



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

City Planning Commission

APRIL 11, 2022

3:00 P.M.

CITY COUNCIL CHAMBERS – 4th FLOOR MUNICIPAL BUILDING

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. NEW BUSINESS
- IV. PUBLIC HEARING ITEMS
 - a. Special Use Permit Application PZ22-16, filed by Brad Skidmore and Bill Powell on behalf of RCCM Properties LLC, requests a Special Use Permit for a commercial recreation facility according to Article 3.M.C.4. of the Danville Zoning Ordinance at 4764 Riverside Drive (Parcel ID#78406). The applicant proposes a “skill game arcade”. This item was remanded from the City Council.
 - b. Special Use Permit Application PZ22-45, filed by SOAP SUPPLIES LLC, requests a Special Use Permit for a duplex according to Article 3.E.C.2. of the Danville Zoning Ordinance at (Parcel ID#03962). The applicant proposes converting the single-family dwelling into a duplex.
 - c. Special Use Permit Application PZ22-50, filed by Yeon Hee Kim and Hae Choi Kim, requests a Special Use Permit for an accessory building or accessory use without a primary building being located on the parcel according to Article 3.E.C.23. of the Danville Zoning Ordinance at (Parcel IDs #25094 and #25091). The applicant built an outdoor seating area to serve their adjacent restaurant.
 - d. Rezoning Application PZ22-64, initiated by the Planning Director, requests to rezone parcel 239 Eastwood Drive (Parcel # 76494) from A-R Attached Residential to TO-C Transitional Office and Parcel #'s 76493, 76492, 76307, and 76306 from A-R Attached Residential to M- I Manufacturing Industrial. The zoning changes make the existing and long-established uses legally conforming.
 - e. Rezoning PZ22-63, Initiated by the Planning Director, reduces the required parking stall width to eight (8') feet, six (6') inches and depth to 18' for parking spaces inside buildings or on building roofs in Zoning Ordinance Article 8.D.5.
 - f. Rezoning PZ22-65, Initiated by the Planning Director, removes existing Zoning Ordinance Section 2.C Administration and Enforcement with a new Section 2.C Violations and Enforcement including Purpose, Compliance Required, Violations, Persons Held responsible for Violating the Zoning Ordinance, Enforcement Procedure, and Remedies and Penalties subsections. Existing Zoning Ordinance Section 2.X Violations and Penalties is also deleted. These proposed changes clarify City Zoning Code enforcement, change violations from criminal to civil penalties, and allow the City to begin enforcement activities for short-term, recurring violations in ten (10) days.

- g. Rezoning PZ22-66, Initiated by the Planning Director, establishes standards for campgrounds in new Section 2.AA. Campgrounds, adds campgrounds as Uses Permitted by Special Permit in the SR-R Sandy River – Residential zoning district (Article 3.A.C.) and the T-R Threshold-Residential zoning district (Article 3.B.C.), and revises the campground definition in Article 15 to reference Virginia Code.

V. PLANNING DIRECTOR'S REPORT

VI. APPROVAL OF MINUTES FROM MARCH 7, 2022

VII. ADJOURNMENT



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

City Planning Commission

STAFF REPORT

DATE: April 11, 2022
TO: Planning Commission
FROM: Doug Plachcinski, AICP Planning Division Director + Zoning Administrator
RE: SPECIAL USE PERMIT APPLICATION PUD – 4764 RIVERSIDE DRIVE

Special Use Permit Application PZ22-16, filed by Brad Skidmore and Bill Powell on behalf of RCCM Properties LLC, requests a Special Use Permit for a commercial recreation facility according to Article 3.M.C.4. of the Danville Zoning Ordinance at 4764 Riverside Drive (Parcel ID#78406). The applicant proposes a “skill game arcade”. This item was remanded from the City Council.

BACKGROUND

The applicant proposes a “skill game arcade”.

STAFF ANALYSIS AND RECOMMENDATION

The City may allow a commercial recreation facility in the HR-C zoning district with a Special Use Permit. However, skill games remain illegal under Virginia law and the Planning Commission cannot recommend approval under zoning code Article 1. Section D:

“Whenever any provision of any State or Federal statute or other City ordinance or regulation imposes a greater requirement or a higher standard than is required by this ordinance, the provision of such State or Federal statute or other City ordinance or regulation shall govern.”

Therefore staff recommends that the Commission must recommend denying PZ22-16 to City Council.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

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



City of Danville
Community Development
Planning Division

**PLANNING COMMISSION
SPECIAL USE PERMIT APPLICATION**

PLANNING DIVISION PROVIDED INFORMATION

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

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 4764 Riverside Drive (Parcel ID# 78406)
Applicant: Brad Skidmore and Bill Powell
Applicant's Address: 7 Country Club Drive, Danville, VA 24541
Applicant's Phone Number: (843) 222-7543
Applicant's E-mail: bradskidmore@gmail.com; billpowell50@gmail.com
Describe Proposed Development: Repurpose of existing car dealership to
"Skill Game Arcade".

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 property is currently zoned HRC and the proposed use is allowed
under HRC zoning with a special use permit. All surrounding properties are zoned HRC.

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:

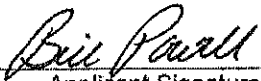
See attached site plan for more detail. The existing facility meets all requirements for streets, drainage,
fire protection, and public water and sewer. Entrance is served by an existing access road.

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:

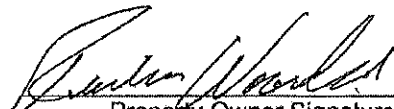
The proposed use is not planning to alter any feature determined to be of significant ecological, scenic, or historic importance.

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

The proposed use will work with the city's planning department to adhere and meet the city's standards for HRC zoning and public use.


Applicant Signature

1-10-22
date


Property Owner Signature
(if not applicant)

1-10-22
date

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.

January 10, 2022

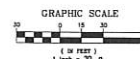
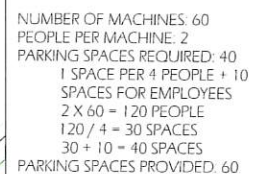
City of Danville
Community Development
Planning Division

Planning Commission
Special Use Permit Application
Planning Division Provided Information

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

River City Games is opening a River City Skill Games Arcade.

- There will be 50-60 machines equating to 1 machine per 2 customers for a total of 120 +/- customers. An associated parking calculation can be found on the attached preliminary site plan.
- The hours of operation will be 9 a.m. until 12 a.m. midnight, 7 days a week.
- There will be 10 employees, including a licensed and bonded security guard on the premises during hours of operation.
- Total square footage is 3,840 +/- (gross sales floor area is 3,000 +/- square feet, office/bathrooms 840 +/- square feet).
- All surrounding properties are zoned HRC.



Sheet No.
1 of 1
Date: 1-10-2022
Scale: 1" = 30'
Project No.
VA\BCE\7758\023\ann\sta

REZONING REQUEST DATA SHEET PZ22-16

PUBLIC HEARING DATES:	APRIL 11, 2022 PLANNING COMMISSION AT 3PM
LOCATION OF PROPERTY:	4764 RIVERSIDE DRIVE
PRESENT ZONE:	HR-C HIGHWAY RETAIL COMMERCIAL
PROPOSED ZONE:	NO CHANGE
ACTION REQUESTED:	SPECIAL USE PERMIT FOR A COMMERCIAL RECREATION FACILITY
PRESENT USE OF PROPERTY:	VACANT FORMER CAR DEALERSHIP
PROPOSED USE OF PROPERTY:	SKILL GAME ARCADE
FUTURE LAND USE DESIGNATION:	REGIONAL COMMERCIAL
PROPERTY OWNER (S):	RCCM PROPERTIES LLC
NAME OF APPLICANT (S):	BRAD SKIDMORE AND BILL POWELL
PROPERTY BORDERED BY:	HIGHWAY COMMERCIAL USES
ACREAGE:	APPROXIMATELY 1.25 ACRES TOTAL
CHARACTER OF VICINITY:	MAIN EAST-WEST BUSINESS ARTERIAL
INGRESS AND EGRESS:	RIVERSIDE DRIVE
TRAFFIC VOLUME:	ARTERIAL, AADT 13000 (2019 COUNT)



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
3/31/2022

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.

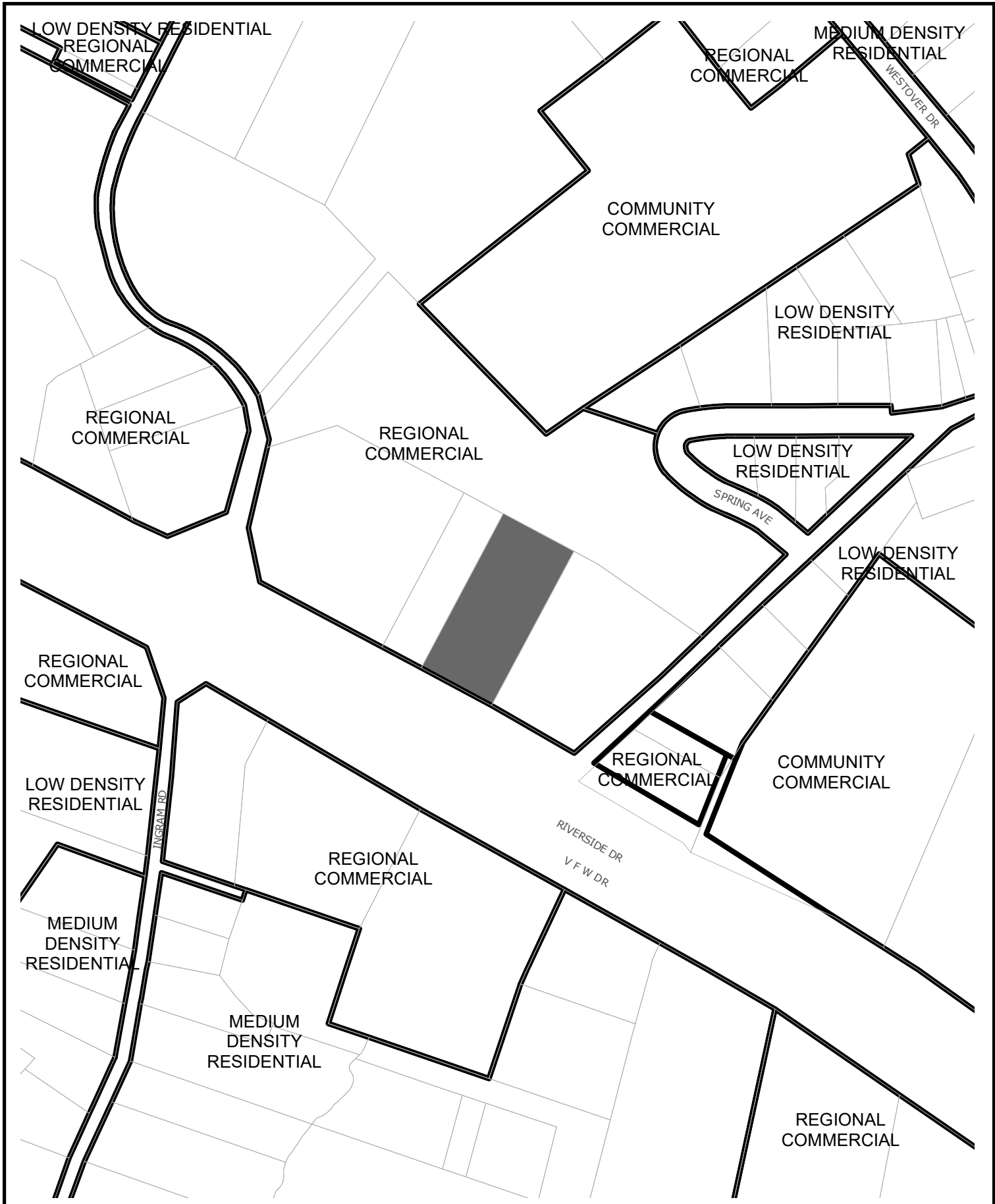


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
3/31/2022

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
1/24/2022

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.



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City Planning Commission

STAFF REPORT

DATE: April 11, 2022
TO: Planning Commission
FROM: Doug Plachcinski, AICP, CFM, Planning Division Director + Zoning Administrator
RE: SPECIAL USE PERMIT APPLICATION PUD – 126 EAST THOMAS STREET

Special Use Permit Application PZ22-45, filed by SOAP SUPPLIES LLC, requests a Special Use Permit for a duplex according to Article 3.E.C.2. of the Danville Zoning Ordinance at (Parcel ID#03962). The applicant proposes converting the single-family dwelling into a duplex.

BACKGROUND

The applicant proposes converting the single-family dwelling into a duplex.

STAFF ANALYSIS AND RECOMMENDATION

The City may allow a commercial recreation facility in the OT-R zoning district with a Special Use Permit.

If approved, the Special Use Permit is in harmony with OT-R District that establishes this district as one encompassing a reasonably high density for single family detached, two family, and duplex residences served by public water and sewer, public streets with curb and gutter, adequate drainage systems, street lighting, and sidewalks.

The neighboring adjacent properties are residential. If granted, this proposed Special Use Permit is in harmony with the Special Use Permit requirements in Article 6 Section B.

The Planning Division recommends approving this application as proposed and that the Planning Commission endorse Special Use Permit Application PZ22-45 for City Council approval

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

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



City of Danville
Community Development
Planning Division

**PLANNING COMMISSION
SPECIAL USE PERMIT APPLICATION**

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ22-00045 PC Meeting Date: _____
Date Received: 3/9/22 Received By: Williss
Parcel ID: 03962 Address: 126 E Thomas 24543
Existing Zoning: OT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 126 EAST THOMAS ST DANVILLE, VA 24543

Applicant: SOAP SUPPLIES LLC PARCEL ID: 03962

Applicant's Address: 124 EAST THOMAS ST DANVILLE, VA 24543

Applicant's Phone Number: (203) 981-3283

Applicant's E-mail: PURPOSEOFALLSMITH360@GMAIL.COM

Describe Proposed Development: WITHIN STRUCTURE; A FIRE WALL WILL SPLIT UP

BOTH SIDES; EXISTING KITCHEN INTO A BATHROOM; NO ADDITIONAL STRUCTURE ADDED.

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.

NEIGHBORHOOD CONSISTS OF SINGLE & MULTI-FAMILY DWELLINGS.

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, CORRECT. ADDITIONAL GAS METER, ELECTRICAL BOX AND PLUMBING
WILL BE OBTAINED. ALL BILLS WILL BE ACCOUNTED FOR BY DANVILLE UTILITIES.

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:

YES, CORRECT. IN NO CASE, SHALL THERE BE MORE THAN ONE

PRINCIPAL BUILDING ON LOT UNLESS OTHERWISE PROVIDED.

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:

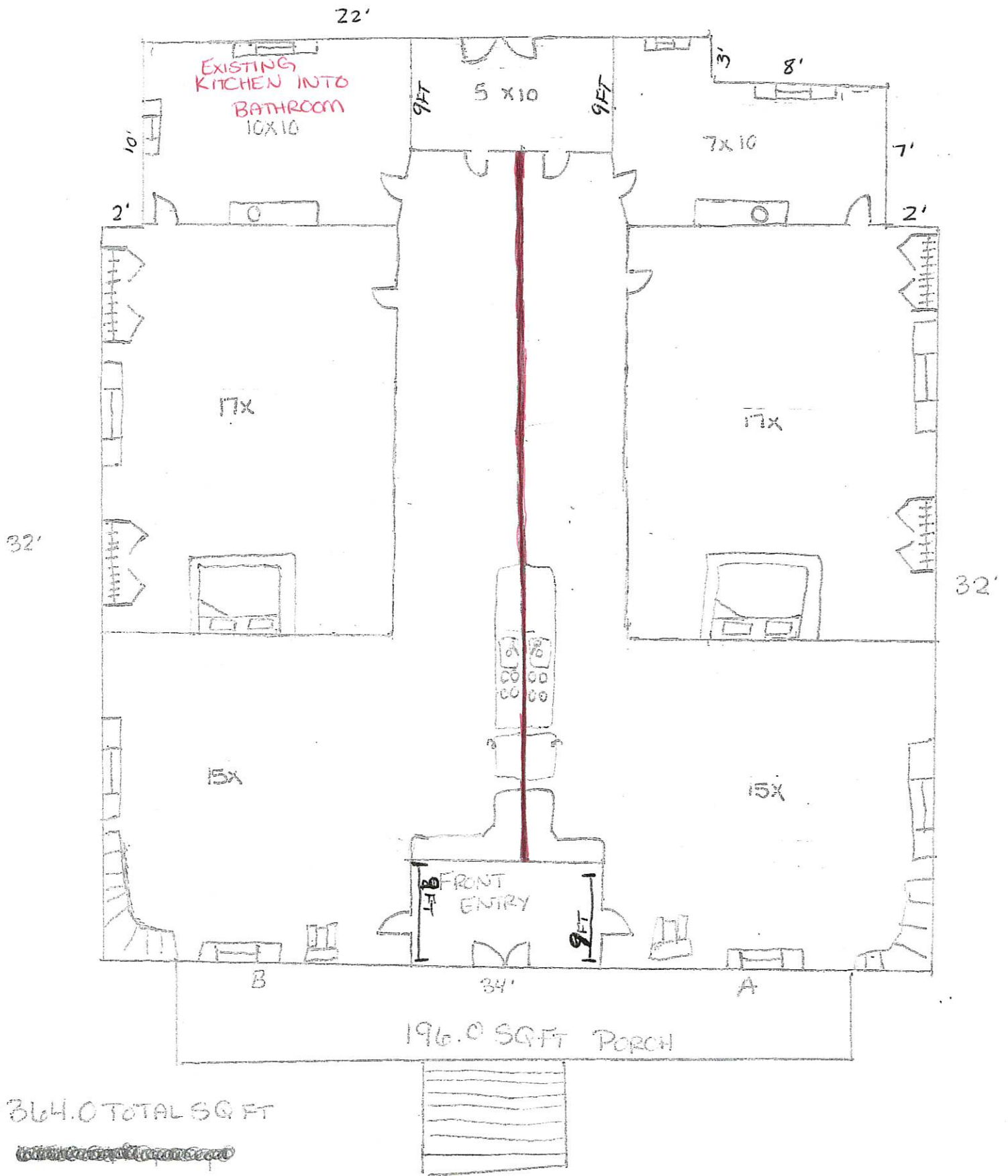
YES CORRECT. THE CONVERSION FROM SINGLE-FAMILY TO DUPLEX DWELLING
FOR LEASE NOT SALE, SHALL CONSTITUTE A CHANGE IN USE

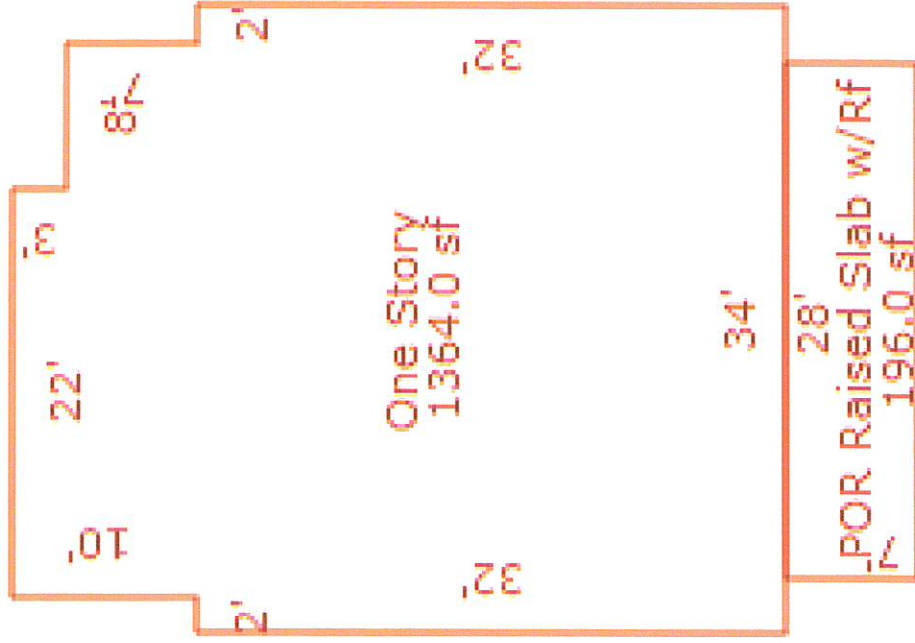

Applicant Signature

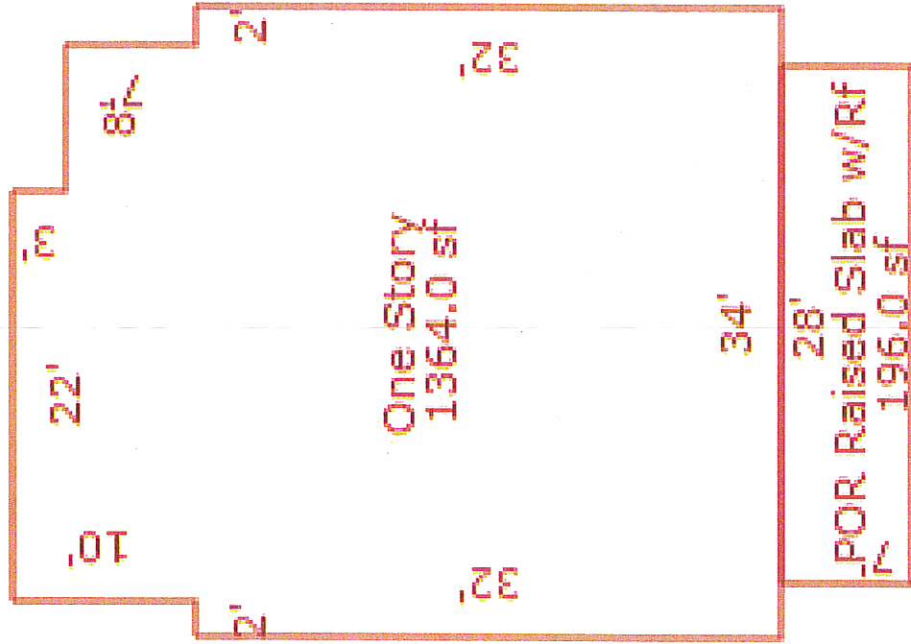

Property Owner Signature
(if not applicant)

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 REQUEST DATA SHEET PLSUP PZ22-50

PUBLIC HEARING DATES: APRIL 11, 2022
PLANNING COMMISSION AT 3PM

LOCATION OF PROPERTY: 126 E THOMAS STREET

PRESENT ZONE: OT-R OLD TOWN RESIDENTIAL

PROPOSED ZONE: NO CHANGE

ACTION REQUESTED: THE APPLICANT PROPOSES CONVERTING THE SINGLE-FAMILY DWELLING INTO A DUPLEX.

PRESENT USE OF PROPERTY: SINGLE-FAMILY DWELLING

PROPOSED USE OF PROPERTY: DUPLEX

FUTURE LAND USE DESIGNATION: RESIDENTIAL

PROPERTY OWNER (S): SOAP SUPPLIES LLC

NAME OF APPLICANT (S): SOAP SUPPLIES LLC

PROPERTY BORDERED BY: RESIDENTIAL

ACREAGE: APPROXIMATELY 0.16 ACRES TOTAL

CHARACTER OF VICINITY: RESIDENTIAL NEIGHBORHOOD

INGRESS AND EGRESS: E. THOMAS STREET

TRAFFIC VOLUME: NO COUNTS AVAILABLE



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
3/31/2022

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

City Planning Commission

STAFF REPORT

DATE: April 11, 2022
TO: Planning Commission
FROM: Doug Plachcinski, AICP, CFM, Planning Division Director + Zoning Administrator
RE: SPECIAL USE PERMIT APPLICATION PUD – 78 & 74 DUDLEY STREET

Special Use Permit Application PZ22-50, filed by Yeon Hee Kim and Hae Choi Kim, requests a Special Use Permit for an accessory building or accessory use without a primary building being located on the parcel according to Article 3.E.C.23. of the Danville Zoning Ordinance at (Parcel IDs #25094 and #25091). The applicant built an outdoor seating area to serve their adjacent restaurant.

BACKGROUND

The applicant built an outdoor seating area to serve their adjacent restaurant.

STAFF ANALYSIS AND RECOMMENDATION

The City may allow a an accessory building or accessory use without a primary building being located on the parcel in the OT-R zoning district with a Special Use Permit.

If approved, the Special Use Permit is in harmony the Special Use Permit requirements in Chapter 41, Article 6 Section B.

This project supports the adjacent business under the same ownership.

The Planning Division recommends approving this application as proposed and that the Planning Commission endorse Special Use Permit Application PZ22-50 for City Council approval as presented.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

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



City of Danville
Community Development
Planning Division

**PLANNING COMMISSION
SPECIAL USE PERMIT APPLICATION**

PAID

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ22-00050 PC Meeting Date: _____
Date Received: 3/10/22 Received By: _____
Parcel ID: 25094 & 25091 Address: 78 + 74 Dudley St
Existing Zoning: OT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 78, 74 Dudley St. Danville, VA 24541
Applicant: Yeon hee Kim, Hae Chol Kim
Applicant's Address: 3816 Windstream way Jamestown, NC 27282.
Applicant's Phone Number: 336-267-3010, 336-267-7468
Applicant's E-mail: bento9191@gmail.com

Describe Proposed Development: Due to the Covid-19, the outdoor dining take-out food deck structure was build in order to provide fresh outdoor air to customers. when you're outside dining, fresh air is

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 Covid-19 outdoor dining take-out deck is an accessory structure of the main restaurant which can be access from the restaurant parking lot.

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 Covid-19 outdoor dining take-out deck can be adequately served by essential public services from the restaurant parking lot.

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:

Because the Covid-19 outdoor deck has no roof, the deck is considered pervious to stormwater run-off; thus, it will not result in destruction, loss or damage of any feature determined to be of significant ecological scenic or historic importance.

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

The landscape buffer shall be provided around the Covid-19 outdoor deck as per the landscape ordinance.

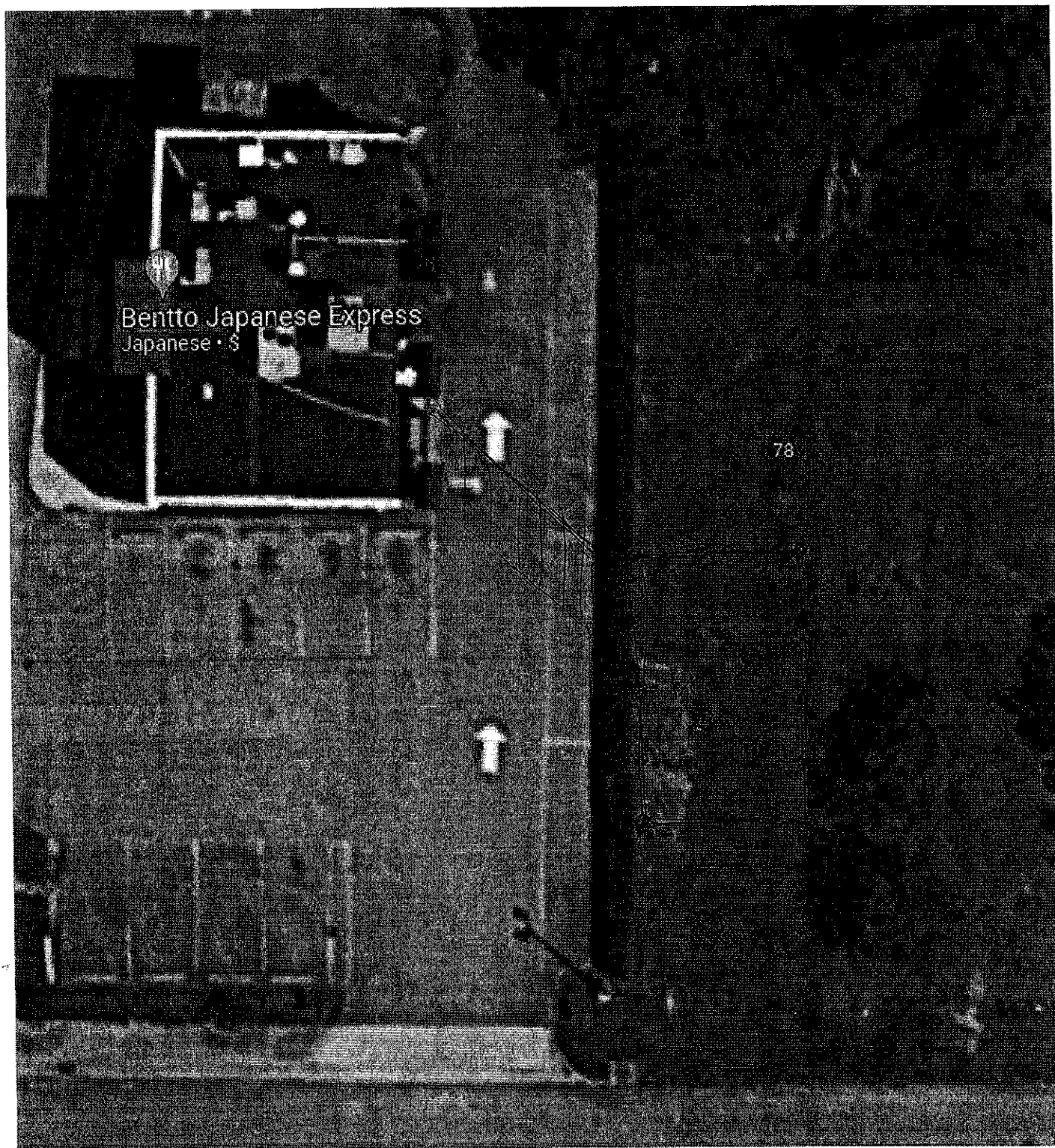
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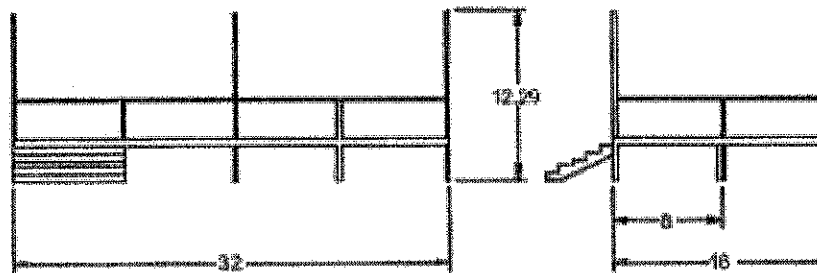
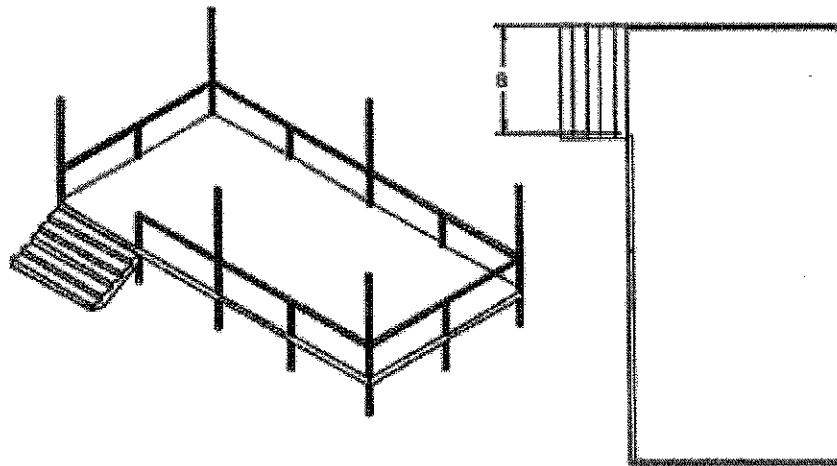
Applicant Signature

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.





Benttos Deck

SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP PZ22-50

PUBLIC HEARING DATES: APRIL 11, 2022
PLANNING COMMISSION AT 3PM

LOCATION OF PROPERTY: DUDLEY STREET

PRESENT ZONE: OT-R OLD TOWN RESIDENTIAL

PROPOSED ZONE: NO CHANGE

ACTION REQUESTED: AN ACCESSORY BUILDING OR ACCESSORY USE WITHOUT A
PRIMARY BUILDING BEING LOCATED ON THE PARCEL
ACCORDING TO ARTICLE 3.E.C.23.

PRESENT USE OF PROPERTY: VACANT

PROPOSED USE OF PROPERTY: DECK AREA FOR OUTDOOR DINING

FUTURE LAND USE DESIGNATION: RESIDENTIAL

PROPERTY OWNER (S): YEON HEE KIM AND HAE CHOI KIM

NAME OF APPLICANT (S): YEON HEE KIM AND HAE CHOI KIM

PROPERTY BORDERED BY: RESIDENTIAL AND COMMERCIAL

ACREAGE: APPROXIMATELY 0.70 ACRES TOTAL

CHARACTER OF VICINITY: RESIDENTIAL NEIGHBORHOOD, SOUTH MAIN
STREET COMMERCIAL

INGRESS AND EGRESS: SOUTH MAIN STREET

TRAFFIC VOLUME: MINOR ARTERIAL – 9800 AADT (2019)



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/31/2022

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



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

City Planning Commission

STAFF REPORT

DATE: April 11, 2022
TO: Planning Commission
FROM: Doug Plachcinski, AICP Planning Division Director + Zoning Administrator
RE: REZONING APPLICATION APPLICATION – 239 EASTWOOD DRIVE

Rezoning Application PZ22-64, initiated by the Planning Director, requests to rezone parcel 239 Eastwood Drive (Parcel # 76494) from A-R Attached Residential to TO-C Transitional Office and Parcel #'s 76493, 76492, 76307, and 76306 from A-R Attached Residential to M- I Manufacturing Industrial. The zoning changes make the existing and long-established uses legally conforming.

BACKGROUND

The zoning changes make the existing and long-established uses legally conforming.

STAFF ANALYSIS AND RECOMMENDATION

I initiated this zoning ordinance because the asphalt plant was zoned residential when the area was annexed into the City and that limits improvements that can occur on the site. Existing operations will remain.

RECOMMENDATION

The Planning Division recommends that the Planning Commission endorse Rezoning Application PZ22-64 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

ATTACHMENTS

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

REZONING APPLICATION REQUEST DATA SHEET PZ22-64

PUBLIC HEARING DATES: APRIL 11, 2022
PLANNING COMMISSION AT 3PM

LOCATION OF PROPERTY: PARCEL #'S 76493, 76492, 76307, AND 76306

PRESENT ZONE: A-R ATTACHED RESIDENTIAL

PROPOSED ZONE: M-I MANUFACTURING INDUSTRIAL

ACTION REQUESTED: REZONING

PRESENT USE OF PROPERTY: OFFICE

PROPOSED USE OF PROPERTY: OFFICE

FUTURE LAND USE DESIGNATION: INDUSTRIAL

PROPERTY OWNER (S): W-L CONSTRUCTION & PAVING INC

NAME OF APPLICANT (S): PLANNING DIRECTOR

PROPERTY BORDERED BY: MIXED VACANT INDUSTRIAL TO THE EAST AND
SOUTH, MIXED VACANT COMMERCIAL AND
RESIDENTIAL TO THE NORTH AND WEST

ACREAGE: APPROXIMATELY 17.74 ACRES TOTAL

CHARACTER OF VICINITY: INDUSTRIAL AND WAREHOUSING

INGRESS AND EGRESS: EASTWOOD DRIVE

TRAFFIC VOLUME: NO COUNTS AVAILABLE



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
3/31/2022

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City Planning Commission

MEMORANDUM

DATE: April 8, 2022
TO: Danville City Planning Commission
FROM: Doug Plachcinski, AICP, CFM Planning Division Director + Zoning Administrator
RE: INDOOR PARKING SPACE DIMENSIONS

Rezoning PZ22-63, Initiated by the Planning Director, reduces the required parking stall width to eight (8') feet, six (6'') inches and depth to 18' for parking spaces inside buildings or on building roofs in Zoning Ordinance Article 8.D.5.

Indoor parking tolerates smaller spaces and these are standard sizes.



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City Planning Commission

MEMORANDUM

DATE: April 8, 2022
TO: Danville City Planning Commission
FROM: Doug Plachcinski, AICP, CFM Planning Division Director + Zoning Administrator
RE: ZONING CODE ENFORCEMENT

Rezoning PZ22-65, Initiated by the Planning Director, removes existing Zoning Ordinance Section 2.C Administration and Enforcement with a new Section 2.C Violations and Enforcement including Purpose, Compliance Required, Violations, Persons Held responsible for Violating the Zoning Ordinance, Enforcement Procedure, and Remedies and Penalties subsections. Existing Zoning Ordinance Section 2.X Violations and Penalties is also deleted. These proposed changes clarify City Zoning Code enforcement, change violations from criminal to civil penalties, and allow the City to begin enforcement activities for short-term, recurring violations in ten (10) days.

Existing ordinance language, as you can see in the attached exhibit was not very descriptive of the zoning code enforcement process. This update, based on other Virginia Community's codes, concisely explains the City's process and property owners' rights.

EXHIBIT "A"

CHAPTER 41. ZONING ORDINANCE

ARTICLE 2. GENERAL REGULATIONS

~~C. Administration and Enforcement.~~

~~The provisions of this ordinance shall be administered and enforced by the Director of Planning/Zoning Administrator, who shall be appointed by the City Manager. The Director of Planning/Zoning Administrator and such staff members or committees as may be assigned to or appointed by him shall have all necessary authority on behalf of the City to administer and enforce the provisions of this ordinance, including the ordering in writing of the remedying of any condition found in violation of this ordinance, the bringing of legal action to ensure compliance with this ordinance, including, but not limited to, injunction, abatement or other appropriate action or proceeding.~~

~~X. Violations and Penalties.~~

- ~~1. The Director of Planning/Zoning Administrator and all other City officials and employees who are vested with duty or authority to issue permits or licenses shall adhere to the provisions of this ordinance and shall issue permits or licenses only when uses and buildings comply with the provisions of this ordinance.~~
- ~~2. The City reserves the right to revoke, upon written notification and failure to remedy within a reasonable period of time, any permit wrongfully issued or otherwise found to be in conflict with the provisions of this ordinance.~~
- ~~3. Any person who is convicted of violating any of the provisions of this Ordinance shall be found guilty of a Class I misdemeanor.~~
- ~~4. In addition to pursuing the penalties and fines hereinabove provided, the Director of Planning/Zoning Administrator may bring additional legal action to insure compliance with this ordinance, including injunction, abatement or other appropriate action or proceeding.~~
- ~~5. Fines for violations of this ordinance will be applied according to the City Fine Schedule posted in the office of the Planning Director in the Department of Community Development.~~

ARTICLE 2.C. VIOLATIONS AND ENFORCEMENT

1. Purpose

This Article establishes the City's procedures for ensuring Zoning Ordinance compliance and correcting Ordinance violations. It also explains violation remedies and penalties. The Zoning Administrator (ZA) is responsible for enforcing the provisions of this Ordinance in accordance with the Code of Virginia. The City encourages voluntary violation correction.

2. Compliance Required

- a. All City property and building owners must comply with the zoning ordinance.
- b. All property and building owners must obtain all required permits and approvals before development.
- c. Permits or approvals issued by a body or the ZA authorize only the use, arrangement, location, design, density or intensity, and development subject to stated limitations or conditions.

3. Violations

- a. General Violations. Non-compliance with this Ordinance, or the terms or conditions of any permit or approval granted in accordance with this Ordinance, is a violation.
- b. Specific Violations. Developments undertaken contrary to the provisions of this Ordinance, including but not limited to any of the following, are violations:
 - i. Land development without first obtaining required permits and approvals and complying with their terms and conditions.

- ii. Use property and/or buildings without first obtaining required permits and approvals and complying with their terms and conditions.
- iii. Disturb required landscaped areas or vegetation.
- iv. Increase development intensity or density without first obtaining required permits and approvals and complying with their terms and conditions.
- v. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate permits or development approvals, and complying with their terms and conditions.
- vi. Create, expand, replace, or change any nonconformity except as allowed by this Ordinance.
- vii. Reduce or diminish the requirements for use, development, design, or dimensional standards below minimum regulations.
- viii. Violate, by act or omission, any condition of approval placed by a body or the Zoning Administrator on a permit or approval.
- ix. Engage in any development or other activity inconsistent with a permit or approval granted for such activity.
- x. Obtain a permit or approval with false or misleading information.

4. Persons Held Responsible for Violating the Zoning Ordinance

Any property owner whose land has a violation may be held responsible and subject to the remedies and penalties set forth in this Article.

5. Enforcement Procedure

- a. **Complaints and Investigation.** Anyone may file a complaint about a suspected violation. Complaints are filed with the ZA. The ZA will investigate the complaint. If the ZA finds a violation, then they may abate or correct the violation.
- b. **Inspections**
 - i. **Site Inspections.** The ZA must request permission from the property owner to inspect land or buildings. If the property owner does not consent to inspection, then the ZA may enter with a warrant.
 - ii. **Inspection Warrants.** The ZA may make an affidavit under oath that establishes probable cause that a zoning violation exists at a property for a warrant. Prior to attempting to obtain a warrant, the ZA shall make a reasonable effort to obtain consent to inspect from the property owner.
- c. **Violation Notice**
 - i. If the ZA determines a violation exists, then ZA shall provide a written violation notice to the property owner describing the violation; steps necessary for correction; a deadline, and the consequences if it is not resolved.
 - ii. If the owner of the land cannot be located or determined, the ZA shall post the violation notice on the property. The timeframe for appealing or correcting the violation begins five (5) calendar days after the notice is posted.
- d. **Violation Notice Appeal**
 - i. The violation notice must state that it may be appealed to the BZA within 30 calendar days or ten (10) calendar days for short-term, recurring violations.
 - ii. **Time Limit for Appeals** The notice of violation may only be appealed to the BZA during the timeframes established in subsection (1), above.
 - iii. **Conditional Zoning.** Where the violation notice involves a property with a conditional zoning or Planned Unit Development the BZA may not modify approval conditions.

- iv. **Appeal Stays Other Proceedings.** Except in cases of imminent peril to life and property certified by the ZA to the BZA, whenever a violation notice appeal is filed with the BZA it limits all subsequent proceedings until the BZA rules on it.
- v. **Application of Remedies and Penalties.** If the property owner fails to correct the violation by the time limit specified in the violation notice, or any granted extension, the ZA will take appropriate action to remedy the violation.
- vi. **Emergency Enforcement Without Notice.** If delay in remedying the violation poses a danger to the public health, safety, or welfare, then the ZA may immediately abate the violation without prior written notice by invoking any of the remedies authorized in Section 7.F, Remedies and Penalties.

6. Remedies and Penalties

Any violation of this article may be corrected, restrained, or abated by any of the following proceedings and remedies in accordance with the Code of Virginia.

- a. **Stop Work Orders.** The City may issue a stop work order on any permit or development approval on any property where there is a violation.
- b. **Penalties.** The City adopted a schedule of civil penalties for each violation as follows:
 - i. A civil penalty of not more than \$200 for the initial summons and not more than \$500 for each additional summons.
 - ii. Additional summonses for the same violation resulting from the same operative set of facts may be imposed once during each ten (10) day period, with a maximum civil penalty of \$5,000.
- c. **Abatement.** Any violation or attempted violation of this Ordinance may be restrained, corrected, or abated by injunction or other appropriate proceeding allowed by the Code of Virginia.
- d. **Other Penalties Authorized by the Code of Virginia.** The City has other civil remedies as allowed by the Code of Virginia.
 - i. **Cumulative Penalties** To the extent allowed by law, all such remedies and penalties provided herein are cumulative

7. Permit or Clearance Revocation

- a. **All Permits or Clearances Except Special Use Permits**
 - i. **Required Findings.** The ZA may revoke a Zoning Clearance if the recipient of the certificate is found to do the following:
 - 1. Fails to develop or maintain the property in accordance with the information submitted as approved in the Zoning Certificate;
 - 2. Fails to abide by the requirements of this Ordinance; or
 - 3. Fails to meet conditions imposed with the issuance of the Zoning Certificate.
 - ii. **Special Use Permit.** City Council may revoke a Special Use Permit if the recipient fails to comply with permit conditions.
- b. **Revocation Notification.** The ZA must provide the recipient 10 days' notice in writing and include the reasons for revocation.
- c. **Revocation Appeal.**
 - i. **General.** A revocation of a clearance or permit by the ZA may be appealed to the BZA within 30 calendar days.
 - ii. **Appeal Stays Other Proceedings.** Except in cases of imminent peril to life and property certified by the ZA to the BZA, whenever a violation notice appeal is filed with the BZA it limits all subsequent proceedings until the BZA rules on it.



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City Planning Commission

MEMORANDUM

DATE: April 8, 2022
TO: Danville City Planning Commission
FROM: Doug Plachcinski, AICP, CFM Planning Division Director + Zoning Administrator
RE: CAMPGROUNDS

Rezoning PZ22-66, Initiated by the Planning Director, establishes standards for campgrounds in new Section 2.AA. Campgrounds, adds campgrounds as Uses Permitted by Special Permit in the SR-R Sandy River – Residential zoning district (Article 3.A.C.) and the T-R Threshold-Residential zoning district (Article 3.B.C.), and revises the campground definition in Article 15 to reference Virginia Code.

Although the zoning ordinance previously defined campgrounds, there was no approvable zoning district. This remedies that deficiency, updates the definitions so they are consistent with state law, and establishes special use criteria.

EXHIBIT “A”

CHAPTER 41. ZONING ORDINANCE

ARTICLE 2. GENERAL REGULATIONS

AA. - Campgrounds

1. Campgrounds must comply with all rules and regulations governing them in the Virginia Administrative Code, Title 12. entitled, “Health”, Agency 5. entitled, “Department of Health”, Chapter 450 entitled, “Rules and Regulations Governing Campgrounds”.
2. Campgrounds are permissible by Special Use Permit in the SR-R and T-R zoning districts.
3. The minimum campground size is 30 acres.
4. If a campground rents sites to users without self-contained camping units, then it must provide toilets, lavatories, and showers according to the schedule in Virginia Administrative Code 12VAC5-450-100. Sanitary facilities.
5. All buildings and camping units within the campground must be setback 40’ from all property lines.
6. On-Site Amenities. Accessory on-site amenities including pools, clubhouses, picnic areas, fields, and playgrounds must be provided to guests at a minimum of two hundred (200) square feet per camping unit. Required landscaping, setbacks, and stormwater management features are not included in on-site amenities.
7. Access. Campground entrances and all internal roads must accommodate movements by the largest design vehicle type the campground serves. Additionally, the route from the closest City collector street to the campground site must accommodate turning movements by the largest design vehicle type the campground serves. The most current AASHTO Green Book design vehicle types must be used to analyze access.

ARTICLE 15. DEFINITIONS

~~DELETE:~~

~~Campground. A parcel of land upon which two (2) or more campsites for camping units are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes.~~

~~Camping unit. Any tent, trailer, cabin, lean to or similar structure established or maintained and operated in a campground as temporary living quarters for recreation, education or vacation purposes.~~

NEW REFERENCED DEFINITIONS:

Campground. Campgrounds are as defined in Virginia Administrative Code, Title 12. Health, Agency 5. Department of Health, Chapter 450 Section 10. Definitions.

Camping unit. Camping units are as defined in Virginia Administrative Code, Title 12. Health, Agency 5. Department of Health, Chapter 450 Section 10. Definitions.

PLANNING COMMISSION MINUTES

MARCH 7, 2022

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Doug Plachcinski
Lisa Jones
Clarke Whitfield

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

Mr. Garrison stated before I start the cases for today and the public hearing, I think all of you can hear us when we speak, even those of you in the back corners of the room. Am I correct? That you can hear us back there in the corners? No problem. It's okay. Thank you. One of the things that we have found is that when people come to the microphone up here and speak, they are speaking to us and sometimes it is difficult for you to hear in the back. So, what I will try to do is after each person speaks, I will try to summarize very quickly what they said and the points that they made. The other thing is during public hearings, we have a ten-minute limit for the applicant to speak. Any person speaking for or against that, has three minutes. Then the applicant has another five minutes after everyone else is finished. There are lights on the speaker stand there. Once you have given your name and address, then Miss Jones will start that countdown clock. I think the yellow button is working now. It should turn yellow when you have one minute left and when it turns red, then, your time is up.

ITEMS FOR PUBLIC HEARING

- a. *Special Use Permit Application PZ22-30, filed by Jermay Nichols / Old Oak LLC on behalf of Benton Crews Property LLC, requests a Special Use Permit for a Contractor's office, shops and storage yard according to Article 3.O.C.5. of the Danville Zoning Ordinance at 823 Industrial Avenue (Parcel ID#24094). The applicant proposes a contractor's office and workshop.*

Mr. Garrison opened the Public Hearing.

Mr. Jermay Nichols appeared on behalf of this application, and stated, I purchased the property in February and then looking to move my cabinetry shop there and fix the office upfront as a showroom. That's about it.

Mr. Garrison closed the Public Hearing.

Mr. Petrick made a motion to recommend approval of Special Use Permit PLSUP22-30 as submitted. Mr. Kahn seconded the motion. The motion was approved by an 6-0 vote.

- b. *Special Use Permit Application PLSUP 2021-422, filed by Keith Walden on behalf of CWC Holdings LLC, requests a Special Use Permit for a Planned Unit Development in accordance with Article 17 of the Danville Zoning Ordinance including Parcel ID#s 20596, 20597, 25672, 22841, 22958, 25085, 25226, 22099, 25069, 25070, 25074, 20420, 20421, 20422, 25542, 25073, 23886, 23561, 25363, 22924, 24974, 21173, 24025, 24984, 25098, 22104, 22103, 22513, 24649, 24358, 21117, 24359, 25088, 20424, 25087, 20418, 25086, 25090, 25089, 25272, 25271, and 25270. The proposed Planned Unit Development consolidates the subject parcels into a six (6) building apartment complex development with additional resident amenities.*

Mr. Garrison opened the Public Hearing.

Mr. Steven P. Gould with Sova Legal, appeared on behalf of the applicants, and stated, just as an initial matter, mister chairman, I do want to clarify the parcels that are the subject of the application on the initial list. Parcel 22958 was listed and that should have been 24958 and 25363 was mentioned and the three and the five were transposed there. It should be 23563. The goal here is to have even the spaces that are omitted on the map in front of you. All of that acreage is totaling about six and a half acres plus a little bit more would be included within this application. This application members are submitted on behalf of three separate property owners as the chairman mentioned all with long-standing connections to Danville, CWC Holdings owned by the Walden family, mister and misses Walden who own an individual parcel an empire holding which is owned by Jay Suthar. The developers are supported by local and regional team members, several of whom are here today. Ryan Gatewood and Mark Johnson with LED professionals and Jeff Bond of Solex Architecture and we are pleased to be with you today because we believe we have an exciting picture to paint for you. It is a picture of redevelopment, of rebirth, of returning a corridor within our city to productive use at a time when Danville has an urgent need for quality housing. It is a project spearheaded by a local family that wants to be part of the solution to the problem facing us. Our community is poised for the kind of growth that we have not seen in generations, but that growth requires housing, particularly housing that is within the city limits of Danville. Ask any of our major employers, Averett, Sovah, Danville Public Schools, and the list goes on and they will share with you how the lack of good quality, available housing options is already an impediment to their efforts to be competitive in today's market. The proposal before you today represent a large step toward removing that impediment before it gets in the way of some of the additional new opportunities that we all anticipate that we all hope are right around the corner for Danville. I want to walk you through the details of this project. First, though, I think it's important to look at the land in question. Among them, the applicants as I mentioned have assembled more than six and a half acres on Stewart Street and most of you are likely familiar with this portion of Stewart Street as it exists now. Largely vacant and unimproved and as a result featuring city posted signs that remind passersby not to dump on the land. You may also be familiar with the prior incarnation of Stewart Street. A true blight in our city that the current owners have worked for years to alleviate and that brings us to the proposal before you today, which if approved, will see \$20 million dollars and likely more invested in redeveloping Stewart Street. It is a proposal that will provide thoughtful, responsible infill development, make a significant contribution to the city's tax base, and meet the very real need that exists for quality housing in our community. As envisioned, the project will consist of six separate three-story apartment buildings featuring a total of one hundred sixty-two units. Most of those being one- or two-bedroom units. It will feature an attractive design that's still being developed and is not yet in final form that represents a blend of newer and more traditional styles. What was provided with our application previously was just a placeholder and the team's emphasis going forward is on achieving a look that compliments the neighborhood. The

project will offer amenities both inside and outside the units that today's professionals are demanding. Things like stainless steel appliances, granite countertops, other high-quality finishes along with the clubhouse, pool, and professional landscaping that you've heard about. Importantly, it will provide desirable pedestrian access to West Main Street. That will allow residents the easy opportunity to walk to work at Sovah or Averett to dine at Crema & Vine or King Cropp to access everything that Ballou Park has to offer. In addition, the project manages simultaneously to provide needed density and exceeds the city's expectations for both open space and resident parking within the development. This is a thoughtful approach and it's one that does not simply try to build on every available bit of land that the applicants own, and we would submit to you this thoughtfulness has extended to the applicant's desire to engage with their neighbors. On February 10, they hosted a community meeting at Crema & Vine, mailing postcards to everyone who would receive notice of this rezoning request. Residents had the opportunity to see a site plan at that event and a potential building design and to engage with the owners with the project engineer, architect on technical issues. It was a well-attended event. We were pleased to have some great discussion and it helped to confirm to us before this application was submitted that the proposal was on point. Last week, we unfortunately learned that a number of neighbors indicated that they had not received the postcard inviting them to the original event. So, knowing that, CWC and the Walden's responded quickly and hosted a second community event this past Saturday and we had invitations hand delivered to folks that we were aware of that had not received the invitation or that's what they conveyed to us, and this invitation not only included details on the second community meeting. It also included a link to a website **StewartStreet24541.com**, that allowed interested parties not just to learn more information about the project but also to submit feedback by web form if they weren't able to join us. The combination of the project's design and these sustained efforts to engage with neighbors demonstrates what we believe is a good faith, thoughtful approach to moving forward and to this redevelopment. We also recognize and appreciate several of the concerns that some have been raised including flooding that has occurred in the past between Stewart Street and Montague and whether this design is going to allow appropriate access for first responders. You'll see on the site plan that was included as exhibit C with our application, the creation of a stormwater pond and the combination of this stormwater pond, the considerable new landscaping that will be part of this project and the gutters that will be included on the apartment buildings. This combination will greatly improve the drainage concerns that currently exist and while there's no guarantee that the water issues will entirely be mitigated, there can be no doubt that this development and what it has planned will move the needle in the right direction and do so in a substantial way. I've also confirmed with our engineering team that the site plan has been designed to ensure that first responders have appropriate access to and appropriate movement within the community. Now, should the city identify any impediments to first responder access, we're committed to addressing those because safety is always a paramount concern. We also understand and respect that the density of the project is greater than what some would like to see. However, as the staff report that you heard indicated, the density is in line with other established apartment buildings that are geographically proximate to this proposal. Plus, given our communities need for housing and with the annexation moratorium that continues for decades on end, the need for us to look for infill development opportunities within the city is crucial and we offer that there's no better or more efficient way to use this acreage than what we've proposed. This design and approach also are absolutely in line with the goals laid out in the comprehensive plan for the city which staff recommendations and staff report touched on. We also accept the condition recommended by staff that we have a traffic impact analysis performed and joined the city in implementing the changes recommended as part of that. Now, we believe based on an earlier traffic assessment done

by the city, the fact that many residents believe we'll walk to and from their housing to work along West Main and our calculations that use the Institute of Transportation Engineers trip calculator, which is available, that this project is not going to have the detrimental impact on traffic flow that some would suggest. Nevertheless, we welcome the study and being part of any solution that's necessary. Now, unfortunately, in addition to the items that I've mentioned, we've also seen concerns that are unfortunate, and we would suggest representing kind of the usual boogeyman for projects of this sort. They either lack basis or we would contend misrepresent the details of the project. Some would argue that this twenty-million-dollar project that has attractive amenities and market rate rent will lead to an increase in crime or will lead to a decrease in property values. Others believe that it's just a matter of time before this new, well-designed, and built market rate project will lead to the same blighted conditions that Stewart Street was known for in the past. Despite the fact that the Walden family has led the way in helping to alleviate these conditions and but somehow, they would want us to believe that this family want to recreate those conditions despite the tremendous investment that they're making here and sadly, there are some of our, well, many have engaged with us to discuss the project. There are others who have declined to do so and would rather just bring their concerns directly to you and we hope that will give those concerns the way that we believe they're due. So, in summary, our application demonstrates an approach that is thoughtful and thorough, and it's calibrated to meet a very real need in the city. We're grateful for the support of owners of the two properties at the entrance to Stewart Street, Townes Funeral Home, and the Edmunds family, and David Fuquay of Townes Funeral Home would be here but for a funeral that's occurring at Towns this afternoon. Also, John Kent, Sovah Heath's COO hoped to be here, but the schedule wouldn't allow. He asked me to express how important it is to Sovah and to its resident physician program and how important it is to have quality housing. We believe that everyone here today in support of the project and who offered written responses would agree with us. That this is a project that adds to rather than subtracts from the community and we're excited to move forward and happy to answer any questions you might have.

Mr. Petrick stated have you established what estimated market rents will be for these units?

Mr. Gould stated I believe, let me check my folks, north of \$1000 a month is what would be expected, I think. Unfortunately, given the condition of the world today, what we might expect would be market rent, may be low in another year or so when this project might come online, but certainly, whatever the higher end of local market rates will be at that time. That is what we believe the project will come in.

Mr. Petrick stated competitive with that we see in the River District here?

Mr. Gould stated absolutely, yes, sir.

Mr. Bolton stated you mentioned first responder's access. Is the entrance from Watson going to be closed or will that always be open? Wouldn't that be access to responders or is there going to be a cul-de-sac or what's the intent there?

Mr. Gould stated so, it is envisioned to be a cul-de-sac, if in working with the city staff, if there's a need to have some limited access there for first responders, that's certainly something that we would support doing. It's just whatever the first responders tell us they need we will be glad to make it happen.

Mr. Dodson stated how many parking spaces will be available per unit?

Mr. Gould stated so, there are 1.4 spaces per unit. So, you're looking at roughly, math is escaping me, in the 300 ballparks, I believe.

Someone from the audience said 231.

Mr. Gould stated I'm sorry. There's a reason I don't do for a living.

Mr. Dodson stated don't let your mom hear that.

Mr. Gould stated it's 1.4 spaces per unit. So, 162 x 1.4 which exceeds the one space per residential dwelling unit that the city requires.

Ms. Evans stated with that, you know that, I mean, a lot of people these days have two cars. When you're talking about one and two-bedroom apartments, a two-bedroom apartment might have two people with two cars. So, how do you manage to or plan to deal with that?

Mr. Gould stated so, I'd say it's a couple of things. One, we're working from a baseline of one space per unit that the city has established. So, that's our baseline. We've exceeded that by 40 percent. Also, when you are the kind of target market for a property like this, you're looking at a lot of professionals, particularly younger professionals, who place a premium on being close to work, being close to places that they can dine and shop. Having that pedestrian access to West Main and being able to quickly walk to Sovah, to Averett, and to other places, that's something that we believe is going to limit the number of vehicle trips. We also use the calculation that I mentioned earlier and let me make sure I don't get the name of this wrong. I believe it was the Institute of Transportation Engineers, their trip calculator showed that the amount of trips coming in and out each day are not going to be what folks would expect for a development of this size and so the combination of that and along with what the baseline that the city has established and the fact that this is intended to be a very pedestrian friendly development with easy access to West Main Street. We believe that we're not only meeting, you know, we're exceeding what would be expected and that parking will not be a tremendous issue.

Ms. Evans stated parking for electric vehicles?

Mr. Gould stated I don't know if that has been discussed up to this point, but it is certainly something that we're happy to consider. Particularly with new developments that's something that you're starting to see, and it makes a lot of sense.

Don Angst, Chief Financial and Operating Officer at Averett University, stated I'm keenly interested in recruiting and retaining faculty and staff. Our faculty, staff, and hiring managers often talk about the need for quality, convenient and affordable housing. I'm also keenly interested in economic development in Danville. I think that economic development is benefited by having affordable quality housing as well. So, in that regard, on behalf of Doctor Franks and myself, I'd like to speak in favor of this project.

Lewis Dumont stated me, and my wife have lived at 249 West Main Street for 34 years. We're excited to have four new sets of professionals that just moved in the neighborhood over the last couple of years. We're glad they didn't experience crime and the knocking that we experienced in our house. The stealing of bikes and equipment and the knocking. Do you know what it is like to get knocking on your door at eight, nine, ten, or eleven o'clock at night from strangers begging for money. I mean, it is scary, and you don't know if they've got weapons or something and I'd watch them leave and I could tell they were coming from Stewart Street. Then Keith comes by, and he tears down all those houses and ever since then, we haven't had those issues or problems. Then we are lucky, it's like the city won the lottery to get a casino coming here and we've got, you know, a thousand jobs plus what the economic development team has been doing with Tyson coming and Walgreens and all that. That's another six hundred jobs. So, the problem is I know that Toyota declined to come because they said it didn't have housing. So, I guess my question is, Danville needs the housing to address this. I've heard estimates to three, to four, to five thousand units. This is only a hundred and sixty-two. I mean, jeez, we need ten, twenty to thirty Keith

Walden projects going on. I've heard some say the apartments might not fit in with the surroundings. I think they might be right, when you compare them to some of the apartments over on Westmoreland, all these are going to be luxury-looking apartments, much more upscale. I think anyone would be really proud to live in such a community. I think that companies will be paying attention to this first effort that you're doing here, and you know, vote commitment we'll tell them that you're committed to supporting these companies. The building of the housing that they need, and I think a negative recommendation is going to tell them that this is not a friendly place to come for building the apartments and the housing that they may need. I think that they should do due diligence to consider their options. Investors will also be paying attention. How many people are lining up to build apartments too and I think if they see a positive thing then they will probably line up to do the same. I think a negative recommendation will actually drive them off. So, you know, it's kind of simple. It's like the movie, you know, you build it, they will come, or you can rephrase another way. You could say, if they come and you don't build it, they will leave. We don't need a bunch of Ikeas coming here and then they don't get the proper support and they split. They'll cause more issues than we have now. So, once again, I know we got people with a lot of different opinions here, but my main thing is we're all friends. I hope we maintain, and we stay that way. Thank you

Mr. Garrison stated so, you are in favor?

Mr. Dumont stated hell yeah.

Mr. Garrison stated thank you sir.

Mr. Randy Kelly, I live at 230 Randolph Street, and stated I have no objection to the apartment complex but before you approve it, I would ask you to please seriously take a look at the traffic impact because the traffic dumping out on the West Main is straight across from the exit that runs up off Central Boulevard. So, they're competing with that and even if you put a light there, you're going to run into a problem with traffic. We have a real problem on Randolph right now with cut-through traffic and I'm afraid that by this apartment complex being there, you're going to increase the amount of cut-thru traffic on Randolph and Lady Astor. I would ask you to really take a look at the traffic impact study before you approve this and I think your question, Miss Evans, about two cars per family is a good question because there's going to be far more than one car per apartment. I think there's going to be far more traffic coming out of Stewart Street than it is painted. I appreciate the fact that everybody would like to walk to work but not everybody is going to work at Averett or the hospital. You've got people that are going to be working downtown, they're going to be working at other places. So, there is going to be traffic coming out of there. It's not going to be people just taking scooters and walking out of there. So, I would ask you to please seriously consider the traffic impact that this is going to have on West Main at that point. Thank you very much.

Peter Wren, of 234 West Main Street, stated Lou Ann Long and I bought a house there a couple years ago. Three minutes is not long so I'll just hit the high points. I've been talking to neighbors the last couple of weeks and our main concern is population density. The GIS has the population in Danville right now for eight hundred ninety-three people, per square mile. These three or four hundred people in this apartment complex will bring our neighborhood density equal to that of Los Angeles and we think that will bring quality of life decrease, increase crime, and traffic congestion. We're also very concerned about the traffic. It's an emergency corridor right there and the Central Boulevard exit onto West Main, and according to figures obtained from the life-saving crew, there are upwards of twenty-five to thirty emergency vehicles a day that use that exit. This project is going to add an additional, I don't know, two, three hundred cars right at that choke point. A stoplight is not

going to work that is going to back the traffic all the way down and into Central Boulevard. When the casino opens, there's probably going to be more traffic. When there's a funeral at Townes, which happens with great frequency, you can add another fifty or so cars. It is already a very congested intersection. So, we would like to see an alternative, either flip it, make the entrance, and exit on to Watson Street or come in off of Central Boulevard. Either one of those alternatives would avoid hundreds of additional vehicles a day, clogging up the emergency corridor leading to the hospital. Another concern we have, a project of this scope will bring about a precipitous drop in property values on West Main and the surrounding Streets. We believe this project puts literally million of dollars in real estate investment at risk. I mean, I don't know who is going to want to buy a house next to a massive housing project such as this one proposed and none of us are anti-growth at all. Those of us who live in that neighborhood, we have to live by not just the city codes but also satisfy the laws of the historic district and the architectural review board and I mean, it's fine, it's worth it. Those of us in the community are willing to do our part and abide by these rules in order to maintain the beauty and character and integrity of our neighborhood. But West Main Street and Main Street are the very heart of this city, and we are fighting to save that, and we asking you help us fight it, and preserve the historic aesthetic of West Main Street, and finding some working solution to especially this traffic problem. Thank you.

Mr. Garrison stated his comments were about traffic and about property value drops. If you have something new to say, we want to hear you but there is no need for us to continue hearing about property value dropping and traffic problems. We have noted that.

Ms. Caroline Lawson, of 811 Main Street, stated well I'm up here to say something about the traffic because I've counted that you will have to put a stoplight and that means there will be six stoplights between Stewart and Crema Vine, where we know that's like this, there's stop, stop, stop. So, and I think that's of a big concern. I would say as far as the aesthetics are concerned that there was a successful development put into the Holbrook Avenue, and so maybe in that way, it would work but I think the traffic is a big problem.

Richard Dunn, of 1579 Mount Cross Road stated I grew up on Holbrook Avenue and then I lived downtown. I've just seen so many great things developed from when I was a child on Holbrook Avenue. First, we had to have a police station down the street. Now, that's gone. You know, things are changing around in this area and it's doing nothing but for the better. Crema & Vine, so many people had a hard time and were giving so many people a problem about selling alcohol in the historical district. You ride by there now and you can't get a parking place because it's so crowded, which is a great thing to see in our town. You know, my grandmother bought a house on Watson Avenue back in the fifty's because people did only have one car per house back in those days. My grandfather was a captain in the Navy and an engineer with Dan River Mills. That's what brought him here. So, you know, she walked to the hospital every day. So, what great things about the traffic and stuff? Now, we don't have any power when I was currently coming down here down through the stoplights and you're not having a problem with traffic. It's not going to be a problem with traffic. I mean, people, you're seeing more and more people walking nowadays. Gasoline, now, that's up. It's \$4.00 a gallon. Why would you not want to live a quarter of a mile from where you're working? You know, I'm having to drive twenty-five minutes to work now and I'm a server at Olive Garden and you just can't afford it. So, for the young crowd like Averett and people like that, they need more housing. We definitely need it, and also, I don't really want to talk about the crime but more than one of my classmates at Gibson and GW were shot on Stewart Street and you're not having that problem anymore. So, thank you all for letting me speak. Thank you.

Ms. Julie Willoughby, I am the Chief Scientific Officer at Circ, stated which Circ Inc. is a startup company and is on a point of tremendous growth and we have Danville to thank for that. I live on 219 Hawthorne Drive. I came to Danville two and a half years ago in 2019, I had the good fortune to work throughout my career at many different diverse places including Portland, Oregon, and Lake Oswego, a suburb outside of Portland that had many privileges and influences on it. I lived in Cary, North Carolina. Again, it had all the benefits to it. I grew up in Northern Kentucky right across the river from Cincinnati. Across the river, Cincinnati is an area called over the Rhine. It's an area that I would go through and in college on my way to University of Cincinnati to experience the nightlife of UC and it was a part of town that you did not want to ever get stopped. That town now has had a complete resurgence and it's from developers and visionaries like the Walden family. I do also have the great honor that the Walden's are my neighbors and I know them very well and appreciate everything they have done for this city. As I am recruiting people regularly to Danville, I have lost them to live elsewhere. What that does for my company is it's okay, but people are driving an hour to work in a place that I get pings on my LinkedIn profile every day. Can we please work with you? We want to work with you. We need alternative housing. I love the River District. I have Joy Ford on speed dial to have housing for interns that come in. I love the Old West End. I rented for six to seven months before I could figure out where I wanted to live in Danville. I love being able to walk and go around and the biggest thing I noticed about Danville is there wasn't anyone out on the streets at night. I understand that from the past people that were out in the streets that the crime was really high, and you were scared. Thanks to efforts like Keith Walden knocking down Stewart Street crack houses from what I understand, it's now a safer place. But there still weren't any people and places were closed. To get the vibrancy, you need developments like this that is being proposed. I am for this proposal, and I hope you seriously consider it. I do believe the challenges that people are brought up are valid and will be answered by the Walden family. Thank you.

Mr. Leroy Ganella, of 235 West Main Street, stated there's one home between my house and Stewart Street and based just on the averages, I think there will be well over two hundred cars coming in and out of that street based on the number of units that are in there. That's going to be a good roadblock area based on one family homes. If you have homes with two or three bedrooms, the number goes up higher. There's only one entrance, and one exit, where does everybody go? They get a lot of traffic on West Main Street. I don't see what alternative there is for anyone who wants to get in and out quickly. So, it's a poor design, and it should have been designed to have more than one exit for all of these units. So, I think it's a big problem to deal with that kind of development. Thank you.

Mr. Mark Gignac, representing the Institute for Advanced Learning and Research, stated I will try not to be too redundant to the points made before me. If you're not aware, the institute is in the economic transformation business or economic development. It's all to us about creating jobs and improving the community through raising the standard of living. While we are not in the housing business, it's something we talk about weekly, if not, more often, because of some of the challenges it's faced by the community. We have two particular projects, where it does directly impact what we're doing. The institute today is currently doing some training for the Department of Defense. We're in our second cohort of forty-eight students and we have obtained housing in the River District to support this current training program. Our goal with funding from the DOD is to ramp that up to train about a thousand people a year, which will require about 356 apartments for these folks to stay and this is a four-month training program. So, it lasts considerable amount of time and so we alone will have a need for about 356 units if the funding continues to flow for the funding. The other aspect is of course that, you know, we talk about creating jobs. Friday, I

toured the aero farms indoor grow plant facility directly across the street Tyson's chicken will be breaking ground very soon. One of the other things we're deeply involved in with both the city and the Southern Virginia Regional Alliance which is the economic development group for the regions is the mega park. I think most of you are vaguely familiar with the Southern Virginia mega site at Berry Hill. In that development, we're not looking for small companies. The companies that we're going after to land in our community typically would be 2000 jobs and up and we've had tremendous interest. Many of us feel like it's just a matter of time before our community finally lands a tenant there. The folks that we're talking to housing is an issue. One of their concerns in addition to the million other questions they ask is, do you have the housing wherewithal to support and operation that comes in with that many jobs and so that is a big concern for our community and for those that are involved in the economic development efforts. So, where, I do support this particular proposal. I do think it's worth saying that the institute is looking for many more projects like this. I am particularly excited that, you know, much of our downtown development, it will take all the development we can get. Much of that is being done by folks from outside the community and we welcome their investment. It's exciting for me to see a local entrepreneur and the Walden family, that are putting their money, and this is one of the things that we talk about in the meetings is how do we entice local folks or entrepreneurs to invest their money to fill this need that we need. Thank you so much for your time.

Mr. Garrison stated I just want to summarize a little bit. We've had several people that are in favor because of the need for housing and then we've had some people that were against mainly from the point of traffic and property value decrease. These have been the main two emphasis there.

Mr. Julian Bobe, of 247 West Main Street, stated I own a couple of properties on West main as well as Montague Street that are bordering Mr. Walden's property. The main reason I oppose this project relates to increase in the population density. I would like to explain why that is so important. I also lived in very big cities like Tokyo or Osaka. And if I understand population density, I think, I can make a point on that. To put it in perspective, I would like to mention that the population density of Danville is about 900 people per square miles. Looking at this project, Mr. Walden owns about six acres and that is equivalent to 0.0094 square miles. If we have only 162 people on that street it is going to bring the population density to about 8,000 people per square mile. That's equivalent to the population density of Chicago. If we increase the population density, if we increase the number of people to two people per apartments and let's assume we have 300 people in that cul-de-sac. We are going to have a population density equal to that of L.A. I think my colleague, my neighbor was trying to make the same point. We all know that the population density drives everything. Crime, noise, traffic, and those are all redundant points, I know, but I would like to mention that this is actually the points that we are talking today. To put it differently, the proposed project is positioned to build a gated community that has a population density to that of Chicago or L.A. with an exit on West Main, that will act as a choke point. One of the arguments that is being minimized in this debate is that the proposed project will not reduce the property value. While this point can be argued one way or the other, I can see a couple of scenarios in which the West Main Street residents and others property value will decrease. For example, if Mr. Walden's project is mismanaged or sold to a private equity firm, the property management might derail. This project would become a benchmark of a failed project and that people will stay as far away as possible, therefore, dragging property value down with it. We all know that real estate is prone to market downturns when liquidities on market become scarce due to increase in interest rates and other factors. In the market downturn, the stress of this complex of apartments to perform to a certain cash flow levels will be tremendous. And owners will have no choice but decrease the rent in

which and in this way, they will attract tenants that might drag down the price square foot. So, this is the biggest argument why the property value will go down, might go down. We just don't know. But we know that black swan events will happen, and in the market downturn, we have to deal with that possibility.

Mr. Garrison stated sir, summarize please, your time is up.

Mr. Bobe stated I just wanted to say the community leaders of Danville have done a tremendous, good job in creating brand equity for a couple of areas in Danville. To name a few: The River District, Forest Hills, and West Main, our good brand equity for the city. Building and differentiated projects without regards to the current brand equity leads to erosion of the equity built so far.

Mr. Garrison stated sorry, your time is up.

Mr. Stuart Smith, of 171 Montague Street, stated I also lived on Marshall Terrace for about seven years up until just recently. So, I'm very familiar with the neighborhood and I have a personal stake in the neighborhood. I am personally in favor of this project, and I suppose the issue about property values is a little bit subjective and only time will tell. My first thought when I heard about this project was that this would be a boost to the property values where I own a couple of homes. So, I think anytime you go from a mostly empty street with, you know, previously some dilapidated houses to a brand-new construction, high-end apartment complex, to me, that's only going to make the property values go up. I do understand some of the concerns about traffic, but it seems like the developers are being very thoughtful about that and are going to implement whatever changes they can to help alleviate those issues. So, for me, I think the surrounding property value should go up, and it would be really nice to have some brand-new high-end apartments in that area. So, I am in favor. Thank you.

Ms. Shelby Clark, of 227 Montague Street, stated that is exactly where the back portion of this project and three of the apartment buildings land. I will get all the noise pollution, all the light pollution, and I will not only be boxed in by those apartments, but the ones adjacent. Which make sense those were bought back in December of this past year of 21 to Empire Investments. So, I can tell you that I know those apartments have been listed. They're one and two bedrooms in those apartment buildings. One was advertised for \$475 and the other one for \$525. So, if that is any correlation to where we're going. I know these buildings, nothing has really been done to, I guess, aesthetically make them better. They're not horrid but they could be made better. Also, I'd like to talk about the storm drain system. Now, this is something that you would think it's off topic but it's not. We have had a huge problem. I have reached out to public works. I have tried until I'm exhausted, and I just gave up. The storm drain system that resides behind my house and my next-door neighbor's house in between Stewart Street and Montague Street is a collapsed storm drain. It's one of those big, huge, tops and our water runoff is really horrible on that street, because if you look at the land topography, this is why I'm asking you not to pass this until you have a plan to do some infrastructure for us. The land topography in our neighborhood, everything dumps in the back of us. We are the only street that has a storm drain system. You have very few in Watson and you got a top one, I think at the top of Montague that maybe is on Mt. Vernon, and that is it. That is your storm drain. Our basements flood, my basement, and my next-door neighbor is constantly stays wet. The water table is not fixed there because the storm system is collapsed. If you ever drive down Stewart Street, you will notice as you press the top of the hill, it is constantly being patched because once a year, public work shows up and they patch. They're out there at 7:30 in the morning, beep, beep. I know what they're doing, because the nice gentleman, Ronnie Bray that lives in the very first house a lot after they've all been cleaned out. He is ever so nice that instead of losing your alignment or your bumper, he goes out, and places a traffic cone, so you know that it is now collapsed again.

So, public works patches it. They never fix the storm drain system. The same thing happens over with the storm drain caps on our street. If you were to ride down there today, you will see a big orange barrel that exists sitting over top of one of two storm drain tops. This is the second time that this tank has caved in. The first time they showed up, they scoped it, and they filled it with gravel. It directly leads to my neighbor who is three doors down into his backyard who now has a sinkhole, with a fence around it. When I spoke to public works about this, because summer, two years ago, I ended up having a rat infestation. I'm not talking about mice. I'm talking about rats the size of my foot. You couldn't even get your hand around their tail. They were overpopulated and coming out during the day in people's yards. You could see them walk down the road. They were nesting in the collapsed storm drain system. Public works wants to send you to the health department and the health department wants to send you to public works. It is a public works program because they are living in a collapsed storm drain system. So, it has been scoped. It was scoped in front of one of my neighbors. I received a letter saying that it was fine. My neighbor, well, he actually saw the scope on the collapsed system, and it was obvious that it was collapsed.

Mr. Garrison stated ma'am, your time is up and let me say this to you. First of all, I'm an engineer and I drove down Stewart Street again today and I understand that on the lower end that the water runs down there. Infrastructure will have to be put in on Stewart Street to build these apartments. As far as public works, we have no control over public works. So, when this goes to City Council if you want to come to them and bring that before them, that's the proper place for it. We can't do anything about public works. One of the things that we do have in the zoning code is runoff has to be captured and that is part of this project.

Ms. Clark stated the runoff being captured. If you're putting something that dense on that amount of land, it's still going to run down and it's still going to go into my backyard.

Mr. Garrison stated gravity will take water wherever gravity takes water. You are correct and I'm not arguing that point with you. My point is we are here to look at the zoning not the public works and the drainage system. That is something for another part of the city to do, not us.

Ms. Clark stated well, this is my past history. At the meeting of February 9, 2015, the Planning Commission voted 7 to 1 to recommend the approval of the request subject to the conditions that the property be limited to two building and twenty-four units. Here we are again at a huge dense project for someone looking at a huge return on investment. Thank you.

Ms. Marie Lou Dunn, of 133 Holbrook Avenue, stated I've been there for 39 years. I recently retired from being a nurse for 50 years and one thing I'm looking at, I don't want to leave Danville. My house is over 5000 square feet. I live alone and I don't need that. So, what I'm looking for is a nice apartment. I have lived in farms back in the 70's. Don't want to be there. I want three bedrooms. I have a place at Myrtle Beach, three bedrooms. I can move in tomorrow. I have a farm with a house in Halifax County. I could move tomorrow. I don't want to leave Danville. So, I am looking for affordable housing and apartments. Thank you.

Mr. Kevin Brown stated, I moved to Danville a little over 10 years ago from Northern Virginia. The primary reason I chose Danville was because it looked like a city with a lot of opportunity but was not overcrowded. I lived in an area of Northern Virginia where houses pop up like mushrooms and everyone's right on top of one another. There's always traffic congestion. It can take you anywhere from 5 minutes to 2 hours to go a couple of exits up by 95. I picked the house that I purchased because it was located in a historic area of Danville. It has a very quiet backyard given that it's right smack in the middle of the city. My address is 243 West Main Street, which backs right up to where this property is. I'm

concerned about the same issues that everyone else has talked about, predominantly noise and aesthetics on top of the traffic and other issues that people have brought up. When I first moved here and I purchased my house, I purchased it for a certain amount and within one year, I saw the property value plummet significantly, where I was upside down on my property. They've not recovered. I don't want to see that lost. I also don't want when the time comes if I do need to leave Danville, I don't want to have trouble selling my house, because it's a 3-story apartment building at the back of my lot. Thank you.

Mr. Gould stated I just want to make a few summary points. I believe we all recognize there is a tremendous need for quality housing in Danville. It is imperative that our community get in front of that need before it grows worse so that we do not miss so many of the opportunities that again we believe are headed our way. We want that development to be in the city. We want that growth to be in the city and taking a first step by approving a project like this, a thoughtful project, is exactly the direction that we need to be heading. This project has been submitted under the city's new planned unit development ordinance. This is an ordinance that is perfectly suited, I would suggest for a project just like this because it allows for some creativity both from the developer and from the city side. Ms. Evans, I would suggest that your great point about the electric vehicle chargers, that is a perfect item to include in the management agreement that would be established pursuant to this project, if you all were to approve it and then if City Council were to approve it. There is the opportunity here for cooperation and collaboration from a land use standpoint that is I think commendable for what you and City council have done. Also, just to address the point that Mr. Brown raised just now. You will see if you look at the site plan for the project, there is a buffer that is left between the backyards of a number of those properties on West Main and Townes Funeral Home. There's a buffer between the end of those property lines and where this project would start. The Walden's have every reason to be good neighbors here. There is not just the financial incentive for them to do that because the investment that they're considering here is substantial but more important than money, they live here. Their families are here. They're choosing to live here, and this is something that they are associating themselves with and that in my mind gives them every reason to not only do this but do it in the right way and make sure it is maintained in the right way, because it's not just money. This is their community. This is the place that they've chosen to live, that they want to continue to live in. The last thing that I would mention to you is that I hope that we can view this project as something other than a zero-sum game where in order for someone to win, someone else has to lose. I think the thoughtful way that this project has been developed, the thoughtful way that the developers are committed to working with the city, to addressing any traffic issues that may be surfaced during the traffic impact analysis, I think that shows this is an opportunity for the entire community to win, for us, to meet the need that exist for good quality housing somewhere other than the River District and for this to be that proverbial rising tide that lifts all boats. So, we appreciate the significant amount of time that you've given to this today. We hope that again that you will see fit to approve this with the conditions that staff has mentioned and if there are any questions that we can answer for you that perhaps were raised by some of the citizen comments we happy to do that now.

Mr. Petrick stated Mr. Gould the pending traffic study. Has anything been done other than a traffic count for that area?

Mr. Gould stated nothing official has been done. It sounds like there are some anecdotal traffic counts that have been done by neighbors but a traffic assessment was not required for submission of the application but the staff recommendation was that to approve this project and one of the conditions would be not the traffic assessment had to be done before approval would occur, but that the project would be approved and the developers would be

responsible for implementing the recommendations in collaboration with the city. So I think right now, we're in a position where we can guess but and you have a variety of opinions but right now, until we have that analysis done, we don't know exactly what we're dealing with but you certainly have the commitment from the applicants to make sure that this is done well and that the study which would be done in coordination with the city that the issues that are surfaced by that are addressed to the satisfaction of the city.

Mr. Petrick stated so the issues with the primary entrance there in front of Townes Funeral Home, the access from Central Boulevard, and the egress and ingress from the rear there from Watson. It's shown as being cut off. I'm assuming you might be flexible if it requires that you have egress and ingress from that area?

Mr. Gould stated I think what you'll find is there's a willingness from the developers to do what needs to be done so this project can move forward, and Danville can have the housing that it needs. Certainly, we believe that there are all the reasons that point to having the project laid out in the way that it is and that is not only that for folks who are walking to work that they have that and a quick access to West Main Street, but we also understand that VDOT standards, council against having an access point onto Central Boulevard that the intention is to have limited access there. So, Central Boulevard traffic can continue to move at the pace with which we're all accustomed to, but I think what we are committed to is following what the professional guidance tell us.

Mr. Petrick stated you're committed to the project regardless of hearing whatever they decide in the study, right?

Mr. Gould stated preceding of no matter what that is above my pay grade and that's something that I would have to defer to my client on, but I think they are as long as there are reasonable concessions, they are committed to moving forward.

Ms. Evans stated any plans to purchase the remainder of Stewart Street, those parcels, so that it would go all the way through rather than a cul-de-sac?

Mr. Gould stated no, ma'am. There are no plans for that at this time. So, it is to go ahead and create that cul-de-sac. So, you would have Stewart split there. So, interestingly a number of the neighbors on the southern side of Stewart have indicated that they are not opposed through the feedback that they've given to the city. So, many of them are on board with this and do not have an objection to the street being split in that way.

Mr. Garrison closed the Public Hearing.

Mr. Garrison stated let me say this, article 17, what that does is it allows someone to submit a project and they have to enter into an agreement with the city, if it is approved, and there are things within the city code that they have to meet. They have to meet all of the setback requirements. They have to meet drainage. They have to put in streets that are city-approved streets. In other words, that they would be the same size as the streets in the rest of the city, and for any other development and they have to enter into an agreement under Article 17, which is what this is under. That they will do those things and of course, everything has to meet building code and they have to have permits for all of it from all of the interested parts of the city including working on the drainage for what they are building on. So, I just want you to know that. Secondly, let me say to each of you, we are a commission that looks at the zoning code and decides whether or not this is allowed within the zoning code and here's what you have to say, and we are allowed to put conditions in that would alleviate some of the problems that you have brought up. There is a traffic study that is going to be involved and you can't put a stoplight in without a traffic study. It's a state law as to where you can put a traffic light unless the city wants to pay all of the cost, which I

doubt that they want to do, but all of these things will again be heard by City Council at their meeting on April 5, and at that time, they are the approving authority. We are not the approving authority. We can put conditions on. We have conditions that are already in here and City Council can take those conditions out or add any conditions that they feel are necessary that we did not put in. So, this is not the final approving authority. We are only making a recommendation to the city when we make our recommendation today.

Mr. Bolton made a motion to recommend approval of Special Use Permit Application PLSUP 2021-422 as submitted with conditions by staff. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

- c. *Rezoning PZ22-31, Initiated by the Planning Director, establishes 'skill games' as defined by Virginia Code as adult-oriented uses and moves standards for adult entertainment out of zoning ordinance Section 3.Q.I. and into a new section 2. General Regulations Z. Adult Oriented-Uses with Locational Restrictions to Avoid Secondary Effects.*

Mr. Doug Plachcinski, Director of Planning and Zoning stated as you're all aware, the skill game operations have well enveloped the City of Danville and honestly, most of the places I've seen in Central Piedmont since I've been around visiting different parts of the south-central Virginia. So, given their interest in the community, we decided to try to take an approach through zoning. That rather than continuing to classify skill games as we have as commercial recreation, that the real, you know, assigned rules based on why we're concerned about them and the concerns we have are there could be negative impacts like objectionable characteristics, how they affect adjacent properties, with traffic, different hours, the potential for crime, just like the other adult uses we regulate in our zoning code now, like adult bookstores, adult cabarets, that sort of thing. So, what we've done is we've taken that state definition of skill games that is now provided in state law, and we've lumped that in with those others, with the adult bookstore, the adult cabaret, and the adult theater. Rather than hiding them in the zoning ordinance under one zoning district, we're moving them front and center to a section of general regulations, subsection Z. That really focuses on keeping them all separate to avoid those secondary effects that I talked about. I've reviewed this with Ryan Dodson in our office. We believe it's a very sound approach. Currently, we're proposing a list of zoning districts where any such skill game special use application would have to be separate from. These are all of the zoning districts that allow single, or single-family residential or multiple-family residential dwellings and the casino district would require separation. They would have to be separate from any other adult-oriented use. So, if one skill game application were to come in, it would have to be separate from an adult bookstore application that was established, or vice versa. They also cannot be within a thousand feet of any school, childcare center, or family day home. These are the distances being considered and it's equal to the state requirements for cannabis dispensaries that are currently going on the books as we've discussed here. So, it's the exact same distance, exact same things from those uses. Additionally, we would only allow adult-oriented uses, they would stay only allowable in the industrial manufacturing zoning district. We would include a requirement that if it were, if someone were granted a special use permit and the operations were ceased for 90 or more day, then they would have to apply for a new special use permit. We would require the special use permits to be reviewed annually so that if there are problems, the city can intervene. It's not a perpetual forever special use permit. Lastly, if an adult oriented use owner or operator or property owner, becomes associated with illegal activities about other, adult uses in the city, we could immediately intervene and revoke a special use permit if they had been granted. So, if they're operating something illegal somewhere else and you know, violating laws, then we

can step in and force them to cease and desist or revoke their permit. So, that's what the changes would do. We're proposing a thousand-foot buffer and there's a map included in your packet. There are four green areas. There's one out West Main, one around Goodyear Boulevard that would be allowable. There's one area off Kentuck Road, and there's a small area close to the bypass that has a piece of one zoning as you're coming through the city. Those are the areas of the city that would be eligible to apply for the special use permit under these rules.

Mr. Garrison opened the Public Hearing.

Mr. Garrison closed the Public Hearing.

Mr. Dodson stated on the map that we're looking at, the yellow and the blue, they would not be permitted, am I correct?

Mr. Plachcinski stated correct, the yellow dots are places that are not permitted, and the blue zoning districts are all of the excluded zoning districts that allow residential dwellings, and the casino entertainment districts.

Mr. Dodson stated how does that affect businesses that already have these skilled games in?

Mr. Plachcinski stated if they are legally established, then they remain legal non-conforming. They can continue to operate.

Mr. Bolton stated we're adding a zoning classification, so why would anybody have to apply for a special use permit if it's zoned for that? Why the need for a special use?

Mr. Plachcinski stated it's not going to be a new zoning classification. It's just a new set of standards for specific special use permits.

Mr. Garrison stated just a new section in the code.

Mr. Petrick stated we've got a real serious problem with the number of these businesses that are operating illegally in this town.

Mr. Plachcinski stated yes sir. We have a list and we're waiting out a 30-day countdown on which is the state law requirement we have to provide to them at this point to either appeal our decision that they're acting illegally or cease operation. So, once that 30-day timer ticks all the way down to zero, we can move forward with enforcement. So, you will see within the next month or two, some zoning ordinance changes coming forward on enforcement. So, just be aware that, you know, we're reviewing everything we can, and it's not just tied to skill games but just we've updated our operation system, and inspections, and code enforcement to make our lives easier. We're going to try to amend the code within state law to make sure that we're using the enforcement tools available to the city and in a consistent, and efficient way and they're very clear. We're not out trying to trick business owners or residents. We just want everybody to play by the rules and if there's an issue to talk to us and see what we can resolve.

Mr. Dodson stated I have a question for Mr. Whitfield. Will this have any effect with the court case we talked about earlier in Greenville County?

Mr. Clarke Whitfield, City Attorney, it won't have any effect on that case, but if that case ends up upholding the state law, then, it won't enable anybody to open up a skilled game place in one of these zoning districts. So, it kind of plays with that. This is in preparation for a situation where the court might overrule and state that the current gaming skill game legislation is illegal. That would allow them to do that. So, that's the way that plays.

Mr. Dodson stated okay, thank you.

Mr. Bolton stated Clarke, what does that do as far as the special use permit, that we recommended to the City Council at our last meeting. Does that just go away? Because that's not in the zoning area?

Mr. Whitfield stated no, City Council remanded it back to you. So, anyway, if in fact, that is approved and skill games is made legal again through either legislative action or through court action, then, that project would move forward. It would move forward right where it is. Assuming it's approved by the council. So, because they applied prior to this taking effect, they would not be constrained by this. They would be a legal non-conforming use in the area that they were talking about out on Riverside Drive.

Mr. Bolton made a motion to recommend approval of an ordinance amending chapter 41 entitle zoning ordinance of the code of the City of Danville, Virginia, establishing skill games as defined by Virginia Code as adult oriented uses and moves standards for adult entertainment out of the zoning ordinance section 3.Q.I and into a new section 2 General Regulations Z. Adult Oriented-Uses with Locational Restrictions to Avoid Secondary Effects. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

IV. PLANNING DIRECTOR'S REPORT

Mr. Plachcinski stated I'd like to just provide a short verbal update. Obviously, we've had a lot going on in planning and zoning and a lot of good things happening. I would like you to know that the comprehensive plan consultants have submitted an existing condition report and I have proposed a scope for the comprehensive plan. I'd also like to inform the commission that through a companion potential grant application and funding resource. We may be able to get a lot of money to do a lot more things and substantially increase the project budget. The timing is such that it makes sense in my opinion to try to do both the comprehensive plan and citywide resiliency plan at the same time rather than finishing one before we start the other or even try to do them concurrently. So, if we, meld them together, we may be able to get a very significant amount of state resources to help us pay for it at a very low match at a 10% match to the city. So, what this funding resource would also do is include processes for floodplain management, storm water quality and quantity measures, and green infrastructure. It's pretty exciting and I'll provide details in an updated memo with the application summary at a subsequent meeting but the grant closes at the end of March. So, the timing's right, we could be, you know, adding several, \$100,000 or more funding into the project. So, that's the scale of change that could happen. We've also worked with our partners over at the Danville Regional Foundation about their participation in the comprehensive plan and we've had some really great conversations. We haven't quite figured out what that looks like yet, but it would be great to have them on board because there really is a community comprehensive plan and it matched up not just within the City of Danville, but it affects a lot of people around us. So, we've had good conversations with them. Like I said, we are working on code enforcement right now. You'll see not only the work that we've done and trying to follow up on zoning violation but also taking an internal look and seeing how we can do that better with the resources we have, and I'm pretty encouraged by the work that's going on. So, with that, I'd be happy to answer any questions from the commission.

Mr. Garrison stated where do we stand on the signs?

Mr. Plachcinski stated we're working on that, and I think we've got some progress and we should have something pretty soon.

Ms. Evans stated are there any plans to replace Mr. Craft?

Mr. Plachcinski stated yes, I believe that position has been advertised for and the City Council committee on appointments and governance will be reviewing any applications that come up.

Mr. Garrison stated I talked with Ms. DeMasi before I came into this meeting and she says that we're probably 30 to 60 days away from having somebody to replace him, but it's going on. It's moving forward.

Mr. Whitfield stated we actually have advertising requirement lengths before we can fill a spot to receive applications. So, we can't just automatically fill a spot.

Mr. Garrison stated I think she has some applications already in.

Mr. Plachcinski stated I think there is more than one.

Mr. Garrison stated I think she said she had two, but she's expecting others.

V. APPROVE MINUTES FROM FEBRUARY 7, 2022.

The February 7, 2022, minutes were approved by unanimous vote.

VI. ADJOURNMENT

With no further business, the meeting adjourned at 4:27 p.m.

APPROVED _____