



City of Danville

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

City Planning Commission

March 13, 2023

3:00 P.M.

CITY COUNCIL CHAMBERS – 4th FLOOR MUNICIPAL BUILDING

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. NEW BUSINESS
- IV. PUBLIC HEARING ITEMS

1. Special Use Permit Application PZ23-00039 filed by Robbie Terry requesting special use permit to allow accessory building without a primary building on the parcel at Parcel 74895 on Little Creek Road according to Article 3.C. Section C. Item 23 of the Danville Zoning Ordinance.
2. Code Amendment Request PZ23-00034 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 3.M Section C Item 30, to add "Heavy equipment sales, rental, and servicing (with screened service and storage areas)".
3. Special Use Permit Application PZ23-00035 filed by Krystal Milam for Milam Rentals, LLC requesting special use permit to allow heavy equipment sales, servicing, and rentals at Parcel 77144 on South Boston Road according to Article 3.M. Section C Item 30 of the Danville Zoning Ordinance.
4. Code Amendment Request PZ23-00043 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 3.O Section C Item 8 to include "heavy equipment rentals."
5. Code Amendment Request PZ23-00044 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 2 Section Y Items 1 and 2 to address Certificate of Occupancy and fire safety plan requirements.
6. Code Amendment Request PZ23-00045 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3.A Section C, Article 3.B Section C, Article 3.C Section C, Article 3.D Section C, Article 3.E Section C, Article 3.F Section C, Article 3.G Section C to update "Short-term rental, entire furnished home" to include "as primary use."
7. Code Amendment Request PZ23-00046 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 10 to create Section U titled "Billboards".

8. Code Amendment Request PZ23-00047 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3.G Section F Item 2 to include "institutional uses".
9. Code Amendment Request PZ23-00048 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 15 Section B to include a definition for "primary building".

V. PLANNING DIRECTOR'S REPORT

VI. APPROVAL OF MINUTES FROM FEBRUARY 13, 2023

VII. ADJOURNMENT



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

City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: SPECIAL USE PERMIT APPLICATION – PARCEL 74895

Special Use Permit Application PZ23-00039 filed by Robbie Terry requesting special use permit to allow accessory building without a principal building being located on the parcel at Parcel 74895 according to Article 3.C. Section C Item 23 of the Danville Zoning Ordinance.

BACKGROUND

The subject property is owned by the same owner as the adjacent property at which the applicant resides. A metal storage building was placed on the subject property without a permit. The applicant received a zoning violation letter on January 27, 2023 for violation of Article 2 Section P Item 1:

Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot with, a principal structure which is in use and permitted in such district. Walls and fences are regulated separately in the following section.

The special use permit will allow the applicant to keep the metal storage building on the lot.

STAFF ANALYSIS AND RECOMMENDATION

The subject storage building was constructed without a zoning clearance nor building permit. The structure is used for private storage. A zoning clearance and building permit are necessary for the building to remain in its current location.

The Planning Division recommends that the Planning Commission approve Special Use Permit Application PZ23-00039 for City Council approval with the condition that the storage building may not be used for commercial purposes.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

- ✓ Application
- ✓ Zoning Map
- ✓ Property Ownership Map
- ✓ Future Land Use Map



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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 of \$360.
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.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00039 PC Meeting Date: 3/13/23
Date Received: 2/10/23 Received By: Jones
Parcel ID: 74914 Address: 325 Little Creek Rd
Existing Zoning S-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 325 Little Creek Rd, Danville VA 24540

Applicant: Robbie Terry

Applicant's Address: 325 Little Creek Rd

Applicant's Phone Number: (434) 713-8316

Applicant's E-mail: robberterry01@gmail.com

Describe Proposed Request: I move in with my mom

needed some where to store my stuff.

There was a building there before

this one. I didn't know if I was breaking

any laws. I do keep the land very

neat. Thank You.


Applicant Signature 2-10-23
date

 2-10-23
Property Owner Signature date
(if not applicant)



City of Danville
Community Development
Planning Division

January 27, 2023

TERRY LOIS T
325 LITTLE CREEK RD
DANVILLE, VA 24540

RE: Zoning Violation at 325 Little Creek Rd

Dear LOIS TERRY:

The purpose of this letter is to inform you of a violation of the Zoning Code at 325 Little Creek Rd.

This violation involves the following:

o Article 2. P.I. Accessory Uses and Structures: Accessory uses are permitted in any zoning district, but only in connection with, incidental to, and on the same lot with, a principal structure which is in use and permitted in such district.

' Article 2. P.5. Accessory Uses and Structures: No accessory building may be in a front or side street yard.

You have Ten (10) DAYS from the date of this letter to comply with the provisions of the Code. If you have any questions, please contact me at (434) 799-5260.

Sincerely,

Lisa Jones

434-799-5260 Ext. 2503
Joneslk@danvilleva.gov



SPECIAL USE PERMIT DATA SHEET PZ23-00039

PUBLIC HEARING DATE: MARCH 13, 2023
PLANNING COMMISSION AT 3:00 PM

LOCATION OF PROPERTY: LITTLE CREEK ROAD (PARCEL ID 74895)

PRESENT ZONE: S-R SUBURBAN RESIDENTIAL

PROPOSED ZONE: NO CHANGE

ACTION REQUESTED: SPECIAL USE PERMIT FOR ACCESSORY BUILDING WITHOUT
PRIMARY BUILDING

PRESENT USE OF PROPERTY: STORAGE BUILDING ON PROPERTY

PROPOSED USE OF PROPERTY: NO CHANGE

FUTURE LAND USE DESIGNATION: LOW DENSITY RESIDENTIAL

PROPERTY OWNER (S): IM REAL ESTATE HOLDINGS LLC

NAME OF APPLICANT (S): LOIS TERRY

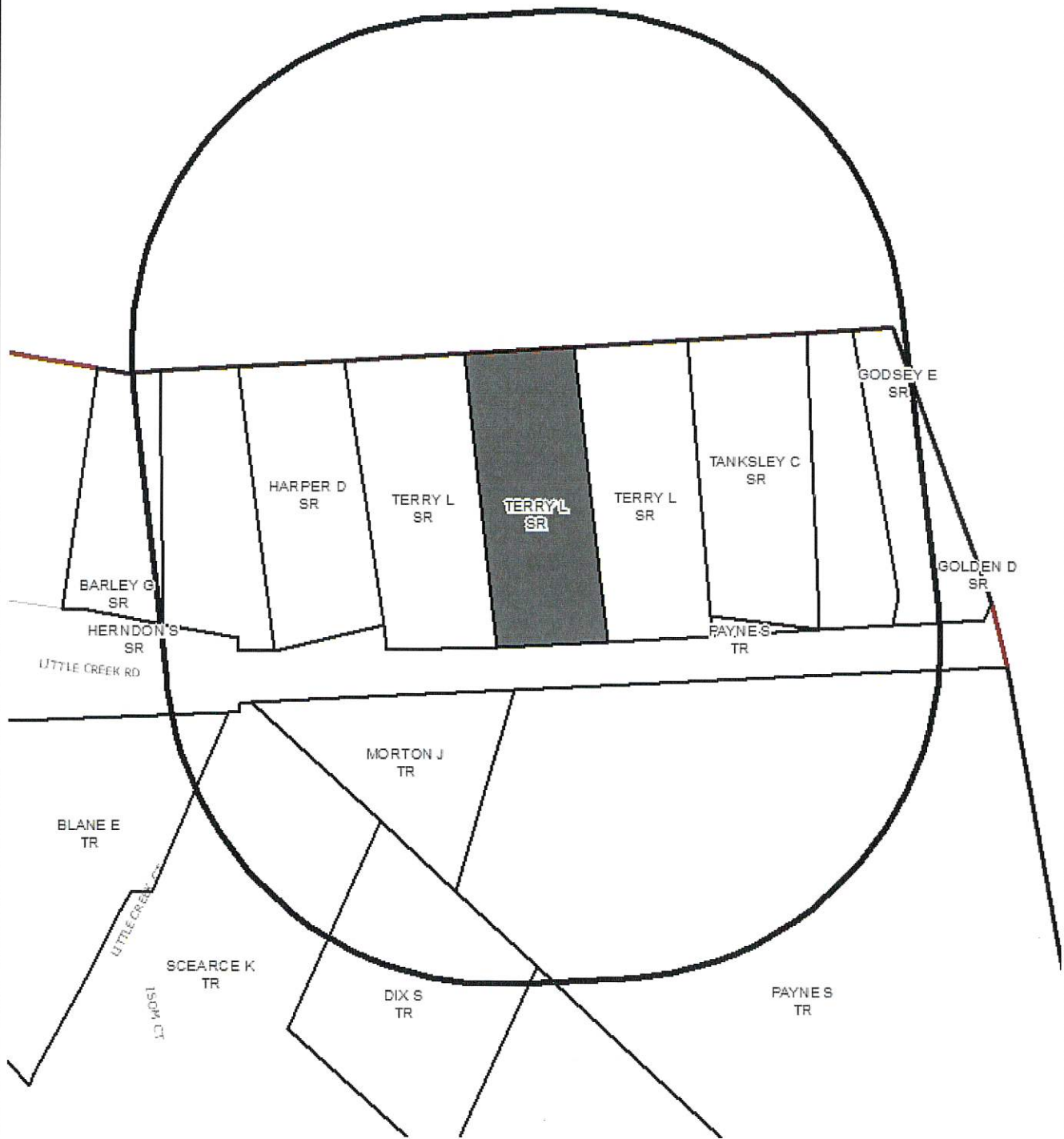
PROPERTY BORDERED BY: RESIDENTIAL

ACREAGE: 0.6045 ACRES TOTAL

CHARACTER OF VICINITY: RESIDENTIAL

INGRESS AND EGRESS: LITTLE CREEK ROAD

TRAFFIC VOLUME: LOW



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
2/15/2023

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



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/15/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/15/2023

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City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – ARTICLE 3.M SECTION C

Code Amendment Request PZ23-00034 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 3.M Section C Item 30, to add "Heavy equipment sales, rental, and servicing (with screened service and storage areas)".

BACKGROUND

Staff received a request to create a new location for Milam Rentals. Heavy equipment rentals are currently not allowed by right or by special use permit in the Highway Retail Commercial district. Therefore, the applicant has proposed a code amendment.

STAFF ANALYSIS AND RECOMMENDATION

Permitting heavy equipment sales, servicing, and rentals by special use permit will allow the Commission to review each application on a case-by-case basis, allowing for approvals when it deems them appropriate.

Staff recommends the following amendment to Article 3.M Section C of Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Language proposed to be added is in italics.

ARTICLE 3.M: - HR-C, Highway Retail Commercial

C. - Uses Permitted by Special Use Permit.

30. Heavy equipment sale, rental, and servicing (with screened service and storage areas)

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

- ✓ Application
- ✓ Zoning Map
- ✓ Property Ownership Map
- ✓ Future Land Use Map

CODE CHANGE AMENDMENT

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL

Application is hereby made for the Code Change Amendment as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: PZ23-00034

DATE FILED: 2/10/23

RECEIVED FROM: Krystal Milam

SECTION AFFECTED: Article 3: E Section C

PLANNING COMMISSION DATE/ACTION: 3/13/23

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section:

add SUP option for heavy
equipment rental

Purpose for proposed amendment:

to open + build building for
milam Rental, LLC.

PRESENT OWNER(S) OF ALL PROPERTIES INCLUDED IN APPLICATION:

1. NAME (PLEASE PRINT OR TYPE): Maximilian S Hoffman

ADDRESS: 26 E Silver St
Butte, MT 59701

EMAIL: mhoffmt@gmail.com

TELEPHONE: 434.770.3183

SIGNATURE: 

2. NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

TELEPHONE:

SIGNATURE:

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

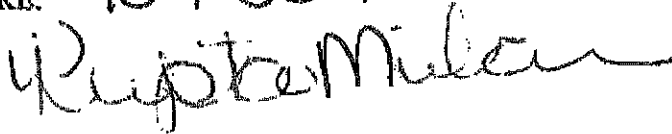
NAME (PLEASE PRINT OR TYPE): Krystal Milam

ADDRESS: 5190 S. Boston Hwy Sutherland,
VA. 24594

EMAIL: Krystal@milamequipmentsales,
com

TELEPHONE: 434.334.2884

SIGNATURE:





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City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: SPECIAL USE PERMIT APPLICATION – PARCEL 77144

Special Use Permit Application PZ23-00035 filed by Krystal Milam for Milam Rentals, LLC requesting special use permit to allow heavy equipment sales, servicing, and rentals at Parcel 77144 on South Boston Road according to Article 3.M. Section C Item 30 of the Danville Zoning Ordinance.

BACKGROUND

The subject property is 2.55 acres of undeveloped property on South Boston Road. The property is bordered by auto sales to the east and residential to the north, south, and west, however the surrounding zoning districts are commercial and industrial.

STAFF ANALYSIS AND RECOMMENDATION

The applicant proposes to open a new location for Milam Rentals, leasing heavy equipment and miscellaneous items. The property is adequately served by utilities. The proposed development is in character with the 2030 Comprehensive Land Use Plan which identifies the area as Regional Commercial.

Staff recommends that any equipment stored in the rear yard be stored within screened fencing and also that applicant refrains from using Crystal Lane for egress and ingress to the subject property.

The Planning Division recommends that the Planning Commission approve Special Use Permit Application PZ23-00035 for City Council approval with the conditions that storage in the rear yard be screened and that Crystal Lane may not be used to access the property.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

- ✓ Application
- ✓ Zoning Map
- ✓ Property Ownership Map
- ✓ Future Land Use Map

10608



City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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 of \$360.
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.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-60035 PC Meeting Date: March 13, 2023
 Date Received: 2/10/23 Received By: Burton
 Parcel ID: 77144 Address: South Boston Rd.
 Existing Zoning: HR-C Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): Parcel ID# 77144
Applicant: Krystal Milam / milam Rental, LLC.
Applicant's Address: 5190 S. Boston Hwy Sutherland,
Applicant's Phone Number: 434.334.2884 UB 34594
Applicant's E-mail: Krystal@milamequipment
sales.com

Describe Proposed Request:

open Milam Rental, LLC. renting
equipment + misc items.
(Build Building-Including
office + shop)

Krystal Milam
Applicant Signature date
2.7.23

[Signature] 2/8/2023
Property Owner Signature date
(if not applicant)

State Code: 4091 Vac Com Buildable - 1

Land Use: Commercial

Tax Map: 4719003000004000

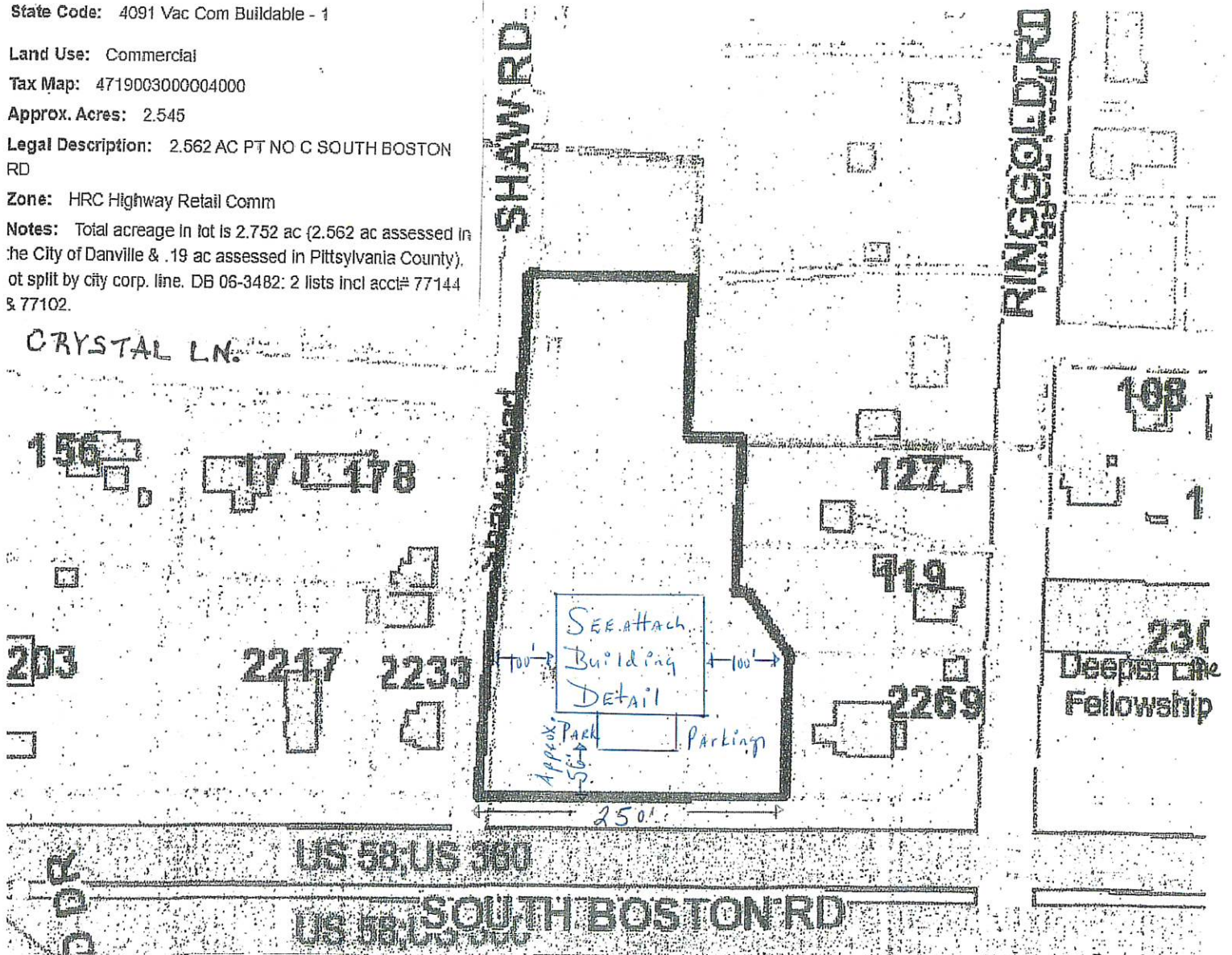
Approx. Acres: 2.545

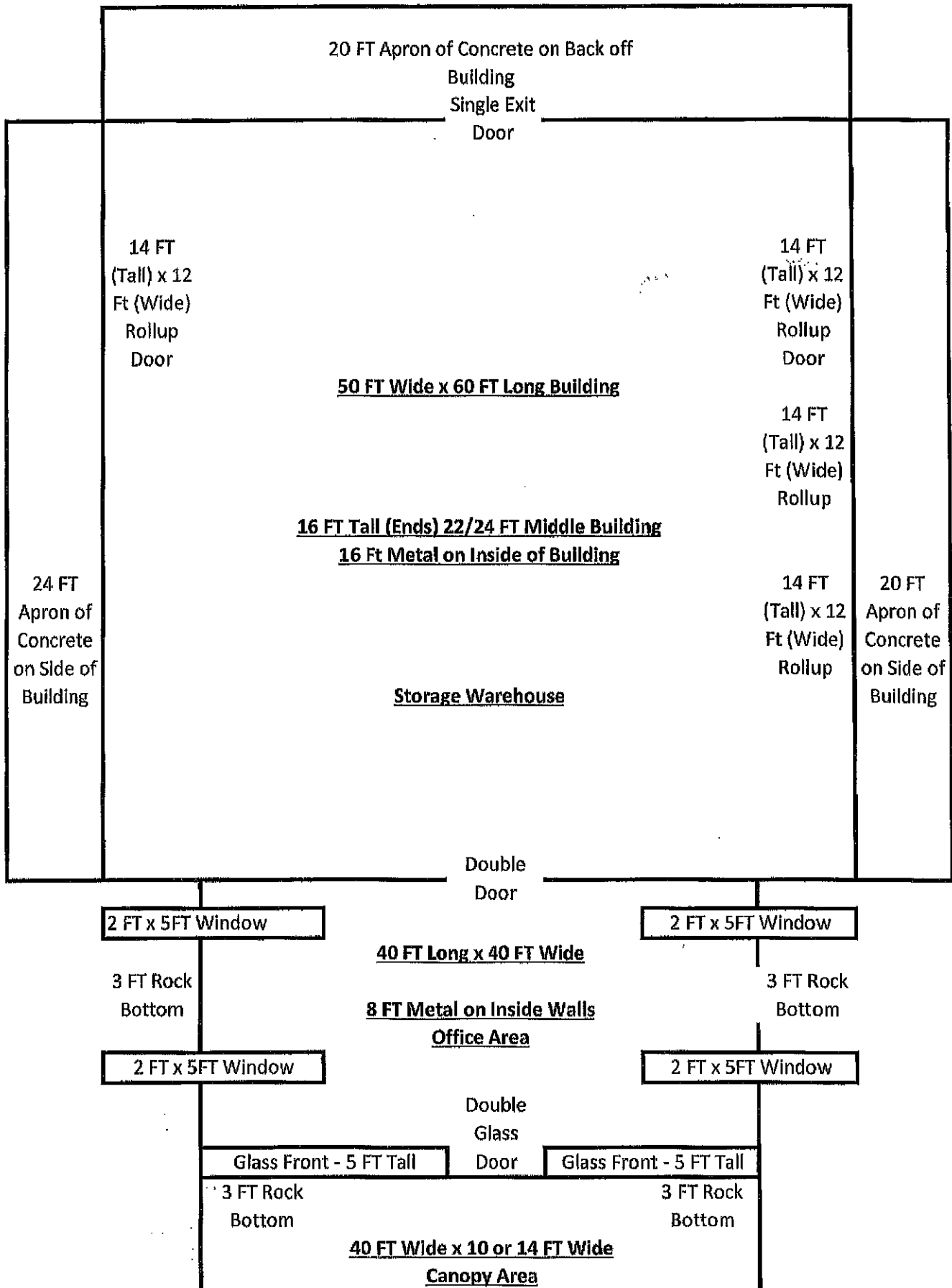
Legal Description: 2.562 AC PT NO C SOUTH BOSTON RD

Zone: HRC Highway Retail Comm

Notes: Total acreage in lot is 2.752 ac (2.562 ac assessed in the City of Danville & .19 ac assessed in Pittsylvania County), ot split by city corp. line. DB 06-3482: 2 lists incl acct# 77144 & 77102.

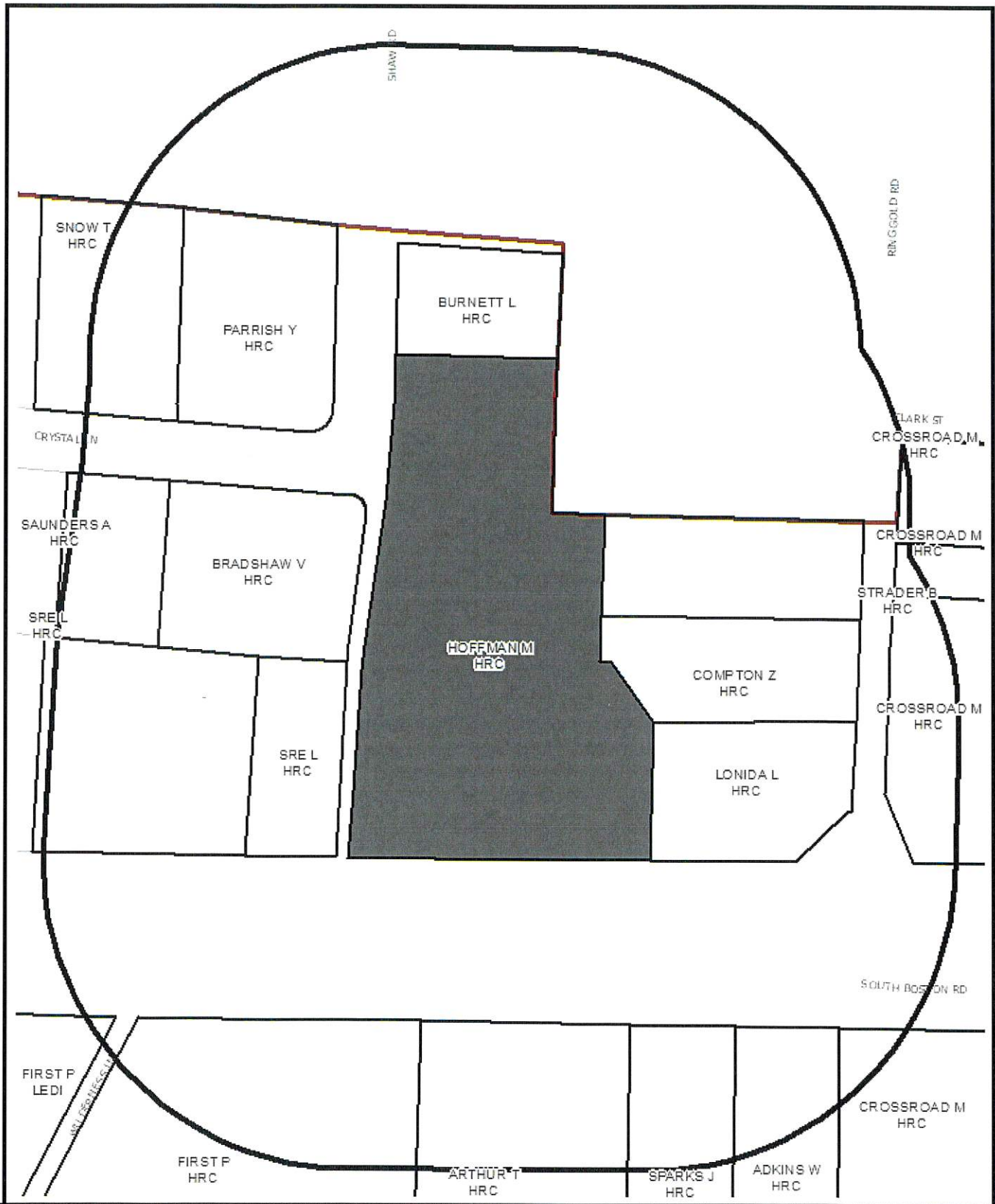
CRYSTAL LN.





SPECIAL USE PERMIT DATA SHEET PZ23-00035

PUBLIC HEARING DATE:	MARCH 13, 2023 PLANNING COMMISSION AT 3:00 PM
LOCATION OF PROPERTY:	SOUTH BOSTON RD (PARCEL ID 77144)
PRESENT ZONE:	HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT
PROPOSED ZONE:	NO CHANGE
ACTION REQUESTED:	SPECIAL USE PERMIT FOR HEAVY EQUIPMENT SALES, SERVICING, AND RENTALS
PRESENT USE OF PROPERTY:	NOT DEVELOPED
PROPOSED USE OF PROPERTY:	COMMERCIAL USE
FUTURE LAND USE DESIGNATION:	REGIONAL COMMERCIAL
PROPERTY OWNER (S):	IM REAL ESTATE HOLDINGS LLC
NAME OF APPLICANT (S):	MAXIMILIAN S HOFFMAN
PROPERTY BORDERED BY:	MIXED USE
ACREAGE:	1.9 ACRES TOTAL
CHARACTER OF VICINITY:	MIXED USE
INGRESS AND EGRESS:	SOUTH BOSTON ROAD
TRAFFIC VOLUME:	HIGH



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
2/16/2023

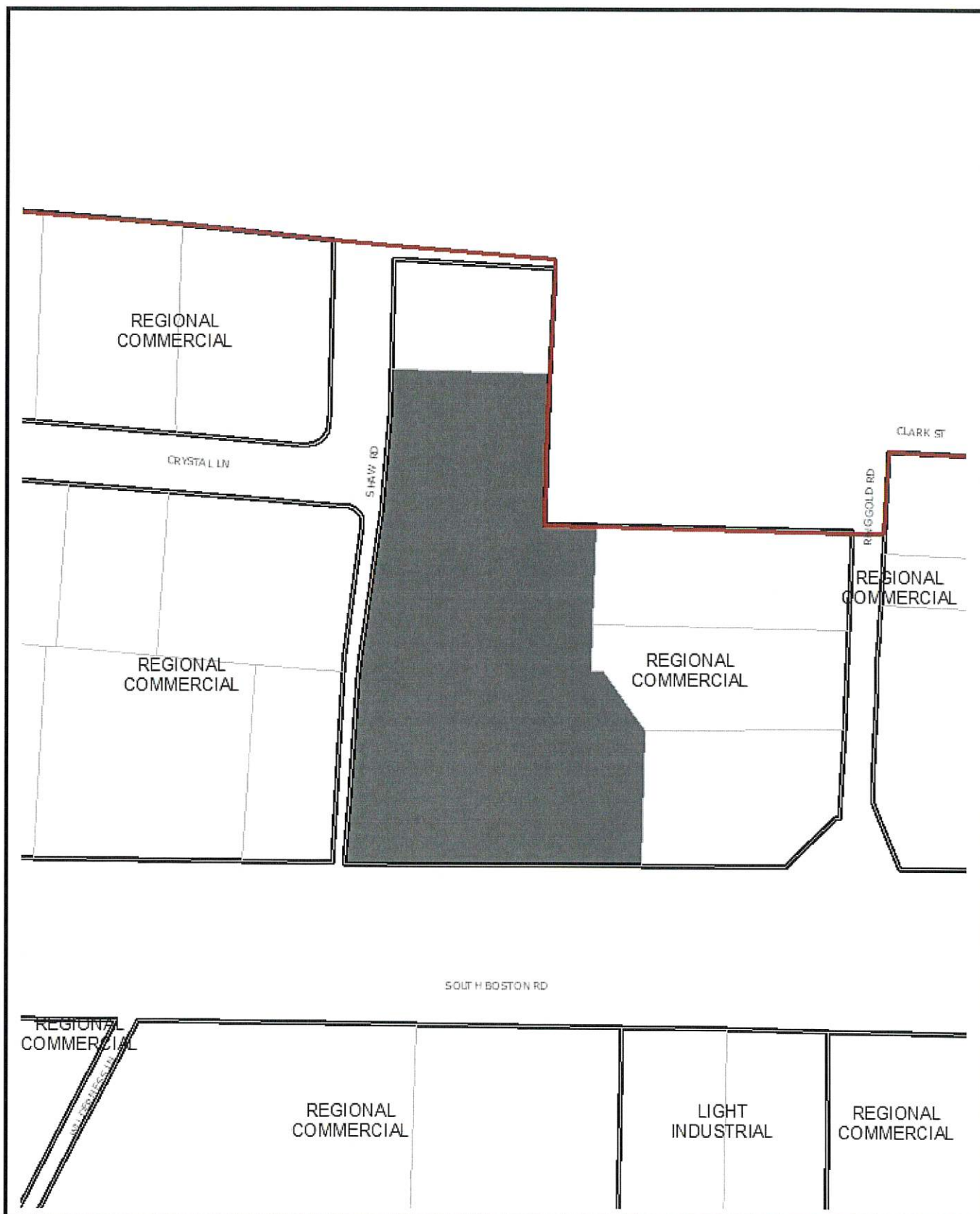
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2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/16/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/16/2023

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City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – ARTICLE 3.M SECTION C

Code Amendment Request PZ23-00043 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically amend Article 3.O Section C Item 8 to include “heavy equipment rentals.”

BACKGROUND

Heavy equipment sale and service are a use allowed by special use permit. The proposed change will allow “rental” in addition to sale and service.

STAFF ANALYSIS AND RECOMMENDATION

Currently, heavy equipment rental is a use allowed by right in the M-I Industrial district and by special use permit in the HR-C Highway Retail Commercial district. Adding “rental” to heavy equipment sale and servicing will place the item in line with standards in other districts that also allow the subject item.

Staff recommends the following amendment to Article 3.O Section C of Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Language proposed to be added is in italics.

ARTICLE 3.O: - LED-I, Light Economic Development District

C. - Uses Permitted by Special Use Permit.

8. Heavy equipment sale, *rental*, and servicing (with screened service and storage areas)

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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



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City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – Article 2 Section Y

Code Amendment Request PZ23-00044 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically amend Article 2 Section Y to address Certificate of Occupancy and fire safety plan requirements.

BACKGROUND Staff has become aware of the need for additional regulations to ensure the quality and safety of short-term rentals within the city of Danville. To address these concerns, staff proposes items 2i through 2k be added to Article 2 Section Y to address Certificate of Occupancy and fire safety plan requirements.

STAFF ANALYSIS AND RECOMMENDATION

Y. - Short-Term Rentals.

1. Short-term rental approval.

- a. Short-term rentals must obtain a business license clearance from the Zoning Administrator and register with the Commissioner of Revenue prior to operating or advertising the property for short-term rental.
- b. A short-term owner/operator must apply for *and* receive a business license clearance prior to registering with the Commissioner of Revenue.
- c. The short-term rental must register with the Commissioner of Revenue to collect and remit the City's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation."

2. Short-term rental standards.

A short-term rental may only provide short-term occupancy services for compensation for guests including lodging, packaged food and beverages, and other incidental items typically found within a residence. The short-term rental must not prepare food or beverages, provide event services, or provide unrelated services for compensation.

- b. Short-term rentals are permissible accessory uses to permitted dwellings in the SR-R, T-R, S-R, NT-R, OT-R, A-R, MHP-R, TO-C, CB-C, and TW-C zoning districts.
- c. If the owner of a short-term rental does not live within ~~60~~ 50 miles of the City, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance.
- d. Short-term rentals must comply with applicable provisions of the Virginia Uniform Statewide Building Code (Danville City Code sections 9-81 through 9-88). *Including a Certificate of Occupancy for each unit*
- e. If a short-term rental is within a City Rental Housing Inspection ~~Division-District~~, then the property must register as a rental property and maintain a certificate of compliance (City Code sections 9-204 through 9-207).

- f. The minimum short-term rental contract rental period is 18 hours.
- g. Short-term rentals are allowed the same signage as their associated dwellings under Article 10.
- h. Short-term rental parking must be on the associated property or on street immediately adjacent to it unless the short-term rental is in the CB-C or TW-C zoning districts.
- i. Units must have a working multi-purpose fire extinguisher, interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service).*
- j. Units must have a emergency exit plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling.*
- k. Events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term lodging.*

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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



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City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – Article 3.A Section C, Article 3.B Section C, Article 3.C Section C, Article 3.D Section C, Article 3.E Section C, Article 3.F Section C, Article 3.G Section C, Article 3.I Section B, Article 3.J Section B, Article 3.K Section B, and Article 3.L Section B

Code Amendment Request PZ23-00045 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 3.A Section C, Article 3.B Section C, Article 3.C Section C, Article 3.D Section C, Article 3.E Section C, Article 3.F Section C, Article 3.G Section C, Article 3.I Section B, Article 3.J Section B, Article 3.K Section B, Article 3.L Section B to update “Short-term rental, entire furnished home” to include “as principal use.”

BACKGROUND

Review of the Short-Term Rental regulations revealed that Article 2 Section Y “Short Term Rentals” identifies short term rentals as an accessory use. Meaning, the percentage of use of the property as a short-term rental may not exceed 49%. To allow short term rental as its principal use, the Zoning Code must be amended.

Review also revealed that Article 3.J Section B Item 15 allows short-term rental, entire furnished home as a use by right. However, residential is not allowed within the N-C zoning classification therefore staff recommends removing this item.

STAFF ANALYSIS AND RECOMMENDATION

Within various zoning classifications “Short-term rental, entire furnished home” is listed as a use allowed by Special Use Permit. To clarify this use and allow property owners to provide short term rentals as a principal use, Staff recommends that the Code be amended to read “Short-term rental, as a principal use”. This Code Amendment will clarify the intent of the Code as it relates to short term rentals.

The Planning Division recommends that the Planning Commission approve Code Amendment Application PZ23-00045 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

- ✓ Exhibit A

Exhibit A

Article 3.A SR-R, Sandy River Residential

Section C. – Uses Permitted by Special Use Permit

25. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.B T-R, Threshold Residential

Section C. – Uses Permitted by Special Use Permit

25. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.C S-R, Suburban Residential

Section C. – Uses Permitted by Special Use Permit

29. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.D NT-R, Neo-Traditional

Section C. – Uses Permitted by Special Use Permit

18. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.E OT-R, Old Town Residential

Section C. – Uses Permitted by Special Use Permit

29. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.F A_R, Attached Residential

Section C. – Uses Permitted by Special Use Permit

22. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.G M-R, Multifamily Residential

Section C. – Uses Permitted by Special Use Permit

26. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.I TO-C, Transitional Office Commercial

Section B. - Permitted Uses

19. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.J N-C, Neighborhood Commercial

Section B. - Permitted Uses

45. Short-term rental, ~~entire furnished home~~

Article 3.K

Section B. - Permitted Uses

30. Short-term rental, ~~entire furnished home~~ as principal use

Article 3.L Section B

Section B. - Permitted Uses

43. Short-term rental, ~~entire furnished home~~ as principal use



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

City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – Article 10 Section U

Code Amendment Request PZ23-00046 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 10 to create Section U titled “Billboards”.

BACKGROUND

Staff received a request to amend Article 10 to create Section U titled “Billboards”.

STAFF ANALYSIS AND RECOMMENDATION

Staff determined further review is needed and requests item to be tabled.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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



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City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – Article 3.G Section F

Code Amendment Request PZ23-00047 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 3.G Section F Item 2 to include “institutional uses”.

BACKGROUND

Institutional uses are permitted by right as well as by special use permit in the M-R Multifamily Residential zoning classification. However, the regulations for yard requirements are not addressed in the zoning code for these uses.

STAFF ANALYSIS AND RECOMMENDATION

Staff recommends the following amendment to Article 3.G Section F of Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Language proposed to be added is in italics.

ARTICLE 3.G - SUBDIVISION DESIGN STANDARDS **F. - Bulk Regulations.**

2. Minimum yard requirements for multifamily dwellings *and institutional uses*:
 - A. Front yard: 30 feet, for any yard fronting a public right-of-way.
10 feet, for any yard fronting a private travelway and/or parking bay, provided that the minimum yard depth be measured from the building to either (1) the back of vehicular pavement curbing or (2) the back of sidewalk if located between building and vehicular pavement curbing, whichever is closer.
 - B. Street side yard: 30 feet.
Interior side yard: 15 feet.
 - C. Rear yard: 30 feet.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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



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City Planning Commission

STAFF REPORT

DATE: March 13, 2023
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: CODE AMENDMENT APPLICATION – Article 15 Section B

Code Amendment Request PZ23-00048 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 15 Section B to amend the definition of “principal building”.

BACKGROUND

Upon research and review of Chapter 41 entitled “Zoning Ordinance”, staff discovered the definition of “principal building” in Article 15 Section B contains an incorrect spelling.

STAFF ANALYSIS AND RECOMMENDATION

Staff recommends the following amendment to Article 15 Section B of Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Language proposed to be added is in italics.

ARTICLE 15. – DEFINITIONS

B. - Definitions.

Principal building. A building in which is conducted the ~~principle~~*principal* use of the lot on which it is located.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

PLANNING COMMISSION MINUTES

February 13, 2023

MEMBERS PRESENT

Mr. Petrick
Mr. Dodson
Ms. Evans
Mr. Kahn

MEMBERS ABSENT

Mr. Bolton
Mr. Jones

STAFF

Bonnie Case
Renee Burton
Clark Whitfield
Shanika Williams

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PZ23-0003, filed by Garrett Shiflett has requested a special use permit to allow multi-family residential dwellings in excess of maximum allowed density at 501, 505, & 539 Craghead Street according to Article 3.L.C.13 of the Danville Zoning Ordinance.*

Mr. Petrick opened the Public Hearing.

Garrett Shiflett was present to speak. I am the applicant and I am here for any questions that may come up.

Ms. Evans stated I understand parking is not required but what do you plan do about parking because we have had a number of complaints about this.

Mr. Shiflett stated parking is becoming an issue in the area. We do have a small parking lot behind the building which will be part of the project and there will be parking spaces there. The city Economic Development will also be providing a parking structure due to this project and other projects in the area and the parking shortage. That will alleviate parking and help with overflow parking. A parking structure will be built on a piece of property they are purchasing. I don't know all the details about it but Economic Development will have those details.

Ms. Evans stated will it be reserved parking like X space for X apartment.

Mr. Shiflett stated it will be for this particular project yes but not for particular apartment numbers. It will be for the Imperial Warehouse project.

Ms. Evans stated not related to this project but do you ever consider buildings with three bedroom apartments.

Mr. Shiflett stated we do have some three bedroom apartments in the area and I believe we do have a couple three bedrooms in the project as well. I think across our entire portfolio we probably have maybe twelve three bedroom apartments.

Mr. Dodson stated it is going to take a lot of parking spaces, 250. Will it be enough with what Economic Development told you?

Mr. Shiflett stated yes. I say yes but I don't know the exact number. It is a parking deck they are talking about building, not just a surface lot. I don't know all the details about that.

Mr. Kahn stated how many units will you have.

Mr. Shiflett stated we have 250 on the application but this is going to be a phased project. On the first phase we are doing the wings of the building. It will be about 110 to 115 units on the first phase. The subsequent phase will be the middle of the building and that will make up the rest of the units. A total of 250 is proposed. That number may go down a bit and we may decide to put some type of commercial component in the center section. Currently the wings will be what we focus on in the first phase of the project.

Mr. Kahn stated parking seems to be a problem.

Mr. Shiflett stated there is plenty of parking. Parking is not a problem if you look at where you have to park in the area. You might have to park a block or two away from your front door but there is parking in the general area on the streets. Again, the city is going to alleviate some of those issues with the parking structure they are proposing due to this project and other projects in the area.

Mr. Petrick stated Ms. Burton do you have anything to add about the parking issue.

Ms. Burton stated no sir. Simply in the TWC district they are not required to provide parking. If it is required, it must be provided within Article 8 which is the parking requirement with one per dwelling unit.

Mr. Petrick stated just to be clear, the finality of the application is dependent upon parking, is that correct?

Ms. Burton stated parking is not required. Regulated if it is provided but not required.

Ms. Evans stated the parking lot that you are going to build, the small one. Will it accommodate electric vehicles.

Mr. Shiflett stated we typically put at least one or two there so yes it will.

Mr. Mike Basista stated I am the owner of 4D unit at the Burton. I have a return document for city planning if you would like to pass that around. Briefly, I just want to start off by saying I am in favor of the development in the River District. This is a good thing for the city and the area. I certainly look forward to the area growing in terms of population. As you will see in my comments, I am not opposed to it but under the condition that the yellow highlighted area where there is parking and a trash dumpster would be recognized as a common area and the Burton be given an easement to continue to use as is currently used. Other than that, I am not opposed.

Mr. Petrick stated does the Burton have its own designated parking.

Mr. Basista stated yes they do. You can see it on the other side of Colquhoun Street. As the gentleman aptly referred to, a lot people like to park as close as they can to where they live. That area is used by some of the residents of the Burton to park there.

Ms. Joie Ford stated I work for River Front Real Estate and we manage about 500 units in the River District apartments and commercial spaces. The tenants that we bring in or that come to us are aware of the parking constraints when we tour the properties and that is not a deterrent for them. There is a large parking lot on Lynn Street across from the former Durham Hosiery building that is only minimally utilized as well as the Newton's landing parking lot that is very large and is only minimally utilized. Both of these lots are within walking distance to the proposed construction. Anyone who comes in from out of town just enjoys the amenity of not having to pay to park anywhere in the vicinity of the properties.

Mr. Petrick closed the Public Hearing.

Ms. Evans stated I have a question for staff. When he mentioned that the city Economic Development was going to do a parking garage deck, you're not familiar with that or you cannot speak to that.

Ms. Burton stated I am not familiar with that project.

Ms. Evans made a motion to approve Special Use Application PZ23-00003 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 4-0 vote.

V. PLANNING DIRECTOR'S REPORT

Ms. Burton stated all recommendations that went before City Council were approved at their last meeting. We will also be having a meeting on March 13, 2023.

VI. MINUTES

The January 9, 2023 minutes were approved by unanimous vote.

With no further business, the meeting adjourned at 3:16 p.m.

APPROVED