.

Mr. Gillie stated no Sir.

Mr. Whitfield stated only if you are building a park.

Mr. Garrison stated the park will be built in the flood way.

Mr. Gillie stated a portion of after that analysis is done. We are having a hydrologic analysis done on the park.

Mr. Searce closed the Public Hearing.

Mr. Dodson made a motion to approve PLSUP20180000138 subjected to conditions by staff. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.

- 2 *Rezoning application PLRZ20180000156, filed by Present Help Ministries, requesting to rezone from OT-R Old Town Residential to "Conditional" TO-C Transitional Office District, 711 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000004, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone for the operation of a community facility.*
- 3 *Special Use Permit application PLSUP20180000151, filed by Present Help Ministries, requesting a Special Use Permit for a Community Facility in accordance with Article 3:1, 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. Gillie read the staff report. Thirty (30) notices were sent to surrounding property owners within 300 feet of the subject property. Four (4) were not opposed and One (1) was opposed.

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

The applicant was not present to answer questions that the Commissioners had so they agreed to table until the July 9 Meeting.

Mr. Garrison made a motion to table PLSUP20180000156 and PLSUP20180000151. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

4 MINUTES

The May 7, 2018 minutes were approved by unanimous vote.

5 OTHER BUSINESS

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

APPROVED