



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

City Planning Commission

APRIL 12, 2021

3:00 P.M.

CITY COUNCIL CHAMBERS - 4th FLOOR MUNICIPAL BUILDING

AGENDA

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ITEMS FOR PUBLIC HEARING

1. Special Use Permit Application PLSUP 2021-072, filed by Danville Tree Care LLC on behalf of Philip and Charles Winstead requests a Special Use Permit for a yard requirement waiver in accordance with Article 3.O Section C.25. of the Danville Zoning Ordinance at 1340 Goodyear Boulevard (Parcel ID# 23011). The applicant requests a Special Use Permit for a yard requirement waiver to replace a non-conforming building that a fire completely destroyed in the in the LED-I Light Economic Development – Industrial Zoning District.
2. Special Use Permit Application PLSUP 2021-110, filed by Garrett Shifflett on behalf of Richmond Cedarworks LLC requests a Special Use Permit for a maximum density waiver in accordance with Article 3.L Section C.13. of Danville Zoning Ordinance, at 411 Craghead Street (Parcel ID# 21479, 21480, 21481, 21482, and 24373). The applicant requests a Special Use Permit for a maximum density waiver in the TW-C Tobacco Warehouse Commercial Zoning District.
3. Request to amend Chapter 41 entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986 as amended. Specifically add a new article 3.V Casino Entertainment (C-E) District establishing zoning district purpose, permitted uses, uses permitted by special use permit, lot size requirements, bulk regulations, parking, exterior lighting, signs, noise, landscape and open space, and additional requirements.
4. Request to amend Chapter 41 entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986 as amended. Specifically amend Article 2.P. Accessory Uses and Structures to allow side yard mechanical units in residential zoning districts with appropriate screening and separation distance from neighboring dwelling windows and doors.

IV. OLD BUSINESS

1. Rezoning Application PLRZ 2021-50, filed by Jimmie L New, requests to conditionally rezone 109 Barter Street, Parcel ID #52948, from HR-C Highway Retail Commercial to M-I Industrial Manufacturing. The proposed rezoning allows the current building tenant to perform on-site heavy vehicle repair.

V. PLANNING DIRECTOR’S REPORT

VI. APPROVE MINUTES FROM MARCH 8, 2021

VII. ADJOURNMENT



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

City Planning Commission

STAFF REPORT

DATE: April 7, 2021
TO: Planning Commission
FROM: Doug Plachcinski, Planning Division Director + Zoning Administrator
RE: SPECIAL USE PERMIT APPLICATION - 1340 GOODYEAR BOULEVARD

Special Use Permit Application PLSUP 2021-072, filed by Danville Tree Care LLC on behalf of Philip and Charles Winstead requests a Special Use Permit for a yard requirement waiver in accordance with Article 3.O Section C.25. of the Danville Zoning Ordinance at 1340 Goodyear Boulevard (Parcel ID# 23011). The applicant requests a Special Use Permit for a yard requirement waiver to replace a non-conforming building that a fire completely destroyed in the in the LED-I Light Economic Development - Industrial Zoning District.

BACKGROUND

This applicant would like to rebuild their operations building in the same location where it previously existed prior to a fire that totally destroyed the legal non-conforming structure. The requested setback is eight (8') feet and the required setback is 30'.

The Planning Division sent nine (9) notices to surrounding property owners within 300' feet of the subject property.

STAFF ANALYSIS AND RECOMMENDATION

The applicants, Danville Tree Care LLC, applied to the Planning Division for a yard requirement waiver in the LED-I Zoning District. The application is attached to this report.

The City may allow a yard requirement waiver in the LED-I Zoning District. (Chapter 41 Zoning Ordinance, Article 3.O. §C.25.).

The Comprehensive Plan puts the subject property in the Airport/Industrial planning area. The future land use designation for the subject parcel is 'Mixed Use'. If approved, the Special Use Permit is in harmony with the LED-II Zoning District which is established to provide locations within master planned "business park" environments for research technology, development and training, corporate employment offices, and light manufacturing and warehousing operating under high environmental performance standards.

The neighboring adjacent properties on Goodyear Boulevard are also industry-oriented. If granted, this proposed Special Use Permit is in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development, is adequately serviced by streets, drainage, fire protection and public water + sewer, will not negatively impact any ecological, scenic, or historic community assets, and will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

Danville City Code allows City Council impose any conditions necessary to assure that the proposed use will conform to zoning ordinance requirements. The Planning Division recommends approving this project as proposed and that the Planning Commission endorse Special Use Permit Application PLSUP-2021-72 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend approval of Special Use Permit Application PLSUP-2021-72 as submitted;
2. Recommend approval of Special Use Permit Application PLSUP-2021-72 with conditions per Staff;
3. Recommend approval of Special Use Permit Application PLSUP-2021-72 with conditions per Planning Commission; or
4. Recommend denial of Special Use Permit Application PLSUP-2021-72.

ATTACHMENTS

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



City of Danville
Community Development
Planning Division

**PLANNING COMMISSION
SPECIAL USE PERMIT APPLICATION**

PLANNING DIVISION PROVIDED INFORMATION

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

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 1340 Goodyear Blvd
Applicant: Philip Winstead Danville Tree Care, Inc.
Applicant's Address: P O Box 719 Danville, VA 23543
Applicant's Phone Number: 434-441-6014
Applicant's E-mail: arborman1235@hotmail.com
Describe Proposed Development: Replace building destroyed by fire using the
existing concrete foundation that is 8 feet from the property line

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

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

The proposed replacement will be of metal construction that will blend in much better with the surrounding buildings

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

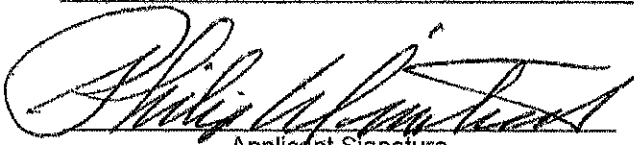
The building will use existing water and sewer lines and not change the drainage pattern established

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

the original building was built in the 1970s and was not of any significant importance

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

we will ensure the building will not interfere with adjacent properties



Applicant Signature

Property Owner Signature
(if not applicant)

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

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

Eagle Carports



210 Airport Rd. Mt. Airy, NC 27030
Toll: 800.579.8589 Fax: 336.719.2091

AUTHORIZED DEALER

Dealer ID D0010650-05-VA
Dealer Name Hometown Sheds
Phone Number 434-835-2258
Order Date 1/25/2021

SHIP TO

Name Charles Winstead
Install Address 1340 Goodyear Blvd
City Danville State VA Zip Code 24541
County Email danville@htsheds.com
Cell # 434-441-6015 Phone # 434-441-6014

BUILDING INFO		SIZE	COLOR	ANCHORING & RATING	
ROOF STYLE	Vertical Style	30' 60' 13'	ROOF Patriot Red	INSTALLATION SURFACE	Cement
BUILDING TYPE	3D Builder	WIDTH X FRAME X HEIGHT	SIDES/ENDS White	GROUND ANCHOR	☐ YES ☒ NO
FRAMING GAUGE	☒ 14 GA. ☐ 12 GA.	LENGTH	TRIM Patriot Red	WIND/SNOW RATING	140MPH / 35PSF

LOT MUST BE LEVEL, NO MORE THAN 3' OFF-LEVEL, AND CLEAR OF OBSTACLES OR UNIT MAY NOT BE INSTALLED

Customers may incur extra labor fees if additional labor is required to install unit because of un-level surfaces, or for building over obstacles. Furthermore, inability of installation due to before mentioned circumstances could result in restocking fee.

READY FOR INSTALLATION? ☐ YES ☒ NO
NOTE: ROOF IS 1FT. LONGER THAN FRAME LENGTH

IS YOUR SURFACE LEVEL? ☒ YES ☐ NO
ELECTRICITY AVAILABLE? ☒ YES ☐ NO

DESCRIPTION	QTY	UNIT PRICE	PRICE	TOTALS
Style: Triple Wide (26' to 30' Wide)				SUBTOTAL 24676.1
Deluxe (Wainscot): Patriot Red				TAX + 5.30 % 1307.83
Gable Ends Deluxe (Wainscot): Patriot Red				PRICE 25983.83
Side Walls Deluxe (Wainscot): Patriot Red				DOWN PAYMENT 18.00 % 4441.68
Base Price: 30'x60'	1	\$9,190.00	\$9,190.00	DISCOUNT \$0.00
Leg Height: 13'	1	\$2,780.00	\$2,780.00	EXTRA LABOR + \$0.00
Left Side: Fully Enclosed	1	\$1,315.00	\$1,315.00	EQUIP. FEE + \$0.00
Ends: Fully Enclosed	2	\$1,945.00	\$3,890.00	BALANCE DUE 21542.15
24W x 36H Windows	3	\$150.00	\$450.00	CARD BALANCE 2.50 %
Walk-In Door - Square Window (36x80)	1	\$275.00	\$275.00	DUE
12x12' Garage Door (certified)	1	\$2,150.00	\$2,150.00	
2" Fiberglass Insulation: Roof	1	\$3,416.00	\$3,416.00	
Sidewall Header Bar	1	\$125.00	\$125.00	
Right Side 11ft	1	1085		

PURCHASER AGREEMENT (See reverse side for terms and conditions)

No Card Fee: CO, KS, OK, TX

Eagle Carports reserves the right to correct any balance/pricing errors. Eagle Carports holds the right to repossess any buildings not paid in full upon installation. A labor charge will be added for any additional labor such as cutting posts to level carports, building over objects such as RV's & moving materials to remote locations, etc... Customer is responsible for pulling permits. Customer understands that all building frames are 1' shorter than roof lengths.

By signing this agreement, customer understands and agrees with all terms and conditions found on both the front and back of this document.

Customer Signature

Date

With customer present at time of installation, customer will sign below to signify acceptance of unit as installed.

Customer Signature

Date

Office Use:

☐ CREDIT CARD ☐ MONEY ORDER
☐ CASHIER'S CHECK ☐ OTHER

Installer Signature:

Notes:

PURCHASER AGREEMENT

Prices, Payment and Risk of Loss

a.) Prices contained in Seller's published price lists, if any, are subject to change without notice. Prices in individual written quotations or proposals are firm only for a period of (30) days from the date of the quotation after which Buyer should inquire of Seller as to their validity and request a written confirmation or revision. Prices do not include taxes. Buyer agrees to pay all applicable sales or other taxes levied with respect to Goods (and replacements) in the Agreement, unless exempt therefrom. All prices are in United States dollars. Buyer shall pay all government fees levied on the installation and inspection of the Goods. Buyer shall pay upon receipt of all invoices rendered by Seller for any such items Seller may pay and for the Goods.

b.) Eagle Carports reserves the right to update or change any pricing discrepancies made by dealer.

c.) Seller may unilaterally increase prices to cover increased costs (plus reasonable overhead and profit) of design, materials, and manufacturing required by changes requested by Buyer after the date of any quotation. An additional labor charge will be added to orders for buildings being installed over RVs, Campers, Large Obstacles, Retaining Walls, Docks, Decks, OverFences, etc.

d.) Customer expressly agrees that the carport/garage/barn/etc., shall remain property of Eagle Carports until payment is made in full.

e.) Eagle Carports hereby retains a purchase money security interest in said building as set forth in Section 9 of the Uniform Commercial Code as enacted in the state where building is being installed. Failure to pay will result in repossession of unit. This does not relieve the customer from liability for specific performance of the contract including legal fees and court costs, at the sellers expense.

f.) Balance due to be paid in FULL at time of completion of building, to Eagle Carports by Cashiers-check, Money Order, Visa, MasterCard, American Express, or Discover Card. NO PERSONAL CHECKS OR COMPANY CHECKS will be accepted.

g.) Eagle Carports holds the right to make any exceptions to the above clause if payment is made in check and the check is returned NSF, Buyer will be responsible for additional expenses incurred by Seller as a result of the returned check. Seller reserves the right to change additional fees as allowed by law for checks returned NSF. These fees include a \$35 service charge.

h.) Eagle Carports will not be responsible for down payment refunds. The independent dealer will have this responsibility if a refund is legally due.

i.) Eagle Carports reserves the right to cancel any order at anytime.

j.) A restock fee of 5% or \$150 will be added for customer cancellations within 72 hours of installation date. Restock fees will also be applicable to unprepared and unlevel sites.

Delivery. Shipping and installation dates are estimated based on Seller's present engineering and manufacturing capacity and scheduling, and may be revised by Seller upon receipt or scheduling of Buyer's order. All shipping dates are approximate and shall be computed from the date of entry of the order on Seller's books. All shipping orders or acceptance, letter of credit, down payment, and other conditions as specified in the Agreement, and of all drawings, information and approvals necessary to provide the Goods and to grant any credit proposed in the Agreement. Delivery dates may be rescheduled due to bad weather conditions, installer running behind, accidents, etc. Buyer agrees to give Seller up to 3 installation attempts to deliver said product.

Workmanship Warranty. All buildings have a 90 day workmanship warranty effective upon day of installation (manufactured panels are warranted for 20 years assuming regular care and maintenance, - installation workmanship is warranted for 90 days - vertical roofs are warranted for 20 years). Any installation concern must be reported within 30 days beginning the date of installation. Eagle Carports is not liable for any damages as a result of any inclement weather. Uneven lots, and customer modifications will void said warranty.

a.) Eagle Carports strongly recommends buildings longer than 31 foot to be vertical roofs to avoid possible leaks and or rust in between seams. Buildings purchased 32 foot or longer that do not have vertical roofs will forfeit the 20 year limited warranty on panning.

b.) Base Price reflects only roof & framing; sides, ends, etc., are optional features. Frames on all buildings are 1 foot shorter than roof length. Roofs have 6" overhang on front and back. Frame lengths are as follows: 21'x20' Frame, 26'x25' Frame, and so on. Cement pad to match frame length.

Customer Responsible for Locating Underground Utilities. It is the responsibility of the customer to provide the factory approved independent contractor installers with the location of any underground cables, gas lines, or other utilities. This may include contacting the utility company to request that the locations of the underground utilities be marked. Eagle Carports is not responsible for any damage caused to underground utilities. Customer agrees to indemnify and hold harmless Eagle Carports from any liability and costs, including attorney fees, for such damages. Customer is responsible for obtaining building permits as needed for installation.

Warranty Disclaimer. There are no warranties which extend beyond the description on the face hereof. The warranties in this agreement are in lieu of all other warranties express or implied, including without limitation, any warranties of merchantability or fitness for a particular purpose, which are expressly disclaimed. Buyer must have original copy of this document at time of claim.

Limitation on Liability. In no event will seller be liable to buyer and/or any third parties for any incidental damages. Consequential damages, special damages, exemplary damages or labor charges, including without limitation lost revenues and profits, even if it has been advised of the possibility of such damages. Buyer must have original copy of this document at time of claim.

Warranty Limited to Original Purchaser. This warranty extends only to the original purchaser of the product warranted by this document. Buyer must have original copy of this document at time of claim. Said warranty does not extend to transferee owners of the product.

Exclusions and Limitations. Eagle Carports does not warrant any products not installed and anchored by a factory-approved installer utilizing a factory approved anchoring system. Installation by anyone other than a factory approved installer utilizing a factory approved system will VOID your warranty. Damages from improper anchoring, strong winds, snow or ice are not considered defects. Eagle Carports does not warrant or guarantee any product in snow or ice to prevent collapse. Eagle Carports does not warrant any temporary anchoring systems (e.g. rebar) utilized by the customer, nor shall Eagle Carports be in any way responsible for damage caused by the use of such temporary anchoring systems. Additionally, Eagle Carports does not warrant any damages caused to product resulting from movement of the structure from the original installation point.

Modification of Structure Voids Warranty. Any modification, addition, deletion, substitution, etc. to the structure without express written design approval by Eagle Carports will VOID all warranties. Our products are designed and specifically engineered to provide superior performance as manufactured. Any changes to the design by the Buyer could compromise the structural integrity of the unit.

Claims Procedure.

a.) Eagle Carports must have a reasonable opportunity to inspect the claim and not begin any repairs prior to said inspection or the terms of the warranty could be voided. Eagle Carports holds the right to require proof (e.g. photos), if needed, via e-mail or mail before writing up any repairs and/or claim.

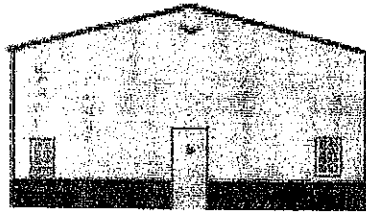
b.) Any claims beyond this document involving litigation or arbitration will be disputed in the Surry County District Court.

I have read and completely understand the above terms and give my approval of installation of the unit as described on the front page of this document. ALL TERMS ABOVE AGREED TO BY CUSTOMER.

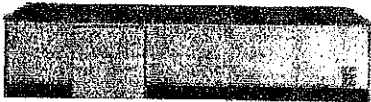
Customer Signature _____ Date 1/25/21



Perspective View



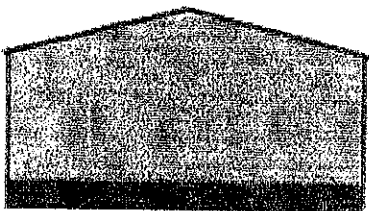
Front



Left Side

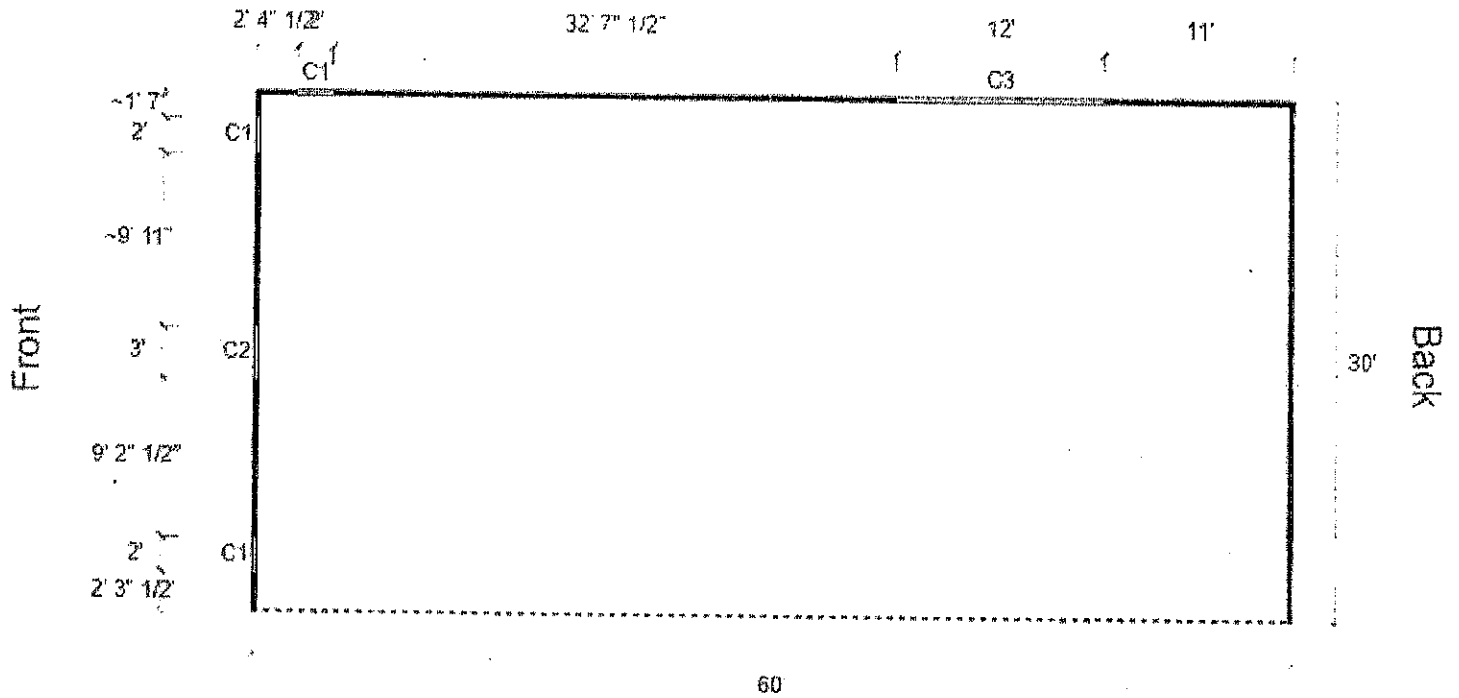


Right Side



Back

Left



Right

Symbol Legend:

- C1: 24W x 36H Windows
- C2: Walk-in Door - Square Window (36x80)
- C3: 12'x12' Garage Door (certified)

Floorplan

SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP 2021-110

PUBLIC HEARING DATES:	APRIL 12, 2021 PLANNING COMMISSION AT 3PM
LOCATION OF PROPERTY:	SOUTHSIDE OF GOODYEAR BOULEVARD
PRESENT ZONE:	LED-I LIGHT ECONOMIC DEVELOPMENT – INDUSTRIAL ZONING DISTRICT
PROPOSED ZONE:	NO CHANGE
ACTION REQUESTED:	THE APPLICANT REQUESTS A SPECIAL USE PERMIT FOR A REQUIRED YARD WAIVER TO REBUILD DESTROYED BUILDING
PRESENT USE OF PROPERTY:	TREE SERVICE
PROPOSED USE OF PROPERTY:	SAME
FUTURE LAND USE DESIGNATION:	MIXED USE
PROPERTY OWNER (S):	RICHMOND CEDAR WORKS LLC
NAME OF APPLICANT (S):	GARRETT SHIFFLETT
PROPERTY BORDERED BY:	MIXED USE AND VACANT
ACREAGE:	~3 ACRES TOTAL
CHARACTER OF VICINITY:	LIGHT INDUSTRIAL
INGRESS AND EGRESS:	GOODYEARD BOULEVARD
TRAFFIC VOLUME:	MODERATE – 4300 (2019 AADT)

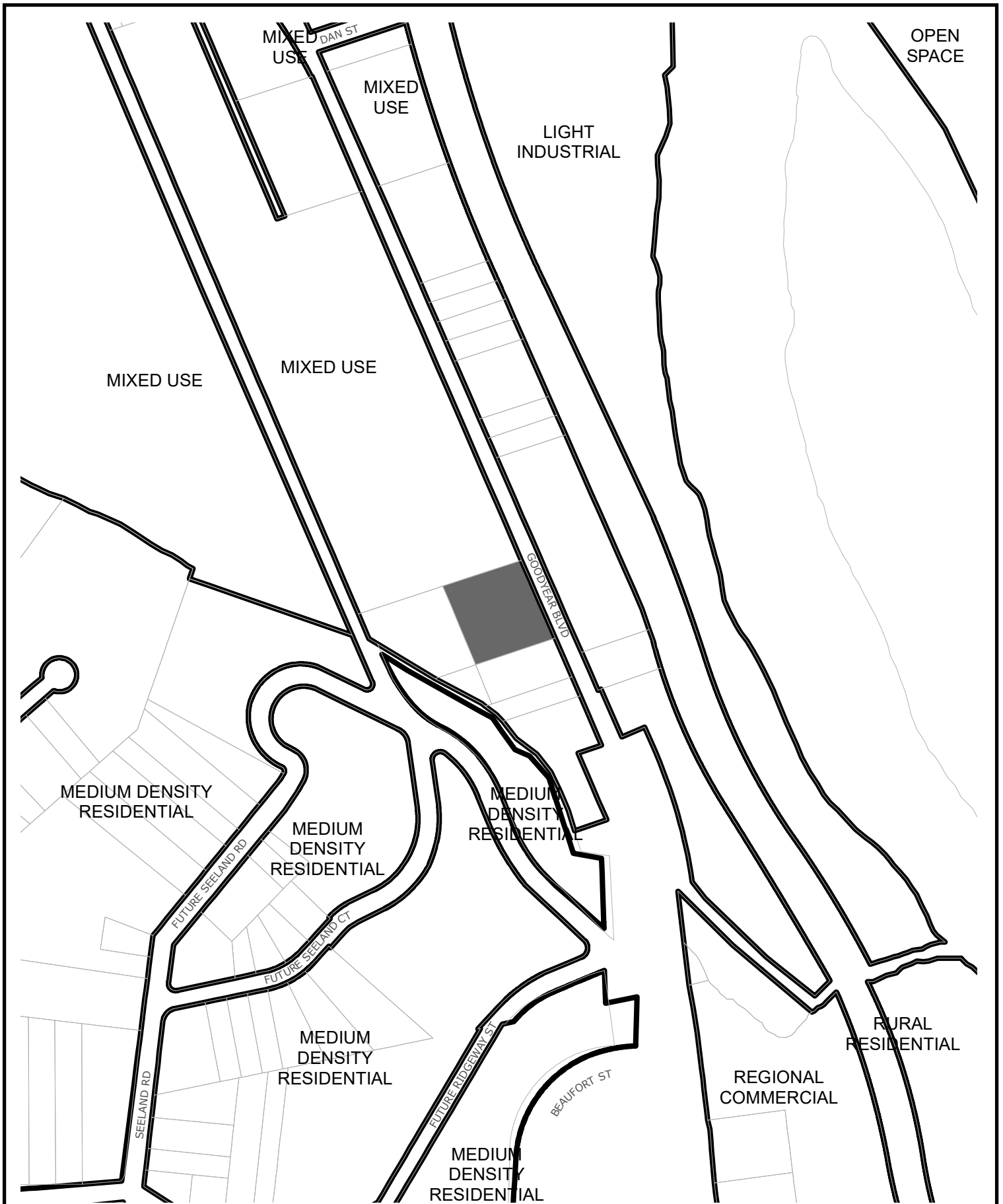


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
4/6/2021

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/6/2021

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



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
4/6/2021

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



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

City Planning Commission

STAFF REPORT

DATE: April 7, 2021
TO: Planning Commission
FROM: Doug Plachcinski, Planning Division Director + Zoning Administrator
RE: SPECIAL USE PERMIT APPLICATION - 411 CRAGHEAD STREET

Special Use Permit Application PLSUP 2021-110, filed by Garrett Shifflett on behalf of Richmond Cedarworks LLC requests a Special Use Permit for a maximum density waiver in accordance with Article 3.L Section C.13. of Danville Zoning Ordinance, at 411 Craghead Street (Parcel ID#s 21479, 21480, 21481, 21482, and 24373). The applicant requests a Special Use Permit for a maximum density waiver in the TW-C Tobacco Warehouse Commercial Zoning District.

BACKGROUND

This project is an adaptive reuse of an existing 106,000 square foot historic building into 115 apartment units and a 3,000 square foot commercial space. The uses the existing building footprint. This adaptive reuse compliments the existing adjacent buildings and the surrounding area.

The Planning Division sent twelve (12) notices to surrounding property owners within 300' feet of the subject property.

STAFF ANALYSIS AND RECOMMENDATION

The applicant, Garrett Shifflett for property owner Davis Storage Properties LLC, applied to the Planning Division for a Special Use Permit for a maximum density waiver in the TW-C Tobacco Warehouse Commercial Zoning District, including accessory parking requirements. The application is attached to this report.

The City may waive density maximums with a Special Use Permit in the TW-C Tobacco Warehouse Commercial Zoning District. (Chapter 41 Zoning Ordinance, Article 3.L. §C.13.). Article 3.L, Section E., item 4.a establishes maximum residential density of 24 units per acre and this proposal is 75 units per acre.

Parking is not required in the TW-C Tobacco Warehouse District under Article 3.L.H.6. However, as part of the Special Use Permit application for the increased density, the Commission can evaluate parking waiver requirements applicable to the entire zoning ordinance in Article 8, Section D, items 5.a-f. The applicant demonstrates that the required parking is available in nearby public surface lots and along public streets, and includes approximately 70 on-site parking spaces. Off-site parking and loading meet all other Article 8, parking and loading requirements, the development will not cause adverse impacts on surrounding properties, and the development does not have any self-created hardship.

The Comprehensive Plan puts the subject property in the River District planning area. The future land use designation for the subject parcel is 'Mixed Use.' If approved, the Special Use Permit is in harmony with the TW-C, Tobacco Warehouse District which is established to promote revitalization, redevelopment and adaptive reuse of existing uses and harmonious new development in the City's historic tobacco warehouse business area. The regulations of the TW-C are intended to promulgate the goals of the Comprehensive Plan for historic preservation of old buildings and architectural compatibility of new structures while encouraging a creative mix of uses in this important section of Danville.

The neighboring adjacent properties on Craghead Street are also mixed use. If granted, this proposed Special Use Permit is in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development, is adequately serviced by streets, drainage, fire protection and public water + sewer, will not negatively impact any ecological, scenic, or historic community assets, and will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

Danville City Code allows City Council impose any conditions necessary to assure that the proposed use will conform to zoning ordinance requirements. The Planning Division recommends approving this project as proposed. The Planning Division recommends the Planning Commission endorse Special Use Permit Application PLSUP-2021-110 for City Council approval, with the following conditions:

1. The development is limited to 115 residential units and a 3,000 square foot commercial space for a residential density of 75 units per acre;
2. The development' s parking program includes off-site parking on public surface lots and streets supplemented by approximately 70 on-site parking spaces;
3. The development' s parking program includes no less than two (2) electric vehicle charging stations; and
4. The development provides no less than six (6) bicycle parking spaces.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend approval of Special Use Permit Application PLSUP-2021-110 as submitted;
2. Recommend approval of Special Use Permit Application PLSUP-2021-110 with conditions per Staff;
3. Recommend approval of Special Use Permit Application PLSUP-2021-110 with conditions per Planning Commission; or
4. Recommend denial of Special Use Permit Application PLSUP-2021-110.

ATTACHMENTS

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



City of Danville
Community Development
Planning Division

**PLANNING COMMISSION
SPECIAL USE PERMIT APPLICATION**

PLANNING DIVISION PROVIDED INFORMATION
PLSUP20210000110

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

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 411 Craghead Street, Parcels 21479, 21480, 21481, 21482, 24373
Applicant: Garrett Shifflett
Applicant's Address: 3210 Chamberlayne Avenue, Richmond, Virginia 23227
Applicant's Phone Number: 804.399.9921
Applicant's E-mail: garrettshifflett@gmail.com

Describe Proposed Development: 115 Apartment units & 3000sf commercial space. Applicant requests specific relief from any and all density parking requirements.

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

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

Yes, adaptive reuse of an existing structure into multifamily and commercial space is consistent with all requirements and zoning regulations

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

Yes, This historic renovation will have all new services connected to the building and will have a full sprinkler system.

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

Correct, the renovation of this existing building will utilizing state and federal historic

tax credits and will be renovated under the state and federal historic guidelines for renovation.

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

Yes, this historic renovation will be designed such that it does not impact neighboring properties

or the surrounding neighborhood.


Applicant Signature


Property Owner Signature
(If not applicant)

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

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

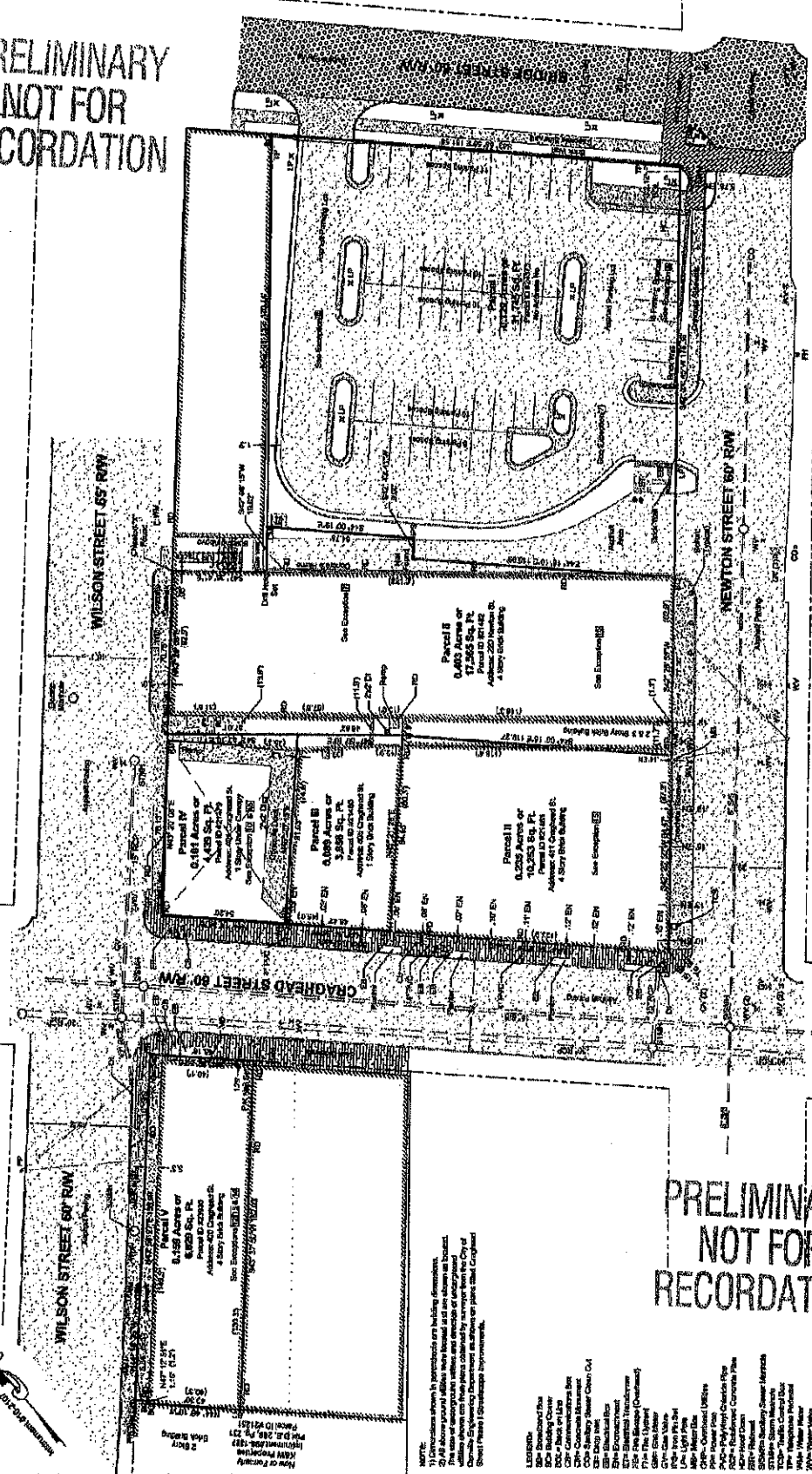
Special Use Permit Application

411 Craghead Street/ Parcel #'s 21479, 21480, 21481, 21482 and 24373

Project Description:

This project is the adaptive reuse of an existing 106,000 square foot historic building into 115 apartment units and one 3000 square foot commercial space. The existing foot print of the building will be utilized. The multifamily use proposed is consistent with the City of Danville's Comprehensive Plan. We are revitalizing the existing neighborhood by renovating an existing building and we are bringing in tenants to live in these buildings which is in line with the city's economic revitalization plan. This adaptive reuse will compliment the existing buildings in the surrounding area as it will be renovated to the same standards.

PRELIMINARY
NOT FOR
RECORDATION



ALTAINSPS LAND TITLE SURVEY OF SIX EXISTING PARCELS
FOR Dan River Renaissance, LLC, 400 Craghead, LLC,
401 Craghead, LLC & Safe Harbor Title Company

B & B Consultants, Inc.
Jones & Associates
Surveyors, Engineers, Planners, Architects, and Environmental Scientists
1700 Harrison Boulevard, Suite 200, Raleigh, NC 27601
Phone: 919.876.1111 Fax: 919.876.1112
www.bjonesandassociates.com

SHEET 2 OF 2

PRELIMINARY
NOT FOR
RECORDATION

NOTE:
1) Dimensions shown to the nearest 0.01 feet.
2) The survey was conducted in accordance with the North Carolina Surveying and Mapping Act of 1991.
3) The survey was conducted in accordance with the North Carolina Surveying and Mapping Act of 1991.
4) The survey was conducted in accordance with the North Carolina Surveying and Mapping Act of 1991.

- 1.0000 Acres or 43,560 Sq. Ft.
- 2.0000 Acres or 87,120 Sq. Ft.
- 3.0000 Acres or 130,680 Sq. Ft.
- 4.0000 Acres or 174,240 Sq. Ft.
- 5.0000 Acres or 217,800 Sq. Ft.
- 6.0000 Acres or 261,360 Sq. Ft.
- 7.0000 Acres or 304,920 Sq. Ft.
- 8.0000 Acres or 348,480 Sq. Ft.
- 9.0000 Acres or 392,040 Sq. Ft.
- 10.0000 Acres or 435,600 Sq. Ft.
- 11.0000 Acres or 479,160 Sq. Ft.
- 12.0000 Acres or 522,720 Sq. Ft.
- 13.0000 Acres or 566,280 Sq. Ft.
- 14.0000 Acres or 609,840 Sq. Ft.
- 15.0000 Acres or 653,400 Sq. Ft.
- 16.0000 Acres or 696,960 Sq. Ft.
- 17.0000 Acres or 740,520 Sq. Ft.
- 18.0000 Acres or 784,080 Sq. Ft.
- 19.0000 Acres or 827,640 Sq. Ft.
- 20.0000 Acres or 871,200 Sq. Ft.
- 21.0000 Acres or 914,760 Sq. Ft.
- 22.0000 Acres or 958,320 Sq. Ft.
- 23.0000 Acres or 1,001,880 Sq. Ft.
- 24.0000 Acres or 1,045,440 Sq. Ft.
- 25.0000 Acres or 1,089,000 Sq. Ft.
- 26.0000 Acres or 1,132,560 Sq. Ft.
- 27.0000 Acres or 1,176,120 Sq. Ft.
- 28.0000 Acres or 1,219,680 Sq. Ft.
- 29.0000 Acres or 1,263,240 Sq. Ft.
- 30.0000 Acres or 1,306,800 Sq. Ft.
- 31.0000 Acres or 1,350,360 Sq. Ft.
- 32.0000 Acres or 1,393,920 Sq. Ft.
- 33.0000 Acres or 1,437,480 Sq. Ft.
- 34.0000 Acres or 1,481,040 Sq. Ft.
- 35.0000 Acres or 1,524,600 Sq. Ft.
- 36.0000 Acres or 1,568,160 Sq. Ft.
- 37.0000 Acres or 1,611,720 Sq. Ft.
- 38.0000 Acres or 1,655,280 Sq. Ft.
- 39.0000 Acres or 1,698,840 Sq. Ft.
- 40.0000 Acres or 1,742,400 Sq. Ft.
- 41.0000 Acres or 1,785,960 Sq. Ft.
- 42.0000 Acres or 1,829,520 Sq. Ft.
- 43.0000 Acres or 1,873,080 Sq. Ft.
- 44.0000 Acres or 1,916,640 Sq. Ft.
- 45.0000 Acres or 1,960,200 Sq. Ft.
- 46.0000 Acres or 2,003,760 Sq. Ft.
- 47.0000 Acres or 2,047,320 Sq. Ft.
- 48.0000 Acres or 2,090,880 Sq. Ft.
- 49.0000 Acres or 2,134,440 Sq. Ft.
- 50.0000 Acres or 2,178,000 Sq. Ft.
- 51.0000 Acres or 2,221,560 Sq. Ft.
- 52.0000 Acres or 2,265,120 Sq. Ft.
- 53.0000 Acres or 2,308,680 Sq. Ft.
- 54.0000 Acres or 2,352,240 Sq. Ft.
- 55.0000 Acres or 2,395,800 Sq. Ft.
- 56.0000 Acres or 2,439,360 Sq. Ft.
- 57.0000 Acres or 2,482,920 Sq. Ft.
- 58.0000 Acres or 2,526,480 Sq. Ft.
- 59.0000 Acres or 2,570,040 Sq. Ft.
- 60.0000 Acres or 2,613,600 Sq. Ft.
- 61.0000 Acres or 2,657,160 Sq. Ft.
- 62.0000 Acres or 2,700,720 Sq. Ft.
- 63.0000 Acres or 2,744,280 Sq. Ft.
- 64.0000 Acres or 2,787,840 Sq. Ft.
- 65.0000 Acres or 2,831,400 Sq. Ft.
- 66.0000 Acres or 2,874,960 Sq. Ft.
- 67.0000 Acres or 2,918,520 Sq. Ft.
- 68.0000 Acres or 2,962,080 Sq. Ft.
- 69.0000 Acres or 3,005,640 Sq. Ft.
- 70.0000 Acres or 3,049,200 Sq. Ft.
- 71.0000 Acres or 3,092,760 Sq. Ft.
- 72.0000 Acres or 3,136,320 Sq. Ft.
- 73.0000 Acres or 3,179,880 Sq. Ft.
- 74.0000 Acres or 3,223,440 Sq. Ft.
- 75.0000 Acres or 3,267,000 Sq. Ft.
- 76.0000 Acres or 3,310,560 Sq. Ft.
- 77.0000 Acres or 3,354,120 Sq. Ft.
- 78.0000 Acres or 3,397,680 Sq. Ft.
- 79.0000 Acres or 3,441,240 Sq. Ft.
- 80.0000 Acres or 3,484,800 Sq. Ft.
- 81.0000 Acres or 3,528,360 Sq. Ft.
- 82.0000 Acres or 3,571,920 Sq. Ft.
- 83.0000 Acres or 3,615,480 Sq. Ft.
- 84.0000 Acres or 3,659,040 Sq. Ft.
- 85.0000 Acres or 3,702,600 Sq. Ft.
- 86.0000 Acres or 3,746,160 Sq. Ft.
- 87.0000 Acres or 3,789,720 Sq. Ft.
- 88.0000 Acres or 3,833,280 Sq. Ft.
- 89.0000 Acres or 3,876,840 Sq. Ft.
- 90.0000 Acres or 3,920,400 Sq. Ft.
- 91.0000 Acres or 3,963,960 Sq. Ft.
- 92.0000 Acres or 4,007,520 Sq. Ft.
- 93.0000 Acres or 4,051,080 Sq. Ft.
- 94.0000 Acres or 4,094,640 Sq. Ft.
- 95.0000 Acres or 4,138,200 Sq. Ft.
- 96.0000 Acres or 4,181,760 Sq. Ft.
- 97.0000 Acres or 4,225,320 Sq. Ft.
- 98.0000 Acres or 4,268,880 Sq. Ft.
- 99.0000 Acres or 4,312,440 Sq. Ft.
- 100.0000 Acres or 4,356,000 Sq. Ft.

SCALE: 1" = 30'
DATE: 01/11/2017
PLS: 17-010-001



411 Craghead - Proposed Layout
First Floor



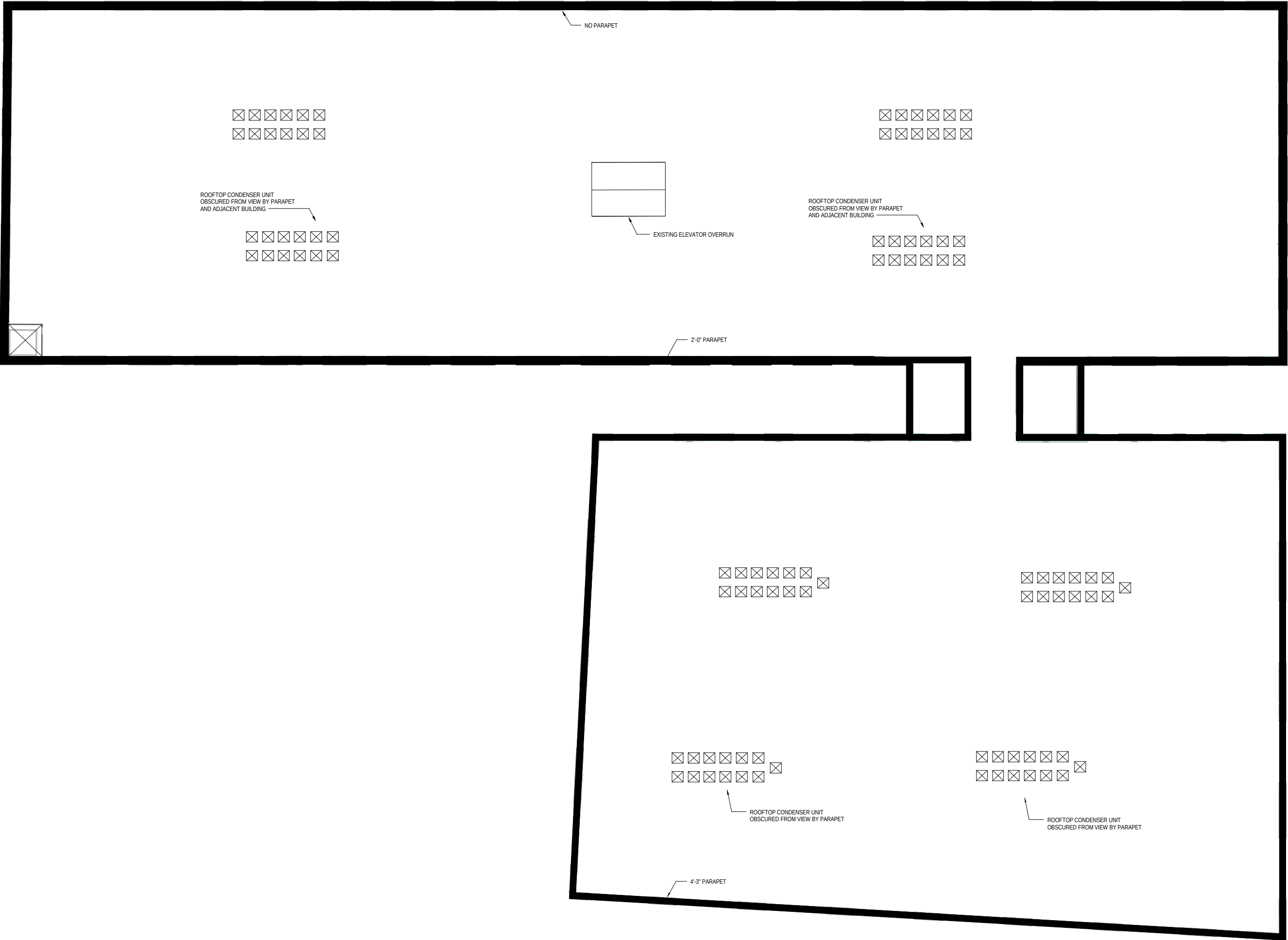
411 Craghead - Existing Conditions & Demo Plan
First Floor



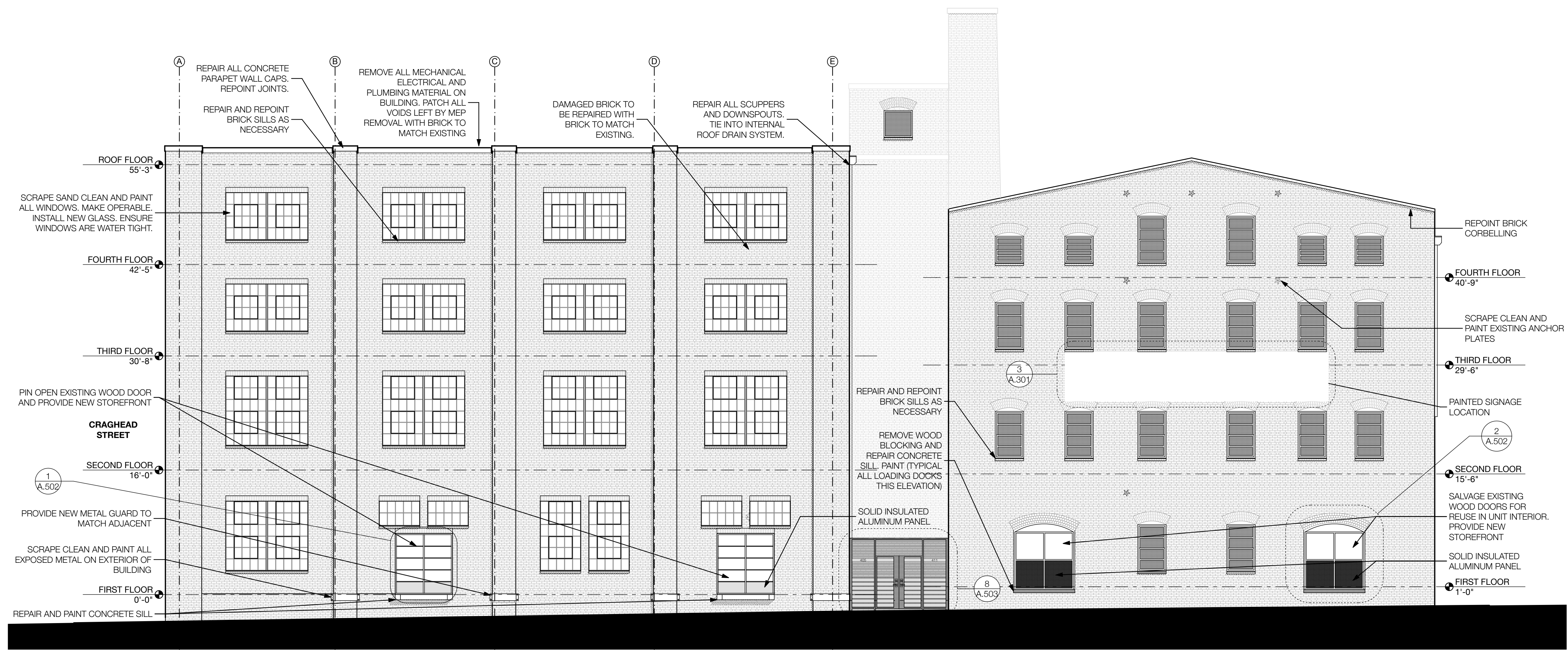
411 Craghead - Proposed Layout
Third Floor



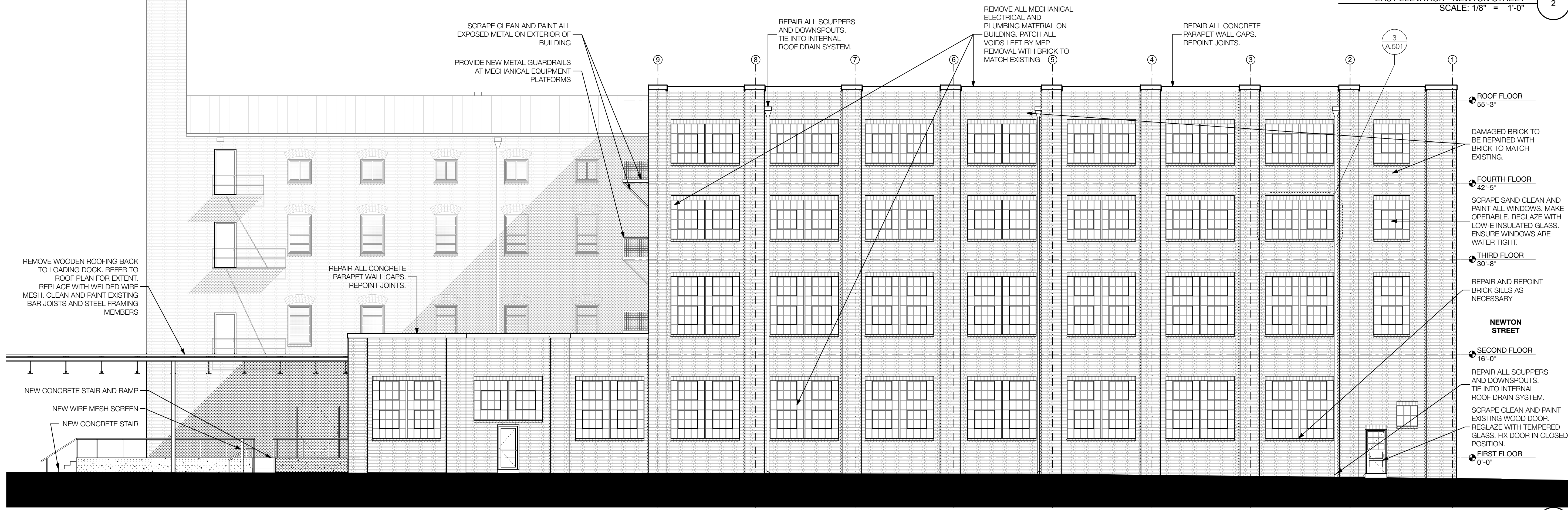
411 Craghead - Proposed Layout
Fourth Floor



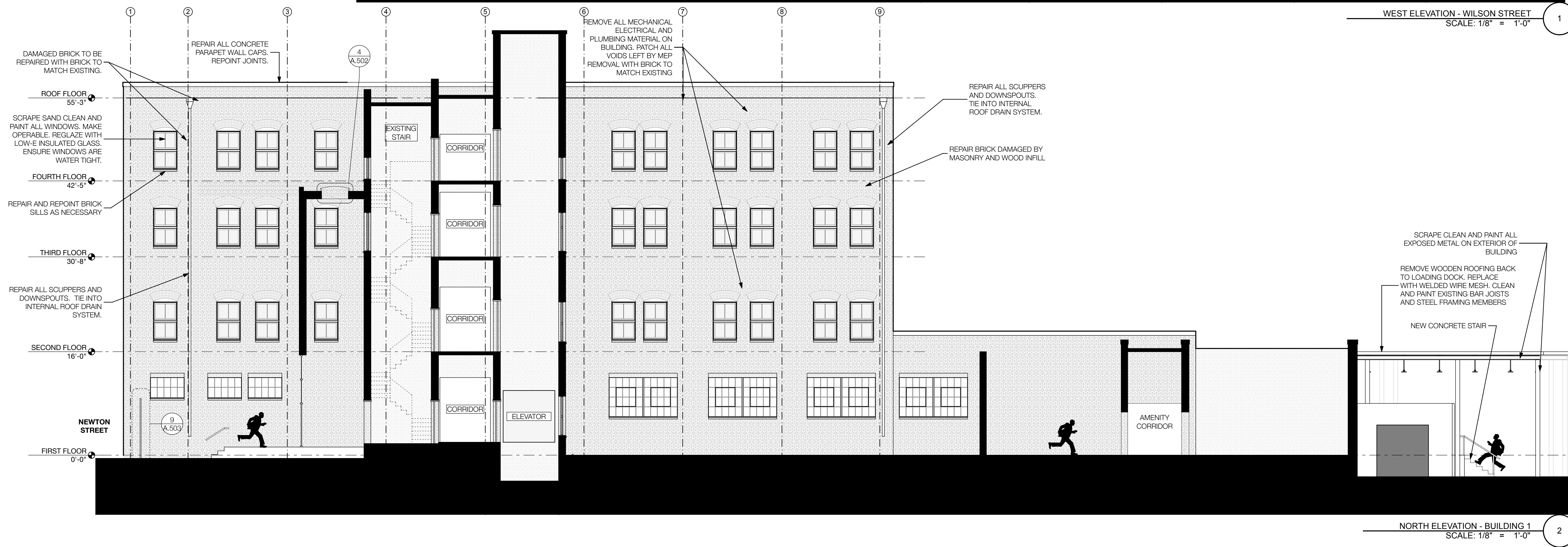
411 Craghead - Proposed Layout
Roof



EAST ELEVATION - NEWTON STREET
SCALE: 1/8" = 1'-0"



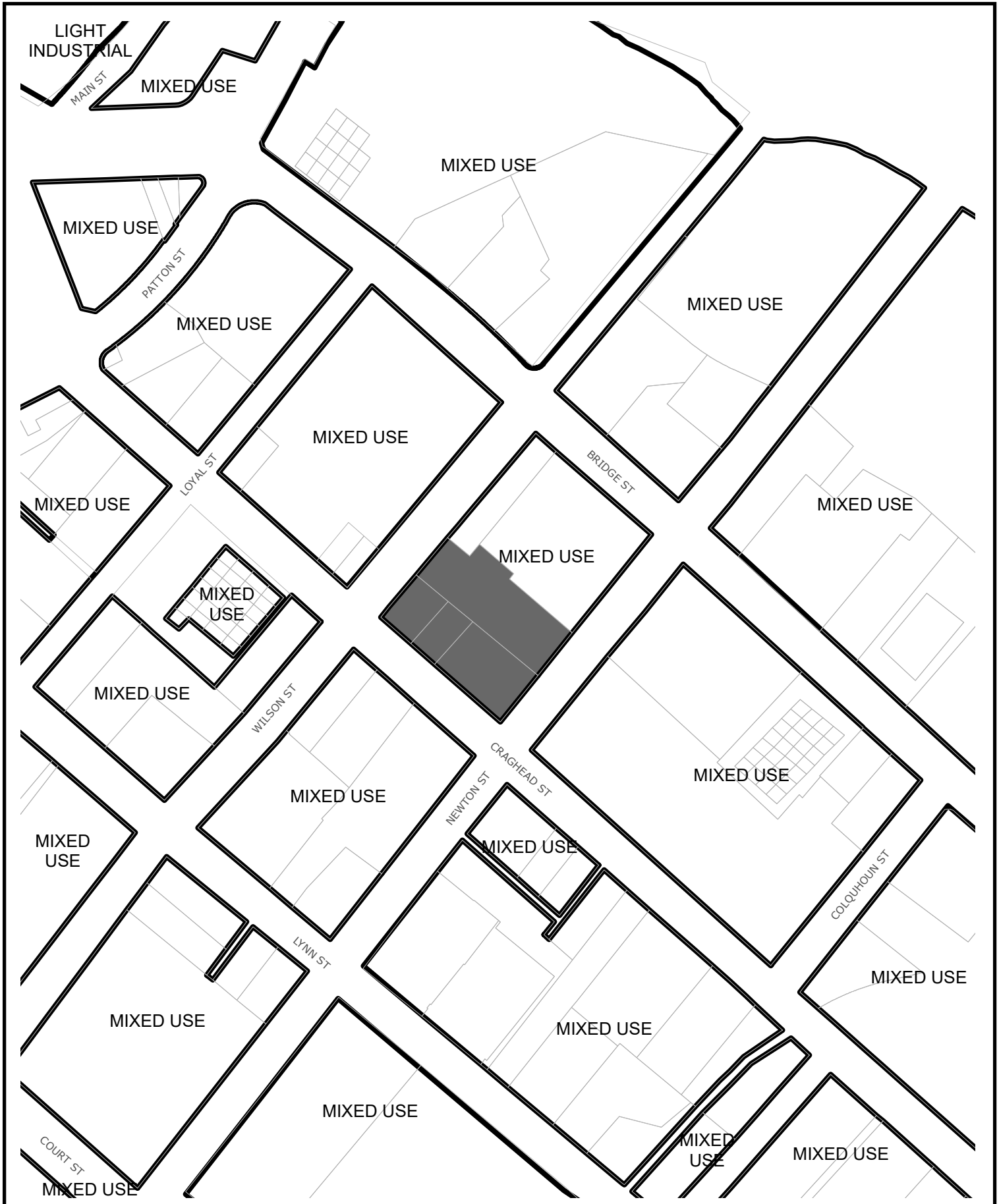
SOUTH ELEVATION - CRAGHEAD STREET
SCALE: 1/8" = 1'-0"



SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP 2021-110

PUBLIC HEARING DATES:	APRIL 12, 2021 PLANNING COMMISSION AT 3PM
LOCATION OF PROPERTY:	NORTH SIDE OF CRAGHEAD STREET
PRESENT ZONE:	TW-C (TOBACCO WAREHOUSE COMMERCIAL ZONING DISTRICT)
PROPOSED ZONE:	NO CHANGE
ACTION REQUESTED:	THE APPLICANT REQUESTS A SPECIAL USE PERMIT FOR A MAXIMUM DENSITY WAIVER.
PRESENT USE OF PROPERTY:	VACANT
PROPOSED USE OF PROPERTY:	MIXED USE
FUTURE LAND USE DESIGNATION:	US
PROPERTY OWNER (S):	RICHMOND CEDAR WORKS LLC
NAME OF APPLICANT (S):	GARRETT SHIFFLETT
PROPERTY BORDERED BY:	MIXED USE AND VACANT
ACREAGE:	1.55 ACRES TOTAL
CHARACTER OF VICINITY:	RIVER DISTRICT
INGRESS AND EGRESS:	NEWTOWN AND BRIDGE STREETS
TRAFFIC VOLUME:	LOW – 1100 (2019 AADT)

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/25/2021

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



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
3/25/2021

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



MEMORANDUM

DATE: April 7, 2021
TO: Danville City Planning Commission
FROM: Doug Plachcinski, Planning Division Director
RE: CASINO + ENTERTAINMENT ZONING DISTRICT

This task creates a new Zoning District with use and development standards for the future casino + entertainment complex development at the former Schoolfield mill site. The attached draft ordinance is a product of conversations between Caesar's and City staff.

PROPOSED ADOPTION TIMELINE:

- ✓ March 8, Planning Commission initiates zoning ordinance text amendment
- ✓ March 16, City Council work session
- ✓ March 18, Draft to Caesar's for input
- ✓ April 12, Planning Commission public hearing and text amendment recommendation to City Council.
- ✓ May 4, City Council public hearing and zoning ordinance text amendment ordinance adoption.
- ✓ June 7, Planning Commission public hearing and Schoolfield Site rezoning recommendation to City Council.
- ✓ July 6, City Council public hearing and Schoolfield Site rezoning ordinance adoption.

ARTICLE 3.V C-E CASINO ENTERTAINMENT DISTRICT

A. Purpose.

1. The Casino Entertainment (C-E) Zoning District establishes standards and conditions for the development and operation of an entertainment establishment and/or casino gaming establishment including accessory uses while promoting the health, safety, and general welfare of the public by insuring they are compatible with existing and anticipated land uses.
2. Because of the special characteristics of a C-E district, in particular casino gaming establishments, development in this district requires flexibility in signage, exterior lighting, and other standards not typically permitted elsewhere in the City.

B. Permitted Uses.

Entertainment establishment and/or casino gaming establishment including accessory uses, buildings, and structures customarily subordinate, incidental, and on the premises of such entertainment and/or casino gaming establishment, such as but not limited to, a hotel and conference center.

C. Uses Permitted by Special Use Permit

1. Waiver of yard requirements.
2. Waiver of district size.
3. Waiver for increase of maximum building height above 250' feet.

D. Lot Size Requirements.

1. The minimum C-E district size is 75 acres.
2. The minimum lot area in a C-E district is 25 acres.

E. Bulk Regulations

1. Maximum building height: 250' feet.
2. Buildings 200' feet or taller must be set back from any non-building structures that are 200' feet or taller by at least 100' feet. Buildings under 200' feet tall must be set back from any non-building structures that are 200' feet or taller by at least 50' feet.
3. Minimum yard requirements:
 - a. Front yard: 60' feet.
 - b. Side yard: 40' feet.
 - c. Rear yard: 40' feet.

F. Parking:

1. Notwithstanding applicable provisions of Article 8, Parking and Loading Requirements, there are no minimum off-street parking space requirements for developments in the C-E zoning district.
2. Off-street parking areas and drives may encroach in to the front yard setback but must not extend into the required ten (10') foot landscape strip.
3. Electric Vehicle Parking
 - a. At least ten (10) of the provided parking spaces must have electric vehicle charging stations.

- b. At least 20 of the provided parking spaces must be constructed to accommodate future electric vehicle charging stations.

G. Exterior Lighting

1. Development in the C-E district, in particular casino gaming establishments, will have unique needs for exterior lighting that require flexibility and would not typically be permitted in other areas of the city.
2. Exterior lighting must comply with local, state, and federal regulations and must not interfere with any public roadways including the interstate.
3. Exterior lighting must comply with *Code of Virginia Ch. 12, Title 33.2*.
4. All development in a C-E district must comply with *Chapter 41, Article 11* with the following exceptions:
 - a. Maximum illumination levels are measured at the exterior boundaries of the district and not at any property boundaries within the district.
 - b. Upwardly directed lighting may be used to illuminate buildings, structures, and landscaping in the district.
 - c. Awnings or canopies used for building accents over doors, windows, etc., may be internally illuminated (i.e. from underneath or behind the awning).
 - d. Searchlights operated within the C-E district must comply with the following regulations:
 - i. Searchlights must not be operated so as to constitute a traffic hazard or a nuisance.
 - ii. Searchlights must be so operated so as to avoid directing the beam at any building.
 - iii. Searchlight beams must not be displayed at an angle greater than forty-five (45) degrees from the perpendicular.
 - iv. Searchlights must not operate between 12 am and 5 pm.

H. Signs

1. Each C-E district permits up to four (4) freestanding signs with a maximum sign area of 400 square feet. An additional area not exceeding 200 square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign. The maximum height freestanding sign height is 40' feet.
2. Each C-E District may also permit up to four (4) off-site freestanding signs. Off-site freestanding signs are limited in area to seventy-five (75) square feet. An additional area not exceeding one hundred (100) square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign.
3. The combined area of wall, projecting, awning, canopy or marquee signs must not exceed twenty percent of any building façade area fifty (50%) percent of any building façade area. The Zoning Administrator must approve that the signage is of an appropriate scale, incorporated into the architectural features, and is made of durable materials.
4. Entryway features that may include one monument/wayfinding sign up to 50 square feet are permitted at each driveway. An additional area not exceeding 25 square feet may be devoted to architectural elements which serve as support or base for such sign and which are not part of the message portion of the sign. The maximum height entryway sign height is eight (8') feet.
5. Electronic message boards may be permitted as a part of on-site freestanding and entryway monument signs.

I. Noise

1. The exterior noise limits for any source of noise in any zone other than a residential zone cannot exceed between 70 dBA between 9 am and 12 am, when measured at the property line of a residential zone.
2. The exterior noise limits for any source of noise in any zone other than a residential zone must be reduced between 12:00 am and 9 am so that when measured at the property line of a residential zone the noise does not exceed 50 dBA.

J. Landscape and Open Space Regulations

1. A landscaped buffer will be provided along the entire property frontage of any C-E district. Driveways, utility easements and sidewalks will be allowed to encroach into the landscaped buffer so long as a minimum of ten (10') feet of landscaping is maintained along any street right-of-way.
2. A minimum 25' landscaped buffer must be provided along any property line abutting a residential zoning district.
3. Ten percent (10%) of each development must be open space. Open space does not include building footprints, parking and drive aisles, and any other areas not accessible to the public.
4. If C-E district is within 300' of a City designated non-motorized trail, then the development must provide a ten (10') feet wide shared-use paved path from the development's buildings to the property line closest to the non-motorized trail.

K. Additional Requirements:

1. All building exteriors must be clad in durable materials. Vinyl siding/cladding is prohibited exterior building material.
2. All dumpsters that are visible from a public road must be fully screened. The screening structure must consist of a masonry unit design enclosure and/or materials to match the adjacent building and a metal gate(s) that screens the view of the dumpster.
3. No driveway may be located within 200' of another driveway.
4. On a corner lot, no curb cut may be located closer than 300' feet of the right-of-way extended from the nearest intersecting street.



MEMORANDUM

DATE: April 7, 2021
TO: Danville City Planning Commission
FROM: Doug Plachcinski, Planning Division Director
RE: ACCESSORY AMENDMENT ARTICLE 2.P.

This task creates revises Article 2.P. Accessory Uses and Structures to allow side yard mechanical units in residential zoning districts with appropriate screening and distance from neighboring dwelling windows and doors.

Existing language requires mechanical units in the rear yard behind the principal building. There are lots of non-conforming mechanical units.

PROPOSED ADOPTION TIMELINE:

- ✓ March 8, Planning Commission initiates zoning ordinance text amendment
- ✓ April 12, Planning Commission public hearing and text amendment recommendation to City Council.
- ✓ May 4, City Council public hearing and zoning ordinance text amendment ordinance adoption.

PROPOSED ZONING TEXT CHANGE:

P. - Accessory Uses and Structures.

13. In all residential zoning districts, accessory mechanical appliances may be in a side yard if they are:
- a. Screened from view from the public right-of-way;
 - b. At least ten (10') feet from all neighboring dwellings' windows and doors, and
 - c. No closer than five (5') feet to any property line.



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

City Planning Commission

STAFF REPORT

DATE: April 6, 2021
TO: Planning Commission
FROM: Doug Plachcinski, Planning Division Director
RE: REZONING APPLICATION - 109 BARTER STREET

Rezoning Application PLRZ 2021-50, filed by Jimmie L New, requests to conditionally rezone 109 Barter Street, Parcel ID #52948, from HR-C Highway Retail Commercial to M-I Industrial Manufacturing. The proposed rezoning allows the current building tenant to perform on-site heavy vehicle repair.

BACKGROUND

This applicant would like the existing tenant to conduct repairs to their existing vehicle fleet. The City's zoning rules require heavy vehicle repairs to occur in the M-I Industrial Manufacturing District.

The Planning Division sent ten (10) notices to surrounding property owners within 300' feet of the subject property.

STAFF ANALYSIS AND RECOMMENDATION

The proposed rezoning's 2030 future land use designation in the Comprehensive Plan is Regional Commercial. Land across Trade Street is future planned as heavy Industrial while this property and the other adjacent property is future planned for regional commercial. The existing zoning of this property and adjacent property implements the current Comprehensive Plan. The property owner and I discussed uses under the M-I district and they proffered the attached list of potential uses

The Planning Division recommends the Planning Commission endorse conditional rezoning application PLRZ-2021-50 for City Council approval with the proffered uses in the attached exhibit.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend continuation of Rezoning Application PLRZ2021-50 to a future meeting.
2. Recommend approval of Rezoning Application PLRZ2021-50 as submitted.
3. Recommend approval of Rezoning Application PLRZ2021-50 with conditions per Planning Commission.
4. Recommend denial of Rezoning Application PLRZ2021-50.

ATTACHMENTS

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

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

B. - Permitted Uses.

1. ~~Airport.~~
2. ~~Aircraft related industry.~~
3. Artisan/craftsman manufacturing.
4. Auto and light vehicle service establishments (with screened outdoor service and storage areas).
5. Contractor's offices, shops and storage yards.
6. ~~Establishments for scientific research, development and training, or corporate offices (excepting biomedical, biological and chemical establishments).~~
7. ~~Establishments for manufacturing, production, processing, assembly, compounding, cleaning, servicing, storage, testing, repair and distribution of materials, goods or products, which conform to federal, state and City environmental performance standards. (excepting those uses which are specifically prohibited by this article or which require a special use permit).~~
8. ~~Gasoline sales establishments (with indoor repair services and no outdoor vehicle storage).~~
9. Heavy equipment sale, rental and service establishments, ~~including farm equipment.~~
10. Heavy vehicle service establishments (with screened outdoor service and storage areas).
11. ~~Hotels and motels, with or without eating establishments.~~
12. Light wholesale trade establishments, (with outdoor storage).
13. ~~Lumber yards and building material yards, to include rock sand and gravel storage.~~
14. ~~Metal fabrication.~~
15. ~~Motor freight terminals.~~
16. ~~Motor vehicle storage and impoundment yards.~~
17. ~~Plant nursery.~~
18. ~~Private training facilities and vocational schools.~~
19. ~~Recycling centers.~~
20. Retail sales related to establishments permitted by-right, provided that products are produced on the premises or by the same corporate entity.
21. ~~Storage yards (with coverage subject to Additional Regulations).~~
22. ~~Truck or train terminal.~~
23. ~~Uses permitted by right or by special use permit in the LED-I District.~~
24. Uses permitted by right or by special permit in the HR-C District.
25. Warehouses, including mini-warehouses.
26. ~~Exterminator.~~

(Ord. No. 2004-02.04, Art. 3.Q, § B, 2-17-04; Ord. No. 2005-04.04, 4-5-05)

C. - Uses Permitted by Special Use Permit.

1. ~~Adult entertainment establishments.~~

- ~~2. Asphalt mixing plant.~~
- ~~3. Automobile auction facility.~~
- ~~4. Blast furnace.~~
- ~~5. Bulk storage of flammable materials.~~
- ~~6. Bus and railroad terminals.~~
- ~~7. Coal, wood or wood distillation facilities.~~
- ~~8. Communication towers.~~
- ~~9. Concrete mixing and batching production.~~
- ~~10. Drive-in movie theaters.~~
- ~~11. Establishments for biomedical, biological and chemical scientific research, development and training.~~
- ~~12. Extraction, storage or distribution of mineral resources, including gravel or sand.~~
- ~~13. Fertilizer, lime or cement manufacturing.~~
- ~~14. Heavy public utility uses, to include:~~
 - ~~a. Electrical generating plants.~~
 - ~~b. Sewerage treatment plants.~~
- ~~15. Hellports and hellpads.~~
- ~~16. Junkyard, as defined.~~
- ~~17. Metal foundries, smelting, processing, fabrication and storage.~~
- ~~18. Power generation facility.~~
- ~~19. Private garbage incineration.~~
- ~~20. Public utilities and facilities.~~
- ~~21. Residential dwelling unit appurtenant to and contained within a commercial or industrial building for the specific use of a watchman or caretaker.~~
- ~~22. Sanitary landfill.~~
- ~~23. Soap manufacture.~~
- ~~24. Stockyards.~~
- ~~25. Tanning and curing of skins.~~
- ~~26. Use with lot frontage on the Dan River.~~
- ~~27. Use with lot frontage or within the aviation impact area of the Danville Regional Airport.~~
28. Veterinary hospitals, inclusive of boarding kennels.
29. Waiver of floor area ratio.
30. Waiver of building height.
31. Waiver of minimum lot size.
- ~~32. Waiver of minimum district size when in conformance with the Comprehensive Plan.~~
- ~~33. Regional brewery.~~
- ~~34. Cemetery.~~

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: HRC
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). PARCEL ID 52948
Gross Area/Net Area: 0.8300 Property Address: 109 BARTLEY ST
Property Location: N S E W Side of: RIVERSIDE DRIVE
Between: TRADE and RIVERSIDE DRIVE
Proffered Conditions (if any, please attach): _____

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

1. NAME: Jimmie L NEW - TELEPHONE: 434-489-4228
MAILING ADDRESS: 109 BARTLEY ST. DANVILLE VA 24541
SIGNATURE: [Signature] DATE: 1-25-21
SIGNATURE: [Signature] DATE: _____
EMAIL ADDRESS: PTL CONT @ G-mail . 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: _____



PARCEL ID 52948

MAP 1713-6-1

100 ADD FEET

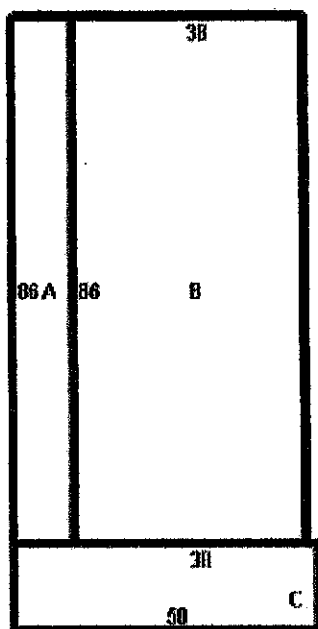
LOT 33 & 34

TRADE AND BARTER STREET

Jimmi New



Q 700ft CSA



TRADE STREET

BARTER ST

SPECIAL USE PERMIT REQUEST DATA SHEET PLRZ 2021-50

PUBLIC HEARING DATES:	MARCH 8, 2021 PLANNING COMMISSION AT 3:00 PM
LOCATION OF PROPERTY:	109 BARTER STREET; NORTH CORNER OF BARTER AND TRADE STREET
PRESENT ZONE:	HR-C HIGHWAY RETAIL COMMERCIAL
PROPOSED ZONE:	M-I INDUSTRIAL MANUFACTURING
ACTION REQUESTED:	REZONE PROPERTY
PRESENT USE OF PROPERTY:	STORAGE WAREHOUSE WITH OFFICE BUILDING
PROPOSED USE OF PROPERTY:	NO CHANGE
FUTURE LAND USE DESIGNATION:	REGIONAL COMMERCIAL
PROPERTY OWNER (S):	NEW JIMMIE L & PATSIE A P T L CONTRACTORS INC
NAME OF APPLICANT (S):	NEW JIMMIE L & PATSIE A
PROPERTY BORDERED BY:	COMMERCIAL ON EAST, SOUTH, WEST AND NORTH SIDES
ACREAGE:	0.83 ACRES TOTAL
CHARACTER OF VICINITY:	HIGHWAY COMMERCIAL
INGRESS AND EGRESS:	BARTER STREET, TRADE STREET
TRAFFIC VOLUME:	NO RECENT COUNTS

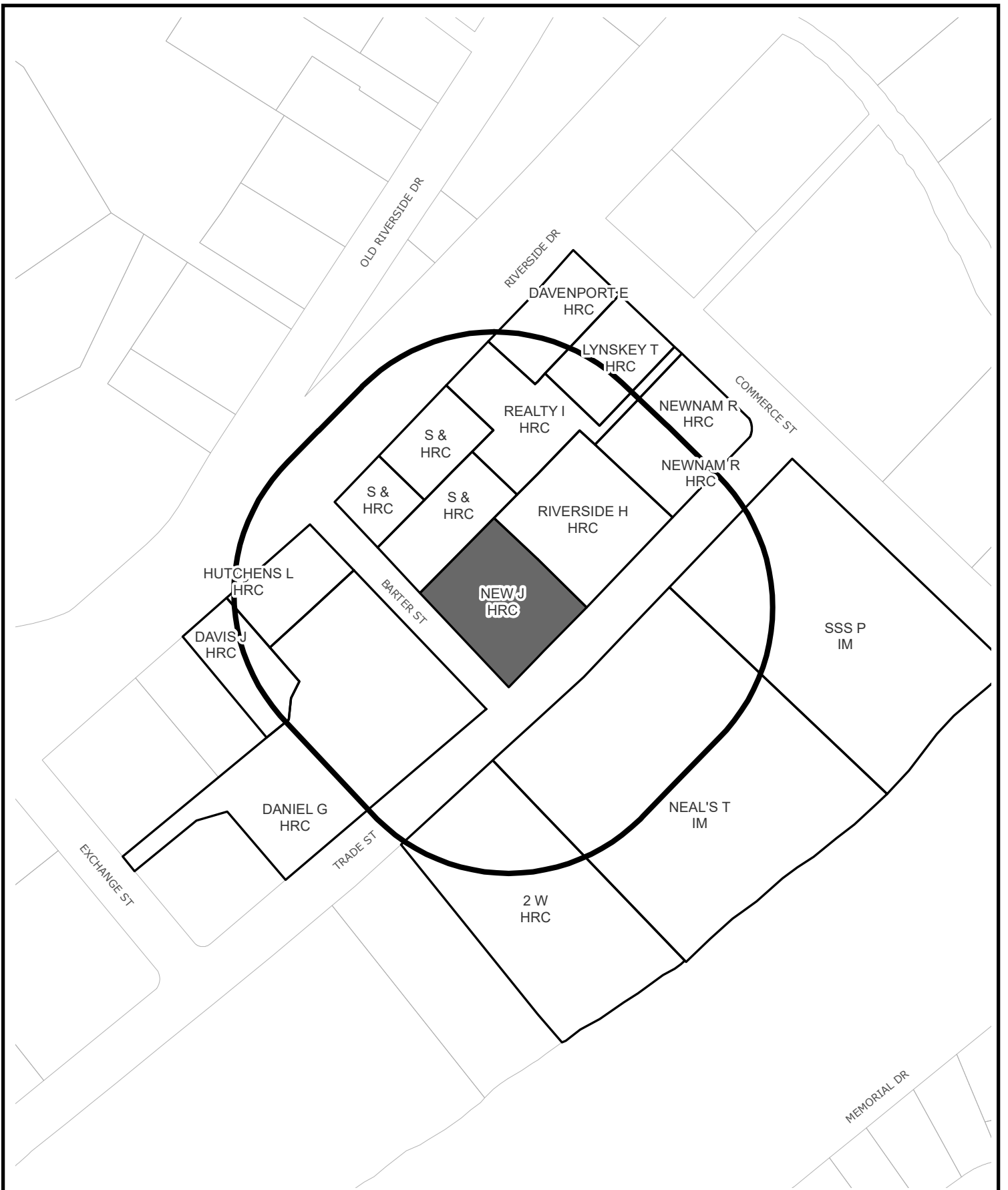


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
1/5/2021

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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

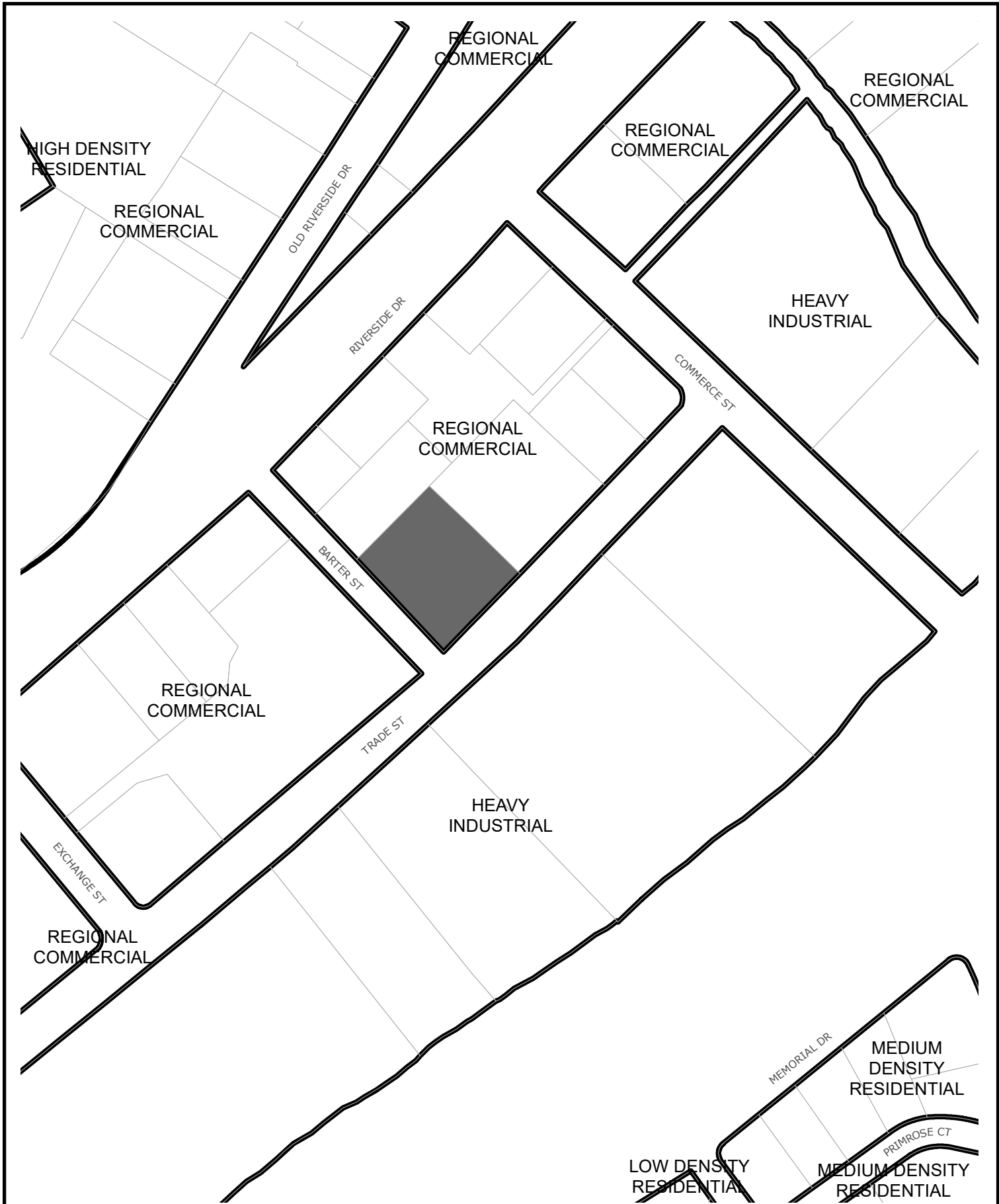


 Prepared by:

 Planning Division

 1/5/2021

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/5/2021

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

PLANNING COMMISSION MINUTES

MARCH 8, 2021

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Doug Plachcinski
Lisa Jones
Clarke Whitfield

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

ITEMS FOR PUBLIC HEARING

1. *Rezoning Application PLRZ 2020-155 (PLVAR2020-110), remanded from the Board of Zoning Appeals on a case filed by Mark and Karen Davis, requesting to rezone from HR-C Highway Retail Commercial District to S-R Suburban Residential District at 734 Mt. Cross Road, Parcel #72873. The applicant requested a variance to allow for a deck constructed without permits onto a legal non-conforming residential use to remain in a HR-C Highway Retail Commercial District. The BZA remanded this case to the Planning Commission for a possible rezoning.*

Mr. Plachcinski stated the applicant notified us today that they tested positive for Covid and will not be here for today's meeting.

Mr. Garrison opened the Public Hearing.

Mr. Garrison closed the Public Hearing.

Mr. Craft made a motion to postpone for an indefinite period of time for rezoning application PLRZ 2020-155 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 4-3 vote.

2. *Special Use Permit Application PLSUP 2021-25, filed by property owners Cynthia and Shawn McKnight, requests a Special Use Permit for agriculture, forestry and horticultural uses in accordance with Article 3.B Section C.1. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1560 Halifax Road, Parcel ID#74777. The applicant requests a Special Use Permit for "homesteading" type agriculture in the T-R Threshold Residential Zoning District.*

Mr. Garrison opened the Public Hearing.

Mr. Garrison closed the Public Hearing.

Mr. Craft stated you said one livestock animal and five poultry?

Mr. Plachcinski stated that is correct.

Mr. Craft stated excluding swine.

Mr. Plachcinski stated excluding swine. There is a conflict in the Ordinances where Chapter 5, it explicitly prohibits swine, and yet, swine is included in the definition of agricultural in the zoning ordinance. So, at some point we need to reconcile that because excluding swine is the more prescriptive part of the Ordinances in an entire context, I would assume it applies in this case.

Mr. Craft stated one hundred twenty-five (125) foot setback is that included in the existing property?

Mr. Plachcinski stated it is the area of the property that is being used for the livestock. So, even if they go up to the property line the properties to the south all of those dwellings are far more than 125 feet away from the property line.

Mr. Craft stated so it doesn't apply to the existing house then 125 feet?

Mr. Plachcinski stated it's only for the neighbors. If you want to have the agricultural animals on your property, then it doesn't apply to your house.

Mr. Bolton stated will the five chickens include whether they could use roosters within that five?

Mr. Plachcinski stated this has come up before and I did not include it in any recommendations. If the Planning Commission would like to add no roosters to the five chickens then I think that they would be fine with that.

Mr. Bolton stated this is so far back off the road I don't think it would be an issue, but I was just curious if we needed that.

Mr. Plachcinski stated we've learned before that they make necklaces that you put on the roosters to keep them from making a loud noise.

Mr. Bolton stated okay and I'm good.

Mr. Craft stated that doesn't mean they will put them on there.

Mr. Bolton stated true.

Ms. Evans stated so the Planning Division recommends approval with up to five chickens and one livestock animal excluding swine, but the definition that you read said one livestock animal or five poultry.

Mr. Plachcinski stated the property is larger than the 3 acres. I've looked at the Ordinance to see how the Ordinance would deal with a partial area, and its absent guidance. So, you know, you can't have a half livestock animals so it is kind of since they have more. I'm just going with it that they're allowed that. They are aware if they want to go with let's say up to ten poultry then that may trigger that feed lot definition in chapter five where they will have to have separate construction made, and so I don't think they're interested in that part.

Mr. Petrick stated who is responsible for policing these ordinances?

Mr. Plachcinski stated it is a combination effort between the Planning Division and we have animal control officers with the police department.

Mr. Petrick stated if a neighbor had a complaint they would go to animal control?

Mr. Plachcinski stated they could and then they would contact us and we would work on it together or vice versa.

Mr. Garrison stated so we're going to establish now that if it's more than three acres, we're going to say that anything between three and six, we can put the second group of animals on?

Mr. Plachcinski stated I would advise, rather than deeming that we're establishing it now that, we address this through our future Ordinance Amendment.

Mr. Garrison stated I think we should because if we pass this then the next person that comes has four acres, and say well, you allowed somebody with more than three to have a second set of animals. If I was still here I would and if we recommend approval on this, then I would have to recommend approval on that in the future.

Mr. Plachcinski stated well every case is different, so you know in some ways that is setting up a precedent but then everything is decided on their individual merits. You bring up a good point though because if it's three or over and we also apply that same definition to an urban agriculture situation where the ordinance simply allows two and under. Then we're getting it back into portions of animals and we just need to clarify that.

Mr. Bolton made a motion that we recommend approval of Special Use Permit Application PLSUP 2021-25 with conditions per staff. Mr. Kahn seconded the motion. The motion was approved by a 7-0 vote.

3. *Rezoning Application PLRZ 2021-50, filed by Jimmie L New, requests to rezone 109 Barter Street, Parcel ID #52948, from HR-C Highway Retail Commercial to M-I Industrial Manufacturing. The proposed rezoning allows the current building tenant to perform on-site heavy vehicle repair.*

Mr. Garrison opened the Public Hearing.

Present to speak on behalf of this request was Jimmie New, Owner of PTL Contractors and 109 Barter Street. Mr. New stated it has been my office and construction business since the mid 80's. One thing that I would like to clarify in the letter it says heavy duty truck repairs it's really not heavy duty. Mr. Swaringen is the owner of the trucks and we have a deal with him having the trucks there at my place. We are not dropping transmissions or motors and things like that. He has a nice fleet of about ten transfer trucks and he keeps them first class. When we repair and the city cited us because I did not know that we could not do that work on lights, windshield wipers or anything electrical that needs to be done, he keeps those trucks in good running and looking conditions. We are not dropping motors, transmissions or axles and things like that. What started this process, I put in an application to put in an enclosed building and I thought that would be the answer and it would solve that. I had no idea that industrial maintenance zoning was kind of in the middle of the road on Trade Street and I'm on the corner of Trade and Barter HR-C. I did not know that and I'm trying to do everything that I can to keep those trucks right there and I want to keep a mechanic there also. I just feel like the wording was really harsh about heavy duty and like I

said we are not dropping motors. If you have any questions I would like Mr. Swaringen to answer them.

Mr. Craft stated are you changing oil?

Mr. Jason Swaringen stated yes, I am the owner with Triple S Trucking Company. I rent the lot and the main office from Mr. New.

Mr. Craft stated what size are the trucks?

Mr. Swaringen stated they are 26,000 lbs. and above.

Mr. Craft stated so they are heavy duty?

Mr. Swaringen stated yes.

Mr. Craft stated what do you have as far as the oil? Where does this go?

Mr. Swaringen stated we have an above ground holding tank that we dump it in and recycle. I own the service station on Riverside Drive that is up above it and we have a truck that actually comes by and picks the used oil up to recycle.

Mr. Craft stated is that the enclosed pan underneath the tank?

Mr. Swaringen stated yes sir.

Mr. Bolton stated do you ever see yourself dropping engines, transmissions, and things heavy like that?

Mr. Swaringen stated no, we are not set up for that and we kind of keep it on a small routine maintenance type deal. We do some brake work and fix a tire, but we don't change any tires. As far as the trailers we try to keep up to spec safe and also keep it clean. You can ride by now because we try to keep everything clean and in order. It is a gravel lot and there is really no way of pulling engines or transmissions.

Mr. Bolton stated are they usually running or off when you are working on them?

Mr. Swaringen stated they are off.

Mr. Petrick stated I have a question for staff. I didn't review the particulars in permitted uses under HR-C as it relates to mechanical work. Is there no mechanical work allowed under the HR-C?

Mr. Plachcinski stated it is the kind of vehicles that are being worked on and in this case they are not typical light duty, passenger cars and trucks, these are heavy trucks.

Mr. Petrick stated these are all semi?

Mr. Swaringen stated yes.

Ms. Evans stated what is presented here says the proposed zoning rezoning allows the current building tenant to perform on-site heavy vehicle repair, but you're referring to heavy vehicle is the transfer trailer not heavy duty repair such as transmissions, correct?

Mr. Plachcinski stated correct, it is not the kind of work but it's the kind of vehicle that's operative.

Mr. Petrick stated is there distinction to be made between the two?

Mr. Plachcinski stated not under our current zoning.

Mr. Petrick stated so under the current zoning there is no mechanical work allowed if it is a heavy duty vehicle or are we talking about heavy duty work?

Mr. Plachcinski stated we're talking about the vehicles that the current zoning does not address all levels or gradients of work on that vehicle to my knowledge.

Mr. Bolton stated you didn't address spot zoning with the other M1's across the street and all of this does it not fall into that?

Mr. Plachcinski stated it's not consistent with the comprehensive plan so it is really up to the Planning Commission to make that call whether you feel it is spot zoning or not because it is adjacent. When I'm making a recommendation, I'm trying not to guess is it okay here or okay there. I think the safest way for staff to look at that is to say, is it consistent with the comprehensive plan? Yes or no, you are correct it is on the border.

Mr. Petrick stated but does it set a precedent once it is allowed?

Mr. Plachcinski stated again every case in front of you there are peculiarities with each case. So, if there is a reason and you include it in your motion why it may be acceptable in this case, then it takes it away from the realm of spot zoning. We have a future land use map and where we'd like to think of those lines on the map is being hard and fast. They are really kind of blurred areas and they may make sense in some cases why you would rezone something that's on the edge of an area that is inconsistent with the master plan or there may be cases where you wouldn't rezone that. That is really the discretion of the Planning Commission and why we have these discussions.

Mr. Petrick stated but why, all things being equal, if the adjacent property owner decided they wanted to do the same thing and applied for it, then we would have a definite precedent or they would have that defense.

Mr. Plachcinski stated you could consider it, yes, and everything else equal.

Mr. Khan stated is it a 24 foot or 40 foot rig, straight truck or rig?

Mr. Swaringen stated the biggest truck and trailer combined would be a 53 foot.

Mr. Bolton stated what are your operating hours?

Mr. Swaringen stated it seems like eight days a week. We don't do any work on Sundays but of course it is one of those deals where they run all week and you work on them all weekend. We work on them Monday through Saturday and sometimes the sun sets it seems.

Mr. Bolton stated Jimmie do you still have your office there?

Mr. New stated yes, but I'm in the process of retiring. I will keep my office space there. I will maintain an office. He also owns the Enterprise Car Rental lot and that is kind of that whole corner. We are just trying to abide by the rules and I just had no idea HR-C was that part.

Mr. Bolton stated when you are in your office their work doesn't bother you?

Mr. New stated no, not at all. When he is down there working the mechanics they don't take off the street people with other trucks. This is strictly personal trucks and he owns all of them. We have a laurel park tractor that comes down there, but that is just somebody that comes down there. There's no work from another company. What we do is not work for hire for any other truck to come by. People come by to talk to them and it's not job bed out by any means.

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated I was going to ask Doug it says that you sent out fifteen notices and you got six back unopposed. Usually if you don't get something back, it's not objectionable. Tell me again why you're recommending not approving this or sending it to Council for approval?

Mr. Plachcinski stated it's not consistent with the future land use map and the 2030 Comprehensive Plan.

Mr. Bolton stated that is the only reason?

Mr. Plachcinski stated that is the only reason.

Mr. Bolton stated how many cases when the plan is different, I mean it's not 100% all the time and when it doesn't correspond with the future plans, we don't just turn it down for that. I don't remember ever doing that for simply because of that.

Mr. Plachcinski stated with my limited experience here in Danville. I don't know what your track record is as I said, if you have a reason and you include it in the motion, I take no affront. I'm just providing a recommendation bases solely on the plan.

Mr. Bolton stated of course, if we change the zoning and then it's that zoning forever until somebody requests. If he were to sell or leave then somebody else could come in and have a fleet that wasn't just their fleet, correct?

Mr. Plachcinski stated correct, it would be opened to the Industrial Zoning District and all of the permitted use that's allowed on it.

Mr. Bolton stated yes, you can't restrict zoning like you can a special use. I mean could we put a condition?

Mr. Whitfield stated you can't put conditions on a zoning.

Mr. Bolton stated that's what I was thinking.

Mr. Whitfield stated but if they wanted to get together with the Planning department and they could proffer not to do certain things and proffer out everything except like mechanical on this heavy trucks owned by the owner of the property, something like that. I mean you could do that and not necessarily something you could do today. If you're thinking you want to

work with them, and you're inclined to possibly at least explore this, then it might be worth having a sit down between Doug and Mr. New and maybe proffer out a lot of uses that could be used for that property.

Mr. Garrison stated does that apply to any subsequent owner?

Mr. Whitfield stated yes sir.

Ms. Evans stated right now it is highway retail commercial if we do not approve or recommend that they change it to Industrial, can those tractor trailers trucks remain there on the lot just as a parking place?

Mr. Plachcinski stated it is my understanding that it is legally nonconforming now as it is except the repair portion. The repairs are not customary and instant at any point in time. The vehicles can be there but performing the repairs on the site is the violation.

Ms. Evans stated if they didn't do repairs but washed the trucks is that different?

Mr. Plachcinski stated I would probably counsel with the Zoning Administrator to see what their take is on it. I don't know the answer and as the zoning ordinance is just pretty silent on different levels of repair. It's kind of all or nothing approach and that approach doesn't seem really the best way to do it, but where do we start categorizing different kinds of activities? The one thing that I didn't hear is that the applicant had mentioned that at their BZA hearing as you know, it could be possible to repair the trucks somewhere else, but it's a vastly different economic proposition to do so. That is why it is really crucial for them to repair the trucks on site to the extent that they do, to keep the trucks in service and to cut down on time away from the site. That is my words summarizing their words at another hearing.

Mr. Bolton stated with the Public Hearing closed how would we go about the process of maybe getting you two together to proffer or something. I maybe all by myself here but it doesn't matter.

Mr. Whitfield stated procedurally, I would suggest that you postpone this until the next meeting and then let the applicant know that the Planning Director is ready to work with them. They could sit down and there is literally a list of everything that's allowed in the M1 and they could just go through literally everything and strike things out and then it would be a conditional zoning and any subsequent property owner would be stuck with what the original owner or applicant had proffered out, unless they came back to this body and ask to have some of those back in. That's the way that I would do it because that way you all may feel more comfortable about approving it and sending a recommendation of approval. I don't know which way you are going. I'm just providing advice here in a vacuum. That's the way I would suggest it to be done and you come back and go through the process and in that way, you would feel more comfortable with whatever you sent to council.

Mr. Garrison stated Mr. New could you come back up. Are you agreeable to postponing this until our next meeting so you will have time to meet with Mr. Plachcinski and work out the proffer?

Mr. New stated absolutely.

Mr. Garrison stated okay, so would you tell me that you are willing to do that.

Mr. New stated we are willing to wait until the April meeting.

Mr. Petrick made a motion to postpone this Rezoning Application PLRZ 2021-50 until the April Meeting. Mr. Bolton seconded the motion. The motion was approved by a 6-1 vote.

II. OTHER ITEMS

Parking space reduction request from Cornerstone Baptist Church, 300 Overby Street, Parcel ID # 04930 to reduce required onsite parking from 62 to 32 because parking is provided on other church-owned parcels and on-street parking is available.

Mr. Petrick made a motion to approve the parking space reduction request from Cornerstone Baptist Church, 300 Overby Street, and Parcel ID # 04930 to reduce required onsite parking from 62 to 32 spaces. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

III. INITIATE ZONING ORDINANCE AMENDMENTS

1. Create a new Zoning District with use and dimensional standards for the future casino/entertainment complex development at the former Schoolfield mill site.
2. Revise Article 2.P. Accessory Uses and Structures to allow side yard mechanical units in residential zoning districts with appropriate screening and distance from neighboring dwelling windows and doors.

Ms. Evans made a motion to direct staff to create a new zoning district and to allow mechanical units in the side yard. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

IV. APPROVAL OF MINUTES FROM JANUARY 11, 2021.

The February 8, 2021 minutes were approved by unanimous vote.

V. OTHER BUSINESS

VI. ADJOURNMENT

With no further business, the meeting adjourned at 3:42 p.m.

APPROVED