



City of Danville

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

City Planning Commission

MARCH 8, 2021

3:00 P.M.

CITY COUNCIL CHAMBERS - 4th FLOOR MUNICIPAL BUILDING

AGENDA

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ITEMS FOR PUBLIC HEARING

1. Rezoning Application PLRZ 2020-155 (PLVAR2020-110), remanded from the Board of Zoning Appeals on a case filed by Mark and Karen Davis, requesting to rezone from HR-C Highway Retail Commercial District to S-R Suburban Residential District at 734 Mt. Cross Road, Parcel #72873. The applicant requested a variance to allow for a deck constructed without permits onto a legal non-conforming residential use to remain in a HR-C Highway Retail Commercial District. The BZA remanded this case to the Planning Commission for a possible rezoning.
2. Special Use Permit Application PLSUP 2021-25, filed by property owners Cynthia and Shawn McKnight, requests a Special Use Permit for agriculture, forestry and horticultural uses in accordance with Article 3.B Section C.1. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1560 Halifax Road, Parcel ID#74777. The applicant requests a Special Use Permit for "homesteading" type agriculture in the T-R Threshold Residential Zoning District.
3. Rezoning Application PLRZ 2021-50, filed by Jimmie L New, requests to rezone 109 Barter Street, Parcel ID #52948, from HR-C Highway Retail Commercial to M-I Industrial Manufacturing. The proposed rezoning allows the current building tenant to perform on-site heavy vehicle repair.

IV. OTHER ITEMS

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

V. INITIATE ZONING ORDINANCE AMENDMENTS

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

VI. APPROVE MINUTES FROM FEBRUARY 8, 2021

VII. ADJOURNMENT



City of Danville

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

City Planning Commission

City Planning Commission

Meeting of August 10, 2020

Subject:

Rezoning Application Request PLRZ20200000155 (PLVAR20200000110), remanded from the Board of Zoning Appeals on a case filed by Mark and Karen Davis, requesting to rezone from HR-C Highway Retail Commercial District to S-R Suburban Residential District 734 Mt. Cross Road, otherwise known as Grid 0708, Block 002, Parcel 000005, of the City of Danville, Virginia, Zoning Map. The applicant requested a variance to allow for a deck constructed without permits onto a legal non-conforming use to remain on a residential property in area zoned HR-C Highway Retail Commercial District. The Board of Zoning Appeals remanded this case to the Planning Commission to review for a possible Zoning Change.

Background:

The property at 734 Mt. Cross Road is located within an HR-C Highway Retail Commercial District. The City's long-range plans for this area are for commercial development to the City/County Line.

The property is developed with a legal non-conforming single family home. As its legal non-conforming, no expansion is permitted. The applicant was notified in January of 2020 of a violation of the Uniform Statewide Building Code for the construction of a deck onto the structure without obtaining permits or the required zoning clearance. Had an attempt been made to obtain permits, the City could have notified the owners that this construction would not be permitted and explained options for attempting to rezone the property.

A request for a variance went to the Board of Zoning Appeals at their meeting of July 16, 2020. The Board heard the case and remanded it to the Planning Commission to determine if a rezoning of the property was a potential solution to change from legal non-conforming to conforming.

Ten (10) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on August 10, 2020.

Staff Analysis and Recommendation:

This entire area is zoned HR-C Highway Retail Commercial District. This request could amount to spot zoning. At the Board of Zoning Appeals meeting, the applicant expressed a willingness to discuss rezoning with adjacent legal non-conforming properties to attempt to join this application to bring their properties into conformance.

Due to time constraints and COVID issues, the applicant has not had that opportunity. Staff would recommend that this item be continued until the September meeting to afford the applicant sufficient time to contact adjacent property owners to see if they wish to co-join this application.

City Planning Commission Alternatives:

1. Recommend continuation of Rezoning Application Request PLRZ20200000155 (PLVAR20200000110) to a future meeting.
2. Recommend approval of Rezoning Application Request PLRZ20200000155 (PLVAR20200000110) as submitted.
3. Recommend approval of Rezoning Application Request PLRZ20200000155 (PLVAR20200000110) with conditions per Planning Commission.
4. Recommend denial of Rezoning Application Request PLRZ20200000155 (PLVAR20200000110).

Attachments:

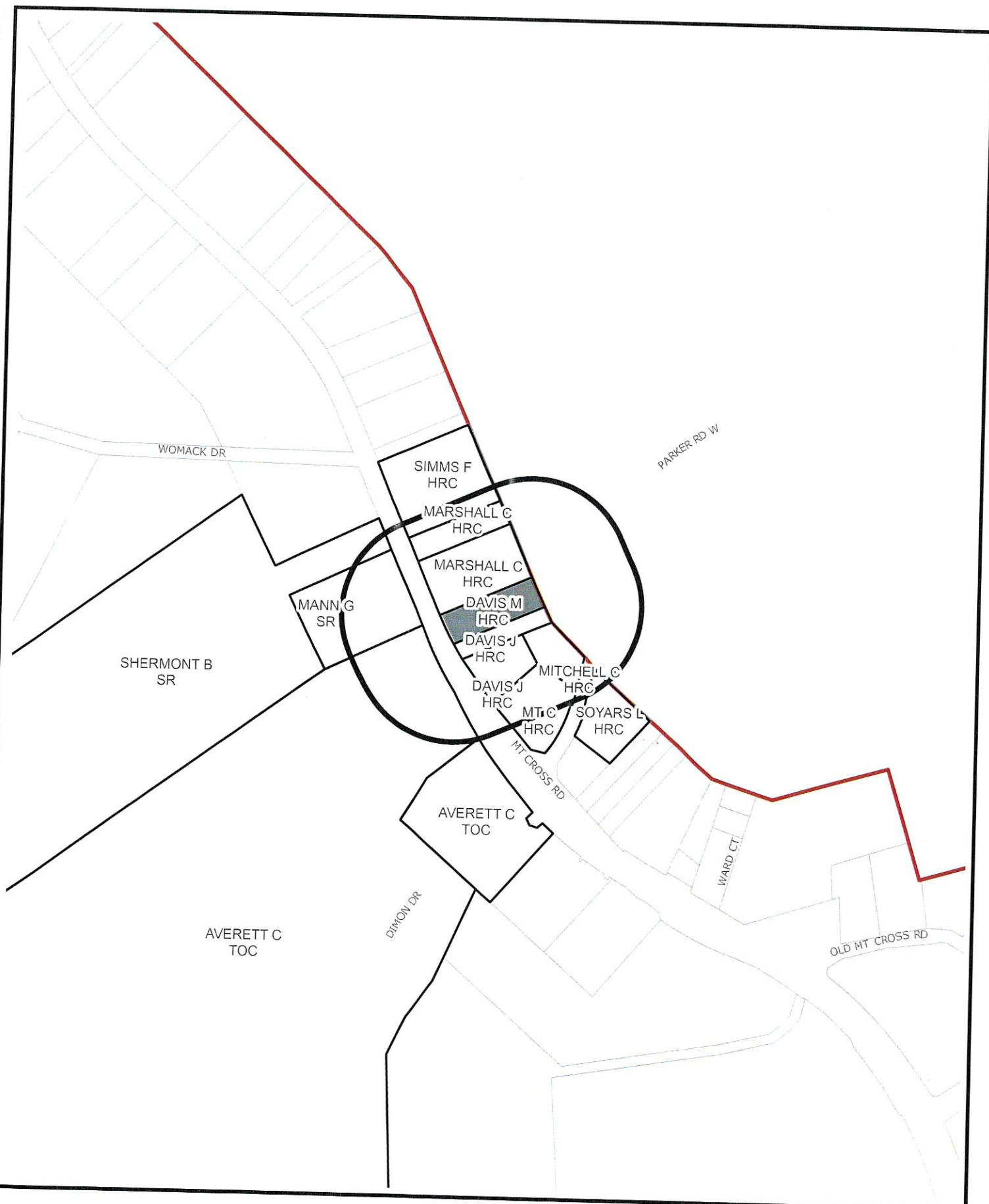
Property Ownership/Zoning Map

Data Sheet

Existing Land Use Map (2019 Aerial)

REZONING REQUEST
DATA SHEET

DATE:	AUGUST 10, 2020
LOCATION OF PROPERTY:	734 Mt. Cross Road (Parcel ID 72873)
PRESENT ZONE:	HR-C Highway Retail Commercial District
ACTION REQUESTED:	The applicant is requesting a variance to allow for a deck constructed without permits onto a legal non-conforming use to remain on a residential property in area zoned HR-C Highway Retail Commercial District.
PRESENT USE OF PROPERTY:	Single-family residence
PROPOSED USE OF PROPERTY:	Same
PROPERTY OWNER (S):	Mark and Karen Davis
NAME OF APPLICANT (S):	same
PROPERTY BORDERED BY:	Single-family residential and commercial uses to the north and south, vacant land and single family residential to the east, and Averett University and a church to the west.
ACREAGE/SQUARE FOOTAGE:	.69 acres
CHARACTER OF VICINITY:	Mixed commercial and residential
INGRESS AND EGRESS:	Mt. Cross Rd
TRAFFIC VOLUME:	High
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting on August 10, 2020.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
6/26/2020

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2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



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

City Planning Commission

STAFF REPORT

DATE: February 17, 2021
TO: Planning Commission
FROM: Doug Plachcinski, Planning Division Director
RE: SPECIAL USE PERMIT APPLICATION - 1560 HALIFAX ROAD

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

BACKGROUND

This applicant would like to raise animals as allowed under the agriculture provisions in the Zoning Ordinance. The Planning Division sent ten (10) notices to surrounding property owners within 300' feet of the subject property.

STAFF ANALYSIS AND RECOMMENDATION

The applicants, property owner Cynthia and Shawn McKnight, applied to the Planning Division for agriculture in the T-R Threshold Residential Zoning District. The application is attached to this report.

Chapter 41 Article 15, zoning ordinance definitions

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

Additionally, City Ordinance Chapter 5, Section 32(b.) also defines “poultry or animal yard” as every lot, parcel, enclosure, shed, or structure used to house ten (10) or more live fowl, including in the term “fowl”; chickens, ducks, geese, and other poultry, or any cattle, horses, sheep, goats, or other domestic, native, or exotic animals, excluding dogs, cats, and rabbits.

Nine (9) or fewer poultry do not meet the “poultry or animal yard” definition, therefore the applicant must keep the area used by the five (5) poultry within one hundred twenty-five (125) feet of any building used for residence purposes by anyone other than the one maintaining such fowl clean, sanitary, and free from all refuse. The proposed one (1) livestock (excluding swine) animal must be kept 125' away from adjacent dwellings. The homes to the south of the subject property, along Halifax Road, are all more than 125' away from the shared property line.

The City may allow agriculture in the T-R Threshold Residential Zoning District. (Chapter 41 Zoning Ordinance, Article 3.B. §C.1.).

The Comprehensive Plan puts the subject property in the South Boston Road planning area. The future land use designation for the subject parcel is 'Rural Residential'. If approved, the Special Use Permit is in harmony with the T-R Threshold Residential Zoning District which is established to provide for single family detached residences at relatively low densities which are compatible with the Comprehensive Plan's goals for large lot residential development in selected locations in Danville.

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

Danville City Code allows City Council impose any conditions necessary to assure that the proposed use will conform to zoning ordinance requirements. The Planning Division recommends approving this project as proposed. The Planning Division recommends the Planning Commission endorse Special Use Permit Application PLSUP-2021-25 for City Council approval with the following conditions:

1. The applicant comply with all City Ordinances, including those in Chapter 5, regulating poultry and livestock.
2. The applicant may have up to five (5) chickens and one (1) livestock animal (excluding swine).

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend approval of Special Use Permit Application PLSUP-2021-25 as submitted;
2. Recommend approval of Special Use Permit Application PLSUP-2021-25 with conditions per Staff;
3. Recommend approval of Special Use Permit Application PLSUP-2021-25 with conditions per Planning Commission; or
4. Recommend denial of Special Use Permit Application PLSUP-2021-25.

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#): _____
Applicant: _____
Applicant's Address: _____
Applicant's Phone Number: _____
Applicant's E-mail: _____
Describe Proposed Development: _____

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.

-
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:
-
-

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:

-
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:
-
-

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.

Describe Proposed Development

1560 Halifax Road is a 3.5 acre parcel located at the end of Wren Dr with no other frontage road. It is an isolated lot with minimal neighbor interaction zoned TR.

I would like to turn it into a homestead. We would like to begin with no-till, raised bed, environmentally conscious gardening and fruit and nut trees. In conjunction we would like to have poultry and one form of livestock. They would be contained in appropriate fencing or enclosures 125 feet or further from all other residences except ours.

Special Use Permit request meets the following review standards

Comprehensive Plan

Homesteading at 1560 Halifax Rd will have very little impact on the surrounding neighborhood and Danville as a whole in terms of land use, resource consumption, effecting transportation and public resources. However, it may have a very positive effect on environmental factors such as bee populations, bird populations, water consumption, and local availability of healthy affordable food. Not to mention a large impact on me and my family economically and reducing dependency on public assistance.

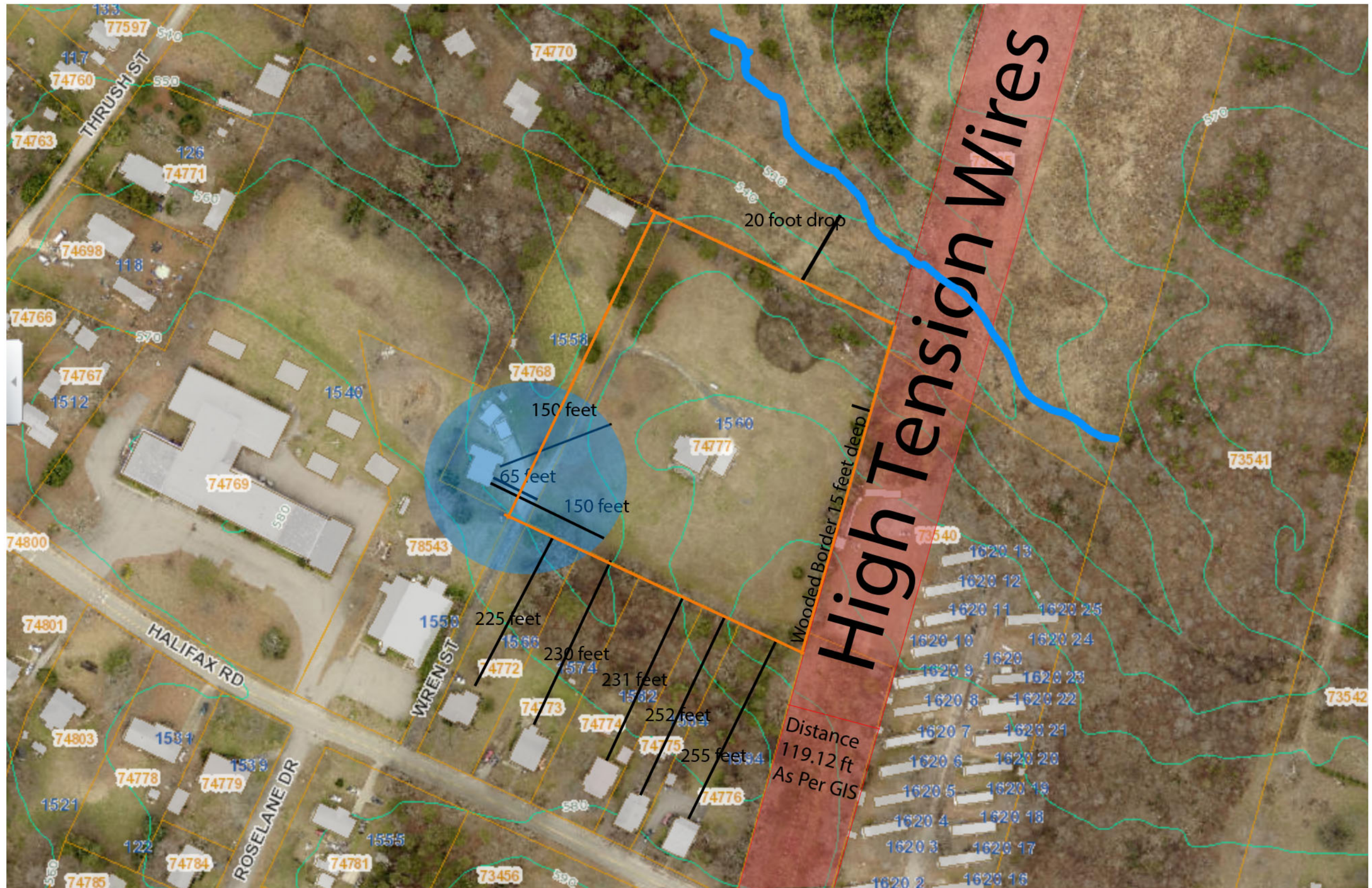
Small farms are on the endangered list. But it is small farms that reduce carbon emissions in our food supply. Especially no-till and raised bed farms. This homestead will be no different. We focus on the use of everything working together.

Initially, I am proposing this Special Use for personal gain. I wish to assist my family economically by providing quality food and security. This will provide an opportunity to produce healthy vegetables we will use directly. In addition, it is anticipated, we will produce an abundance affording the opportunity to sell at local markets to supplement income. The neighborhood gets healthy locally grown vegetables and fruits. We both benefit.

The land will be enriched by this use. Bare dirt is the worst use of open land. Grass covered areas are better. But gardening can actually improve the soil, and increase the soil. The no till method acts on the idea of adding coverage, allowing decay, composting on site which actually adds top soil. This property was potentially going to be another trailer park. When this property is taken up for another use in the future the land will be improved not reduced and will be able to be developed again.

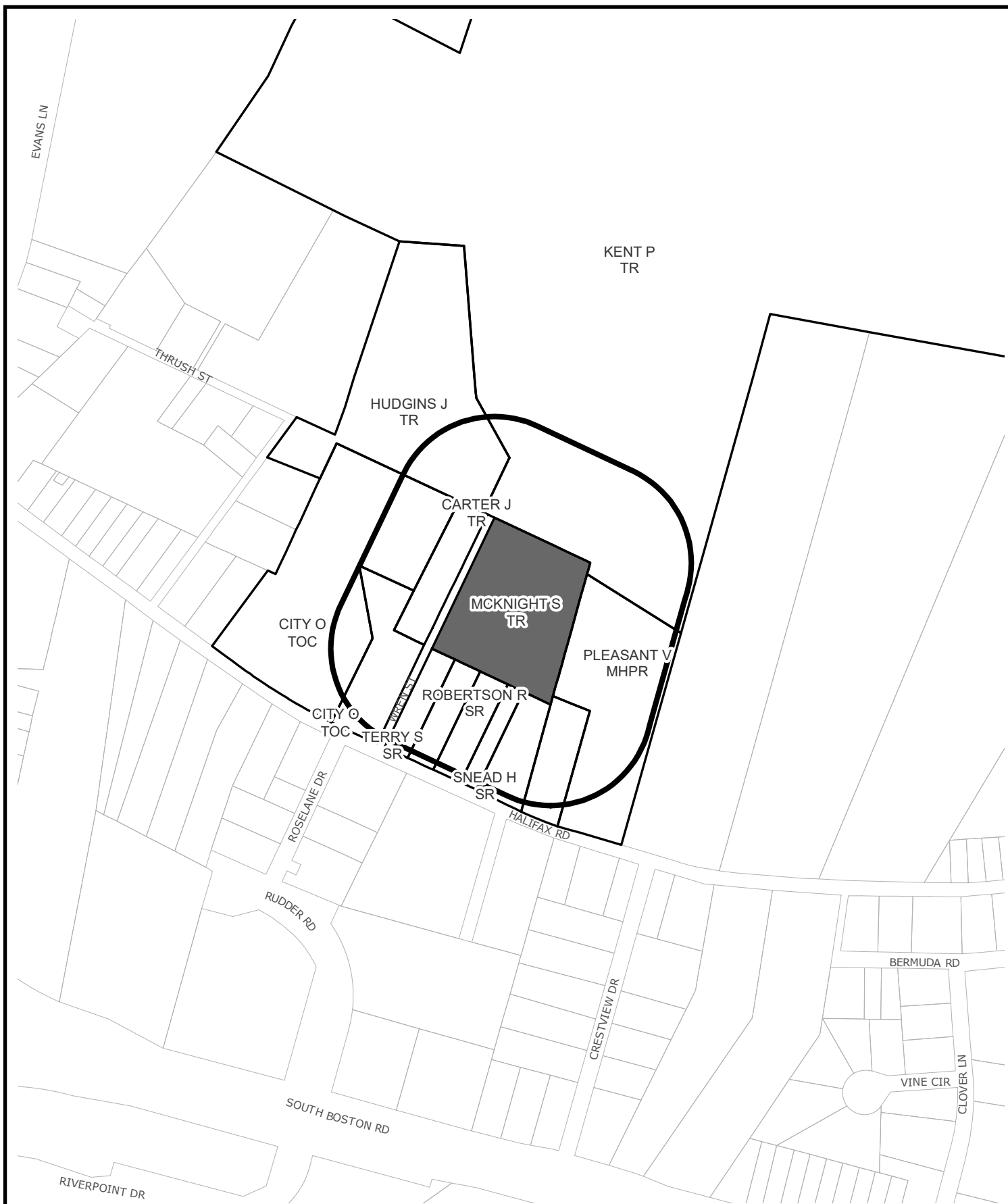
Local resources will be conserved by this homestead. We will be actively recovering rain water, reducing run off, solar panels that will feed the excess electricity back on to the grid. There will be no store front so no extra traffic from shoppers. Any waste produced will be composted onsite. We will try to use as little of the local resources as possible.

We feel this homestead will be a benefit to all. Thank you for your consideration!



SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP 2021-25

PUBLIC HEARING DATES:	MARCH 8, 2021 PLANNING COMMISSION AT 3PM
LOCATION OF PROPERTY:	NORTH SIDE OF HALIFAX ROAD OFF OF WREN STREET
PRESENT ZONE:	T-R (THRESHOLD RESIDENTIAL ZONING DISTRICT)
PROPOSED ZONE:	NO CHANGE
ACTION REQUESTED:	THE APPLICANT REQUESTS A SPECIAL USE PERMIT FOR AGRICULTURE IN THE T-R THRESHOLD RESIDENTIAL ZONING DISTRICT.
PRESENT USE OF PROPERTY:	RESIDENTIAL
PROPOSED USE OF PROPERTY:	RESIDENTIAL
FUTURE LAND USE DESIGNATION:	RURAL RESIDENTIAL
PROPERTY OWNER (S):	CYNTHIA AND SHAWN MCKNIGHT
NAME OF APPLICANT (S):	CYNTHIA AND SHAWN MCKNIGHT
PROPERTY BORDERED BY:	MIXED USE AND VACANT
ACREAGE:	3.49 ACRES TOTAL
CHARACTER OF VICINITY:	RESIDENTIAL AND VACANT LANDS
INGRESS AND EGRESS:	WREN STREET
TRAFFIC VOLUME:	LOW – 1100 (2019 AADT)

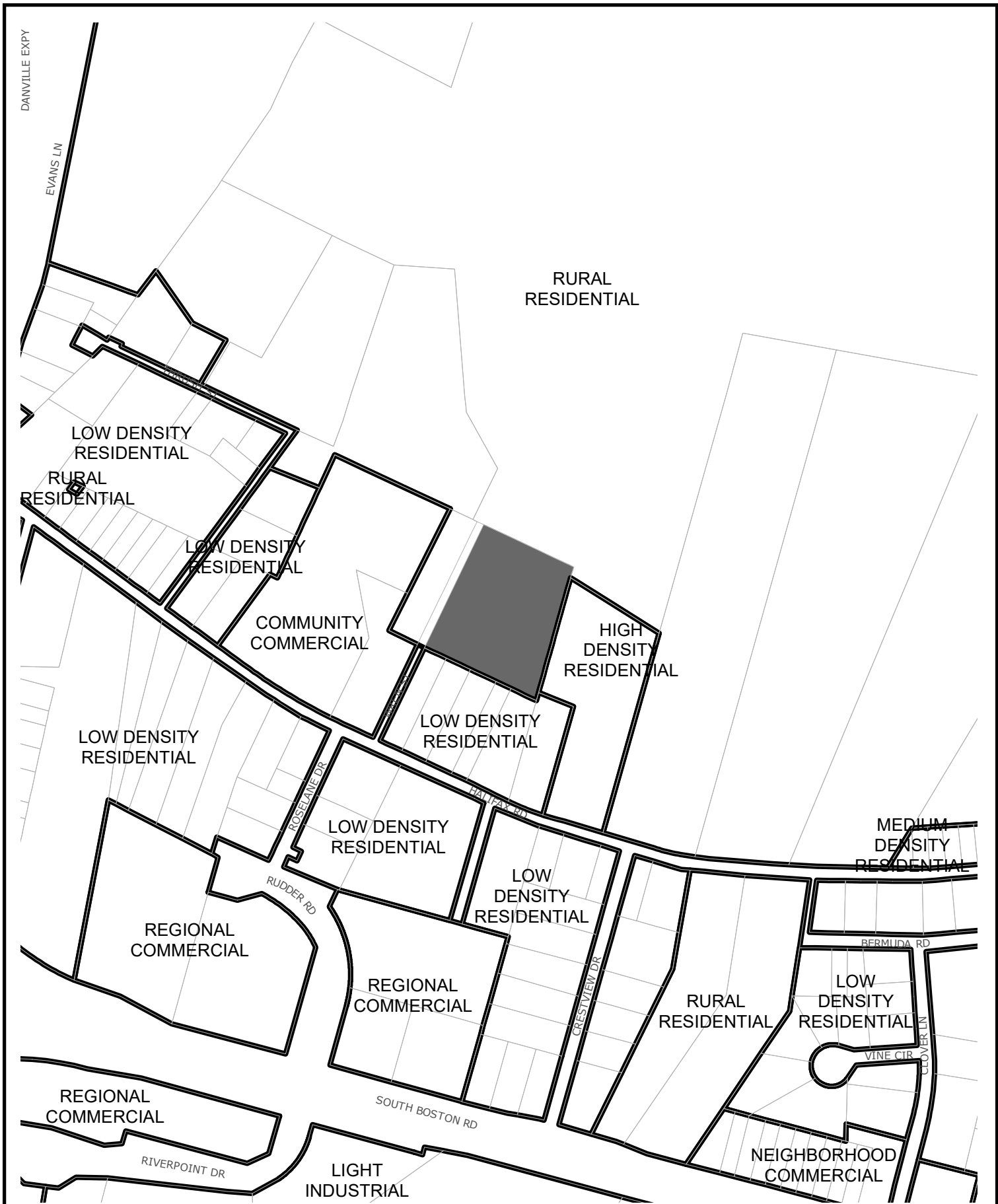


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
1/21/2021

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/21/2021

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Phone: (434) 799-5260

City Planning Commission

STAFF REPORT

DATE: March 2, 2021
TO: Planning Commission
FROM: Doug Plachcinski, Planning Division Director
RE: REZONING APPLICATION - 109 BARTER STREET

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

BACKGROUND

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

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

STAFF ANALYSIS AND RECOMMENDATION

The proposed rezoning's 2030 future land use designation in the Comprehensive Plan is Regional Commercial. Land across Trade Street is future planned as heavy Industrial while this property and the other adjacent property is future planned for regional commercial. The existing zoning of this property and adjacent property implements the current Comprehensive Plan.

The Planning Division recommends the Planning Commission does not endorse rezoning application PLRZ-2021-50 for City Council approval as presented.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

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

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

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

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

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: _____ TELEPHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____
SIGNATURE: _____ DATE: _____



PARCEL ID 52948

MAP 1713-6-1

100 ADD FEET

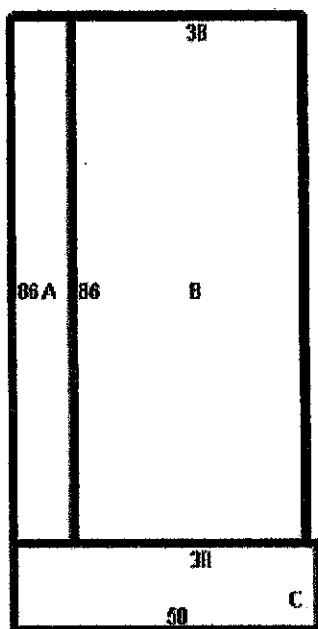
LOT 33 & 34

TRADE AND BARTER STREET

Jimmi New



Q 700ff CSA



TRADE STREET

BARTER ST

SPECIAL USE PERMIT REQUEST DATA SHEET PLRZ 2021-50

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

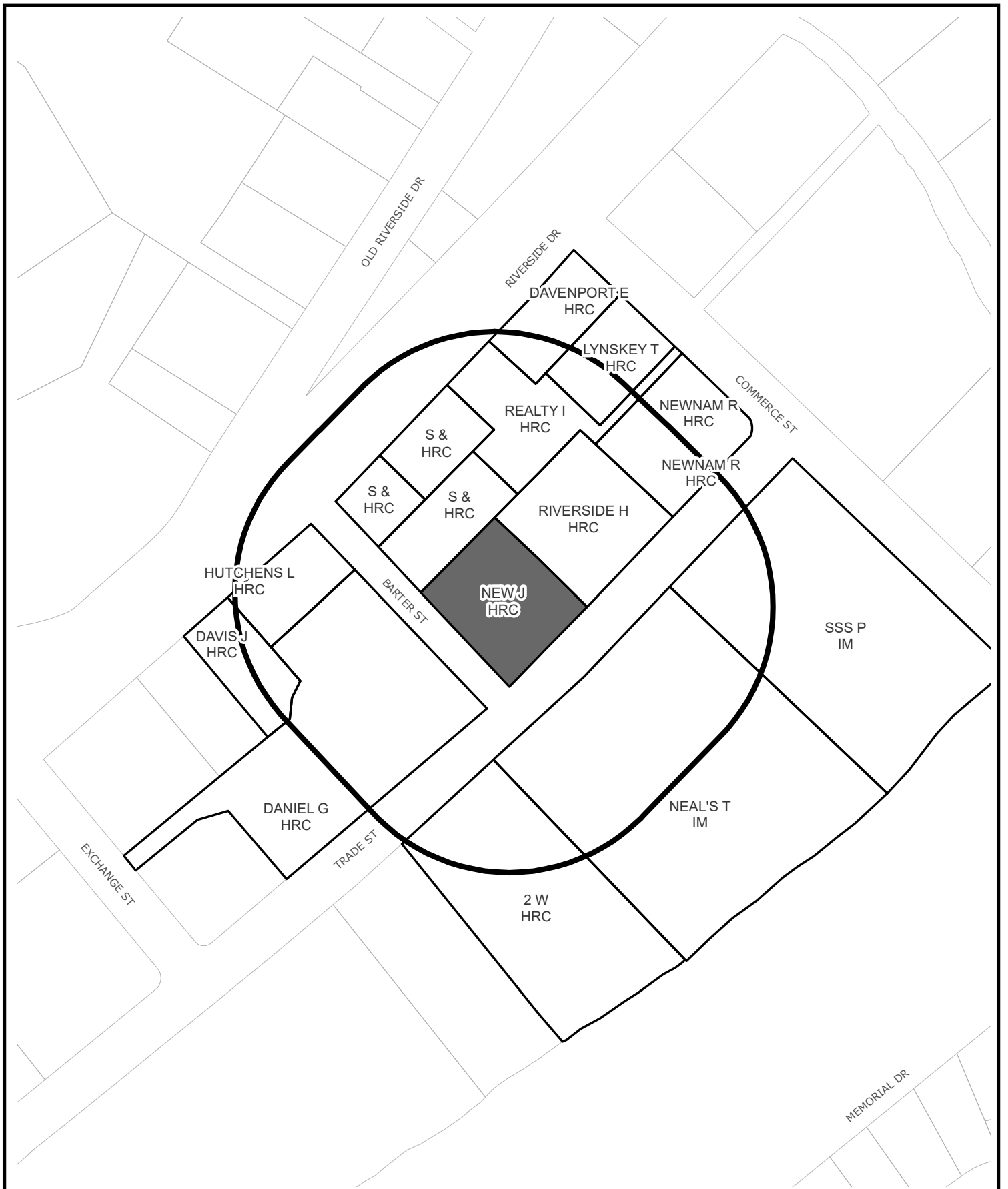


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
1/5/2021

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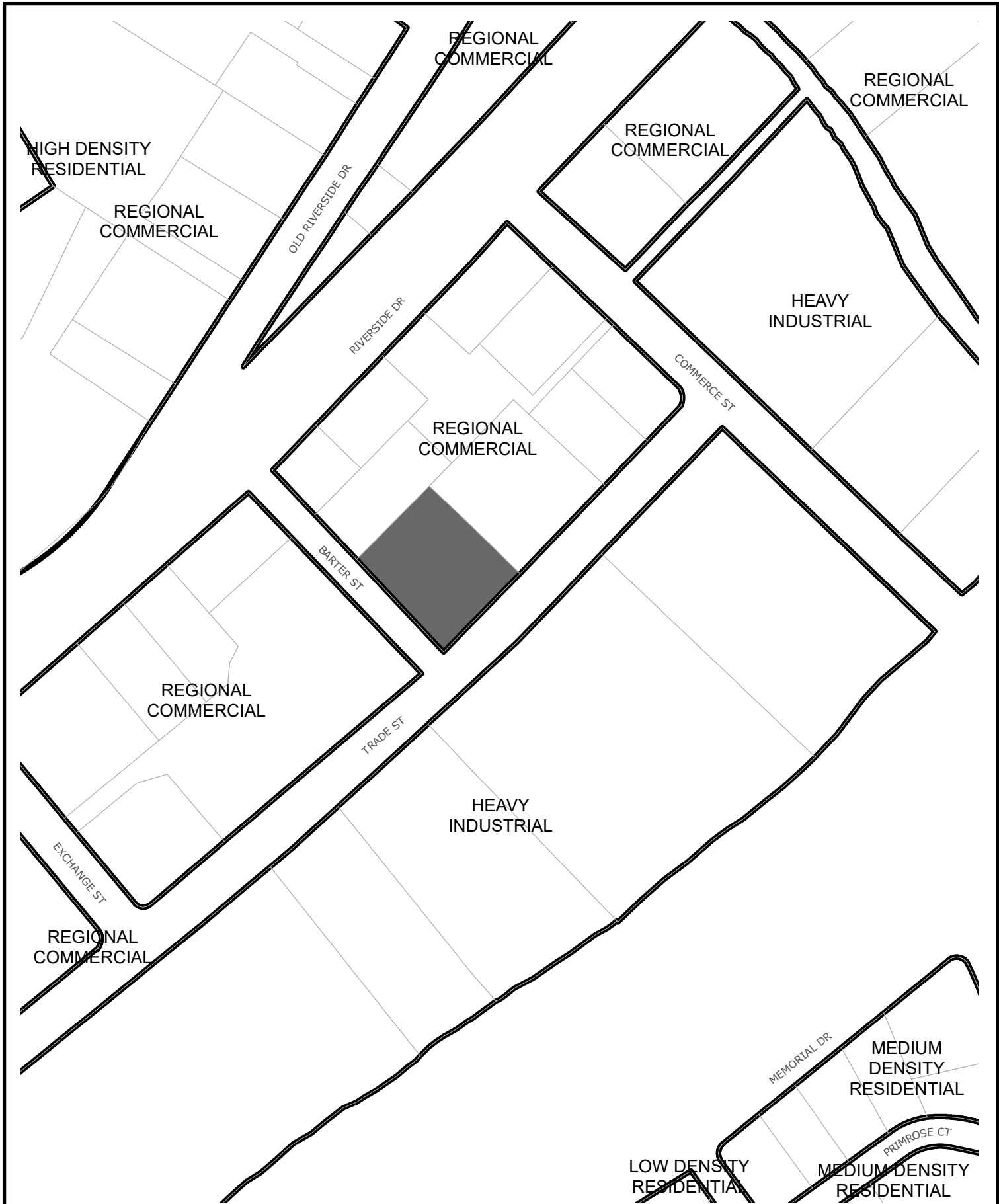


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
1/5/2021

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/5/2021

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

City Planning Commission

STAFF REPORT

DATE: March 2, 2021
TO: Planning Commission
FROM: Doug Plachcinski, Planning Division Director
RE: REQUIRED PARKING SPACE REDUCTION REQUEST

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

BACKGROUND

This applicant built a new sanctuary building and removed existing on-site parking. They have nearby off-street parking lots.

STAFF ANALYSIS AND RECOMMENDATION

The City Planning Commission may waive or reduce the number of required parking spaces when the following conditions are met:

- a. The applicant is able to demonstrate fewer spaces are required because the current or proposed use does not warrant the required spaces or the required parking will be provided elsewhere;
The applicant provides 32 of the required 62 parking spaces off-site and on-street parking is available.
- b. ADA requirements are fully satisfied;
There are three (3) designated handicapped spaces.
- c. The provisions of Article 8 of the Zoning Ordinance shall apply to any and all off-site parking which may be expected to be used in place of the required on-site parking;
Parking spaces in off-site lots meet Article 8 standards.
- d. The absence or reduction of parking spaces shall not cause any adverse impact on surrounding properties;
I do not anticipate the parking space reduction will adversely impact adjacent properties.
- e. The applicant is able to demonstrate that the property was acquired in good faith, and the request is not based on any hardship created by the applicant or property owner;
The request is made in good faith.
- f. The applicant or property owner complies with any additional conditions the City Planning Commission deems appropriate at the time it chooses to waive or reduce the number of required off-street parking spaces.
I do not recommend additional requirements for the parking space reduction request.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend continuation of the request to a future meeting.
2. Recommend approval the request as submitted.
3. Recommend approval of the request with conditions per Planning Commission.
4. Recommend denial of the request.

ATTACHMENTS

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

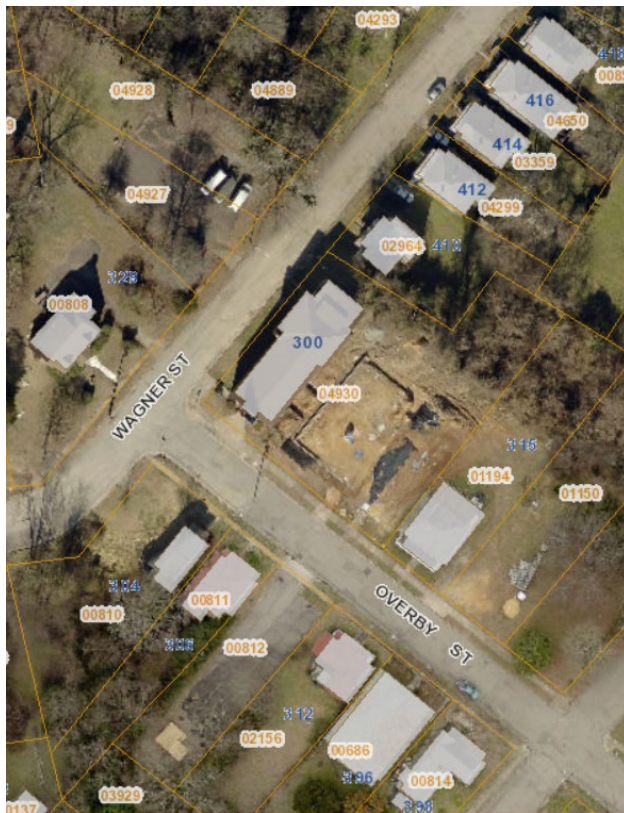


Figure 1 - Aerial view showing new sanctuary construction and off-site parking lots.



Figure 1 - Wagner Street Lot



Figure 3 – On-street parking on Overby and Wagner Streets



Figure 4 – Overby Street Lot



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

City Planning Commission

STAFF REPORT

DATE: March 2, 2021
TO: Planning Commission
FROM: Doug Plachcinski, Planning Division Director

RE: INITIATE ZONING ORDINANCE AMENDMENTS

1. Create a new Zoning District with use and dimensional standards for the future casino/entertainment complex development at the former Schoolfield mill site.

The zoning district, intended to apply only to the casino/entertainment development site, will address buildings, open spaces, parking, on and off-site signage, entrances, landscaping, lighting, and buffers.

Proposed adoption timeline:

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

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

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

PLANNING COMMISSION MINUTES

FEBRUARY 8, 2021

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

**Doug Plachcinski
Lisa Jones
Clarke Whitfield**

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

Mr. Craft arrived at 3:03 p.m.

ITEMS FOR PUBLIC HEARING

1. Rezoning Application PLRZ-2020-283, filed by Justin and Stephanie Hylton, requests to rezone 255 Ranch Drive, Parcel ID #70900, also known as Grid 9813, Block 001, Parcel 000001.000 of the City of Danville, Zoning District Map from T-R Threshold Residential to SR-R Sandy River Residential.

Mr. Garrison opened the Public Hearing.

Mr. Justin Hylton, stated I am the owner. I would be happy to answer any questions that you may have.

Mr. Petrick stated we have a couple of these applications from homeowners in similar situations back in the county and I'm not getting a real good clear idea of why you are doing this.

Mr. Hylton stated if you look at the overview a lot of that property right there is a pasture and I spend a lot of time in the spring, and summer on a tractor and I would like to spend less of it. It is my understanding to rezone it as Sandy River Residential it would allow me to have livestock on the property.

Mr. Plachcinski stated that is correct.

Mr. Hylton stated I hope that answers your question.

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated I'm just curious there was one opposed but no comments. Why would you oppose? I know that it is hard to guess but what would be the negative side to this.

Mr. Plachcinski stated sometimes when people get a notice of Planning Commission public hearing they think that something is going to change and without having any other idea of why and that perception.

Mr. Bolton made a motion to recommend approval for rezoning application PLRZ 2020-0000283 as submitted. Mr. Khan seconded the motion. The motion was approved by a 7-0 vote.

2. Special Use Permit Application PLSUP-2021-6, filed by Garrett Shifflett for property owner Davis Storage Properties LLC, requests a Special Use Permit for a maximum density waiver in accordance with Article 3.L Section C.13. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 618 Craghead Street (Parcel ID#21748), otherwise known as Grid 2714, Block 010, Parcel 000005.000, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for a maximum density waiver in the TW-C Tobacco Warehouse Commercial Zoning District.

Mr. Garrison opened the Public Hearing.

Mr. Garrett Shifflett stated, I am the developer of this project. I am here to answer any questions and I haven't prepared anything. I think it was presented well here.

Mr. Garrison stated the developer's plans are also in the packet, and we have all of that information.

Mr. Petrick stated discussions have come up about parking. I know there has been a lot of developing down in the River District and this particular unit fronts on Craghead Street. There are restaurants and some developing retail businesses in the area and I guess at some point the concern is where are these people going to park. I know there is a lot of public parking a block and a half over and I'm not sure if it's enforceable that you require them to park there. I would think that a lot of these people are going to be parking on Craghead Street and taking up spaces for people who would be enjoying that use of those spaces for commercial businesses on and it seems to be developing exponentially as are the residential units being developed down there. Is there a good answer to this?

Mr. Plachcinski stated let me try to answer that the best that I can. The city has recently commissioned a parking study of the entire River District area and that broke the area down to nine or ten distinct parking zones. The area runs all the way from the white mill out to the end of Craghead. It is a really big area obviously people are not going to park at one end and walk to the other. In each of those zones, including this one when you break down the number of spaces available for public parking there is a huge surplus. What the study did point out is that there were very desirable spaces like you mention in certain spots on Craghead, Main Street, around City Hall, and around where people go for commercial activity. There may be opportunity to improve management thereof. The city is working towards bringing someone in to help set up a parking management system. So we can best manage the turnover, and keep spaces that are needed for commercial activity turned over, while there are the other available spaces that are more appropriate for longer term parking and residential parking.

Mr. Petrick stated that opened lot behind the Old Richmond Cedar Works, which is a private lot isn't it?

Mr. Shifflett stated it is.

Mr. Petrick stated I'm sure the study indicates the parking spaces are available in the convenient place is going to be right there on Craghead and I hope it's not an issue. I'm the first one to say that I am delighted that all of this development is taking place down there but at some point it brings on other issues that we have a little concern about. It's a great investment.

Ms. Evans stated following up with that on the parking management, the customers that visit the community market, will those spaces in there still be designated for those visitors or will these residents be able to park across the street there.

Mr. Plachcinski stated currently it is public parking spaces and there is no time limit or a designation requirement, but certainly all of those spaces are part of a holistic parking management approach. We are aware that there are parking issues and nobody at the city is a parking expert, even though I focus on economic development and planning and certainly working together to make sure that we work on parking management before it becomes a problem. So, we are thinking about it proactively.

Mr. Craft stated how long will it be before this takes place?

Mr. Plachcinski stated we have an internal working group now and the study has already happened of current available parking demands and needs. One of the outcomes was suggesting a parking structure for downtown, which certainly is a very expensive project and we're not ready for that kind of advancement yet. Taking a good look at what our time limits on spaces are and desirable River District location and we are moving forward. The city recently filled the parking officer position that we've had. So if you noticed around City Hall lately if somebody has parked too long that they will get a ticket.

Mr. Craft stated you are talking about eighty-eight families, apartments and automobiles. Eight-eight automobiles are going to fill up the market across the street. People are going to park as close as they can to these apartments, you and I know that. There is going to be parking on Craghead Street until the city gets some type of parking. I know across from my office they missed a golden opportunity when they put in a little lot and filled in the basement area. They should have made the basement a parking area. Somebody should be activity working on parking because we have many warehouses downtown that I'm sure people would like to get converted as well. So, until we get something lined up you can't run a little businesses out of Craghead and this is what is going to happen. People are going to be parking twenty-four hours; they're not going to park for thirty minutes.

Mr. Shifflett stated what we have determined in our other projects developments in the warehouse district is that the residents parking situation kind of works out harmoniously and that the residents are there in the evenings, they get up in the mornings, they go to work. They are gone most of the day so the folks that patronize the businesses in the area, they have plenty of space to park and utilize parking areas that are close to businesses and that sort of thing and when shopping is shutting down folks are coming back home. They get a full day for the people that are shopping and that sort of thing. They get full in the evening from the tenants. We have found that they work harmoniously together. I'm sure that there is some overlap, but for the most part the tenants leave to go to work and they come back in the evening.

Mr. Craft stated when they come back in the evening that is when it is most busy because of the businesses on Craghead Street. So, again we have a serious, serious parking issue and until somebody gets hot on parking in Danville or anytime you have an event you can't find any place to park. Either somebody has got to get active in this. We talk about parking or setting up a division for the next twenty-four years until somebody actively starts and designates and maybe buys one of those buildings and converted it to a parking garage you are going to have this kind of situation.

Mr. Bolton stated when you market these apartments, are you going to be showing where hey this is where you need to park. What is your marketing plan as far as parking?

Mr. Shifflett stated its city parking, street parking, parking across the street in the market parking lot, parking behind Bridge Street, the lower parking lot there, parking on Deboe, and on Lynn. It is basically surface street parking and some other city parking available.

Mr. Bolton stated a lot of people don't mind walking.

Mr. Garrison closed the Public Hearing.

Mr. Petrick made a motion to approve Special Use Permit PLSUP20210000006 with the conditions per staff. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

3. Special Use Permit Application PLSUP-2021-10, filed by property owner First Piedmont Corporation, requests a Special Use Permit for a garbage transfer station in accordance with Article 3.Q Section C.22. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 461 Gypsum Road (Parcel ID#76479), otherwise known as Grid 2620, Block 001, Parcel 000001.000, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for a garbage transfer station in the M-I Industrial Manufacturing Zoning District.

Mr. Garrison opened the Public Hearing.

Mr. Tommy Stump states, I am President of First Piedmont Corporation. I appreciate your time today. This track of land was originally started as a solid waste transfer station when the City of Danville closed their landfill back in the 90's. It is a company waste management operator's transfer station there. We had a transfer station located at the landfill station in the edge of Pittsylvania County. We had a building there that we retro fitted and we've been taken solid waste there. This is not where noncommercial waste and nonindustrial structure waste goes. It's all municipal solid waste and the City of Danville brings all of their trucks out to our transfer station. We dump the little trucks into the big trucks and they're transported currently to Roxboro, North Carolina to a private landfill owned by Public Services. We are the point now that we need to replace that building. The building we currently have is out in Ringgold district, and as opposed to replacing that, their desire is to reactivate this to what its original purpose was which was a transfer station. I talked to Rick Drazenovich of public works and he didn't seem to see an issue with it. In fact in a lot of cases it will be a shorter haul for the city trucks to go to Gypsum Road than it will out to Ringgold to our landfill. A lot of people when we say transfer station say what is it? The municipal solid waste that comes in it would be our trucks that are hauling McDonalds or Hardee's food waste. Any of our competitors that do the same thing in the City of Danville's refuse trucks as well come there to dump and we reload into tractor trailers. Everything has to be out of the building every night and moved to the site that ultimately are going to and again currently just outside of

Roxboro in a community called Rosemont just south of Roxboro. That's just a little bit of what we are trying to do. We're taking it back where it was originally established. There's a scale house already there where we purchased it and actually it was sold to waste management and to a third party and we bought it from a third party. There's a scale house already there and an enclosed building all the physical facilities are still there on the property. I would be glad to answer any questions.

Mr. Bolton stated how many trucks go in there and out a day and how often?

Mr. Tom Wade stated, I am with First Piedmont. The most that we have on a high day would be like thirty-four and an average on Monday's are around twenty-eight. Then on a Tuesday around twenty, on a Wednesday about twenty-five, on a Thursday another twenty, on Friday anywhere from twenty to thirty-five on an average, on Saturday three trucks unless it is a holiday weekend then you will have the city trucks coming out there on Saturday.

Mr. Bolton stated is there any additional traffic and is it an issue with you?

Mr. Wade stated not at all.

Mr. Petrick stated this location is being operated by Hayes Metal and they used to have considerable traffic in their operation there.

Mr. Khan stated I heard that you said this is a transfer and every night there is unloading and loading, then they transfer to Milton?

Mr. Stump stated Roxboro.

Mr. Khan stated that is on a continuous basis every day?

Mr. Wade stated yes sir.

Mr. Khan stated there is nothing that is left overnight or anything?

Mr. Wade stated no, just the trailers that go out the next morning.

Mr. Stump stated we'll have to revive a department providing quality permit and in their permitting process you know all the structures there, there will be a process we'll go through there, and that permit requires that everything is off the floor every night. The floor is washed down and the floor goes to a drainage system, goes to a holding tank that we pump periodically so all of that's built into the structure that is still there.

Mr. Garrison stated what is the latest time that you are going to have trucks coming in or out?

Mr. Wade stated they start coming in probably around 9 o'clock and heavy time is right after lunch between 12 noon to 2:30 p.m. We quit accepting waste there at 4:30 p.m.

Ms. Audrey Pena stated, I live at 1460 Gypsum Road. I am very concerned about the operation of this facility. I'm concerned about the increase in traffic volume. I noticed in the letter that I received that the traffic volume was low and there has been no recent count. I have noticed pretty steady traffic along there and we have had racing, speeding, and all kinds of things going on there. We have had the first responders come down to the plants when there is a fire. There has been semis you know from nearby plants and there has

been North Carolina residents who use that regularly. In addition the air quality there is already compromised pollution. There are emissions from Goodyear plant that is like a black oily substance that is there and we breathe it, we live with it, and it comes in the house. The water treatment plant at the end of Gypsum Road we get odors from that. Then there are health issues that come from the odors and dust and stuff that would be coming from the facility. We also have an electric substation, which is right across from us. The high power emissions are not good for your health. The safety issues is when we pull out of our driveway, there's a little rise that you can't really see across. People speed down there and it just doesn't matter and so when we are pulling out, it's dangerous anyway and with the increase in the traffic volume. We also have grandchildren and when they are outside playing I see that there will be increased risks with them for various reasons. The property would be devalued by having a facility like that nearby. We bought the property from Goodyear Tire Company and in the sales contract they expressed an interest in buying this property back if we ever wanted to sell it. Which if the property is devalued that would impact their business also. I have questions how much distance is required between a waste place and a residence. We live pretty much caddy cornered from this property. I was also wondering when this site was previously used for this purpose. Were there any residences in place there when that was being used for that purpose? I would like to know why was it shut down, removed or whatever. Those are my concerns and my questions. I think that any one of you, if that was your place of residence you would not appreciate what is implied here. I would like for you to consider those things and that we are still within the city limits. We pay our taxes and the way I see it we would be able to have protection from the city just like we have police protection, environmental protection also I would say is a priority. If you would consider I would be much appreciative, somebody's life could be saved.

Mr. Petrick stated how long have you lived there?

Ms. Pena stated it will be seven years in May.

Mr. Petrick stated you were aware of all these industrial developments there when you moved?

Ms. Pena stated no, I knew about the electric substation across from us and we knew about Goodyear Boulevard. They stated that they would not be liable for any emissions or anything that came from their plant. I just didn't realize how much we would be impacted by that and by the rest of the Industrial, no we were not aware.

Mr. Petrick stated you bought an existing property?

Ms. Pena stated yes. It was part of Goodyear's property and they sold it.

Mr. Craft stated you say that Goodyear has an outstanding offer to repurchase the property?

Ms. Pena stated it is stated in the contract that if we ever decided to move, resell or donate it that they would get the first opportunity at it and I would have to give them a written letter and I think that would have to go to their Ohio headquarters.

Mr. Bolton stated do you know what your property is zoned because sometimes we get a map and we know. Do you know what your property is zoned? Is it M1 or does staff know?

Ms. Pena stated I don't know right off.

Mr. Plachcinski stated it is zoned suburban residential according to the map that is in your packet. It is surrounded by M1.

Mr. Garrison stated if we were going to rezone that house right now it would be considered spot zoning I think. The attorney just shook his head yes. To clear a couple of things up I started going down that road in 1985 because I worked at Masonite, the house was already there then and I believe that when Goodyear built the plant here that they built the house as the resident of the plant manager.

Mr. Petrick stated they did.

Mr. Garrison stated so that house has been there since Goodyear was built. That was about the same time that Gypsum built their plant since then Thompson Asphalt people have built their plant up closer to where the wastewater treatment system is on the south side.

Mr. Garrison closed the Public Hearing.

Mr. Petrick stated I see we had another opposed but I don't see a letter with the packet. They opposed but sent no letter?

Ms. Jones stated right.

Mr. Bolton made a motion to approve this Special Use Permit Application PLSUP2021000010 as submitted. Mr. Craft seconded the motion. The motion was approved by a 7-0 vote.

4. Special Use Permit Application PLSUP-2021-25, filed by property owners Cynthia and Shawn McKnight, requests a Special Use Permit for urban agriculture in accordance with Article 3.B Section C.24. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1560 Halifax Road (Parcel ID#74777), otherwise known as Grid 3714, Block 4, Parcel 26, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for urban agriculture in the T-R Threshold Residential Zoning District.

Mr. Plachcinski read the following after the staff report:

ARTICLE IV. - NONDOMESTIC ANIMALS AND LIVESTOCK

Sec. 5-30. - Keeping of swine prohibited.

It shall be unlawful and a Class 1 misdemeanor for any person to have or keep any swine within the City, except as authorized in the SR-Sandy River District zoning district.

(Ord. No. 2009-8.10, 8-18-09)

Cross reference— Penalty for Class 1 misdemeanor, § 1-11.

State Law reference— Authority to prohibit keeping of animals, Code of Virginia, § 3.2-6544.

Sec. 5-31. - Livestock running at large.

It shall be unlawful and a Class 3 misdemeanor for any person, being the owner of any horse, mule, goat, cow or other livestock, to suffer or permit the same to run at large within the limits of the City.

(Ord. No. 2009-8.10, 8-18-09)

State Law reference— Authority to prohibit the running at large of animals and fowl, Code of Virginia, § 3.2-6544.

Sec. 5-32. - Housing poultry and animals.

- (a) Except as otherwise provided in this section, it shall be unlawful to maintain in the City any poultry or animal yard within one hundred twenty-five (125) feet of any building used for residence purposes by anyone other than the one maintaining such poultry or animal barn or yard or his immediate family or within one hundred twenty-five (125) feet of any church or school building.
- (b) For the purpose of this section, the term "poultry or animal yard" shall include every lot, parcel, enclosure, shed, or structure used to house ten (10) or more live fowl, including in the term "fowl"; chickens, ducks, geese, and other poultry, or any cattle, horses, sheep, goats, or other domestic, native, or exotic animals, excluding dogs, cats, and rabbits.
- (c) A person may maintain a poultry or animal yard within one hundred twenty-five (125) feet of any building used for residence purposes by a person or persons other than the one maintaining the poultry or animal yard provided the owner or owners and occupant or occupants of such building consent thereto and that portion of the animal yard within one hundred twenty-five (125) feet of such building is kept clean and sanitary, and free from all refuse. It shall be unlawful to permit any decaying food, or any refuse of any kind, to remain in such lot, parcel, enclosure, shed, or structure within one hundred twenty-five (125) feet of any such building. Refuse from such lot, parcel, enclosure, shed, or structure shall, when swept upon or collected, be kept in airtight containers until disposed of in accordance with the ordinances of the City, and it shall be unlawful to permit any such refuse to remain uncovered.
- (d) Every person maintaining a lot, parcel, enclosure, shed, or structure used to house dogs, cats, rabbits, or nine (9) or less live fowl within one hundred twenty-five (125) feet of any building used for residence purposes by anyone other than the one maintaining such animals or fowl shall keep the same clean and sanitary, and free from all refuse. It shall be unlawful to permit any decaying food, or any refuse of any kind, to remain in such lot, parcel, enclosure, shed, or structure within one hundred twenty-five (125) feet of any such building. Refuse from such lot, parcel, enclosure, shed, or structure shall, when swept upon or collected, be kept in airtight containers until disposed of in accordance with the ordinances of the City, and it shall be unlawful to permit any such refuse to remain uncovered.
- (e) For purposes of this section, the term "native animal" shall mean any animal naturally occurring, either presently or historically in any ecosystem of the United States, and the term "exotic animal" shall mean any animal not naturally occurring either presently or historically in any ecosystem of the United States.

(Ord. No. 2009-8.10, 8-18-09)

State Law reference— Specific authority to adopt above section, Code of Virginia, § 3.2-6544.

Secs. 5-33—5-35. - Reserved.

Mr. Garrison opened the Public Hearing.

Ms. Cynthia McKnight stated, we live at 1560 Halifax Road. What we have there is a 3 ½ acre plus piece of property. The residences are on the southern side and the area where we would actually house any sort of animals would be to the north of this picture here. There are no residences in that area and behind us are high tension power lines, so there will not be a building there. There is also a large gully that goes down to a natural stream, so I imagine there is not going to be a preparations for a development in that area also. If this proposal goes through does that mean we can only have 9 chickens? I am confused.

Mr. Plachcinski stated what it means is that you are only allowed so many based on the size of the property. Whether we interpret that as the area that you are proposing where it's a 3 ½ acres, I'll have to confirm, but the number distinction also is how far away from any neighbors you may have, but if you are on the north side of the property, you'll be more than 125 feet away from neighbors.

Ms. McKnight stated even on the southern side of the property we're still over 100 feet away from anybody. The whole surrounding, there is only one corner where we could possibly get near another person but unfortunately that's where our septic runs off to and it's also a very marshy area, so it's not going to be used. That is the only place that's close enough to be within 125 feet other than that we are well over 200 plus feet from anybody in any structure on the rest of the property, including the side that goes over by the mobile home park it's over a 150 feet from the nearest mobile home. There is a storage shed that is right up against the fence, and there is an abandon mobile home there too, but it's pretty run down and I don't think anybody lives there.

Mr. Garrison stated I believe 125 feet is 125 feet from your line. Am I correct attorney?

Mr. Whitfield stated that is correct.

Mr. Garrison stated I am correct you would have to go where your line is for your property and you would have to be 125 feet off your line.

Ms. McKnight stated I thought it was 125 feet from the structure itself that's housing the poultry.

Mr. Garrison stated no, that changes a whole lot of things and looking at this list of animals that you want to put on there, there is no way that would ever happen within the city limits.

Ms. McKnight stated okay, how would I be able to talk to somebody about? We want to do agriculture. We want to have the animals support the land and the land support the animals, in our hopes that we could create an organic, you know egg, meat and vegetable type, you know production on a small acreage is what we're looking at.

Mr. Garrison stated that's difficult to do inside the city limits. The code is written to allow an animal inside the city limits or two animals. There is the Sandy River district, which is allowed more than that because that was originally agricultural land that was annexed into the city. So, it has a slightly higher density of animal ratio to acreage, but to do a farm, I understand what you want to do because there was a time in my life that I wanted to do that too and it's going to take more than 3 ½ acres inside the city limits to do it. We can go through with this and we can send it to City Council, which we will do, because we can't turn it down. We can only recommend. I don't see it ever getting approved by City Council, that's the reality of it, but you are welcome to dream. I'm sorry.

Mr. Plachcinski stated mister chair and if the applicant will agree to this we've had the public hearing maybe we could sit down and read the ordinance and come up with a way to amend your proposal that would fit within the rules and come back to Planning Commission with a modified proposal. We can take a look at this and maybe detail out more appropriately where the lot may be or where the animals will be housed and that way you may have something the expectations of what's allowed is a little bit more defined for everybody that is involved.

Ms. McKnight stated I appreciate that and it would be great.

Mr. Garrison stated that'll take a motion to postpone it and you would have to ask us to postpone it until you can come back with a revised plan.

Ms. McKnight stated please can we postpone it.

Mr. Garrison stated yes.

Mr. Garrison closed the Public Hearing.

Mr. Bolton made a motion to postpone this request. Ms. Evans seconded the motion. The motion was approved by a 7-0 vote.

5. Special Use Permit Application PLSUP-2021-33, filed by Blair Construction for property owner 2291 Schoolfield LLC, requests a Special Use Permit for a minimum yard requirement waiver in accordance with Article 3.I Section C.19. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 2291 Memorial Drive (Parcel ID#51478), otherwise known as Grid 608, Block 004, Parcel 000028.000, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for a minimum yard requirement waiver in the TO-C Transitional Residential/Office Zoning District.

Mr. Garrison opened the Public Hearing.

Ms. Dorothy Jones, I live in Schoolfield and I didn't get this letter in time to mail it in. I am really concerned about it and I did oppose the casino. I live at 2 Oak Ridge Avenue right across the street from Dan River Mills and I have live there for 61 years. I want my home, and they sent me this letter about 300 feet. I don't know how to read it or what it means.

Mr. Garrison stated the letter has to be sent to anyone within 300 feet of the property line of the property that we are looking at. So, if you property is within 300 feet of the edge of this property then you will get a letter. That is the reason that you received a letter. We are not taking any of your property.

Ms. Jones stated you're not going to take my home.

Mr. Garrison stated no, not in the slightest. Right now there is a building on that lot it is the old Dan River headquarters.

Ms. Jones stated how well do I know.

Mr. Garrison stated you are aware of that right?

Ms. Jones stated it is right in my back yard.

Mr. Garrison stated they are going to build an annex right next to it and because they are building that annex on a separate parcel of land, they're going to sub divide part of this land and the property line runs between that building and the new building. It's so close to the property lines for those two buildings that we have to have a special use permit. We are not going to do anything to your land. There's not going to be any building any closer to your house than what's right there now. All of the new building will be right there where the existing building is and they're just going to enlarge that building.

Mr. Jones stated it's been an eye sore for 14 years since Dan River left. I worked there for 42 years and I know. I don't want to have to get no more letters like this. I have received one once before and I haven't had any piece of mind about my home since then.

Mr. Garrison stated don't worry about your home we're not going to do anything to your home and we are not going to touch your land. I promise.

Ms. Jones stated you are sure?

Mr. Garrison stated Promise.

Ms. Jones stated somebody else on my street they did oppose it, Ms. Burris. I'm not standing up for her. This whole street all of us are old and we have been there all of our life. I don't want to move and they don't want to move either.

Mr. Garrison stated you only move if you want to.

Mr. Garrison closed the Public Hearing.

Mr. Petrick stated it is public information as to who is going to be leasing this property, correct?

Mr. Whitfield stated in fact it was a subject at City Council and they had to approve the construction contract and everything. It is the City of Danville Police Department that is leasing the property.

Ms. Evans stated I'm assuming that there is already fencing around the property because I know Ms. Burris made a comment about fencing?

Mr. Garrison stated I did not go look at it because the gate is locked. I don't think there is a fence around the entire property.

Mr. Khan stated I worked in that building for many years and there is no fence around that building. The site is very secure and you have plenty of trees and everything is good inside.

Mr. Garrison stated it is well sheltered from the view.

Mr. Dodson made a motion to approve Special Use Permit Application PLSUP20210000033 as submitted. Mr. Petrick seconded the motion. The motion was approved by a 7-0 vote.

6. Special Use Permit Application PLSUP-2021-34, filed by Delorean Power for property owner City of Danville, requests a Special Use Permit for an accessory use in accordance with Article 3.L Section C.14. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 864 Monument Street (Parcel ID#24916), otherwise known as Grid 2718, Block 8, Parcel 1, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for an accessory use electricity storage battery in the TW-C Tobacco Warehouse Commercial Zoning District.

Mr. Garrison opened the Public Hearing.

Mr. Michael Herbert stated I am one of the managing partners at Delorean Power and I've been developing the project with Danville Utilities. I don't have anything prepared beyond the application that we submitted. It is a 10.6 megawatt battery storage system and it is going to be used primarily for saving the city money on their wholesale electric bills by reducing peak demand in the AMP transmission zone. The lease has already been approved by the City Council in January. I would be happy to answer any additional questions.

Mr. Garrison closed the Public Hearing.

Mr. Craft made a motion to approve Special Use Permit Application PLSUP20210000034 as submitted. Ms. Evans seconded the motion. The motion was approved by a 7-0 vote.

IV. APPROVAL OF MINUTES FROM JANUARY 11, 2021.

The January 11, 2021 minutes were approved by unanimous vote.

V. OTHER BUSINESS

VI. ADJOURNMENT

With no further business, the meeting adjourned at 4:10 p.m.

APPROVED