



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

City Planning Commission

APRIL 8, 2019
3:00 P.M.
CITY COUNCIL CHAMBERS

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING
 1. *Special Use Permit application PLSUP20180000105, filed by Robert L. Hogue, Jr., requesting a Special Use Permit for a daycare center in accordance Article 3:E, Section C, Item 7 of the Code of the City of Danville, Virginia 1986, as amended at 801 Kemper Rd, otherwise known as Grid 1610, Block 020, Parcels 000027, 000028 and 000029 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have a daycare center for children.*
 2. *Special Use Permit application PLSUP20190000109, filed by Full Moon Rising LLC, requesting a Special Use Permit for a waiver of minimum lot size and yard requirements in accordance with Article 3.O, Section C, Items 20 and 25 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID#s 20833, 20834, 20835, and 20837 on Cahill Ct. otherwise known as Grid 1711, Block 006, Parcels 000012, 000011, 000010, and 000009 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to waive the lot size and yard requirements in order to adjust the property lines.*
 3. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia 1986 more specifically Article 2 entitled "General Regulations", Section T entitled "Home Occupations", and Article 15 entitled "Definitions", Section B entitled "Definitions". The purpose is to amend regulations regarding Home Occupations, Bed and Breakfast and Home Share facilities.*
- IV. APPROVAL OF MINUTES FROM MARCH 11, 2019
- V. OTHER BUSINESS
- VI. ADJOURNMENT



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

City Planning Commission

City Planning Commission

Meeting of April 8, 2019

Subject:

Special Use Permit application PLSUP20180000105, filed by Robert L. Hogue, Jr., requesting a Special Use Permit for a daycare center in accordance Article 3:E, Section C, Item 7 of the Code of the City of Danville, Virginia 1986, as amended at 801 Kemper Rd, otherwise known as Grid 1610, Block 020, Parcels 000027, 000028 and 000029 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have a daycare center for children.

Background:

The applicant, Robert L. Hogue, is requesting a Special Use Permit to operate a daycare center for children at 801 Kemper Rd. This property is located in the OT-R, Old Town Residential District. A Special Use Permit is required to operate any daycare in this zoning district. Article 15, Section B of the Zoning Ordinance defines daycare centers for children as follows:

“A regularly operating service arrangement for five (5) or more children under the age of thirteen (13) where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection and well-being of a child for less than a twenty-four (24) hour period, in a facility that is not the residence of the provider or of any of the children in care.”

Currently, a church operates on the property. The daycare is proposed to operate in an accessory building on the rear side of the 801 Kemper Rd. (Parcel ID#26320). The accessory building overlaps onto two additional properties also owned by the church (Parcel ID#s 25916 and 22732). The accessory building is considered legal nonconforming due to its location on multiple properties, thereby ignoring required yard setbacks.

Some building concerns must be addressed prior to the building's use as a daycare facility. These concerns include replacing internal lights, installing turnouts to downspouts, fixing an emergency light, and installing a manual pull fire alarm. Once these issues are addressed, the Inspections Division can issue a Certificate of Occupancy allowing up to forty-two (42) people.

Additional concerns include providing on-site parking with at least one (1) space per four (4) children plus one (1) space per employee. Staff estimate that twelve (12) parking spaces are required. Parking currently exists on the property, but needs to be more clearly marked. At least one of the required spaces will need to be a handicap

space. Furthermore, the existing concrete path will need to be extended to the parking lot to allow handicap access to the building.

Forty-seven (47) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on April 8, 2019.

Recommendation:

The Planning staff recommends the City Planning Commission recommend approval of Special Use Permit application PLSUP20180000105, filed by Robert L. Hogue, Jr., requesting a Special Use Permit for a daycare center in accordance Article 3:E, Section C, Item 7 of the Code of the City of Danville, Virginia 1986, as amended at 801 Kemper Rd, otherwise known as Grid 1610, Block 020, Parcels 000027, 000028 and 000029 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have a daycare center for children, subject to the following conditions:

1. The children's daycare shall not use the primary 3,489 sq. ft. building, without additional approval by City Council for expansion.
2. Existing parking will be clearly marked indicating the presence of at least twelve (12) parking spaces, one (1) of which must be a handicap space;
3. An inclined access ramp shall provide access between the parking and the building; and
4. Hours of operation shall be limited to occur between 6am and 10pm each day of the week.

The Special Use Permit would allow for a children's daycare to operate at this location within the proposed building, while addressing accessibility concerns raised by staff. The applicant will also need to acquire a Certificate of Occupancy from the Inspections Division prior to daycare operation.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20180000105 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20180000105 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20180000105 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20180000105 as submitted.
5. Tabling of Special Use Permit application PLSUP20180000105 by Planning Commission.

Attachments:

- A. Application
- B. Property Ownership/Zoning Map
- C. Data Sheet
- D. Existing Land Use Map (2015 Aerial)

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: Children's daycare center

CASE NUMBER: PLSU P20190000105

EXISTING ZONING: OT-R Old Town Residential

PROPOSED ZONING: No change

TAX MAP NUMBER: ID # 26320, 22732, &

RECEIVED BY: Bryce Johnson

DATE FILED: March 8, 2019 25910

PLANNING COMMISSION DATE: April 8, 2019

CITY COUNCIL DATE: May 7, 2019

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: Lot Property Address: 801 Kemper Rd.

Property Location: N S E W Side of: S Danville

Between: Kemper and Bell drive

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

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

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

1. NAME: Robert L. Hogue, Jr TELEPHONE: 434-836-4554
MAILING ADDRESS: 301 Nelson ave, Danville, Va, 24540
SIGNATURE: Robert L. Hogue, Jr DATE: 3-8-19
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: Thogue58@yahoo.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Robert L. Hogue, Jr TELEPHONE: 434-836-4554
MAILING ADDRESS: 301 Nelson ave, Danville, Va, 24540
EMAIL ADDRESS: Thogue@yahoo.com
SIGNATURE: Robert L. Hogue, Jr DATE: 3-8-19

Parcel ID: 26320
Address: 801 KEMPER RD
Owner: NEW BEGINNING OF THE
HUNGER AND THIRST
MINISTRY
801 KEMPER RD
DANVILLE, VA 24541
Mail-To: NEW BEGINNING OF THE
HUNGER AND THIRST
MINISTRY
801 KEMPER RD
DANVILLE, VA 24541



Value Information	
Land / Use:	\$7,400
Improvement:	\$159,200
Total:	\$166,600.00

Additional Information

State Code:	7866 Church Exmpt Religious	Approx Acres:	0.44
Land Use:	Exempt	Legal Description:	75 FT NO 5 & PT NO 6 SEC 10 KEMPER RD & BELL DR
Tax Map:	1610-020-000027.000	Zone:	OTR Old Town Residential

Notes:

Avg Lot: 75.0 X 205.0 + Rear lot 55.0 X 75.0 DB 17-2470: 6 total parcels, 4 to exempt (25916, 26320, 25640 & 22732) & 2 remain taxable (22902 & 22903).DB 16-1329: Pty sold & trf'd to taxable & 6 lists. (Map 49-3-7)

Building

Building Information - 1

Property Class:	Commercial	Finished Square Feet:	3,489
Style:	No Data	Basement Square Feet:	0
Year Built:	1950	Total Rooms:	0
Condition:	No Data	<i>* Bathrooms are not included in total room count.</i>	
Story Height:	No Data		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Forced Air Unit		100 %	
Warmed and Cooled Air		100 %	
Stud -Brick Veneer		100 %	

Building Information - 2

Property Class:	Commercial	Finished Square Feet:	2,013
Style:	No Data	Basement Square Feet:	0
Year Built:	1996	Total Rooms:	0
Condition:	No Data	<i>* Bathrooms are not included in total room count.</i>	
Story Height:	No Data		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Warmed and Cooled Air		100 %	
Stud -Brick Veneer		100 %	

Improvements

There are no improvements.

Land

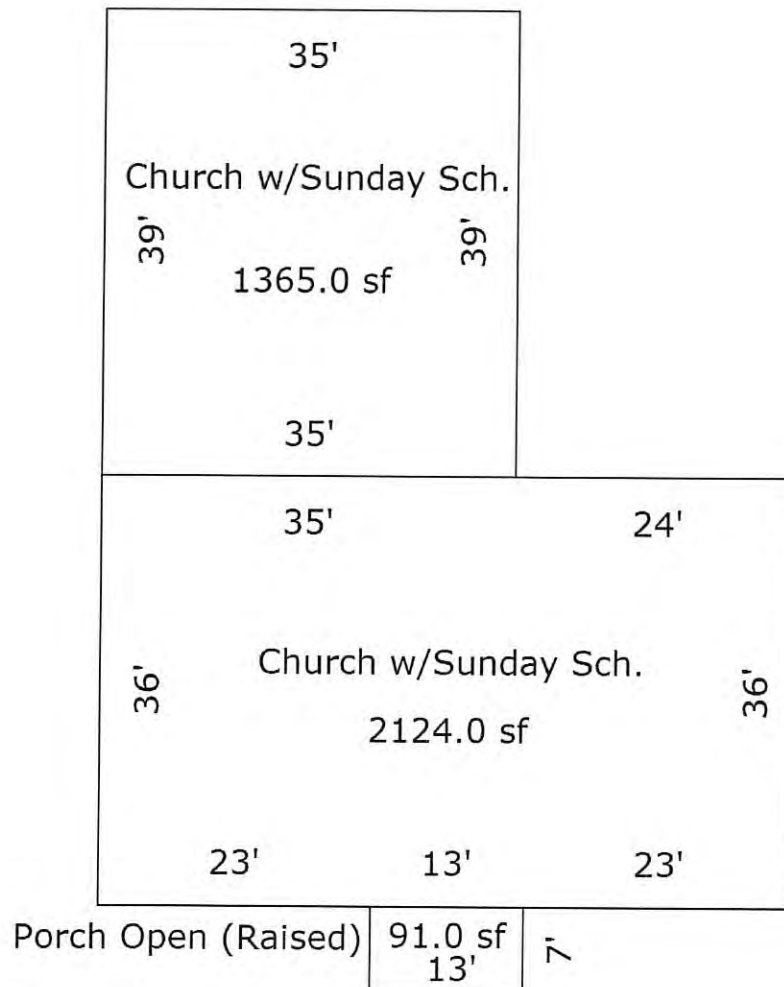
Land Code:	C05 Comm FF (75)	Rate:	\$75
Acres:	0.35	Adj. Rate:	\$83
Sq. Ft.:	15,375	Base Value:	\$6,240
Front:	75	Adj. Amount:	-\$40
Effective Front:	75	Value:	\$6,200
Depth:	205		
Land Code:	C05 Comm FF (75)	Rate:	\$75
Acres:	0.09	Adj. Rate:	\$53
Sq. Ft.:	4,125	Base Value:	\$2,890
Front:	55	Adj. Amount:	-\$1,690
Effective Front:	55	Value:	\$1,200
Depth:	75		

Transfers

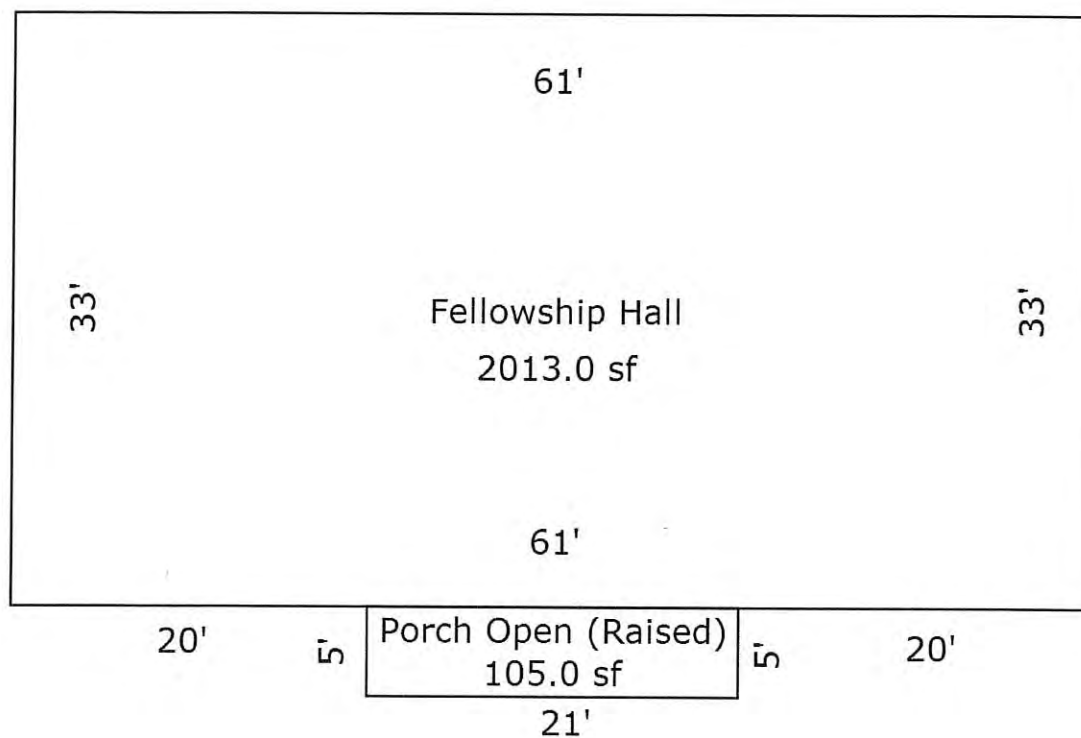
Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 17	2470	\$0	7/21/2017	HOGUE ROBERT L JR & HODGES KENNETH A	NEW BEGINNING OF THE HUNGER AND THIRST MINISTRY
D 16	1329	\$160,000	4/22/2016	ARLINGTON BAPTIST CHURCH	HOGUE ROBERT L JR & HODGES KENNETH A
D 524	73	\$0	8/8/1973	<i>No Data</i>	<i>No Data</i>

Assessments

Year	Land	Use	Improvements	Total
2018	\$7,400	\$0	\$159,200	\$166,600
2017	\$7,400	\$0	\$194,500	\$201,900
2016	\$7,400	\$0	\$194,500	\$201,900
2015	\$7,400	\$0	\$360,800	\$368,200
2014	\$7,400	\$0	\$360,800	\$368,200
2013	\$7,400	\$0	\$367,200	\$374,600
2012	\$7,400	\$0	\$367,200	\$374,600
2011	\$7,400	\$0	\$367,200	\$374,600
2010	\$7,400	\$0	\$367,200	\$374,600
2009	\$7,400	\$0	\$368,100	\$375,500
2008	\$7,400	\$0	\$368,100	\$375,500
2007	\$7,400	\$0	\$327,400	\$334,800
2006	\$7,400	\$0	\$327,400	\$334,800
2005	\$7,400	\$0	\$274,100	\$281,500
2004	\$7,400	\$0	\$274,100	\$281,500
2003	\$7,400	\$0	\$249,300	\$256,700
2002	\$7,400	\$0	\$249,300	\$256,700
2001	\$7,400	\$0	\$238,500	\$245,900
2000	\$7,400	\$0	\$234,800	\$242,200



Sketch by Apex Mapping™

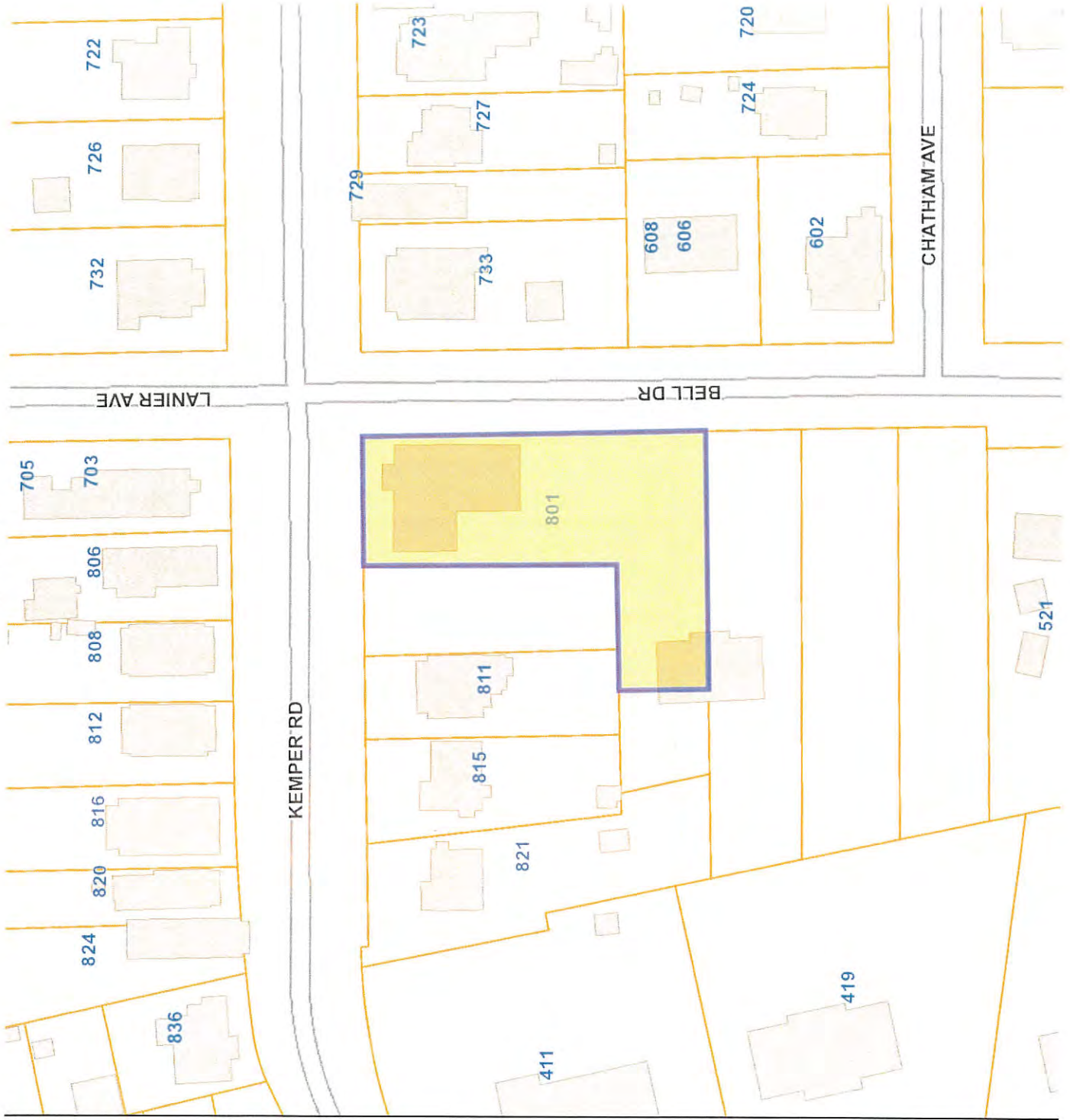


Sketch by Alex Hays



- Buildings
- Parcels
- Street Names
- House Numbers

Parcel ID: 26320



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, it's accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Date: 3/28/2019

Parcel ID: 22732
Address: BELL DR

Owner: NEW BEGINNING OF THE
HUNGER AND THIRST
MINISTRY
801 KEMPER RD
DANVILLE, VA 24541

Mail-To: NEW BEGINNING OF THE
HUNGER AND THIRST
MINISTRY
801 KEMPER RD
DANVILLE, VA 24541

Value Information	
Land / Use:	\$200
Improvement:	\$0
Total:	\$200.00

Additional Information			
State Code:	7096 Vacant Exempt Lot -Relig	Approx Acres:	0
Land Use:	Exempt	Legal Description:	56.49 FT PT NO 6 SEC 10 OFF BELL DR
Tax Map:	1610-020-000028.000	Zone:	OTR Old Town Residential
Notes: Avg Lot: 54.0 X 56.0DB 17-2470: 6 total parcels, 4 to exempt (25916, 26320, 25640 & 22732) & 2 remain taxable (22902 & 22903).DB 16-1329: Pty sold & trf'd to taxable & 6 lists.DB 16-1077: Quitclaim deed. (Map 49-3-8)			

Building

There is no building information.

Improvements

There are no improvements.

Land

Land Code:	R00 Res Lots FV	Rate:	\$4
Acres:	0	Adj. Rate:	\$4
Sq. Ft.:	3,024	Base Value:	\$200
Front:	54	Adj. Amount:	\$0
Effective Front:	54	Value:	\$200
Depth:	56		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 17	2470	\$0	7/21/2017	HOGUE ROBERT L JR & HODGES KENNETH A	NEW BEGINNING OF THE HUNGER AND THIRST MINISTRY
D 16	1329	\$160,000	4/22/2016	ARLINGTON BAPTIST CHURCH	HOGUE ROBERT L JR & HODGES KENNETH A
D 16	1077	\$0	4/1/2016	ARLINGTON BAPTIST CHURCH	ARLINGTON BAPTIST CHURCH
D 95	4735	\$2,000	11/20/1995	<i>No Data</i>	ARLINGTON BAPTIST CHURCH

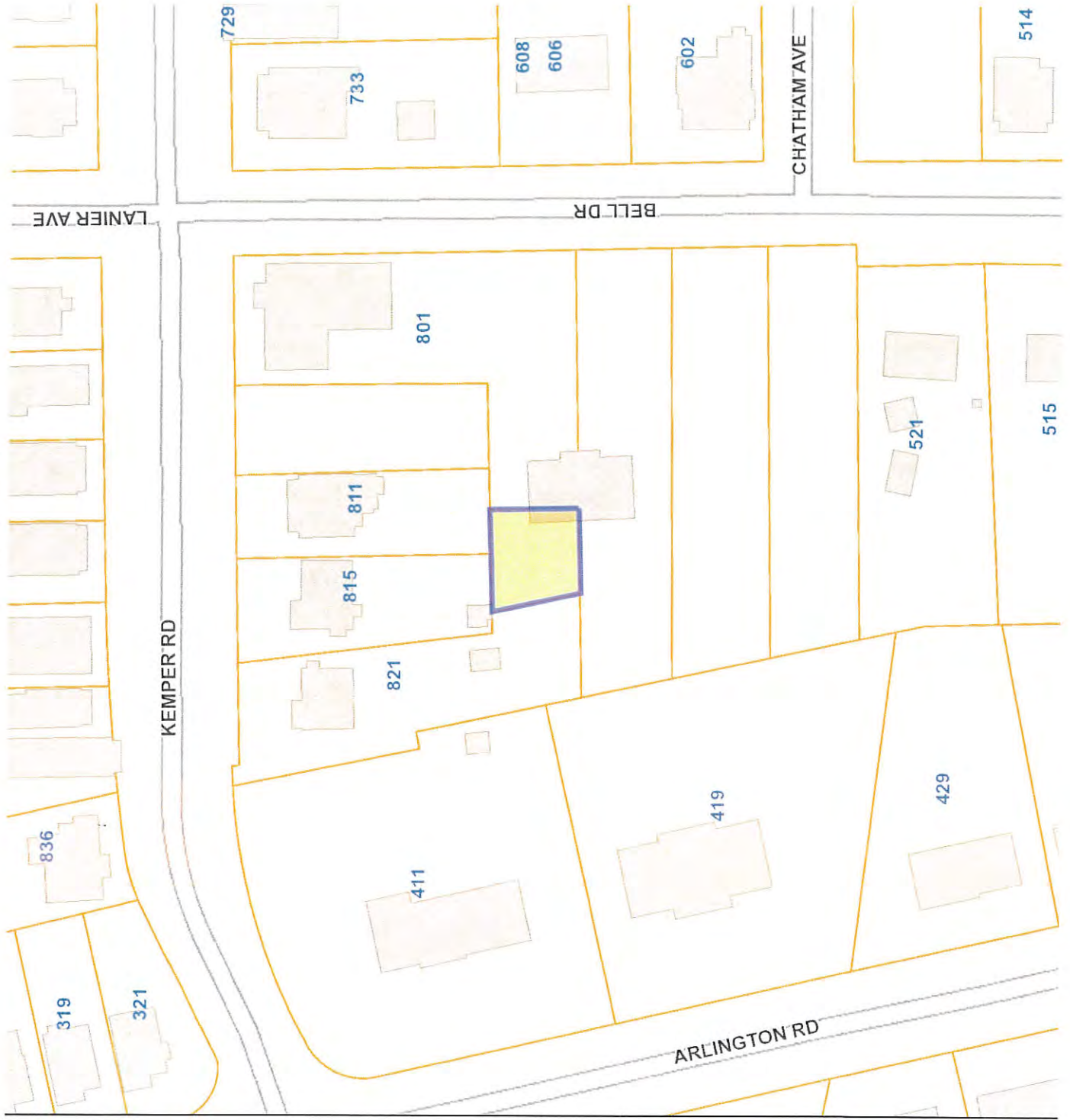
Assessments

Year	Land	Use	Improvements	Total
2018	\$200	\$0	\$0	\$200
2017	\$200	\$0	\$0	\$200
2016	\$200	\$0	\$0	\$200
2015	\$200	\$0	\$0	\$200
2014	\$200	\$0	\$0	\$200
2013	\$200	\$0	\$0	\$200
2012	\$200	\$0	\$0	\$200
2011	\$200	\$0	\$0	\$200
2010	\$200	\$0	\$0	\$200
2009	\$200	\$0	\$0	\$200
2008	\$200	\$0	\$0	\$200
2007	\$200	\$0	\$0	\$200
2006	\$200	\$0	\$0	\$200
2005	\$200	\$0	\$0	\$200
2004	\$200	\$0	\$0	\$200
2003	\$200	\$0	\$0	\$200
2002	\$200	\$0	\$0	\$200
2001	\$200	\$0	\$0	\$200
2000	\$200	\$0	\$0	\$200



- Buildings
- Parcels
- Street Names
- House Numbers

Parcel ID: 22732



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Date: 3/28/2019

Parcel ID: 25916
Address: BELL DR
Owner: NEW BEGINNING OF THE
 HUNGER AND THIRST
 MINISTRY
 801 KEMPER RD
 DANVILLE, VA 24541
Mail-To: NEW BEGINNING OF THE
 HUNGER AND THIRST
 MINISTRY
 801 KEMPER RD
 DANVILLE, VA 24541

Value Information	
Land / Use:	\$4,700
Improvement:	\$0
Total:	\$4,700.00

Additional Information			
State Code:	7466 Pk Lot/Garage Exmpt Relig	Approx Acres:	0.32
Land Use:	Exempt	Legal Description:	55.39 FT NO 7 SEC 10 BELL DR
Tax Map:	1610-020-000029.000	Zone:	OTR Old Town Residential
Notes:	Avg Lot: 55.0 X 255.0 Parking area on this account.DB 17-2470: 6 total parcels, 4 to exempt (25916, 26320, 25640 & 22732) & 2 remain taxable (22902 & 22903).DB 16-1329: Pty sold & trfd to taxable & 6 lists. (Map 49-3-9)		

Building

There is no building information.

Improvements

There are no improvements.

Land

Land Code:	R10 Res FF (75)	Rate:	\$75
Acres:	0.32	Adj. Rate:	\$86
Sq. Ft.:	14,025	Base Value:	\$4,700
Front:	55	Adj. Amount:	\$0
Effective Front:	55	Value:	\$4,700
Depth:	255		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 17	2470	\$0	7/21/2017	HOGUE ROBERT L JR & HODGES KENNETH A	NEW BEGINNING OF THE HUNGER AND THIRST MINISTRY
D 16	1329	\$160,000	4/22/2016	ARLINGTON BAPTIST CHURCH	HOGUE ROBERT L JR & HODGES KENNETH A
D 695	145	\$0	8/22/1984	<i>No Data</i>	<i>No Data</i>

Assessments

Year	Land	Use	Improvements	Total
2018	\$4,700	\$0	\$0	\$4,700
2017	\$4,700	\$0	\$0	\$4,700
2016	\$4,700	\$0	\$0	\$4,700
2015	\$4,700	\$0	\$0	\$4,700
2014	\$4,700	\$0	\$0	\$4,700
2013	\$4,700	\$0	\$0	\$4,700
2012	\$4,700	\$0	\$0	\$4,700
2011	\$4,700	\$0	\$0	\$4,700
2010	\$4,700	\$0	\$0	\$4,700
2009	\$4,700	\$0	\$0	\$4,700
2008	\$4,700	\$0	\$0	\$4,700
2007	\$4,700	\$0	\$0	\$4,700
2006	\$4,700	\$0	\$0	\$4,700
2005	\$4,700	\$0	\$0	\$4,700
2004	\$4,700	\$0	\$0	\$4,700
2003	\$4,700	\$0	\$0	\$4,700
2002	\$4,700	\$0	\$0	\$4,700
2001	\$4,700	\$0	\$0	\$4,700
2000	\$4,700	\$0	\$0	\$4,700



- Buildings
- Parcels
- Street Names
- House Numbers

Parcel ID: 25916



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Date: 3/28/2019



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SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on April 8, 2019
City Council (tentative) at 7pm on May 7, 2019

LOCATION OF PROPERTY: 801 Kemper Rd.

PRESENT ZONE: OT-R, Old Town Residential

PROPOSED ZONE: Unchanged

ACTION REQUESTED: Special Use Permit to operate a daycare

PRESENT USE OF PROPERTY: Church

PROPOSED USE OF PROPERTY: Church and Children's Daycare

PROPERTY OWNER (S): New Beginning Of The Hunger And Thirst Ministry

NAME OF APPLICANT (S): Robert L. Hogue, Jr.

PROPERTY BORDERED BY: Residential on all sides

ACREAGE: Total Property: 0.44 Acres (19,166.4 Sq. Ft.)
Building to be Used: 0.05 Acres (2,013 Sq. Ft.)

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: Bell Dr.

TRAFFIC VOLUME: Low



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/25/2019

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

City Planning Commission

City Planning Commission
Meeting of April 8, 2019

Subject:

Special Use Permit application PLSUP20190000109, filed by Full Moon Rising LLC, requesting a Special Use Permit for a waiver of minimum lot size and yard requirements in accordance with Article 3.O, Section C, Items 20 and 25 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID#s 20833, 20834, 20835, and 20837 on Cahill Ct. otherwise known as Grid 1711, Block 006, Parcels 000012, 000011, 000010, and 000009 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to waive the lot size and yard requirements in order to adjust the property lines.

Background:

Full Moon Rising LLC is requesting a Special Use Permit to waive the minimum lot size and yard requirements for four (4) properties on Cahill Ct. The applicant wishes to consolidate from four (4) to three (3) properties for future commercial and warehousing use. Currently, City regulations regarding lot and yard sizes practically discourage any use or development on three (3) of these properties, due to their small size. The proposed changes are intended to make the properties more useable while also conforming to City regulations.

Staff see two concerns related to these properties. First, the properties are located along the Dan River, where any new use requires a Special Use Permit. The existing use of Parcel ID# 20837 was approved by City Council in December 2012. That approval permits the current, and similar uses to continue. A Special Use Permit will be required before any significant new use occurs, such as a use on currently vacant land.

Secondly, the properties are considered legal nonconforming regarding three requirements: (1) the existing lot sizes are too small for this district, (2) the yard requirements on Parcel ID# 20837 are not observed, and (3) the side lot lines are at angles, rather than perpendicular to the street. These are legal, however nonconforming properties and structures are generally encouraged to be brought into conformance. The proposed consolidation further brings the properties into conformance, as discussed below.

Nonconforming Regulation 1 (lot sizes): Properties in the LED-I district are required to be at least 40,000 sq. ft. The three vacant properties are currently all smaller than permitted. Only Parcel ID# 20837 (922, 1032, and 1102 Cahill Ct.) is legal conforming regarding lot size.

The proposed change reconfigures the four (4) parcels into three (3) parcels with less than 40,000 sq. ft. The change would remove legal nonconforming status, and cause none of the parcels to meet the minimum lot size requirement. Therefore, the proposed change cannot be approved without a waiver of the minimum lot size requirement.

Nonconforming Regulation 2 (yard sizes): properties in the LED-I district are required to have a front yard of at least 50 ft., a side yard of at least 30 ft., and a rear yard of at least 50 ft. Currently, Property ID# 20837 has a front yard of about 26 ft., an east side yard of 0 ft., and conforming rear and west side yards. The other lots are vacant, therefore have no legally defined yards at this time.

The proposed changes relocate a lot line to exist between two structures on what is currently Property ID# 20837 (922, 1032, and 1102 Cahill Ct.). Lot 1B (containing 1102 Cahill Ct.) would have a front yard of about 77 ft., an east side yard of about 9 ft., and a west side yard of about 80 ft. Because the side yards are too small, this lot line adjustment is not permitted without a waiver of the yard requirements.

Lot 1A (containing 922 and 1032 Cahill Ct.) would have a front yard of about 26 ft., an east side yard of 11 ft., and a west side yard of 9 ft. The front and east side yards would still be considered legal nonconforming because they remain unchanged. Because the west side yard is too small, this lot line adjustment is not permitted without a waiver of the yard requirements.

Nonconforming Regulation 3 (lot line placement): Under Chapter 35.5 entitled "Subdivision Ordinance" of the Code of the City of Danville, Article 4 entitled "Subdivision Design Standards", Section B "entitled Minimum Design Standards", side lot lines of subdivisions are required to be perpendicular to the street. Currently, two of four side lot lines between these four properties are at angles.

The proposed change completely brings the properties into conformance regarding this issue. However, the lot size and yard requirements currently prevent this change from occurring.

Regarding the use and conformity status of these properties, staff see three (3) options:

- 1) Leave the properties unchanged. This option does not address the legal nonconforming issues, and still makes it difficult to use the properties. Currently, two of the vacant properties effectively cannot be built on, and the third vacant property is difficult to build on.
- 2) Consolidate the properties into one property. This option would address some, but not all, of the legal nonconforming issues, and allow for additional development and use. This option has not been presented or considered at this time.
- 3) Consolidate from four (4) to three (3) properties. This option reduces some, but not all, of the legal nonconforming traits, and allows for future development and use of the property. However, this option requires a waiver of the minimum lot size and yard requirements.

Seven (7) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on April 8, 2019.

Recommendation:

The Planning staff recommends the City Planning Commission recommend approval of Special Use Permit application PLSUP20190000109 filed by Full Moon Rising LLC, requesting a Special Use Permit for a waiver of minimum lot size and yard requirements in accordance with Article 3.O, Section C, Items 20 and 25 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID#s 20833, 20834, 20835, and 20837 on Cahill Ct. otherwise known as Grid 1711, Block 006, Parcels 000012, 000011, 000010, and 000009 of the City of Danville, Virginia Zoning District Map, subject to the following conditions:

1. No single property shall be less than the average of the minimum lot sizes for the LED-I and HR-C Districts, which is currently 26,750 sq. ft.;
2. The front yard setback shall be twenty-five (25) feet, to maintain some continued separation between uses in the LED-I District and the neighboring HR-C District;
3. The side yard setback shall be five (5) feet to maintain at least ten (10) feet between buildings on separate properties; and
4. The rear yard setback shall remain fifty (50) feet to maintain distance from the Dan River.

If approved, the applicant would be able to consolidate the properties, but would be required to still follow reasonable lot size and yard requirements to mitigate potential adverse impact on neighboring properties. The proposed consolidation could also be reasonably altered prior to its final approval, without requiring further review by City Council.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000109 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000109 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000109 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000109 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000109 by Planning Commission.

Attachments:

- A. Application
- B. Property Ownership/Zoning Map
- C. Data Sheet
- D. Existing Land Use Map (2015 Aerial)

SHANKS ASSOCIATES, P.C.
ENGINEERS SURVEYORS PLANNERS

509 Loyal Street • Danville, Virginia 24541
tel: 434-797-5446 • website: www.shanks-pc.com • e-mail: fshanks@gamewood.net

March 12, 2019

Mr. Bryce Johnson
Senior Planner
City of Danville
P.O. Box 3300
Danville, Virginia 24543

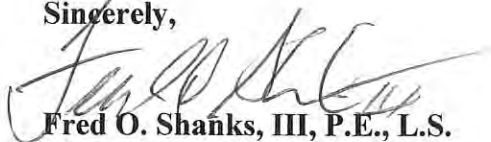
RE: Subdivision Plat for Full Moon Rising, LLC
1032 & 1102 Cahill Court
PIN's 20833, 20834, 30835 and 20837
Job No. 618016

Dear Bryce:

Please find enclosed a special use permit application and application fee check for the above.

Should you have any questions or need additional information, please call.

Sincerely,


Fred O. Shanks, III, P.E., L.S.

Serving southside and southwest Virginia

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING
USE: COMMERCIAL & WAREHOUSING

CASE NUMBER: PLSUP20190000109 EXISTING ZONING: LED-1 ^{Light} Economic Development
PROPOSED ZONING: NO change TAX MAP NUMBER: SEE BELOW:
RECEIVED BY: Bryce Johnson DATE FILED: 3/12/19
PLANNING COMMISSION DATE: 4/8/19 CITY COUNCIL DATE: 5/7/19

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

Exact legal description of property (Attach if insufficient space). SEE ATTACHED PLAT.
2.201 (TOTAL) ACRES (PROPOSED LOTS 1A & 1B)
Gross Area/Net Area: 1.559 +/- ACRE Property Address: 1032 & 1102 CAHILL COURT
Property Location: N S E W Side of: CAHILL COURT
Between: CENTRAL BLVD. and MEMORIAL DRIVE
Proffered Conditions (if any, please attach): N/A

Tax Map Number: 1711-006-000012.000 / Parcel 20833
" " " 1711-006-000011.000 / Parcel 20834
" " " 1711-006-000010.000 / Parcel 20835
" " " 1711-006-000009.000 / Parcel 20837

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

MAKING 3 LOTS OUT OF 4 EXISTING LOTS & CREATING
INDIVIDUAL LOTS FOR 2 BUILDINGS THAT PRESENTLY
LIE ON ONE LOT, PROPERTIES ^{ARE} ZONED LED1. REQUESTING
WAIVER OF MIN. LOT SIZE (ARTICLE 3, C. 20) & YARD REQUIREMENTS (ARTICLE 3
C. 25)

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

1. NAME: FULL MOON RISING LLC TELEPHONE: _____

MAILING ADDRESS: P.O. Box 10937, DANVILLE, VA. 24543

X SIGNATURE: [Signature] DATE: 3/12/19

SIGNATURE: _____ DATE: _____

X EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: FULL MOON RISING, LLC TELEPHONE: _____

MAILING ADDRESS: P.O. Box 10937 DANVILLE, VA. 24543

X EMAIL ADDRESS: _____

X SIGNATURE: [Signature] DATE: 3/12/19

Parcel ID: 20833
Address: CAHILL CT

Owner: FULL MOON RISING LLC
PO BOX 10937
DANVILLE, VA 24543

Mail-To: FULL MOON RISING LLC
PO BOX 10937
DANVILLE, VA 24543

Value Information	
Land / Use:	\$3,900
Improvement:	\$0
Total:	\$3,900.00

Additional Information			
State Code:	4091 Vac Com Buildable - 1	Approx Acres:	0.26
Land Use:	Commercial	Legal Description:	100 FT NOS 131 & 132 CAHILL CT
Tax Map:	1711-006-000012.000	Zone:	LEDI Light Economic Development
Notes: Avg Lot: 100.0 X 114.0DB 11-2973: 4 lists. (Map 60-2-4)			

Building

There is no building information.

Improvements

There are no improvements.

Land

Land Code:	A35 15000 Per Acre	Rate:	\$15,000
Acres:	0.26	Adj. Rate:	\$15,000
Sq. Ft.:	11,326	Base Value:	\$3,900
Front:	100	Adj. Amount:	\$0
Effective Front:	100	Value:	\$3,900
Depth:	114		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 11	2973	\$100,000	10/27/2011	CAHILL ROBERT Y	FULL MOON RISING LLC
W 80	345	\$0	5/19/1994	<i>No Data</i>	<i>No Data</i>

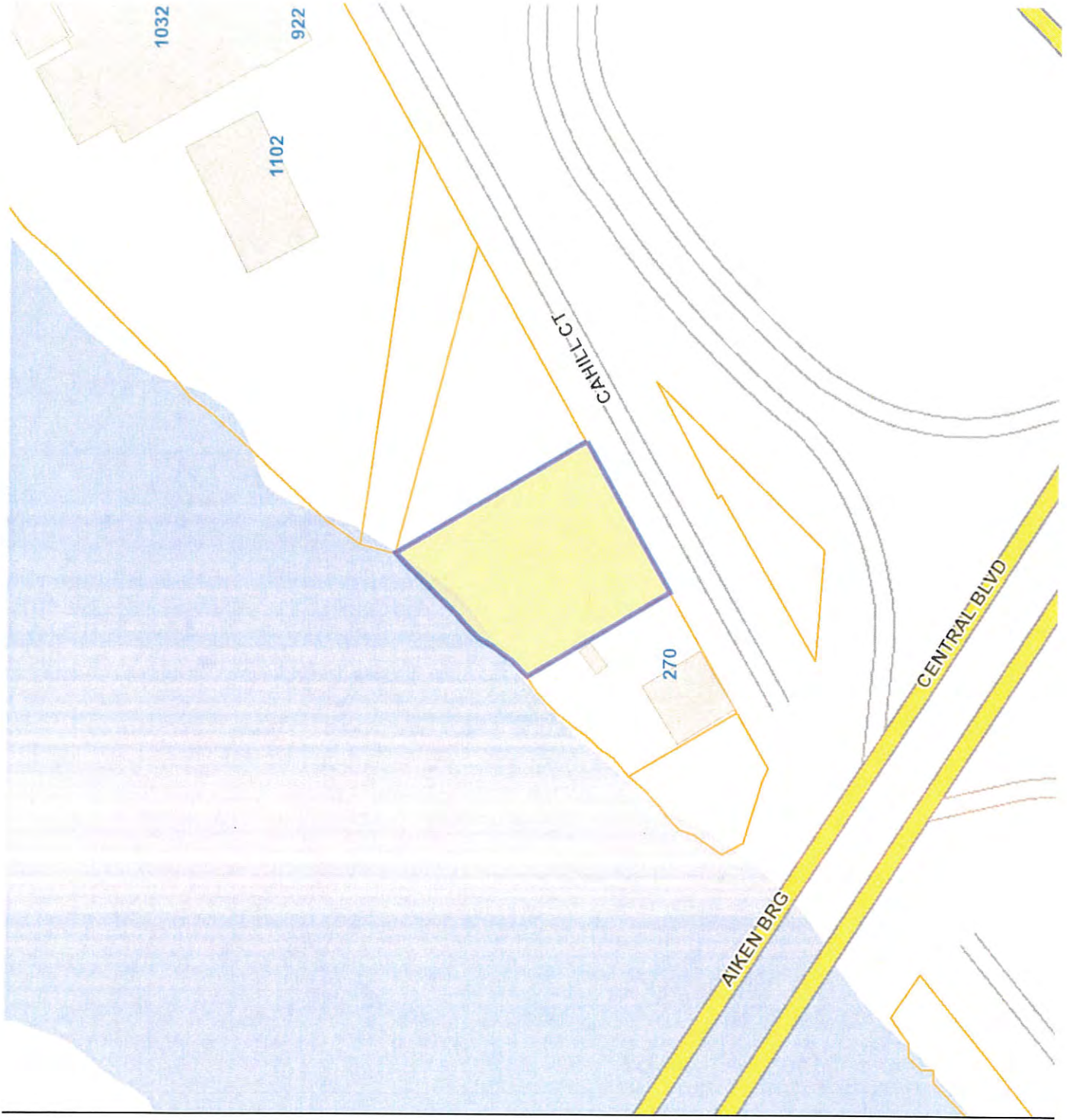
Assessments

Year	Land	Use	Improvements	Total
2018	\$3,900	\$0	\$0	\$3,900
2017	\$3,900	\$0	\$0	\$3,900
2016	\$3,900	\$0	\$0	\$3,900
2015	\$3,900	\$0	\$0	\$3,900
2014	\$3,900	\$0	\$0	\$3,900
2013	\$3,900	\$0	\$0	\$3,900
2012	\$3,900	\$0	\$0	\$3,900
2011	\$3,900	\$0	\$0	\$3,900
2010	\$3,900	\$0	\$0	\$3,900
2009	\$3,900	\$0	\$0	\$3,900
2008	\$3,900	\$0	\$0	\$3,900
2007	\$3,900	\$0	\$0	\$3,900
2006	\$3,900	\$0	\$0	\$3,900
2005	\$3,900	\$0	\$0	\$3,900
2004	\$3,900	\$0	\$0	\$3,900
2003	\$3,900	\$0	\$0	\$3,900
2002	\$3,900	\$0	\$0	\$3,900
2001	\$3,900	\$0	\$0	\$3,900
2000	\$3,900	\$0	\$0	\$3,900



- Buildings
- Parcels
- Street Names
- House Numbers

Parcel ID: 20833



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Date: 3/13/2019

Parcel ID: 20834
Address: CAHILL CT
Owner: FULL MOON RISING LLC
 PO BOX 10937
 DANVILLE, VA 24543
Mail-To: FULL MOON RISING LLC
 PO BOX 10937
 DANVILLE, VA 24543

Value Information	
Land / Use:	\$2,900
Improvement:	\$0
Total:	\$2,900.00

Additional Information			
State Code:	4091 Vac Com Buildable - 1	Approx Acres:	0.19
Land Use:	Commercial	Legal Description:	130 FT NO 133 CAHILL CT
Tax Map:	1711-006-000011.000	Zone:	LEDI Light Economic Development
Notes: DB 11-2973: 4 lists. (Map 60-2-5)			

Building

There is no building information.

Improvements

There are no improvements.

Land

Land Code:	CA35 CA35 15000	Rate:	\$15,000
Acres:	0.19	Adj. Rate:	\$15,000
Sq. Ft.:	8,276	Base Value:	\$2,850
Front:	0	Adj. Amount:	\$50
Effective Front:	0	Value:	\$2,900
Depth:	0		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 11	2973	\$100,000	10/27/2011	CAHILL ROBERT Y	FULL MOON RISING LLC
W 80	345	\$0	5/19/1994	<i>No Data</i>	<i>No Data</i>

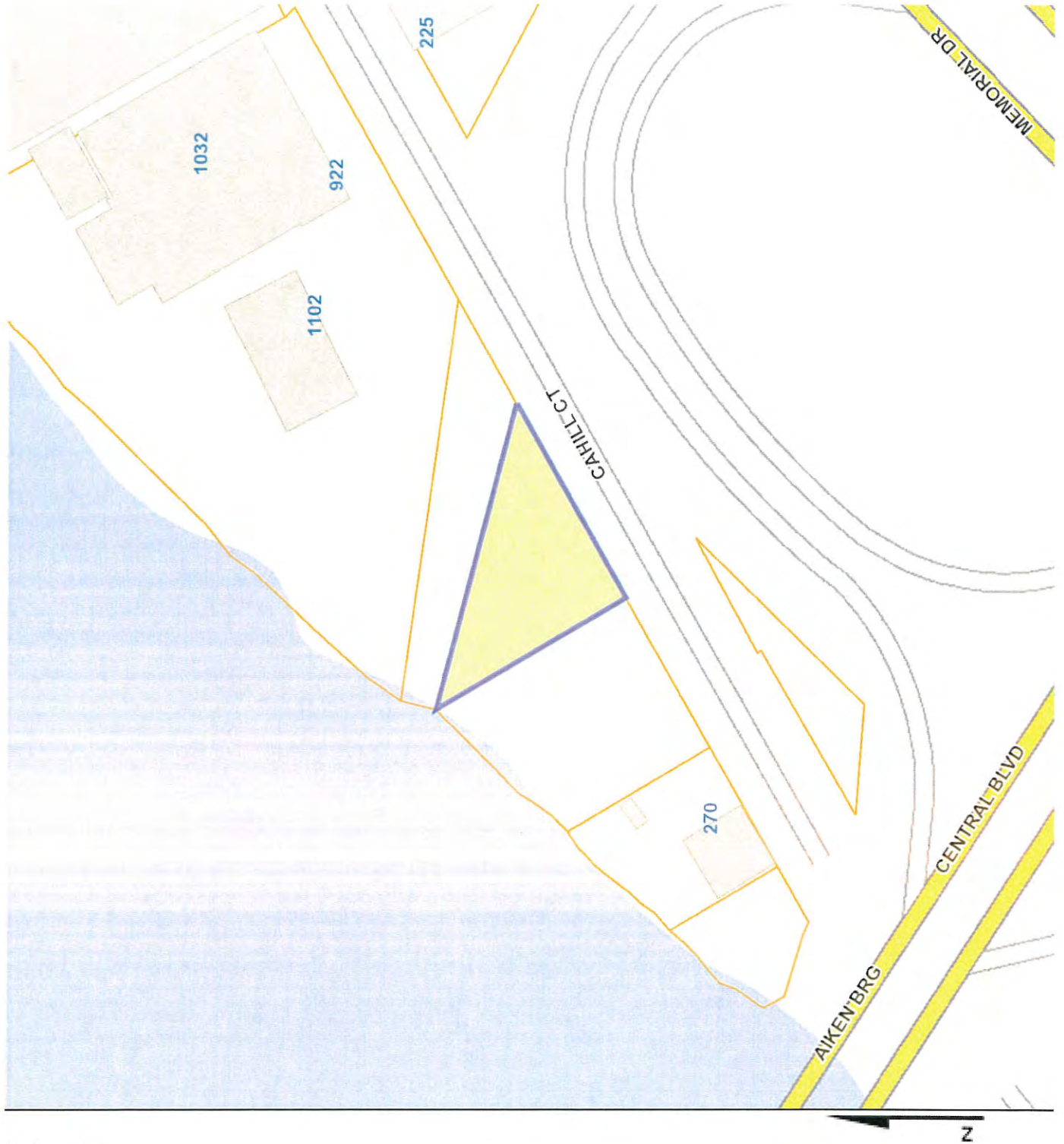
Assessments

Year	Land	Use	Improvements	Total
2018	\$2,900	\$0	\$0	\$2,900
2017	\$2,900	\$0	\$0	\$2,900
2016	\$2,900	\$0	\$0	\$2,900
2015	\$2,900	\$0	\$0	\$2,900
2014	\$2,900	\$0	\$0	\$2,900
2013	\$2,900	\$0	\$0	\$2,900
2012	\$2,900	\$0	\$0	\$2,900
2011	\$2,900	\$0	\$0	\$2,900
2010	\$2,900	\$0	\$0	\$2,900
2009	\$2,900	\$0	\$0	\$2,900
2008	\$2,900	\$0	\$0	\$2,900
2007	\$2,900	\$0	\$0	\$2,900
2006	\$2,900	\$0	\$0	\$2,900
2005	\$2,900	\$0	\$0	\$2,900
2004	\$2,900	\$0	\$0	\$2,900
2003	\$2,900	\$0	\$0	\$2,900
2002	\$2,900	\$0	\$0	\$2,900
2001	\$2,900	\$0	\$0	\$2,900
2000	\$2,900	\$0	\$0	\$2,900



- Buildings
- Parcels
- Street Names
- House Numbers

Parcel ID: 20834



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Date: 3/13/2019

Parcel ID: 20835
Address: CAHILL CT
Owner: FULL MOON RISING LLC
 PO BOX 10937
 DANVILLE, VA 24543
Mail-To: FULL MOON RISING LLC
 PO BOX 10937
 DANVILLE, VA 24543

Value Information	
Land / Use:	\$4,800
Improvement:	\$0
Total:	\$4,800.00

Additional Information			
State Code:	4091 Vac Com Buildable - 1	Approx Acres:	0.24
Land Use:	Commercial	Legal Description:	APPROX 50 FT CAHILL CT
Tax Map:	1711-006-000010.000	Zone:	LEDI Light Economic Development
Notes: Avg Lot: 50.0 X 212.0DB 11-2973: 4 lists. (Map 67-1-1)			

Building

There is no building information.

Improvements

There are no improvements.

Land

Land Code:	A36 20000 Per Acre	Rate:	\$20,000
Acres:	0.24	Adj. Rate:	\$20,000
Sq. Ft.:	10,454	Base Value:	\$4,800
Front:	50	Adj. Amount:	\$0
Effective Front:	50	Value:	\$4,800
Depth:	212		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 11	2973	\$100,000	10/27/2011	CAHILL ROBERT Y	FULL MOON RISING LLC
W 80	345	\$0	5/19/1994	<i>No Data</i>	<i>No Data</i>

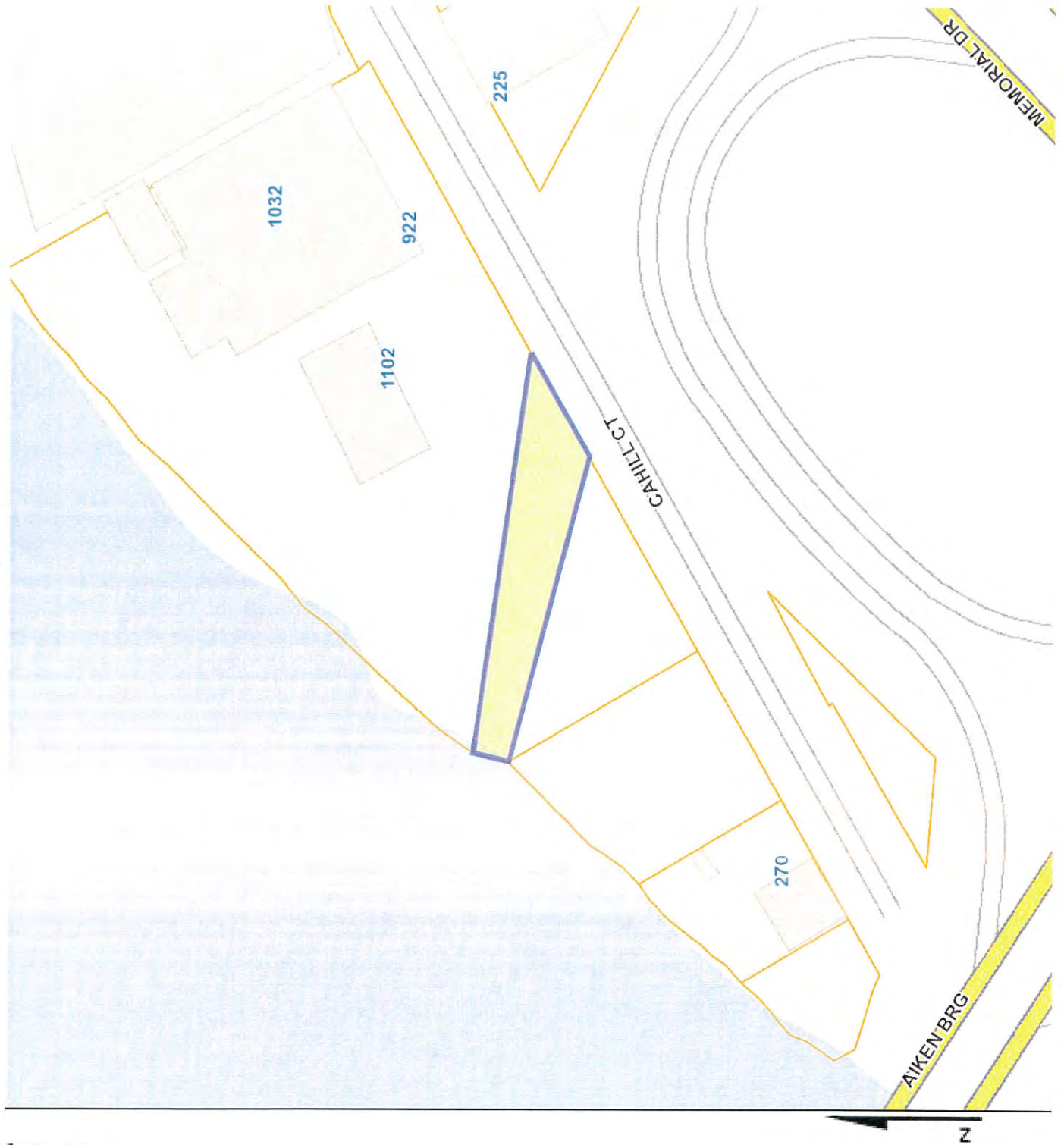
Assessments

Year	Land	Use	Improvements	Total
2018	\$4,800	\$0	\$0	\$4,800
2017	\$4,800	\$0	\$0	\$4,800
2016	\$4,800	\$0	\$0	\$4,800
2015	\$4,800	\$0	\$0	\$4,800
2014	\$4,800	\$0	\$0	\$4,800
2013	\$4,800	\$0	\$0	\$4,800
2012	\$4,800	\$0	\$0	\$4,800
2011	\$4,800	\$0	\$0	\$4,800
2010	\$4,800	\$0	\$0	\$4,800
2009	\$4,800	\$0	\$0	\$4,800
2008	\$4,800	\$0	\$0	\$4,800
2007	\$4,800	\$0	\$0	\$4,800
2006	\$4,800	\$0	\$0	\$4,800
2005	\$4,800	\$0	\$0	\$4,800
2004	\$4,800	\$0	\$0	\$4,800
2003	\$4,800	\$0	\$0	\$4,800
2002	\$4,800	\$0	\$0	\$4,800
2001	\$4,800	\$0	\$0	\$4,800
2000	\$4,800	\$0	\$0	\$4,800



- Buildings
- Parcels
- Street Names
- House Numbers

Parcel ID: 20835



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Date: 3/13/2019

Parcel ID: 20837
Address: 1032 CAHILL CT, 1102
Owner: FULL MOON RISING LLC
PO BOX 10937
DANVILLE, VA 24543
Mail-To: FULL MOON RISING LLC
PO BOX 10937
DANVILLE, VA 24543



Value Information	
Land / Use:	\$31,200
Improvement:	\$113,600
Total:	\$144,800.00

Additional Information			
State Code:	4431 Storage Warehouse	Approx Acres:	1.56
Land Use:	Commercial	Legal Description:	195 FT 1.56 AC NO 1 CAHILL CT
Tax Map:	1711-006-000009.000	Zone:	LEDI Light Economic Development
Notes: Avg Lot: 195.0 X 248.0 Vacant bldgs.DB 11-2973: 4 lists. (Map 67-1-2)			

Building

Building Information - 1

Property Class:	Commercial	Finished Square Feet:	15,584
Style:	<i>No Data</i>	Basement Square Feet:	0
Year Built:	1959	Total Rooms:	0
Condition:	<i>No Data</i>	<i>* Bathrooms are not included in total room count</i>	
Story Height:	<i>No Data</i>		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Concrete Block		100 %	
Space Heater		100 %	

Building Information - 2

Property Class:	Commercial	Finished Square Feet:	2,400
Style:	<i>No Data</i>	Basement Square Feet:	0
Year Built:	1961	Total Rooms:	0
Condition:	<i>No Data</i>	<i>* Bathrooms are not included in total room count</i>	
Story Height:	<i>No Data</i>		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Block with Stucco		20 %	
Concrete Block		80 %	
Space Heater		100 %	

Improvements

Bldg #:	Improvement:	Size:
1	Asphalt Paving	15,582
1	Canopy	1,200

Land

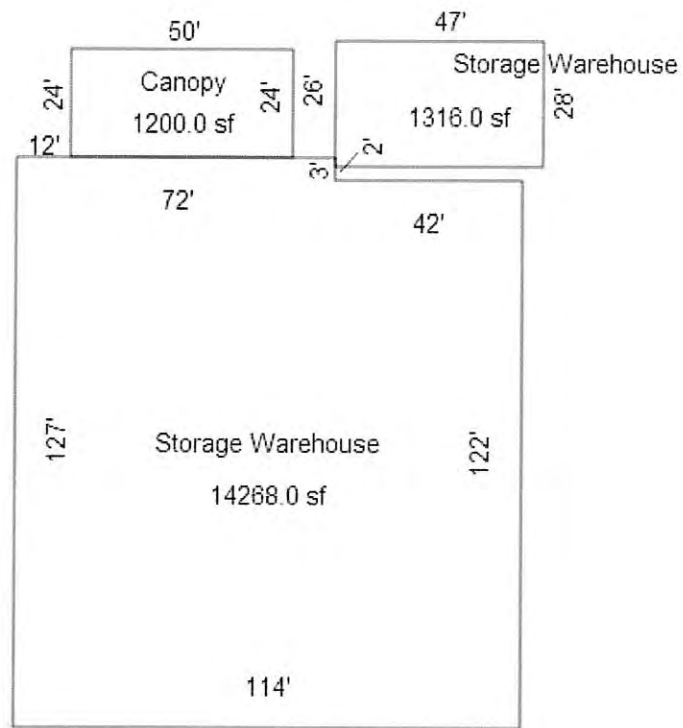
Land Code:	A36 20000 Per Acre	Rate:	\$20,000
Acres:	1.56	Adj. Rate:	\$20,000
Sq. Ft.:	67,954	Base Value:	\$31,200
Front:	195	Adj. Amount:	\$0
Effective Front:	195	Value:	\$31,200
Depth:	248		

Transfers

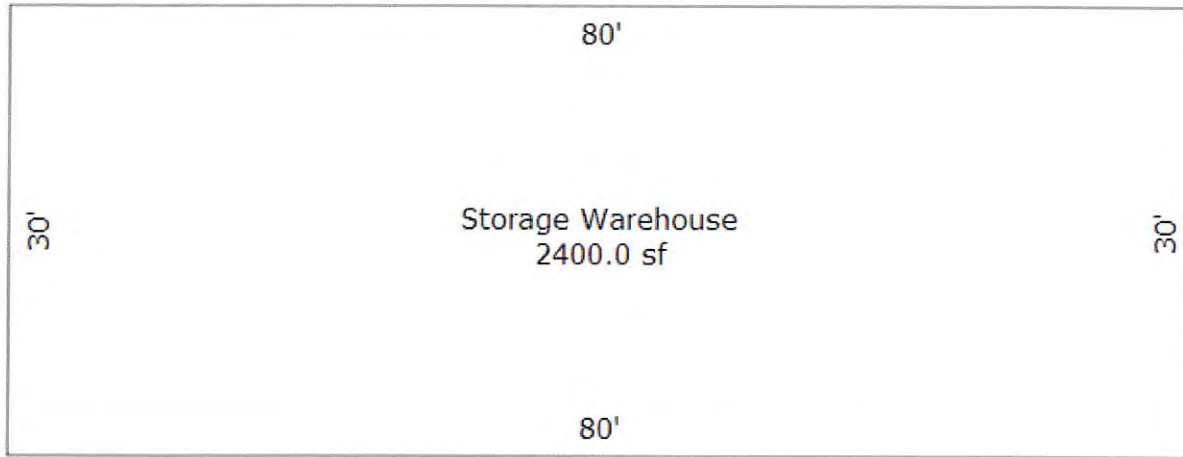
Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 11	2973	\$100,000	10/27/2011	CAHILL ROBERT Y	FULL MOON RISING LLC
W 80	345	\$0	5/19/1994	<i>No Data</i>	<i>No Data</i>

Assessments

Year	Land	Use	Improvements	Total
2018	\$31,200	\$0	\$113,600	\$144,800
2017	\$31,200	\$0	\$116,400	\$147,600
2016	\$31,200	\$0	\$116,400	\$147,600
2015	\$31,200	\$0	\$124,600	\$155,800
2014	\$31,200	\$0	\$124,600	\$155,800
2013	\$31,200	\$0	\$122,500	\$153,700
2012	\$31,200	\$0	\$122,500	\$153,700
2011	\$31,200	\$0	\$137,800	\$169,000
2010	\$31,200	\$0	\$137,800	\$169,000
2009	\$31,200	\$0	\$138,900	\$170,100
2008	\$31,200	\$0	\$138,900	\$170,100
2007	\$31,200	\$0	\$136,400	\$167,600
2006	\$31,200	\$0	\$136,400	\$167,600
2005	\$31,200	\$0	\$123,400	\$154,600
2004	\$31,200	\$0	\$123,400	\$154,600
2003	\$31,200	\$0	\$116,900	\$148,100
2002	\$31,200	\$0	\$116,900	\$148,100
2001	\$31,200	\$0	\$104,900	\$136,100
2000	\$31,200	\$0	\$104,900	\$136,100



Sketch by Apex Media™

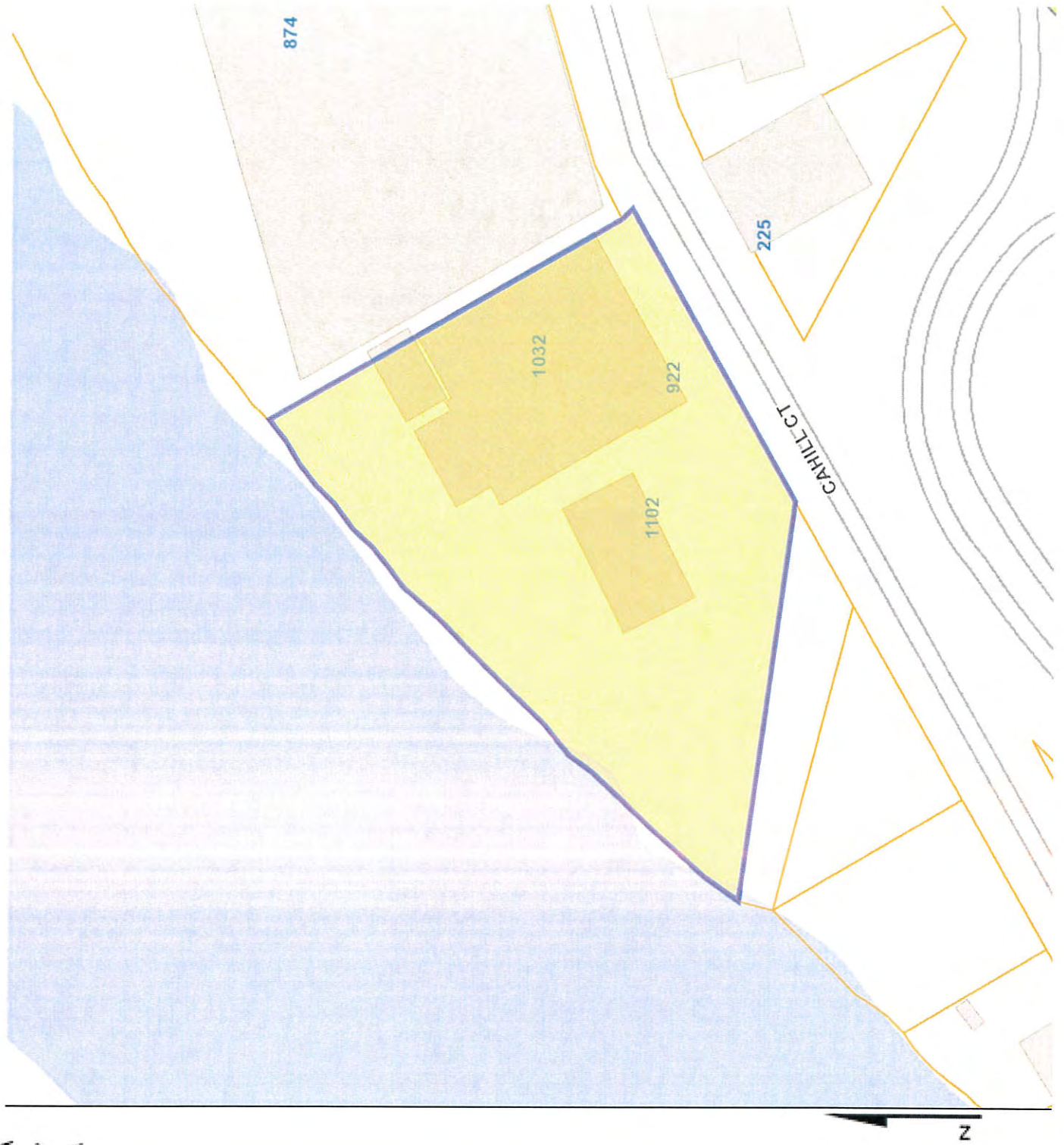


Sketch by Apex Medina™



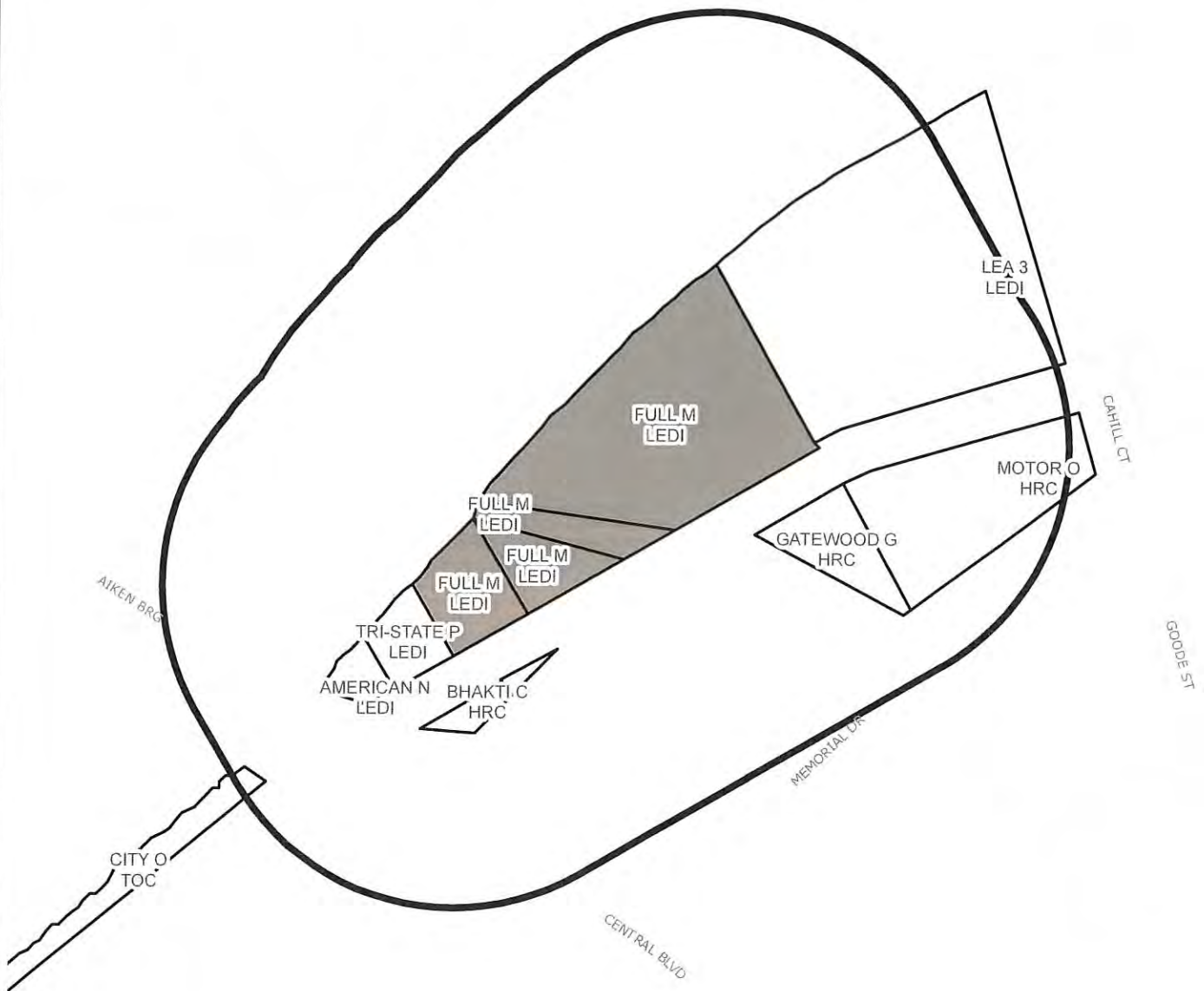
- Buildings
- Parcels
- Street Names
- House Numbers

Parcel ID: 20837



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Date: 3/13/2019



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
3/19/2019

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SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on April 8, 2019
City Council (tentative) at 7pm on May 7, 2019

LOCATION OF PROPERTY: Parcel ID #s 20837, 20835, 20834, and 20833

PRESENT ZONE: LED-I, Light Economic Development Industrial

PROPOSED ZONE: Unchanged

ACTION REQUESTED: Special Use Permit to waive lot size and yard requirements

PRESENT USE OF PROPERTY: Parcel ID# 20837: Storage and office building
Parcel ID#s 20835, 20834, and 20833: vacant land

PROPOSED USE OF PROPERTY: Commercial and warehousing

PROPERTY OWNER (S): Full Moon Rising LLC

NAME OF APPLICANT (S): Full Moon Rising LLC

PROPERTY BORDERED BY: Dan River to the North; Industrial to the East and West,
Highway Commercial to the South

ACREAGE: Total: 2.25 Acres (98,010 Sq. Ft.)
Parcel ID# 20837: 1.56 Acres (67,953.6 Sq. Ft.)
Parcel ID# 20835: 0.24 Acres (10,454.4 Sq. Ft.)
Parcel ID# 20834: 0.19 Acres (8,276.4 Sq. Ft.)
Parcel ID# 20833: 0.26 Acres (11,325.6 Sq. Ft.)

CHARACTER OF VICINITY: Mixture of Low Density Industrial/Commercial

INGRESS AND EGRESS: Cahill Ct.

TRAFFIC VOLUME: Low traffic volume on Cahill St., but high traffic volume on
Memorial Dr. and Central Blvd, each within about 200 ft.
west and south of the properties.



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/19/2019

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

City Planning Commission

City Planning Commission

Meeting of April 8, 2019

Subject:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia 1986 more specifically Article 2 entitled "General Regulations", Section T entitled "Home Occupations", and Article 15 entitled "Definitions", Section B entitled "Definitions". The purpose is to amend regulations regarding Home Occupations, Bed and Breakfast and Home Share facilities.

Background:

On Jan. 7, 2019, Planning Commission requested staff to investigate home occupation regulations, specifically related to the area within a home allowed to be used for the occupation. The issue was tabled at the following meeting on Feb. 11 so that short-term rentals could also be discussed, as a permitted home occupation. On March 5, City Council discussed short-term rentals during a work session, and instructed staff to take the topic to Planning Commission Both topics are now being addressed.

To properly inform Planning Commission, staff considered practices in thirteen (13) other cities in Virginia, case studies and recommendations from professional planning and economic organizations, the *Danville: 2030 Comprehensive Plan*, and local conversations related to home occupations and short-term rentals.

Home Occupation Generally: Currently, home occupations are permitted by right in all residential districts, the TO-C Transitional Office District, and the CB-C Central Business Commercial District. Home occupations are also permitted in the TW-C Tobacco Warehouse Commercial District by Special Use Permit, but limited to a detached residential dwelling.

The City enforces specific standards for home occupations under Article 2, Section T of the Zoning Ordinance. These standards are relatively consistent with the previous Zoning Ordinance (in effect prior to 2004), and those found in other Virginia Cities. Among other observed cities in Virginia, staff observed the four following variations:

1. Permitted size of the home occupation;
2. Number and timing of visitors and deliveries;
3. Number of employees who may be nonresidents or not family members; and
4. Permitted on-street parking.

Home Occupation Area: Regarding the area permitted for use by a home occupation among the observed cities, Planning Commission expressed interest in expanding the floor area of the occupation. When comparing Danville to other cities in Virginia, staff found the following:

- Five (5) cities have a 25% floor area limit for the home occupation;
- One (1) city has a 25% of floor area limit or 800 sq. ft., whichever is less, limit for the home occupation;
- One (1) city has a 25% floor area limit or 500 sq. ft., whichever is less, limit for the home occupation;
- One (1) city has a 20% floor area limit for the home occupation;
- One (1) city has a 250 sq. ft. floor area limit for the home occupation; and
- Three (3) cities have no floor area limit for the home occupation, as long as the primary use of the property remains residential.

Article 2, Section T, Item 10 of the Danville Zoning Ordinance states the following regarding the area of a home to be used for a home occupation:

“No home occupation shall be permitted which comprises more than twenty-five (25) percent of the gross floor area of the dwelling or more than 400 square feet of the dwelling, whichever is less (except for a licensed family day care home).”

Staff see no significant issue with increasing the permitted size of the home occupation up to forty-nine percent (49%) of the home. Such an increase retains the residential character of the home, does not cause any building code concerns, and respects the *Comprehensive Plan*'s goals calling for neighborhood revitalization (encourages people to care for homes and respect their residential neighborhoods), and economic development (encourages new businesses).

Short-Term Rentals: Regarding the use of a home for short-term rentals, City Council expressed interest in allowing the use of homes for paid temporary guest housing for visitors staying less than thirty (30) days. This discussion began in late 2018 after City Council approved two (2) requests for Special Use Permits to operate bed and breakfast establishments in residential districts. When considering the requests, both Planning Commission and City Council discussed whether or not the requests should require a Special Use Permit, and what may be done to update the City's short-term rental regulations to reflect current trends.

Under the current Zoning Ordinance, short-term rental establishments are classified as bed and breakfast establishments, boarding houses, or hotels/motels. Bed and breakfasts are permitted in all residential districts by Special Use Permit only, and in five out of six (5/6) commercial/office districts (one of which is by Special Use Permit). Bed and breakfasts are also required to provide one off-street parking space per room accommodation. Boarding houses are only permitted in one of eight (1/8) residential districts by Special Use Permit only. Hotels and motels are permitted in four out of six (4/6) commercial/office districts, and two out of three (2/3) industrial districts.

In considering the issue of short-term rentals, staff have referred to the recent Special Use Permit requests, concerns raised by residents, current research, and existing regulations in other Virginia Cities. Staff have identified the following concerns related to short-term rentals:

- 1) Where to permit short-term rentals;
- 2) Whether or not to permit rentals by right or by Special Use Permit;
- 3) Different classifications of short-term rentals based on criteria such as the presence of a host, the number of rooms provided, and whether or not breakfast is provided;
- 4) Internal safety of the home, such as the presence of fire extinguishers, smoke detectors, carbon monoxide detectors, and methods of escape;
- 5) Restrictions on the frequency or annual number of rentals;
- 6) The number of rooms for rent and number of people at any one time;
- 7) Effects on housing affordability and availability;
- 8) Competition between large-scale (hotels) and small-scale rentals (homestays);
- 9) Parking requirements;
- 10) Observable appearance of commercial activity in residential districts;
- 11) Use of online platforms, such as Airbnb, VRBO, TurnKey, and several others;
- 12) Tax collection;
- 13) Ability of officials to enforce regulations; and
- 14) Annual registration of short-term rental establishments, which is permitted under state law.

A key component of this topic is the classification of short-term rentals. Generally speaking, a short-term rental is most often classified as either a bed and breakfast, or a hotel/motel. With the rise of online rental platforms, an increasing number of homes across the country can serve as a short-term rental. However, this newly popular use does not fit well into existing classifications. Staff found that modern short-term rentals typically fall into the following categories:

- 1) *Homestay*: a single family or party rents one (1) or two (2) rooms of a residential dwelling where a resident currently lives on a permanent basis. Prepared food is not provided.
- 2) *Whole Home Rental*: a person or party rents an entire residential dwelling where nobody currently lives on a permanent basis. Space to prepare food may be provided.
- 3) *Bed and Breakfast*: multiple person's or parties rent rooms in a residential dwelling where a resident or operator lives on a permanent basis. Prepared food may be provided.
- 4) *Hotel/Motel*: multiple person's or parties rent rooms in a commercial building where nobody lives on a permanent basis. Prepared food may be provided.
- 5) *Boarding House*: multiple persons or parties rent rooms in a residential-style building where a resident lives in a permanent basis.

To reflect the current use of short-term rentals, the Zoning Ordinance could be updated into a tiered system of short-term rentals from least restrictive to most restrictive. The table below depicts these five (5) rental classifications:

Classification	Host Present?	Permitted Occupancy?	Prepared Food Provided?	Permitted in Residential Districts?
Homestay (new)	Yes	Maximum of two (2) rooms and five (5) people	No, but space for food preparation may be provided	By Right
Short-Term Home Rental (new)	No	Maximum of eight (8) people and one party/family for the whole home	Space for guests to prepare own food shall be provided	Special Use Permit
Bed and Breakfast	Yes	Maximum of eight (8) rooms	Yes	Special Use Permit
Hotel/Motel	No	Minimum of six (6) rooms	Yes/Optional	No
Boarding House	Yes	Minimum of four (4) people	No	Special Use Permit in the SR-R, Sandy River Residential District only

Three (3) of the short-term rental classifications currently exist under the Zoning Ordinance, and could remain mostly unchanged. The two new classifications would be for Homestay and Short-Term Home Rental.

The first of the new classifications (Homestay) would permit a limited number of rooms to be rented to guests on a short-term basis, but without the extended legal approval process currently in place. Staff do not expect this to cause any negative effects on the neighborhood.

The second of the new classifications (Short-Term Home Rental) would permit a whole house to be rented to guests on a short-term basis, limited to eight people (approximately one large family or two families traveling together). This classification would specifically prohibit event or banquet facilities. However, this use would still essentially be a commercial use because no person permanently lives in the house. To address potential effects on the neighborhood, approval should be granted only by a Special Use Permit.

Although Planning staff have proposed a formal recommendation (below), staff finds that three questions still remain reasonably debatable:

First: *Should Short-Term Home Rentals be permitted By Right or by Special Use Permit in residential districts?* Making it easier to operate this type of short-term rental could encourage rehabilitation of existing housing. The *Danville: 2030 Comprehensive Plan* calls for policies which encourage housing rehabilitation, specifically in distressed and historic neighborhoods. However, introducing a commercial activity into residential areas may or may not be an appropriate policy to address this goal. Restricting this type of rental to approval by Special Use Permit still allows it in the City, but with reasonable protection of neighborhoods. If time suggests that this restriction is unnecessary, the City can later amend the Zoning Ordinance to permit this type of rental By Right. If permitted By Right at this time, the City cannot revoke the approval of new rentals that open as this type of rental (they would become legal nonconforming if the ordinance were amended again to require a Special Use Permit).

If Planning Commission chooses to recommend this type of rental be permitted By Right, staff suggest limiting this legal approval to a concentrated area. Existing zoning districts are generally too widely spread across the City to use as a means of choosing a specific area. If allowed By Right, staff suggest the implementation of a new overlay district or using an existing district. This strategy would allow limited experimentation to observe local effects of short-term rentals. This strategy reflects practices of cities which do not require a host in specific zoning districts or overlay districts. However, staff still urge caution, and suggest this type of rental be approved by Special Use Permit only.

Second: *Is “Short-Term Home Rental” an appropriate term for this classification of short-term rental?* There is not yet any national or state consensus for the appropriate terminology describing an entire home being rented on a short-term basis without a host (there is emerging consensus for the other types of rentals). Whatever term is chosen will be what people first hear and associate with this use during local legal advertising and discussion. It effectively sets the tone for future conversation. This terminology is the one short-term rental issue on which planning staff cannot agree upon an answer. We encourage Planning Commission to consider alternate names. Other terms could include “Home Rental”, “Whole Home Rental”, “Home Share”, “Home Away”, and “Tourist Home” (this last term is specifically prohibited as a home occupation, although the current ordinance does not define it).

Three: *Should short-term rentals be subject to a short-term rental registration?* Under State law, the City is allowed to require short-term rentals to register annually, unless they are otherwise licensed with the City or State. The City may also collect a fee to maintain the registry. This registration requirement cannot apply to short-term rentals otherwise licensed with the City or State (such as required of hotels/motels). The registration would only apply to smaller-scale short-term rentals.

At this time, all short-term rentals are monitored similar to any other business. This involves an annual \$50.00 business license fee and 7% lodging tax, which is sent to the Commissioner of Revenue on a monthly basis. This treatment can easily confuse

property owners who are not used to running a business, and do not even view themselves as a business. The City could choose to implement a short-term rental registration in place of the business license and lodging tax, and require a \$250.00 registration fee (or other amount deemed appropriate). The registration fee would cover the costs of monitoring the rentals as well as maintaining that they are treated separately than other short-term rentals operating as licensed businesses. This differential treatment would result in the loss of the 7% lodging tax from the short-term rentals, but would be replaced by the maintenance of the short-term registry. If this route is chosen, an appropriate registration fee amount would need to be selected. Based on conversations with the Commissioner of Revenue, staff offer \$250.00 as a potential fee amount.

Recommendation:

With specific consideration of the available information and questions presented previously, the Planning staff recommend that the Zoning Ordinance be amended to implement the following changes:

- 1) Home occupations shall be permitted to occupy up to forty-nine percent (49%) of a home;
- 2) Three (3) new definitions shall be provided: Short-Term Rental (broad category), Homestay, Short-Term Home Rental (or other term chosen by Planning Commission);
- 3) Safety requirements are established to protect neighbors and guests of short-term rentals;
- 4) Homestays shall be permitted by right in residential districts as a home occupation;
- 5) Bed and breakfasts continue to be permitted by Special Use Permit only in residential districts; and
- 6) Short-term home rentals (or other term chosen by Planning Commission) be permitted by Special Use Permit in residential districts.

To achieve the proposed changes, the Planning staff recommends that Articles 2 and 15 of the Zoning Ordinance be amended to read as follows:

Article 2. – GENERAL REGULATIONS

T. – HOME OCCUPATIONS

10. No home occupation shall be permitted which comprises more than ~~twenty-five (25)~~ forty-nine (49) percent of the gross floor area of the dwelling ~~or more than 400 square feet of the dwelling, whichever is less~~ (except for a licensed family day care home, and permitted short-term rental).

17. A short-term rental may be permitted as a home occupation, subject to the following conditions:

- a. The applicant for the establishment must submit at least two (2) forms of documentation indicating the location of the permanent residence of the owner or operator.
- b. A responsible party must be identified for emergencies or concerns, including contact information to be reached any time guests are using the property. This information shall be supplied to the Zoning Administrator when the establishment is approved, and provided to all guests using the property.
- c. The safety requirements associated with a short-term rental (as defined) are observed.
- d. Only homestays shall be permitted as a short-term rental home occupation.

Article 15. – DEFINITIONS

B. – Definitions

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

Homestay. A single family dwelling, occupied by its owner or operator, containing sleeping accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no food prepared for guests by the owner or operator, no more than two (2) room accommodations, no more than five (5) guests at any time, and a thirty (30) consecutive calendar day limit for any guests.

Short-Term Home Rental. A structure designed as a single-family dwelling, but primarily used for temporary guest accommodations in exchange for payment. Such lodging shall have no food prepared for guests by the owner or operator, shall provide space for guests to prepare their own food, shall allow no more than eight (8) guests at any time, and follow a thirty (30) consecutive calendar day limit for any guests. Banquet/event facilities are specifically prohibited as an accessory use. This use shall be treated similarly to a Bed and Breakfast, in terms of being a Permitted Use or Use Permitted by Special Use Permit.

Short-Term Rental. Any residential-style property which provides sleeping accommodations on a daily, weekly, or similar short-term basis for monetary compensation. Prior to hosting any guests, the property must comply with applicable Virginia Uniform Statewide Building Code (USBC). In residential districts, the following safety requirements shall be observed: (1) two means of ingress/egress (may include primary entrance and window) for every sleeping room; (2) one conspicuously posted placard or similar notice indicating the means of ingress/egress in each room; (3) one working smoke detector per sleeping room (including both guests and host); (4) one working smoke detector per floor (smoke detector in a sleeping room may count); (5)

one working carbon monoxide detector per floor; (6) one working fire extinguisher accessible to guests on each floor; and (7) a physical booklet or similar notice notifying guests of the location of working fire extinguishers, City requirements for the rental, contact information for a responsible party and Zoning Administrator, and proof of inspection. This shall specifically exclude establishments which are otherwise licensed as businesses with the City or State, such as hotels.

Additionally, staff recommend that the City Council consider an annual registration of short-term rentals. The management of the registry and fee collection could be overseen by either the Commissioner of Revenue's office or the Planning Division. Doing so would require an amendment to The Danville City Code under either Chapter 37 entitled "Taxation", or Chapter 41 entitled "Zoning Ordinance". Finances are not usually under the scope of the Zoning Ordinance or the Planning Commission. At this time, Staff's concern is merely that the issue should be examined to be consistent with any other update to the Zoning Ordinance.

City Planning Commission Options:

1. Recommend approval of the requested code amendment.
2. Recommend approval of the requested code amendment with modifications by City Planning Commission.
3. Recommend denial of the requested code amendment.
4. Table the requested code amendment.

AND (second vote)

1. Recommend that City Council examine other issues related to short-term rentals, specifically including taxation and annual registration.
2. Make no recommendation regarding other issues related to short-term rentals, specifically including taxation and annual registration.

Attachments:

- A. Current Local Home Occupation Regulations
- B. Sample Short-Term Rental Application
- C. Charts Comparing Local Regulations to Other Virginia Cities

Current Local Home Occupation Regulations

Chapter 41 – ZONING ORDINANCE

ARTICLE 2. – GENERAL REGULATIONS

T. - Home Occupations.

1. A home occupation permit shall be approved by the Director of Planning/Zoning Administrator prior to commencement of business operations.
2. The home occupation shall be clearly incidental to the use of the premises for dwelling purposes.
3. The home occupation shall be conducted only by direct family members residing on the premises and not more than one person who is not a direct member of the family.
4. The home occupation shall not result in the alteration of the appearance of the residential dwelling unit or the lot on which it is located. There shall be no storage or display of goods outside of a completely enclosed structure (except for outside play equipment for a licensed family day care home).
5. The home occupation shall be conducted within the dwelling or fully enclosed accessory building, shall not require external alternative to the appearance of the dwelling, and shall involve no equipment which is deemed to be in conflict with the intent of the residential nature of the community (except for outside play equipment for a licensed family day care home).
6. The home occupation shall not involve the use or storage of explosives, flammable or hazardous materials and may not involve any process that produces smoke, dust, odor, noise, vibration, or electrical interference, which in the opinion of the Director of Planning/Zoning Administrator, is deteriorative or harmful to surrounding properties.
7. The home occupation shall not involve the delivery and storage of materials at a frequency beyond that which is reasonable to the residential use of the property (except for the transportation of children to and from a licensed family day care home).
8. Any use which generates traffic to and from the home in excess of what is normally associated with a single-family dwelling shall not be permitted as a home occupation (except for the transportation of children to and from a licensed family day care home).
9. There shall be no group instruction, assembly or activity, or no display that will indicate from the exterior that the dwelling is being utilized in part for any purpose other than that of a residential dwelling. There shall be no advertising on the premises.
10. No home occupation shall be permitted which comprises more than twenty-five (25) percent of the gross floor area of the dwelling or more than 400 square feet of the dwelling, whichever is less (except for a licensed family day care home).
11. A home occupation shall comply with all applicable City, State and Federal laws and regulations governing the intended use, including applicable business licenses and permits.
12. Home occupation applicants shall permit reasonable inspections of the premises by the Director of Planning/Zoning Administrator or other City official to determine compliance with this ordinance and the conditions attached to the granting of a home occupation permit.
13. Any home occupation, which in the opinion of the Director of Planning/Zoning Administrator, has violated the provisions of the home occupation permit or becomes a burden to the neighborhood due to excessive traffic, noise, hours of operation, lighting, or

Current Local Home Occupation Regulations

use intensity, shall have its permit revoked and the home occupation shall discontinue or correct operations within ten days upon notification.

14. Any person aggrieved by the action of the Director of Planning/Zoning Administrator in granting, denying or revoking a home occupation permit or in stipulating conditions or corrections thereto may appeal the decision to the Board of Zoning Appeals.
15. Within the context of the above requirements, home occupation uses include, but are not limited to, the following:
 - a. Artist, sculptor, graphic designer or photographer, limited to one employee.
 - b. Author or composer, limited to one employee.
 - c. Computer programmer, internet service provider or individual conducting a computer-oriented technology services, limited to one employee.
 - d. Home care provider (baby-sitting for not more than 5 non-related children or home care provided for not more than 5 non-related adults).
 - e. Tailor or seamstress, limited to one employee.
 - f. Professional office, limited to one employee with no client interaction on the site.
 - g. Tutoring, limited to two students at any one time.
 - h. Salesperson, provided that no retail or wholesale transactions occur on premises and limited to one employee.
 - i. Telephone answering service, limited to one employee.
 - j. Music teacher, limited to two students at any one time.
 - k. Caterer, limited to one employee.
 - l. Family day care home (baby-sitting for more than five (5) but not more than twelve (12) non-related children.
16. Specifically prohibited home occupation uses include, but are not limited to, the following:
 - a. Auto repair or auto paint shop.
 - b. Reserved.
 - c. Gift shops.
 - d. Adult entertainment businesses and massage parlors.
 - e. Medical and dental clinics.
 - f. Veterinary activities and kennels.
 - g. Wrecking and towing service.
 - h. Welding and machine shop.
 - i. Beauty parlors.
 - j. Barber shops.
 - k. Nursing homes, convalescent homes, and adult care facilities (6 adults or more).
 - l. Child day care provider.
 - m. Eating establishments.

Current Local Home Occupation Regulations

- n. Antique shops.
- o. Tourist homes.
- p. Fortune tellers.
- q. Small machinery repair shop.
- r. Other similar use.
- s. Commercial (non-charitable) door-to-door sales.

(Ord. No. 2004-02.04, Art. 2, § T, 2-17-04; Ord. No. 2012-12.07, 12-18-12)

ARTICLE 15. - DEFINITIONS

B. – Definitions

Home occupation. Any occupation or activity which is clearly incidental and secondary to use of the premises for dwelling and which is carried on wholly or in part within a main building or accessory building or on the premises by a member of the family that resides on the premises. Such use shall not change the the character of the dwelling unit nor have any exterior evidence other than a sign as provided for in Article 10 of this ordinance.

(Ord. No. 2004-02.04, Art. 15, § B, 2-17-04; Ord. No. 2005-01.03, 1-4-05; Ord. No. 2005-04.04, 4-5-05; Ord. No. 2008-03.02, 3-4-08; Ord. No. 2008-07.04, Art. 15, § B, 7-15-08; Ord. No. 2009-07.02, 7-7-09; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2009-12.08, 12-15-09; Ord. No. 2012-08.02, 8-21-12; Ord. No. 2012-09.09, 9-18-12; Ord. No. 2012-12.07, 12-18-12; Ord. No. 2012-11.09, 11-20-12; Ord. No. 2013-02.03, 2-19-13; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2013-10.06, 10-17-13; Ord. No. 2014-08.09, 8-19-14; Ord. No. 2015-07.05, 7-21-15; Ord. No. 2015-09.09, 9-15-15; Ord. No. 2016-04.03, 4-5-16; Ord. No. 2016-07.03, 7-5-16; Ord. No. 2017-08.01, 8-3-17)



Residential Short-Term Rental Application

City of Danville Planning Division • P.O. Box 3300 • Danville, VA

24543 434-799-5260 office • 434-797-8919 fax • johnsbw@danvilleva.gov

Site Information	
Property Owner	
Rental Type (Circle)	Homestay Short-Term Home Rental Bed and Breakfast
Address	
City, State, Zip	
Phone	
Email	

Responsible Party	
An individual must be identified as the responsible party for emergencies or concerns related to the rental property.	
Name	
Address	
City, State, Zip	
Phone	
Email	

I have read the attached regulations regarding short-term rentals and understand that any City approvals or permits may be revoked if I fail to comply with the provisions of City Code. I give my consent to City Zoning Administrator, or their designee, to verify compliance with the requirements and grant a right of access to make necessary inspections to ensure compliance.

Property Owner Signature

Date

Responsible Party (if different than property owner)

Date



Short-Term Rental Requirement Checklist:

- ☐ Photo copy of two (2) forms of documentation indicating the property is the permanent residence of the owner or operator. Examples of acceptable documentation include Driver's License, Picture ID, US Passport, Voter's Registration Card, tax forms, utility bills, or other government issued forms.
- ☐ If required, a Special Use Permit has been obtained (Short-Term Home Rental or Bed and Breakfast in a residential district).
- ☐ The owner or operator shall permit at least one (1) inspection each year by the Zoning Administrator, or other official designated by the City to ensure compliance with City regulations.
- ☐ Proof of insurance covering potential damage from guests (recommended)
- ☐ Site Inspection:
 - ☐ Every sleeping room has at least two (2) means of ingress/egress, including the primary entrance.
 - ☐ One (1) conspicuously posted placard or similar notice indicating means of ingress/egress in each sleeping room.
 - ☐ One (1) working smoke detector in each sleeping room (for both guests and the operator/owner).
 - ☐ One (1) one working smoke detector per floor.
 - ☐ One (1) working carbon monoxide detector per floor.
 - ☐ One (1) working fire extinguisher per floor, accessible for use by guests.
 - ☐ A physical booklet or similar notice notifying guests of the location of working fire extinguishers, the City requirements for the rental, contact information for the responsible party and Zoning Administrator, and proof of inspection (copy of this signed form).

Certification:

To the best of my knowledge, this property has been inspected and meets the requirements for a short-term rental in the City of Danville, Virginia.

Property Address

Zoning Administrator

Date



Permitted Residential Short-Term Rentals:

Homestay	
Definition	A single family dwelling, occupied by its owner or operator, containing sleeping accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no food prepared for guests by the owner or operator, no more than two (2) room accommodations, no more than five (5) guests at any time, and a thirty (30) consecutive calendar day limit for any guests.
Requirements	Zoning inspection to ensure compliance with Zoning Ordinance (safety requirements listed on approval form, property remains primarily residential (see home occupation regulations).
Short-Term Home Rental	
Definition	A structure designed as a single-family dwelling, but primarily used for temporary guest accommodations in exchange for payment. Such lodging shall have no food prepared for guests by the owner or operator, shall provide space for guests to prepare their own food, shall allow no more than eight (8) guests at any time, and follow a thirty (30) consecutive calendar day limit for any guests. Banquet/event facilities are specifically prohibited as an accessory use. This use shall be treated similarly to a Bed and Breakfast, in terms of being a Permitted Use or Use Permitted by Special Use Permit.
Requirements	Zoning inspection, safety requirements listed on approval form, Special Use Permit if in a residential district <u>or</u> 51% of nearby property owners (within 300 ft.) do not oppose the use, property remains primarily residential (see home occupation regulations) if no Special Use Permit is obtained
Bed and Breakfast Type B	
Definition	A single family dwelling, occupied by its owner or operator, containing sleeping and breakfast accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no more than eight (8) room accommodations for transient persons and wherein a charge is normally paid for such accommodations. A bed and breakfast may include banquet/event facilities for private parties as an accessory use. This use shall be considered a type of bed and breakfast.
Requirements	Zoning inspection, safety requirements listed on approval form, Special Use Permit if in a residential district.

Comparison of Local Regulations to Other Virginia Cities

Table 1: Short-Term Rental Regulations Comparison¹

City	Types	Permitted in Residential Districts?	Additional Comments
Bristol	Hotel	By Right: no residential districts Special Use: all residential districts	Specific uses by Special Use Permit are not listed or defined, but bed and breakfasts could feasibly be permitted if the City finds them to be compatible with the zoning district
	Motel	By Right: no residential districts Special Use: all residential districts	
Charlottesville	Homestay	By Right: most residential districts (excludes only the mobile home district) Special Use: no residential districts	Annual registration for all short-term rentals, with \$100 annual fee Additional regulations for short-term rentals in residential districts similar to regulations for home occupations to restrict observable commercial activity in residential districts, such as no visible nonresidential changes to the building (see attached regulations for more details) During annual registration, operators sign a form indicating they understand and agree to the standards regulations for short-term rentals in residential districts
	Bed and Breakfast	By Right: some medium and high density residential districts Special Use: no residential districts	
	Inn	By Right: no residential districts Special Use: some medium and high density residential districts	
	Boarding House	By Right: no residential districts Special Use: some medium and high density residential districts	
	Hotel/Motel	By Right or Special Use: no residential districts	

¹ For detailed information, please consult the related zoning regulations for each City.

Comparison of Local Regulations to Other Virginia Cities

City	Types	Permitted in Residential Districts?	Additional Comments
Colonial Heights	Bed and breakfast:	By Right: some medium and high density residential districts Special Use: no residential districts	Additional regulations for bed and breakfasts include the required presence of the owner or family, limitation of five (5) rooms for rental and sixteen (16) guests at a time, and similar restrictions to maintain the residential character of the neighborhood (see attached regulations for more details)
	Hotel/Motel:	By Right: no residential districts Special Use: no residential districts	
Danville	Bed and Breakfast	By Right: no residential districts Special Use: all residential districts	
	Boarding House	By Right: no residential districts Special Use: one low density residential district (Sandy River)	
	Hotel/Motel	By Right or Special Use: no residential districts	
Franklin	Bed and Breakfast	By Right: no residential districts Special Use: some low, medium, and high density residential districts	
	Hotel	By Right: no residential districts Special Use: one medium-high density residential district	
	Motel	By Right: no residential districts Special Use: one medium-high density residential district	

Comparison of Local Regulations to Other Virginia Cities

City	Types	Permitted in Residential Districts?	Additional Comments
Hopewell	Bed and Breakfast	By Right: some low, medium, and high density residential districts Special Use: no residential districts	
	Hotel	By Right or Special Use no residential districts	
	Motel	By Right or Special Use no residential districts	
Lynchburg	Bed and Breakfast	By Right: no residential districts Special Use: all residential districts	The City is currently considering revising its regulations to possibly allow some rentals by right, but also to address concerns by neighbors such as frequency of visits, on-site presence of the host, number of rooms being rented, and some arguments for an annual registration fee
	Rooming House	By Right: no residential districts Special use: some medium and high density residential districts	
	Hotel/Motel	By Right: no residential districts Special Use: no residential districts	
Manassas	Bed and Breakfast	By Right: no residential districts Special Use: some low and medium density residential districts	Additional regulations for bed and breakfasts include keeping a list of all guests (including dates), a thirty (30) consecutive day limit for any guest, that the building shall continue to be primarily a residential use, the operator/owner must primarily live on the property, and similar restrictions (see attached regulations for more details)
	Hotel	By Right or Special Use no residential districts	

Comparison of Local Regulations to Other Virginia Cities

City	Types	Permitted in Residential Districts?	Additional Comments
Martinsville	Bed and Breakfast Homestay	By Right: some medium-high residential districts Special Use: no residential districts	
	Bed and Breakfast Inn	By Right: one medium-high residential district Special Use: one medium-high residential district	
	Hotel	By Right or Special Use no residential districts	
	Motel	By Right or Special Use no residential districts	
Petersburg	Bed and Breakfast	By Right: No residential districts Special Use: some medium and high density residential districts	Additional regulations for bed and breakfasts include a maximum of two (2) guests per room and twenty (20) per structure, on-site operator, and other limitations deemed necessary by the City (see attached regulations for more information)
	Hotel	By Right: no residential districts Special Use: no residential districts	
Richmond	Tourist Home on Highway	By Right: some high density residential districts Special Use: no residential districts	Annual registration for all short-term rentals, and a \$50 annual fee
	Tourist Home Off Highway	By Right or Special Use no residential districts	
	Hotel	By Right or Special Use no residential districts	

Comparison of Local Regulations to Other Virginia Cities

City	Types	Permitted in Residential Districts?	Comments
Roanoke	Bed and Breakfast	By Right: one agricultural residential district Special Use: some low, medium, and high density residential districts	Additional regulations for bed and breakfasts in residential districts that the owner live on the property, maximum of six (6) rooms for rental and twelve (12) guests at a time, maximum of fourteen (14) days of visitation for any person, and similar restrictions Additional regulations for homestays include on-site presence of the operator, maximum of two (2) rooms for rent and four (4) guests, maximum of fourteen (14) days of visitation for any person, and similar restrictions (see attached for more information)
	Boarding House	By Right: no residential districts Special Use: one high density residential district	
	Homestay	By Right: no residential districts Special Use: all residential districts	
	Short-Term Rental	By Right: no residential districts Special Use: no residential districts	
Staunton	Bed and Breakfast	By Right or Special Use: no residential districts	Annual registration with a \$50 annual fee Additional regulations for homestays, such as maximum of two (2) guests per room, and prohibited from operation after three (3) or more related violations (see attached for more information)
	Homestay	By Right: all residential districts as an accessory use Special Use: no residential districts	
	Hotel	By Right or Special Use: no residential districts	
Waynesboro	Bed and Breakfast	By Right: some medium and high density residential districts Special Use: some medium and low density residential districts	Additional regulations for bed and breakfasts such as a required on-site operator, and maximum of five (5) rooms for rent (see attached for more information) Additional regulations for inns such as a required on-site operator, and maximum of twenty (20) rental rooms (see attached for more information)
	Hotel	By Right or Special Use: no residential districts	
	Inn	By Right: one high density residential district Special Use: no residential districts	

Comparison of Local Regulations to Other Virginia Cities

Table 2: Home Occupation Regulation Comparisons

City	Permitted Max Size	Other Comments ²
Bristol	25% of total floor area	No on-street parking Client visitation restricted to between 9am and 8pm
Charlottesville	25% of total floor area	Allows one (1) non-resident employee No on-street parking Deliveries shall occur between 8am and 9pm Up to three (3) clients may visit at a time between 8am and 9pm
Colonial Heights	20% of total floor area	Allows one (1) non-resident employee No new parking, traffic, or deliveries inconsistent with the existing traffic patterns Operations which may potentially affect neighbors is not allowed between 10pm and 7am Use of an accessory building requires a special exception (special use) permit
Danville	25% of total floor area or 400 sq. ft., whichever is less (excluding licensed family day care home)	Allows one (1) non-family employee No new traffic or deliveries inconsistent with the existing traffic patterns
Franklin	25% of total floor area	Allows one (1) non-family employee No new traffic or deliveries inconsistent with the existing traffic patterns
Hopewell	No limit as long as the occupation is not the primary use	No new traffic inconsistent with existing traffic patterns

Unless otherwise noted, the listed cities share the following restrictions:

- *Restricted to residents or family living on the property*
- *No outdoor commercial alterations or storage*
- *No noises, odors, vibrations, etc...affecting neighboring properties*

Comparison of Local Regulations to Other Virginia Cities

City	Permitted Max Size	Other Comments ²
Lynchburg	20% of total floor area	Client visitation by appointment only Allows one (1) non-family employee
Manassas	25% of total floor area	No client, employee, or similar visitation
Martinsville	25% of total floor area or 800 sq. ft., whichever is less	No on-street parking or new traffic inconsistent with existing traffic patterns May not use an accessory building
Petersburg	No limit as long as the occupation is not the primary use	No new traffic inconsistent with existing traffic patterns
Richmond	25% of total floor area or 500 sq. ft., whichever is less	Clients, deliveries, and other visitation is limited to four (4) vehicles per day, two (2) people at any time, and between 8am and 6pm
Roanoke	250 sq. ft.	Restricted to family members living on the property only if the occupation is a personal services establishment No client visitation (personal service establishments are exempt if there is only one entrance/exist for clients, on the side or rear of the building) Deliveries are restricted to services typically associated with residential properties (USPS, FedEx, UPS, etc...)
Staunton	25% of total floor area (excluding in-home day cares)	Client visitation by appointment only No on-street parking or new traffic inconsistent with existing traffic patterns
Waynesboro	No limit as long as the occupation is not the primary use	Allows up to two (2) non-resident employee by conditional use (special use) permit No new traffic inconsistent with existing traffic patterns

PLANNING COMMISSION MINUTES

March 11, 2019

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Lisa Jones
Bryce Johnson
Holley Preston
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit application PLSUP20190000049, filed by Ta Lowery, requesting a Special Use Permit for a duplex in accordance with Article 3:E, Section C, Item 2 of the Code of the City of Danville, Virginia 1986, as amended at 338 Third Ave otherwise known as Grid 2813 Block 004 Parcel 000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to use a vacant structure as a duplex residential dwelling.*

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated was Mrs. Lowery notified on how important it is to be here?

Mr. Johnson stated yes she was notified.

Mr. Bolton stated I manage a duplex down on Jordan Street and I go by this property all the time. It is pretty basic and it has an access to off street parking if she chose to do so. I understand that we like for people to be here and I appreciate Mr. Wilson for saying that but I would say on something like this and being familiar with, I would go ahead and vote.

Mr. Bolton made a motion for approval for Special Use Permit application PLSUP20190000049 as submitted. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit application PLSUP20190000052, filed by Cecil E. Bridgeforth requesting a Special Use Permit for a daycare center in accordance with Article 3:M, Section C, Item 6 of the Code of the City of Danville, Virginia 1986, as amended at 110 Exchange St., otherwise known as Grid 1713, Block 005, Parcel 000005, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have a daycare center for children.*

Mr. Searce opened the Public Hearing.

Mr. Cecil E. Bridgeforth, we basically are going to establish a daycare center where we presently are and we have obtained another place within that location and right now we are leasing spaces and will be leasing a bigger place in the next few months. It is basically self-explanatory; we just want to serve the Community by helping our young generation. I became the owner of the Tina Foundation where we are a mentor company where we mentor young men and women ages five to eighteen. So, with this daycare center that will also help as far as us mentoring kids. We will also have after school programs. It's not a twenty- four hour facility; we are just running a Monday through Friday program from 6:00 am until 6:00 pm. There will be nothing on Saturdays or Sundays.

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

Mr. Bridgeforth stated the minimum of what I was told is ten and the max maybe fifteen. If we exceed that then we will definitely be looking for another property but for right now because this is the beginning of a new business and daycare, the space that we are in now is 1851 sq. ft. It's just an open space building where we are able to accommodate ten to fifteen children.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated just curious does the building have to be redesigned or anything in order to meet certain codes for having children in a daycare?

Mr. Johnson stated I talked with the building inspectors and it meets any requirements for the daycare.

Mr. Bolton stated based on the square footage is there a certain number of maximum children that can be there?

Mr. Johnson stated based on the square footage for right now is up to twenty children. If they were to expand and can work that out with the property owner additional children would be permitted. It would be able to increase a little bit.

Mr. Wilson made a motion for approval for Special Use Permit application PLSUP20190000052 as submitted subject to conditions recommended by staff. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

III. ITEM NOT FOR PUBLIC HEARING.

Review of a final major consolidation and subdivision plat of two existing parcels to create three (3) new lots on Saunders dr.

Mr. Fred Shanks stated he is here to answer any questions.

Mr. Searce stated it is pretty straight forward.

Mr. Bolton made a motion that we adopt a resolution to grant approval of the Final Major Subdivision Plat for the final major consolidation and subdivision plat of two existing parcels to create three new lots on Saunders Drive subject to the allowance

of minor changes for typographical errors and errors of omission. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

III. Minutes

The February 11, 2019 minutes were approved by unanimous vote.

IV. OTHER BUSINESS

With no further business, the meeting adjourned at 3:18 p.m.

APPROVED