



## **PLANNING COMMISSION REGULAR MEETING AGENDA**

### **CITY COUNCIL CHAMBERS**

**June 12, 2023**

**3:00 PM**

#### **I. WELCOME AND CALL TO ORDER**

#### **II. ROLL CALL**

#### **III. NEW BUSINESS**

1. Special Use Permit Application PZ23-00118 filed by Katie Newcomb requesting a Special Use Permit at 162 Howeland Circle (Parcel 23539) to allow short term rental, as principal use in accordance with Article 3.E. Section C Item 29.
2. Special Use Permit Application PZ23-00164 filed by Charles Walker requesting a Special Use Permit at 122 Benefield Street (Parcel 01417) to allow short term rental, as principal use in accordance with Article 3.E. Section C Item 29.
3. Special Use Permit Application PZ23-00173 filed by Kelly Riddle on behalf of Nicholas R. Preston requesting a Special Use Permit at 491 West Main Street (Parcel 22549) to allow a duplex in accordance with Article 3.E. Section C Item 1.
4. Special Use Permit Application PZ23-00169 filed by Allen Stone requesting a Special Use Permit at 1224 West Main Street (Parcel 56046) to allow a mixed-use development with residential use on the upper level(s) and commercial use on the street level in accordance with Article 3.X. Section C Item 2.
5. Code Amendment Request PZ23-00181 to amend Chapter 41 entitled "Zoning

Ordinance” of the City of Danville, 1986 as amended. Specifically amend Article 2 Section P Item 8, to amend the height and size of a flagpole.

#### **IV. MINUTES**

1. May 8, 2023 Minutes

#### **V. ADJOURNMENT**



## STAFF REPORT

DATE: June 12, 2023  
TO: Planning Commission  
FROM: Renee Burton, Division Director of Planning  
RE: Special Use Permit Application PZ23-00118 filed by Katie Newcomb requesting a Special Use Permit at 162 Howeland Circle (Parcel 23539) to allow short term rental, as principal use in accordance with Article 3.E. Section C Item 29.

### SUMMARY

162 Howeland Circle is a single family dwelling built in 1932 and located in the OT-R, Old Town Residential District zoning classification. The applicant, Katie Newcomb, on behalf of property owner David Lovell, is requesting a Special Use Permit in accordance with Article 3.E. Section C Item 29 to operate a Short Term Rental at this location.

162 Howeland Circle has a driveway of adequate size for two (2) vehicles and public parking is also available on Howeland Circle.

Inspections have not been completed for a Certificate of Occupancy at 162 Howeland Circle.

### RECOMMENDATION

The Planning Division recommends that the Planning Commission approve PZ23-00164 for a Special Use Permit in accordance with Article 3.E. Section C Item 29 to operate a Short Term Rental as a principal use at 162 Howeland Circle (Parcel ID #23539).

### ATTACHMENTS

1. Application
2. Short Term Rental Regulations
3. 162 Howeland Circle\_AERIALS
4. 162 Howeland Circle\_LANDUSE
5. 162 Howeland Circle\_OWNERS



**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 #: \_\_\_\_\_ PC Meeting Date: \_\_\_\_\_  
Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_  
Parcel ID: \_\_\_\_\_ Address: \_\_\_\_\_  
Existing Zoning \_\_\_\_\_ Future Land Use: \_\_\_\_\_

### APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): \_\_\_\_\_

162 Howeland Circle Danville, VA 24541

Applicant: David Lovell & Katie Newcomb

Applicant's Address: 321 Lynn Street Ste A Danville, VA 24541

Applicant's Phone Number: 434-770-0187

Applicant's E-mail: katie@preferredmngmtgrp.com

Describe Proposed Request: \_\_\_\_\_

Operate a short term rental at the property

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Katie Newcomb 5/19/23  
Applicant Signature date

DocuSigned by:  
R. Zap 5/19/2023  
Property Owner Signature date  
(if not applicant)

## **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 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 an 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.

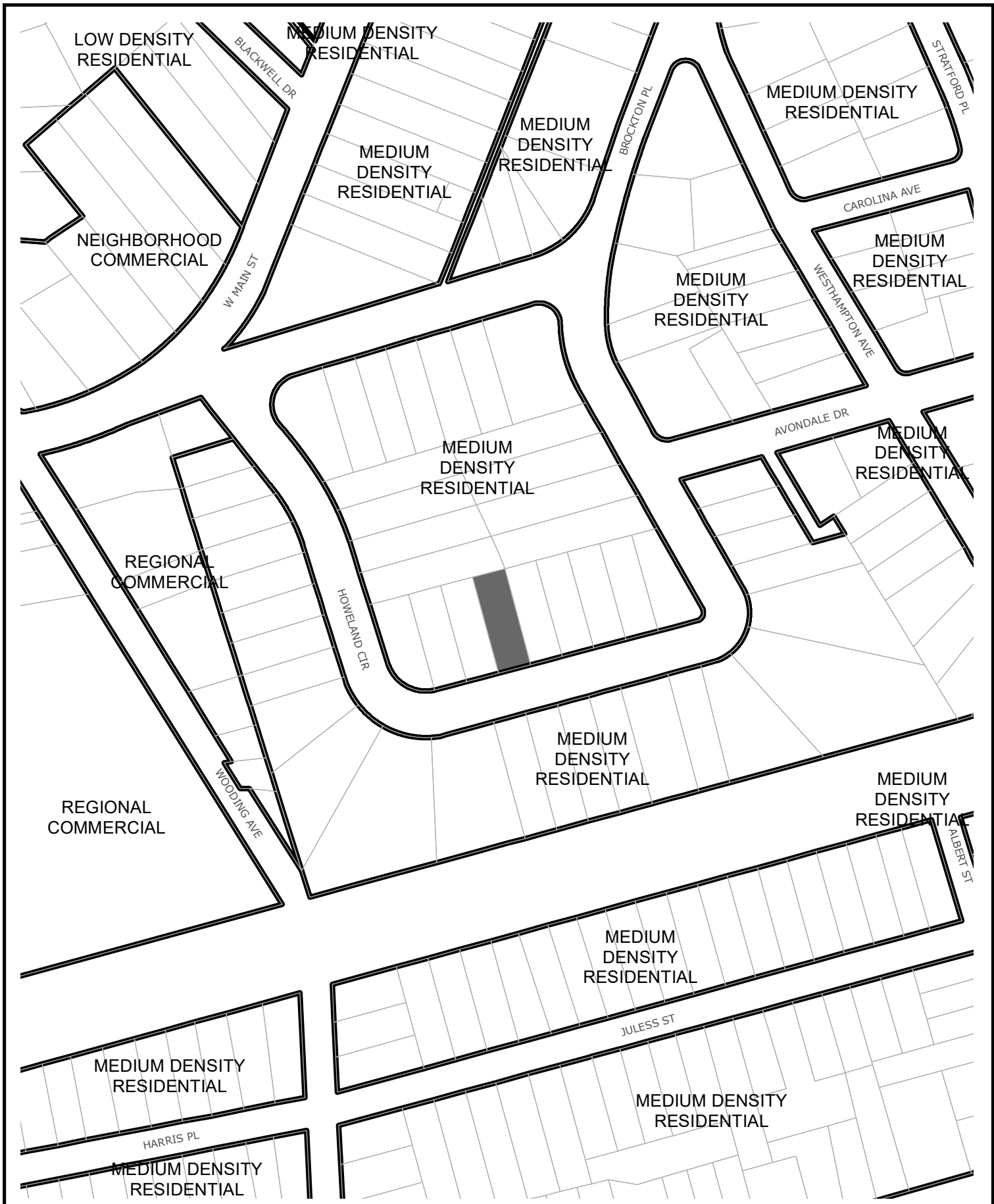


## 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:  
Planning Division  
5/19/2023

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.



### YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
5/19/2023

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# **SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY**



Prepared by:  
Planning Division  
5/19/2023

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## STAFF REPORT

DATE: June 12, 2023  
TO: Planning Commission  
FROM: Renee Burton, Division Director of Planning  
RE: Special Use Permit Application PZ23-00164 filed by Charles Walker requesting a Special Use Permit at 122 Benefield Street (Parcel 01417) to allow short term rental, as principal use in accordance with Article 3.E. Section C Item 29.

### SUMMARY

122 Benefield Street is zoned OT-R, Old Town Residential. The applicant, Charles Walker, has requested a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article 3.E. Section C Item 29.

122 Benefield Street was built in 1920 and has functioned as a single family dwelling since that time. The property has a driveway large enough to accommodate three (3) cars in tandem. Additional on-street parking is also available on Benefield Street.

122 Benefield Street was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in May.

### RECOMMENDATION

The Planning Division recommends that the Planning Commission approve PZ23-00164 for a Special Use Permit in accordance with Article 3.E. Section C Item 29 to operate a Short Term Rental as a principal use at 122 Benefield Street (Parcel ID#01417).

### ATTACHMENTS

1. Application
2. Short Term Rental Regulations
3. 122 Benefield Street\_AERIALS
4. 122 Benefield St\_LANDUSE
5. 122 Benefield St\_OWNERS



## 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 #: \_\_\_\_\_ PC Meeting Date: \_\_\_\_\_

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Parcel ID: \_\_\_\_\_ Address: \_\_\_\_\_

Existing Zoning \_\_\_\_\_ Future Land Use: \_\_\_\_\_

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 122 Benefield St, Danville, VA 24540

Applicant: Charles walker

Applicant's Address: 101 Beverly Rd, Danville, VA 24541

Applicant's Phone Number: 434-548-5203

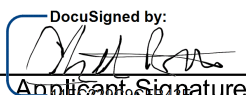
Applicant's E-mail: crwprize@gmail.com

Describe Proposed Request: Requesting to use the property as a short-term rental

in the City of Danville to help address the housing shortage issue in the city. The home

will be listed on listing sites such as AirBNB and VRBO for booking stays 2 days and

longer.

|                                                                                     |                        |                                                |      |
|-------------------------------------------------------------------------------------|------------------------|------------------------------------------------|------|
|  | 5/1/2023   4:32 PM EDT |                                                |      |
| Applicant Signature                                                                 | date                   | Property Owner Signature<br>(if not applicant) | date |

## **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 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 an 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.

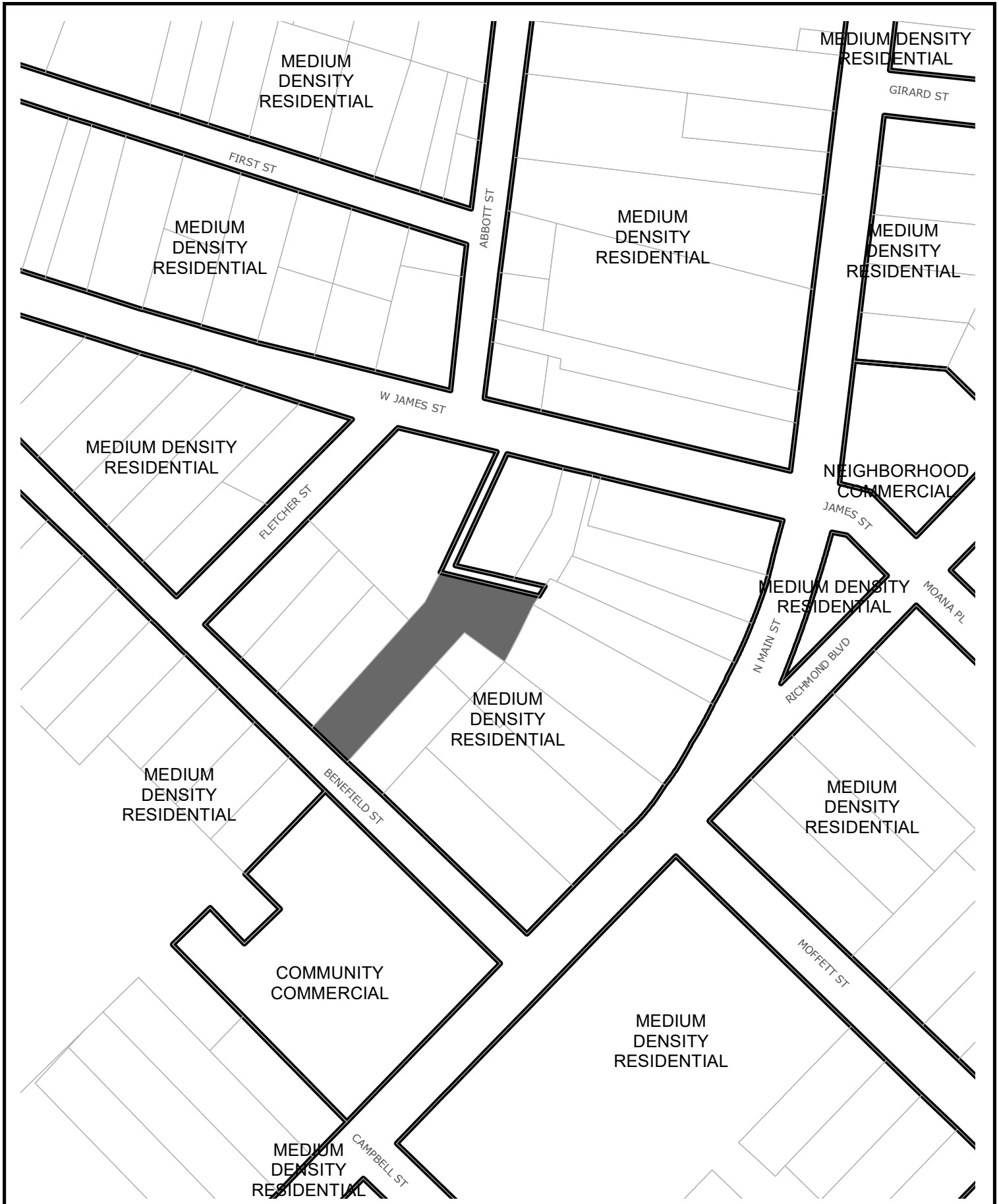


## 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:  
Planning Division  
5/19/2023

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**YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY**

Prepared by:  
Planning Division  
5/19/2023

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## STAFF REPORT

DATE: June 12, 2023  
TO: Planning Commission  
FROM: Renee Burton, Division Director of Planning  
RE: Special Use Permit Application PZ23-00173 filed by Kelly Riddle on behalf of Nicholas R. Preston requesting a Special Use Permit at 491 West Main Street (Parcel 22549) to allow a duplex in accordance with Article 3.E. Section C Item 1.

### SUMMARY

491 West Main Street is zoned OT-R, Old Town Residential, a single family zoning classification. Article 3.E. Section C Item 1 allows the operation of a duplex in the OT-R zoning classification by Special Use Permit. The applicant, Kelly Riddle on behalf of Nicholas R. Preston, has filed for a Special Use Permit to continue the operation of a duplex at 491 West Main Street.

Mr. Preston purchased 491 West Main Street on February 13, 2020. The property was zoned OT-R at the time of purchase. Based on City records, the property was used as a single family dwelling with an accessory home occupation at the time of transfer.

The Department of Community Development received a complaint about noise and excessive activity at 491 West Main Street. The first notice of violation was sent on March 30, 2023.

The property owner contacted our office as a result and it was discovered through conversation that the property was being used as a duplex. A second notice was then sent on April 28, 2023 to discuss terms of compliance. The applicant then submitted a Special Use Permit application on behalf of the property owner on May 15, 2023.

The 2020 Comprehensive Plan identifies this area as medium density residential for current and future use.

### RECOMMENDATION

The Planning Division recommends that the Planning Commission approve PZ23-00173 for a Special Use Permit in accordance with Article 3.E. Section C Item 1 to allow a duplex at 491 West Main Street (Parcel ID#22549).

### ATTACHMENTS

1. Application

2. Zoning Violation Letter 491 W Main St Letter March 30, 2023
3. Zoning Violation Letter 491 W Main St Letter April 28, 2023
4. 491 W Main St\_AERIALS
5. 491 W Main St\_LANDUSE
6. 491 W Main St\_OWNERS



## ***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 #: \_\_\_\_\_ PC Meeting Date: \_\_\_\_\_

Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_

Parcel ID: \_\_\_\_\_ Address: \_\_\_\_\_

Existing Zoning \_\_\_\_\_ Future Land Use: \_\_\_\_\_

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 4911 Westmain St Danville VA

Applicant: Hauser Property management (for Nick Preston)

Applicant's Address: 1225 Westmain St Danville VA 24541

Applicant's Phone Number: 434-791-4056 or 434-792-3220

Applicant's E-mail: triple-es@yahoo.com

Describe Proposed Request:

Unit is currently metered for 2 units (duplex)  
both have their own mailing / physical  
addresses 4911 + 4913 Westmain. The property was  
bought with both units metered and we  
are asking to continue to rent as a duplex



Applicant Signature

5/19/23

date

Property Owner Signature  
(if not applicant)

date



# City of Danville

## Community Development Planning Division

March 30, 2023

491 W Main St.  
DANVILLE VA 24541

**RE: ZONING VIOLATION AT 491 W MAIN ST.**

Dear TO WHOM IT MAY CONCERN:

This letter informs you of potential Zoning Code violations at 491 W Main St. property.

These violations include:

More than three (3) unrelated persons living in a single housekeeping unit.

The OT-R, Old Town Residential District (ARTICLE 3.E, Section B) provides for **single family residences**. The City Zoning Ordinance defines ‘family’ as: (1) One (1) person or two (2) or more persons related by blood, adoption, marriage, or guardianship living together as a single housekeeping unit with no more than two (2) boarders; or (2) A group of not more than three (3) unrelated persons living together as a single housekeeping unit.

You have **Ten (10) DAYS** from the date of this letter to comply with the provisions of the Code. If compliance with the regulations will result in housing displacement, then the City may be able to accept an alternative timeline for meeting the law. If you have any questions, please contact our office at (434) 799-5260.

Sincerely,

Lisa Jones

434-799-5260 Ext. 3783  
joneslk@danvilleva.gov



---

**FINAL NOTICE**

APRIL 28, 2023

NICHOLAS R PRESTON  
348 HANLEY CIRCLE  
DANVILLE, VA 24541

**RE: ZONING VIOLATION AT 491 W MAIN ST.**

Dear TO WHOM IT MAY CONCERN:

On March 30, 2023, a Notice of Violation letter was sent to you in regards to the above referenced property. In that letter you were ordered to comply with the provisions of the Code as stated below:

These violations include:

More than three (3) unrelated persons living in a single housekeeping unit.

The OT-R, Old Town Residential District (ARTICLE 3.E, Section B) provides for **single family residences**. The City Zoning Ordinance defines ‘family’ as: (1) One (1) person or two (2) or more persons related by blood, adoption, marriage, or guardianship living together as a single housekeeping unit with no more than two (2) boarders; or (2) A group of not more than three (3) unrelated persons living together as a single housekeeping unit.

You have **THIRTY (30) DAYS** from the date of this letter to comply with the provisions of the Code. If the violation is not abated, this office may be required to take legal action due to your noncompliance, which could result in fines up to \$3,000.00. If you have any questions call me at (434) 799-52660 Ext: 3783 Monday – Friday, 8:00-4:00. Thank you for your cooperation.

Sincerely,

Lisa Jones

434-799-5260 Ext. 3783  
joneslk@danvilleva.gov

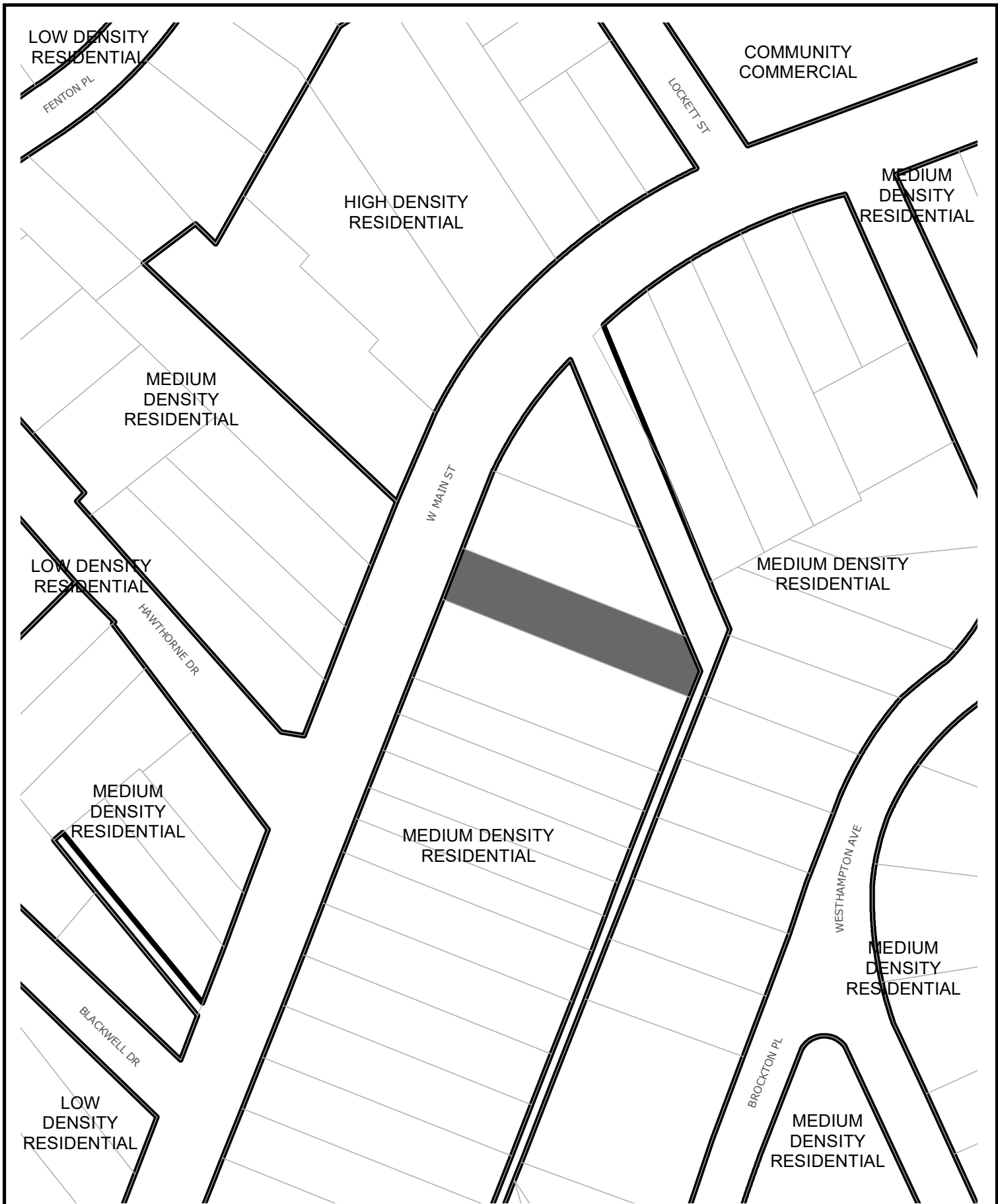


## 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:  
Planning Division  
5/19/2023

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## YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
5/19/2023

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## SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



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Planning Division  
5/19/2023

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## STAFF REPORT

DATE: June 12, 2023  
TO: Planning Commission  
FROM: Renee Burton, Division Director of Planning  
RE: Special Use Permit Application PZ23-00169 filed by Allen Stone requesting a Special Use Permit at 1224 West Main Street (Parcel 56046) to allow a mixed-use development with residential use on the upper level(s) and commercial use on the street level in accordance with Article 3.X. Section C Item 2.

### SUMMARY

1224 West Main Street is a brick two-story structure built in 1916 and zoned HR-C, Highway Retail Commercial. The street level of 1224 West Main Street contains three (3) active commercial store fronts. The upper level is currently vacant. The applicant states that the upper level was historically used as apartments.

The applicant, Allen Stone, is requesting a Special Use Permit in accordance with Article 3.X. Section C Item 2 to operate a mixed use development at 1224 West Main Street, with commercial uses on the street level and residential uses on the upper level(s). 1224 West Main Street has onstreet parking available as well as a parking lot behind the structure.

### RECOMMENDATION

The Planning Division recommends that the Planning Commission approve PZ23-00169 for a Special Use Permit in accordance with Article 3.X. Section C Item 2 to allow a mixed use development with residential use on the upper level(s) and commercial use on the street level at 491 West Main Street (Parcel ID #56046).

### ATTACHMENTS

1. WMCO\_regulations
2. 1224 W MainSt\_AERIALS
3. 1224 W Main Street\_LANDUSE
4. 1224 West Main Street\_OWNERS MAP

## **West Main Street Corridor Overlay**

The West Main Street Corridor Overlay (WMCO) stretches from the North Carolina/Virginia border along West Main Street, north to its termination at the intersection of Rison Street to the east and Broad Street to the west. The Corridor includes each property along West Main Street with at least one property line adjacent to West Main Street.

The intent of the West Main Street Corridor Overlay is to provide regulated growth as the area develops and expands its amenities to the citizens of the City of Danville and its visitors.

- A. Open Space
  - 1. New commercial or multi-family development shall have a minimum of 15% open space. This may include storm water management.
- B. Parking Regulations
  - i. A minimum of 50% of parking must be located behind the principal structure
  - ii. Share parking with adjacent uses is encouraged
  - iii. Shared points of ingress/egress from the public street are encouraged
- C. Additional Regulations
  - i. Short Term Rentals (accessory or principal use) require a Special Use Permit
  - ii. Mixed Use Development with residential use on the upper level(s) and commercial use on the street level is allowed by Special Use Permit in HR-C zoning districts
- D. Sign Regulations
- E. Landscape Regulations
  - i. All private areas not covered with building or surface treatment shall be landscaped with plantings, grass, pedestrian walks or similar features. Landscaping and Screening shall be maintained in good condition
- F. Design Standards
- G. Streetscape
- H. Prohibited Uses
  - i. Adult Entertainment Establishments
  - ii. Annuity Buying Services
  - iii. Ancillary Automobile Sales
  - iv. Automobile Sales
  - v. Automobile Salvage Yard
  - vi. Bail Bondsmen
  - vii. Billboards
  - viii. Body Art Establishments
  - ix. Body Piercing Establishments
  - x. Check Cashing Establishments
  - xi. Fortune Tellers
  - xii. Herbal Wellness Shop
  - xiii. Junkyards
  - xiv. Massage Parlors
  - xv. Motor Vehicle Title Loan Establishments
  - xvi. Pawn Shops
  - xvii. Payday Loan Establishments
  - xviii. Precious Metals Dealers
  - xix. Second Hand Shops
  - xx. Sporting Goods Stores
  - xxi. Tanning Facilities

- xxii. Title Loan Establishments
- xxiii. Vape Shops

## I. Definitions

*Adult entertainment establishment.* An establishment consisting of, including, or having the characteristics of any of the following:

1. Adult Bookstore. An establishment having most of its merchandise stock in trade books, magazines, publications, media, films, objects, or other similar items with an emphasis on matter depicting, describing, or relating to sexual activities or genitalia.
2. Adult Cabaret. Either:
  - A. An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or nudity; or
  - B. A cabaret that features nude, topless, or bottomless dancers, go-go dancers, strippers, burlesque or drag performers, or similar entertainers for observation by patrons.
3. Adult theater. An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or genitalia.
4. Skill Game Parlor. A business that hosts any skill game available for play by the public.

*Ancillary automobile sales lot.* Any business used for the display or sale of new or used automobile or trailers and where no repair work is done.

*Annuity buying service.* Any business engaged in the purchasing of annuities or other structured or long-term payments for compensation. An *annuity buying service* shall not include a bank, savings institution, or credit union legally operating under the laws of the United States or the Commonwealth of Virginia.

*Automobile sales lot.* Any business used for the display or sale of new or used automobile or trailers and where no repair work is done. *Automobile sales lot* shall include but not be limited to businesses which only sale ancillary parts or components for automobiles and trailers such as tires, mufflers, and other similar ancillary parts or components.

*Automobile salvage yard.* Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located, or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable.

*Bail bondsmen.* Any person who is licensed by the Commonwealth of Virginia to engage in the business of bail bonding.

*Body Art Establishment.* A business that performs body-piercing or tattoo services.

*Body-piercing* means the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. Body piercing does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.

*Check Cashing Establishment.* Any business engaged in the cashing of checks, drafts, or money orders for compensation. A *check cashing establishment* shall not include a bank, savings institution, or credit union legally operating under the laws of the United States or the Commonwealth of Virginia. A *check cashing establishment* shall not include any business that:

1. Does not hold itself out to be a check cashing service;
2. Is principally engaged in the bona fide retail sale of goods or services;
3. Either as an incident to or independently of such a retail sale from time to time cashes checks, drafts, or money orders; and
4. Charges a fee or other consideration for the service that does not exceed the greater of two dollars (\$2) or two percent (2%) of the amount of the item.

*Electronic cigarette.* Any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. *Electronic cigarette* includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor. *Electronic cigarette* also includes any component thereof and any nicotine-containing product that may be consumed through an electronic cigarette.

*Fortune telling.* Claiming to, pretending to, or holding oneself out as using occult or psychic powers, faculties, or forces, clairvoyance, palmistry, phrenology, craniology, psychometry, mediumship, seership, astrology, numerology, necromancy, witchcraft, or other craft, card, leaf, talisman, charm, potion, or magic of any kind to tell fortunes, commune with or resurrect the dead, overcome evil influences and bad luck, treat the sick or ailing, find lost, stolen, or hidden property, restore or procure love, or influence the weather. Fortune telling does not include performances in a licensed theater as part of an entertainment show or exhibition presented therein, provided that the person so performing clearly informs the audience that such performance is a show or exhibition intended for entertainment purposes only.

*Herbal wellness shop.* Any retail or service establishment that is not licensed by the Virginia Board of Pharmacy that devotes a majority (51%) of its floor area to the sale and display of products containing *mitragyna speciosa* (kratom), synthetic cannabis, cannabidiol (CBD), tetrahydrocannabinol (THC) including but not limited to Delta-8 THC and Delta-9 THC, or other byproducts of derivatives of cannabis; or any establishment that permits members of the general public to consume such products on site.

*Junk.* Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; junked, dismantled, or wrecked automobiles or parts thereof; and old scrap iron, steel, or other ferrous or nonferrous material.

*Junkyard.* An establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile salvage yard. *Junkyard* includes garbage dumps and sanitary landfills.

*Massage.* A method of treating the external parts of the human body for comfort or the general well-being of the body or for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument.

*Massage Parlor.* Any establishment or place where massages are administered or where any person engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on, any business of giving Russian, Turkish, Finnish, Swedish, Japanese, hot air, vapor, electric cabinet, magnetic, steam, mineral, sweat, salt, sauna, fomentation, alcohol, or any other kind or character of massage, bath, alcohol rub, fomentation, manipulation of the body, or other similar procedure. *Massage parlor* shall not include a hospital, nursing home, medical clinic, or the office of a duly licensed physician, surgeon, physical therapist, chiropractor, or osteopath, or to a massage therapist licensed by the Commonwealth of Virginia, or to barbershops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulders, or to ordinary tub baths where an attendant is not required.

*Motor vehicle title loan establishment.* Any business that engages in the making or underwriting of motor vehicle title loans as defined by Va. Code §6.2-2100. A *motor vehicle title loan establishment* shall not include a bank, savings institution, or credit union legally operating under the laws of the United States or the Commonwealth of Virginia.

*Pawn Shop.* Any business that lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or that deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

*Payday loan establishment.* Any business that engages in the making or underwriting of short-term loans as defined by Va. Code §6.2-1800. A *payday loan establishment* shall not include a bank, savings institution, or credit union legally operating under the laws of the United States or the Commonwealth of Virginia.

*Phototherapy device.* A piece of equipment that emits ultraviolet radiation and that is used by a health care provider in the treatment of a disease.

*Precious Metal Dealer.* Any person engaged in the business of purchasing secondhand precious metals or gems, removing in any manner precious metals or gems from manufactured articles not then owned by such person or buying, acquiring, or selling precious metals or gems removed from such manufactured articles. This definition shall not be construed so as to include persons engaged in the following:

1. Purchases of precious metals or gems directly from other dealers, manufacturers, or wholesalers for retail or wholesale inventories.
2. Purchases of precious metals or gems from a duly qualified fiduciary who is disposing of the assets of the estate being administered by such fiduciary in the administration of an estate.
3. Acceptance by a retail merchant of trade-in merchandise previously sold by such retail merchant to the person presenting that merchandise for trade-in.
4. Repairing, restoring, or designing jewelry by a retail merchant if such activities are within his normal course of business.

5. Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, or dealers or by mail originating outside the Commonwealth of Virginia.
6. Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by-product.

*Secondhand Shop.* Any business that buys, sells, barter, or exchanges used or secondhand articles, including but not limited to such items as firearms, office machines, household appliances, electronics, sporting equipment, or any other secondhand merchandise intended to be resold for use as such. *Secondhand Shop* does not include those businesses that exclusively buy, sell, barter, or exchange used or secondhand clothing, furniture, books, or toys; nor does it include those businesses that buy, sell, barter, or exchange used or secondhand items defined and regulated as junk, scrap, or precious metals.

*Skill Game.* The same as the word is defined in Chapter 16 of the Code of the City of Danville, Virginia.

*Sporting Goods Store.* Any merchant engaged in the business of selling at retail any sports gear or equipment, firearm or firearm accessory or equipment, bow or archery accessory or equipment, or similar items used in recreational sporting activities. Sporting goods store does not include any merchant who does not sell any sporting good other than clothing, footwear, or bicycles and cycling equipment.

*Tanning device.* Any equipment that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers and that is used for tanning of human skin, including a sunlamp, tanning booth, or tanning bed. The term also includes any accompanying equipment, including but not limited to any protective eyewear, timer, or handrail. Tanning device shall not include a phototherapy device.

*Tanning facility.* A business that provides persons access to tanning devices.

*Tattoo.* To place any design, letter, scroll, figure, symbol, or any other mark upon or under the skin of any person with ink or any other substance resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

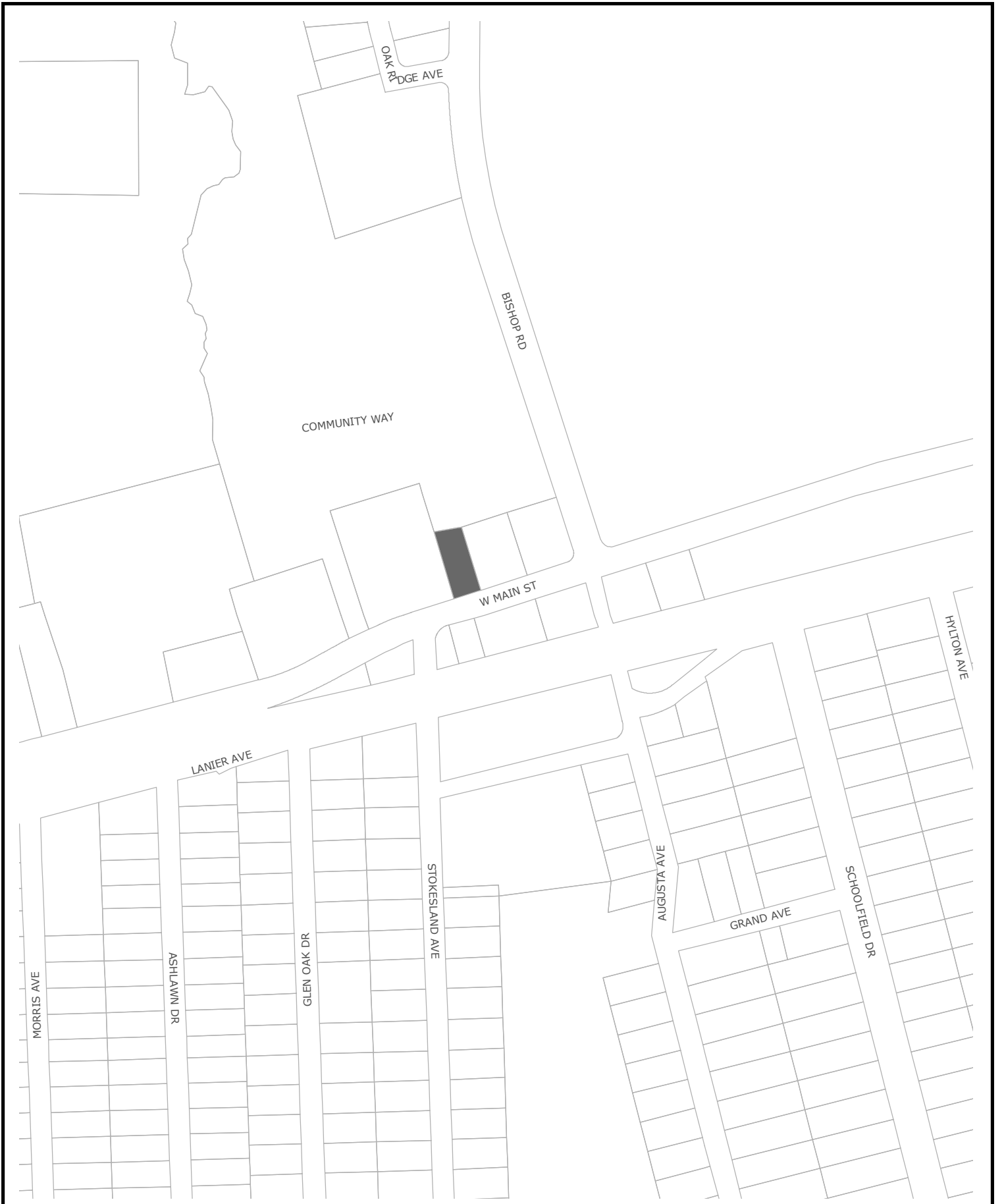
*Vape Shop.* Any retail or service establishment that is not licensed by the Virginia Board of Pharmacy that devotes a majority (51%) of its floor area to the sale and display of electronic cigarettes; or any establishment that permits members of the general public to vape with such products on site.



## 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
5/19/2023

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.



## YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
5/19/2023

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**SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY**



Prepared by:  
Planning Division  
5/19/2023

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## STAFF REPORT

DATE: June 12, 2023  
TO: Planning Commission  
FROM: Renee Burton, Division Director of Planning  
RE: Code Amendment Request PZ23-00181 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 2 Section P Item 8, to amend the height and size of a flagpole.

### SUMMARY

In May, the Planning Staff received a request to review the flag pole regulations for the City of Danville. Staff has reviewed the current regulations and have provided amendments that adjust the height and permitted location of flag poles as well as the square footage of the flag(s) that may be displayed.

The amendments are outlined in the attached Exhibit A.

### RECOMMENDATION

The Planning Staff recommends that the Planning Commission recommend approval of PZ23-00181 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 2 Section P Item 8, to amend the height and size of a flagpole as submitted.

### ATTACHMENTS

1. Exhibit A

## Exhibit A

### Article 2 Section P Item 8

#### Existing

8. No accessory structure other than garages and flagpoles shall exceed twenty-four (24) feet in height. Garages may exceed twenty-four (24) feet in height with a special use permit provided that the height of the garage shall not exceed the height of the primary residential structure. Flagpoles may exceed twenty-four (24) feet in height provided that the height of the flagpole does not exceed the maximum building height regulation for the zone in which it is located. Subject to special use permit approval, the height of a flagpole exceeding the maximum building height regulations may be approved when the applicant can provide photo simulations of "before and after" of the proposed flagpole.

#### Proposed

#### 8. Garages and Flagpoles

##### A. Garages

1. No garage may exceed twenty-four (24) feet in height or the height of the height of the existing principal structure (whichever is less) without a Special Use Permit. Photo simulations of "before and after" or elevation drawings are required with a Special Use Permit request.
2. Within a residential zoning classification, a Special Use Permit is required to construct or install a garage without a principal structure on the same parcel.

##### B. Flagpoles

1. A Special Use Permit is required to construct or install a flagpole in any district without the presence of a principal structure.
2. There shall be no more than two (2) flagpole(s) per parcel.
3. Flagpoles may be installed in the earth or attached to the principal structure, provided the point of attachment nor the height of the flagpole exceeds the height of the principal structure.
4. The height of a flagpole or point of attachment to the principal structure, may not exceed the height of the existing principal structure without a Special Use Permit. Photo simulations of "before and after" or elevation drawings are required with a Special Use Permit request.
5. Maximum flag size
  - 3a. Within a residential zoning classification, the total square footage of flags on display may not exceed forty-eight (48) square feet.
  - 3b. Within a commercial zoning classification, the total square footage of flags on display may not exceed seventy (70) square feet.
6. The minimum setback from the base of a flagpole to any property line must equal the height of the pole itself.

## PLANNING COMMISSION MINUTES

May 8, 2023

### MEMBERS PRESENT

Mr. Petrick  
Mr. Dodson  
Ms. Evans  
Mr. Kahn  
Mr. Bolton  
Mr. Jones

### MEMBERS ABSENT

### STAFF

Cynthia Lester  
Renee Burton  
Clarke Whitfield  
Lisa Jones

## I. ITEMS FOR PUBLIC HEARING

1. *Rezoning Application PZ23-00102 filed by CDA Holdings, LLC requesting to rezone 3300 North Main Street (Parcel 50204) from N-C Neighborhood Commercial to HR-C Highway Retail Commercial.*

Mr. Petrick opened the Public Hearing.

Ms. Anderson stated I'm representing Kimley-Horn, the applicant, I'm at 2035 Maywill Street in Richmond, Virginia, and I'm a licensed professional engineer in the state of Virginia. I'm available for questions if anyone has any.

Mr. Petrick closed the Public Hearing

**Mr. Bolton made a motion to approve the Rezoning Application PZ23-00102 as submitted. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.**

2. *Special Use Permit Application PZ23-00106 filed by Acres of Virginia, Inc. on behalf of JCJ Holdings, LLC requesting special use permit at 821 Hughes Street (Parcel 25373) to allow a two (2) story duplex to be constructed according to Article 3.E.C of the Danville Zoning Ordinance.*

Mr. Brooke stated I have some handouts I would like to pass out to you guys if you don't mind, I will appreciate it. I'll try to stay within my time limit being a preacher sometimes it's hard to do. I'm with Acres of Virginia Incorporated. We have offices in Amherst County and City of Lynchburg I am here today representing my clients their names are JCJ Holding LLC. The site plan you have before you today was prepared by my firm Acres of Virginia Incorporated. We are engineers, survey of soil, scientists, environmentalist and have been in the business for over forty years The property located at 821 Hughes Street, is located in the Old Town Residential district. My clients understand the houses within the section are mostly single-family. There are four duplexes, there are some duplexes in there and in the street behind there are also some duplexes. And I know that concern was brought up from something I received say about traffic on the street. Well, we looked at traffic as well. And when we look at the traffic, we see that the city staff has that set up as approximately 2000 - 5000 cars per day. And I see that there's on street parking out there. And of course, this is single family. On Hughes Street does allow parking, if you want to park on the street, using VDOT numbers, at 12 trips per day, using two cars, we will increase the number of traffic on that road by approximately 48 per day, if everybody took a car and then traveled back and forth 12 trips. But as we all know, we don't do that

we go home, go to work in the morning, come back and park and then go out to dinner that can be six trips. Now the plan that was sent to city staff shows one parking space per home. Now our plan is to increase off street parking to 2 spaces per home. And I've done that as well, my plan that you have, we've got two places on there now rather than the one. So, we are back-to-back parking off street so that none of our clients will have to park on the street. I also have an elevation plan which my associate gave to you. That is the plan that my client is planning to place on this property. Their proposal constructs duplex unit, it's a two-story residence with a total of 600 – 900 square feet per floor. So that's 1800 square feet, 3600 square feet roughly between the two floors. There's a lot of things going on in that area. As we know no person, as we said before, when they go in and out of that place to many times. We didn't do a traffic count on this road. But we know that most of the traffic comes in and leaves at six o'clock in the morning. And by eight o'clock most of them at work could be up to nine in the afternoon, people coming home from maybe 3 o'clock to 6 o'clock in the afternoon. So, we don't have a count on that. But we did drive through them this afternoon and look at what was there, and we didn't see a lot of traffic coming in and out there. But they could be a certain time of the day only the people on the street would know that. The area according to your transportation sheet is within the bus route systems for public transportation. For the city's environmental conditions, erosion is little or none on the street, and the lot is very flat. As you can see on that plan, we did a topographic survey to show the elevations of the lot itself. In the City of Danville, future land use plan to show this lot is within the medium density residential district. And the plan I have for you today denotes those 2 phases as I just want to say JCJ Holdings LLC is requesting that the Planning Commission as the review this offer their position to the city council for special use permit to allow them to build a 2-story duplex within the district. I think looking at what my client is planning to put there. If you see the elevation of the house, they built some very nice units and that going to help the neighborhood with that price is going up as well on their homes. They are going to construct this lot which is not very clear. It not much to do except put in those entrances. And to construct the home on the property sanitary sewer is available to the site also waterline is available to the site also. The duplex unit site plan provides off street parking, as I just said. The land disturbance for this site plan is about 4640 square feet. The comprehensive plan for the neighborhood must be comprised of medium density residential use my client JCJ Holdings, LLC is requesting that the Planning Commission approve the request to allow the construction of the duplex on lot 40 on Hughes Street. And if you have any questions. I'll be glad to answer them. Thank you for considering this matter today.

Mr. Dodson stated did you have any problems with the condition about the height.

Mr. Brooke stated Its going to be a 2-story unit. And they're going to be 8-foot height walls in there. So, you're looking at, we have a crawl space of 18 inches, and we got a floor space of 12 inches. So that's 2 ½ feet and then you got 8 and 16 that's 2 ½, 16 is 18 ½ plus you have the roof, which is going up on 312, which would be another 8 feet so it going to be under 30 feet in height.

Mr. Dodson stated what is the average height of the homes on that street.

Mr. Brooke stated most of the units on the street, as I observed are one story units. But they are some four plexes on the street that are you know, pretty much the same height. And there are some four plexes behind that street as well that are pretty much the same height. I admit they're older houses, but still, they are of that height. So, we could probably 16 and I 'd say 8, 24, about 30 feet, maximum height.

Ms. Petrick stated do you have a contingency plan if you're only allow to do one story unit.

Mr. Brooke stated No we talked about that not sure they want to invest on the street unless they get a maximum amount on that this is going to be rental, they have their own agency that they take care of things within the rental properties. So, they'll be mowing the grass taking care of the units itself. The construction cost of this unit is very high. I'm a license contractor and myself I probably would build something different. But that's what they like. They like those type units.

Mr. Petrick stated. how much you are renting the unit for

Mr. Brooke stated well I think it's all that the market will bear I'm sure that's what they're going to want. But a unit like this, I rent properties on my own. A unit like this should run for minimum up to 1250 to 1500 per month. It depends on the people that you put in the unit. And they have their own management firm that takes care of all the rental properties and the maintenance on the properties.

Mr. Khan stated you realize you said single family home.

Mr. Brooke stated Yes that's correct.

Mr. Kahn stated. How you feel building a duplex in vicinity and environment of a single family home other than the business.

Mr. Brooke stated my clients do this for a living, they know what they're doing and how much they can generate the amount of money they will put into a piece of property because they will have to connect the city water and city sewer. They will have to put some money into this piece of property.

Mr. Kahn stated that's what we want to bring to life. The plan is going to invest money into it to make a profit that's a business and again I ask about the area being a single-family home have you talked to anybody or gotten any input, I'm really concerned the duplex in with the single-family home.

Mr. Brooke stated Yes, I haven't investigated anything I'm sure a lot of those single-family homes have been rented to other people. They may or may not be occupied by all the residents to profit they may be rented out to some so we really don't know what that is 300 on up to 500. We do have multifamily mixed there so the lot is a very nice lot for what he is planning to do. I think it will be an asset to the community with the type of building he's putting there.

Mr. Bolton stated I have a question for staff can I ask why he is still there. How would a 2-story building back-to-back work on that lot.

Ms. Burton stated you could do a back-to-back duplex that would be an option. You have 15-foot side yard setbacks in this zoning classification. So, given the lot, because it is a pretty flat lot that would be an opportunity. Of course also you could reduce the size instead of a three bedroom we could bring that down to a two and a one and a half bath. Our concern is, of course, its compatibility with the rest of the structures that exist in the area.

Ms. Evans stated is your client here?

Mr. Brooke stated No I'm his agent and I have authorization to speak on his behalf. He is out of town today.

Ms. Evan stated have you or your client met with the neighbors to address any concerns.

Mr. Brooke stated No we were only made aware the day of the notices that came from the Planning Office that there were people that were opposed, and some were in favor of. So, we never get involved in meeting like this, some will get hot. So, we just kind of stay back. And neighbors have complaints that do come up in discussion. I've been in some meetings where I wished I hadn't ever started and I've been doing this for over 50 years but I'm sure we don't have anybody like this in Danville only in Amherst County, Lynchburg places like that. Thank you very much I really appreciate it.

**Ms. Bolton made a motion to approve Special Use Permit request PZ23-00106 with conditions per Staff. Mr. Evans seconded the motion. The motion was approved by a 6-0 vote.**

Mr. Petrick closed the Public Hearing

3. *Special Use Permit Application PZ23-00107 filed by Henry Leggett Jr. requesting special use permit on Baldwin Street (Parcel 25373) to allow two duplexes to be constructed on newly subdivided lot according to Article 3.E.C of the Danville Zoning Ordinance.*

Mr. Petrick opened the Public Hearing.

Mr. Leggett stated I'm here to answer questions or address any concerns anyone may have.

Mr. Bolton stated the drawing that you presented is just a picture of something.

Mr. Leggett stated that is one of the units itself.

Mr. Bolton stated everything about the same.

Mr. Leggett stated other than color will change maybe put some brick on one of them.

Mr. Bolton stated will these have driveways.

Mr. Leggett stated Yes, no on street parking so they will have separate driveways.

Mr. Bolton stated 2 each.

Mr. Leggett stated Yes, total of 8 parking spaces total.

Mr. Robinson stated I have a few questions before I even say I agree to it my mother and I own 3 lots. One of the lines look like it's going to be landlocked. I don't know where I'm going to have access other than maybe just going through a backyard. It's not set up for access to that back property. The reason why I've observed we have erosion that has happened in the past. At one time, we had to go back and do some maintenance. It's been a while. But if I ever needed to get back there again, that's normally the path I must take and if I had to get back there with some type of equipment, that the only access I have right now, as far as their position. How will they be position facing the line on the street?

Mr. Leggett stated both units will be facing Baldwin Street, and honestly the size of these is less than the average house on that street look like the average house is between 11 and 1400 square feet Each building is only 1200 square feet. So, 600 per unit. There will be four 600 square units.

Mr., Robinson stated have you had any plans drawn up yet engineering plans of how it's going to look.

Mr. Leggett stated it already been surveying a split down the middle each house will be I think the setback on the sides is around 20 feet and then there'll be 40 feet off the street.

Mr. Robinson stated. Is possible not only myself but some of the neighbors like said I'm surprised they're not here today. Maybe they're not as concern as I am. But is it any kind of rendition, like any photos of what it's going to look like after? I know what they're worried about some of them are worried about being you know, this whole street ha a single dwelling type.

Mr. Leggett stated I've bought a lot of houses on that street, invested a lot of money. So, the last thing I want to do is bring it down or do something like that.

Mr. Robinson stated I'm not 100% opposed, but I'm more concerned about my lot back here.

Mr. Leggett stated I don't have a problem with somebody bringing in a piece of equipment to do maintenance on your property.

Mr. Petrick closed the Public Hearing.

**Ms. Bolton made a motion to approve Special Use Permit PZ23-00107 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

4. *Code Amendment Request PZ23-00108 amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 2. Section AA titled "Campgrounds".*

Mr. Petrick opened the Public Hearing.

Ms. Brant stated I wasn't here for this; I had no knowledge of this. However, I do own a camper and I also have a motor coach and a motor coach slot. And I will say what wording of that is saying that no one from the public can come. However, if someone is a guest, it says only register guests and a lot of time people that stay in motorcoach resort or RV parks, have guest come visit them and I would like for those people to be able to come either pay extra or be a guest to the guest I guess what I'm trying to say, no its not open to the general public. But if you're staying in the motorcoach or RV place you want to be able your guest to enjoy the entertainment and restaurant with you. And I'd like to see that somehow put into action.

Ms. Burton stated at this point the language does not read that as an option, the language that we have presented states that the opportunity of onsite amenities is strictly for the onsite registered guest. If the Planning Commission would like a change that is certainly within their means to look at it further. But at this point it's only for the registered guests.

Mr. Petrick stated so this item cannot be conditioned to include that.

Ms. Burton stated Yes, the Planning Commission can make a motion that includes that change, for approval of recommendations.

Mr. Petrick stated that will be a condition of this design.

Ms. Burton stated right.

Mr. Petrick stated that's to allow visitors of people renting this campground or any campground to participate.

Ms. Burton stated Yes, and then that would then be up to the operator of the campground to enforce. That piece is being able to offer that only the registered guest is attending these events or using the amenities and to require additional management of the campground offering.

Mr. Bolton stated the person that spoke on the campground could she come back to you and change at later date. And we must record conditions now on it since you had that study. I would ask her what would be the appropriate number of registered guests? How would it be monitored? And this is coming at us right now. Is there a way she could come back? Not to say, hey we want to address this recommendation. Or would it be better to go ahead? Get our back up here to see what she's saying as far as numbers.

Ms. Burton stated this could be amended at a later date if Planning Commission chooses to pass the language as written, and then a separate code amendment, and then it could return for you and city council to change in the future.

Mr. Bolton stated that would affect all campground.

Ms. Burton stated Yes that would be a separate application.

Ms. Brant stated Yes, I was saying as an example, it could be for the guests and their personal family members, or it could be for their guests with a limited number and some campgrounds they must pay. And I think that's a good way to hold down on it if they pay. What I'm saying is that if someone were to come to down town and stay at campground they want their family members to be able to come or they want their boyfriend or girlfriend to be able to come and oftentimes they have to pay a fee for that and that's kind of keep the general public maybe from trying to come down on that and of course the guest would have to sign off so they would be responsible for their guest behavior and that usually keep it limited to how many people they would invite to come.

Mr. Bolton stated if you had to limit the guest how many would you say.

Ms. Brant stated no more than five.

Mr. Kahn stated who would monitor this?

Ms. Brant stated the same person that would monitor the register guest, the register guest is going to have to sign into the resort or community campgrounds and if they have guest come, they will need to register them in as well. Generally speaking, if you are staying at a campground some people stay there for months at a time. They certainly going to want their family members to come and visit. Thank you.

Mr. Bolton stated Renee since this can be brought back as an amendment at a later date up to five do this is probably the hardest one to study numbers register there's a lot both right here, what's your preference you have the staff will the vote and come up with the numbers and how often. Will you not have time to do that will it be included or not included today.

Ms. Burton stated I believe it would be best that we have time to look over it. One consideration is that you have a certain number of sites for your RV, RV guests. And then if you allow up to five per register site it adds up quickly. So, we would have to figure out a way to handle the parking and any other traffic concerns as well. On top of the RV site development. So, there are other things, I think that we need to look at some additional time.

Mr. Kahn stated this is only sufficient, why don't we go live and really separate now? Go head and approve this. And then we can come back and open it again for further discussion.

Mr. Petrick stated just to be clear, this is something that you can issue a code amendment on and would not require an application from a particular individual.

Ms. Burton stated its not required the planning commission right now after their vote for this amendment can request that planning staff look at it further.

Mr. Keator stated my concern is you have all these folks here that are going towards this amendment. What we're trying to change today that passing this ordinance or recommending it to city council, I think you're going around the corner to set these people to the side. I think these two bills should run together. And if Council or commission is not completely set, what should be done, then don't send it to the city to Okay it, and the chances of someone coming back and changing it are very slim. So right now, before I would pass this, I would listen to the opposition from the folks that are here to have the campground there to begin with.

Mr. Petrick stated I do understand this is just a code amendment for a generic campground

Mr. Keator stated I do

Mr. Petrick stated on site is not particular to the application.

Mr. Keaton stated I understand. But my concern is, if enough notice had been given in December, when this original ordinance was done, we probably wouldn't be having this discussion. There was not one really notified about the fact of the campground. So, no one had knowledge until now. So, the way that this has been done has put the public on the back burner.

Ms. Burton stated when the application was filed for special use permit for the RV park all neighbors within 300 feet of the subject property were notified that month the applicant determined they wanted to table the request. All property owners within 300 feet were notified about that table. The application came back again for May and neighbors were notified. So, we have three different notifications were sent out to let everyone know that this particular case was going to be reviewed. We don't notify outside of that, other than the fact that it is advertised on our city website as well as the Danville Register & Bee.

Mr. Murphy stated I just want to make that a point of clarification as Mr. Keaton are you taking about the ordinance or the RV park

Mr. Keaton stated I'm speaking about ordinance.

Ms. Burton stated the actual code amendments, they are advertised in our paper and online because they are not site specific. They are not individual letters that go out. They actually affect the entire city as a whole not one particular subject property alone. Thank you. I appreciate your clarifying that.

Mr. Petrick closed the Public Hearing

**Mr. Bolton made a motion to approve Code Amendment Request PZ23-00108 as submitted. Mr. Dodson. seconded the motion. The motion was approved by a 6-0 vote.**

5. *Code Amendment Request PZ23-00109 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, create Article 3.X title "West Main Street Corridor Overlay."*

Mr. Petrick opened the Public Hearing.

Ms. Long stated I live a 234 West Main Street. 234 West Main Street is the long gray house that's right on to the right-hand side of the off ramp. If you turn left you go to the hospital, if you turn right you go to Averett. The long white house my house actually butts up against city property. Every year every summer, I must call and beg and plead and get upset about the fact that they don't take care of that property that's directly beside my house. So, this information here is about the landscaping, that they're going to be regulations and so forth with the landscaping. I'd like to understand exactly what kind of landscaping is planned for that area of West Main. There have been multiple times every single summer that grass get to be seven feet tall. Which is not acceptable on any level. So, I just need to understand what's going to happen with that bed. That's right beside my house.

Mr. Petrick stated you got the right of way to the right of your house, in your face in your house. Right.

Ms. Long state Yes

Ms. Burton stated due to the regulations for the corridor overlay, specifically address that, sounds like that might be a maintenance concern in that particular area. The corridor overlay doesn't specifically address that parcel, landscape regulations that we do have, which are only all they wanted this particular time as we're developing this, we're looking to develop the support of the schoolfield master

plan only addresses new development not what you have existing. So unfortunately, this doesn't specifically address your concerns. But I can certainly pass the message.

Ms. Long stated the message has been passed many, many times. But every summer I go through this and every summer, they tell me if they're only required to mow that property twice during the season. And when that property which is extremely public. We want to keep that area nice; I don't understand how it gets to be seven feet tall. If it was my property, I would get fined, or some form of citation issue. But because it's one foot away from my property, they can let it grow to be seven feet tall. If we are going to improve this area, beautify West Main Street, for obvious and clear reasons for them to leave that bank I just don't understand that. So, I would appreciate it very much if you could pass that information on again and see what will happen with that bank.

Ms. Burton stated I would be happy to pass on the information, I'm not familiar with the schedule to give you the details.

Ms. Long stated Okay thank you so much.

Mr. Matthew stated I'm a resident of West Main Street just wanted to talk about the same regulation, Regulation E seems benign enough until you see the wording which speaks about possible of good standing and how it should be in a good environment. And anything that's not covered should be bushes and grass and everything else and the issue isn't really the grass and bushes or there is the issue of mowing it, but the vagueness of the wording. Now when it comes to the last sentence. Landscaping and screening shall be maintained in good condition. Adding more to this language and landscapes with plantings, grass, pedestrian walks are similar features, that could be other things such as a rock garden. But the language creates an avenue to kind of discriminate. Indirectly, for through enforcement, you can look at someone and say. You know what. I don't think that's in good condition. Not directly that one time issue, but repeated offenses, right one time warning, the second time, we'll find the third time maybe a larger fine, and then it goes on and on. And there are avenues to enforce this, to look at the position is good condition. And then good condition can vary. I can tell you that your property is in good condition, and then someone else was enforcing the code can say I don't think so. The property owner maybe can't maintain the property, the way the Enforcer believes that they should. And it up to the judgement of enforcement, the code enforcer they can say I don't think its in good condition. Everyone's reasonableness kind of varies and that's the issue that I'm trying to address it's something this discriminatory effect about enforcement of these regulations.

Mr. Petrick stated about enforcement of these regulations.

Ms. Burton stated the enforcement comes from property maintenance inspectors or in other cases from public works, they have heard, the enforcement would be within regulations that are offered.

Mr. Bolton stated he wants consistency in the enforcement which there no way really to including that.

Ms. Burton stated this will extend to every property residential or commercial. If there is concern with the language, we can certainly look at that either amending it with the recommendation Planning Commission today or it can be stricken with the rest of the language passed and like what we did the last time it will be added further. We will have additional code amendments coming. We are already aware of that. This could be looked at further if there's concerns about this.

Ms. Crews stated I have several questions in general. My first is what Ms. Burton alluded to, is what impact on the residence is this handout largely focuses on business applications. So, I'm very concerned about the residency impact, as I'm very well familiar with the Old West End Historic Overlay, and it gives very many citations on exact measures that are taken regarding residence. My second concern is what is reserved to me, and I see this on three areas, I have concern about at least 75% of the issue being voted on today, that not fully defined to go to City Council. My third issue is what are the implications that are being offered to the resident both beneficially and from an implication of

a negative detriment to the resident of the area. Fourth my family has lived on West Main Street for more than 45 years, and we don't understand the purpose of the overlay for residents. I do fully endorse a business overlay of this nature as described excluding residential properties. My sixth concern is that I didn't hear the survey results. Do you have the survey results for this particular item? There was a survey sent out and we filled it out.

Ms. Burton stated, we did not send out a survey, I sent out letters of notification. It was not a letter attached to that was returned to us with comments.

Ms. Crews stated and that's another concern that residents haven't been able to have a voice in this issue yet. I thought we had but I'm willing to be wrong. Lastly as I said, I'm very, very concerned about the circumstances of a five-page issue. In conclusion, that clearly gives a very heavy bit of business emphasis. I know what I cannot do if I'm in business, but I have no idea if I am a resident.

Mr. Medford stated, I'm the pastor of the River Oaks Church of God we owe a little more than 75 almost 100 feet on West Main, we were not notified of the meeting, It so happen someone sent me a text message of the letter. I think our biggest concern is there is not grandfather clause. Because there will be different things coming from different backgrounds serving in different areas of Virginia and across the nation. When I pastored in Manassas, they did things like this, and it came to the point with shrubbery. We only had three choices of bushes that we could use. We had four choices of trees that we could plant. And that was all new construction. But what we owned already we could use whatever kind of bush and trees we wanted, but we expanded our parking lot. We were told where put the tree, what kind of tree, how far they had to be apart. Those things will greatly impact those who may not potentially be able to afford that. The trees that we were told we can plant were \$1,800 apiece. That was a little excessive in my opinion. Our concerns are those things that are going to come along because this is not developed. This is a very vague, I'm greatly appreciative, obviously where our church is located, we have a lot of issues on the stretch of West Main, that are quite frankly unappealing to the eye, and I welcome the changes to clean up that area. But I do believe this is incredibly vague, and ill prepared to go before the entire city council for adoption. I do greatly appreciate the effort though. I think it is well needed, not just West Main, but other areas of Danville. Thank you so much.

Ms. Burton stated the corridor overlay does not change an existing structure or business. If that particular business or structure is existing now, legally, it would not have to change and then conform to the regulations that are set forth here. They would be considered legal non-conforming, or grandfathered clause would not change that. The regulations that are set forth would be affect construction. They are heavily weighed to commercial side. But they also include residential because that corridor is both commercial and residential. So yes, it does affect you in a residential manner. But they are heavily weighed on the commercial side.

Mr. Medford stated since this is very weighed on the commercial side. I feel for the lady who was just here. My question for her is if she decides to build a sunporch. Will the commercial regulations affect the resident how will the be laid out. Because of the vagueness I feel people's concern is that they just don't understand. How is this going to affect me residentially.

Ms. Burton state more regulations as they are reserved area that will be filled in more of those questions will be answered as the Schoolfield master plan becomes public. And the development plans that come there, you'll see more development, more specifics. In that particular situation, as far as someone just doing general construction for a sun porch, new steps, or anything like that on their particular residential structure. Their regulations would be those of the specific base zoning district that you're in and does not change.

Mr. Haynesworth stated I live at 548 West Main; I've lived at the property for two years. When we bought the property, it had and apartment in it. And that January, I rented it out to someone who lived in it for fourteen years. I've had people living in my apartment which had an outside entrance separated

kitchen. My mortgage was affected, and I think Mr. Petrick inspected my house for reapplication or refinancing got turned down because I had a multifamily dwelling, and I was in a light commercial zone. Unbeknown to me that changed. I missed a letter somewhere, you know when the rezoning happened years ago, but I never changed the use of my property. Right now. It's been an apartment. I've had time where there's been no one in it. I use it for my grandkids and my sister to come from Hurricane zone to live there when she's in the path of a hurricane. I drove from Greensboro this morning, and looked at the property from the state line all the way to where it turns off to West Main Street. And that area is in dire need of improvement. So, I understand the need for restriction and calling property owners to have a certain standard of their property. As other speakers have mentioned about residential you can come by and look at my yard, I cut it twice a week sometimes care immensely about my property. And when neighbors down the street failed to maintain the yards, I've taken my lawn mower and cut their grass, not asking for anything other than to have the neighborhood look good. I'm encouraged when you see a property like the one that is the old Brumfield studio at Broad Street, when that's turned into a great place for residents to go for dinner. I don't want that right next door to my house. So, I appreciate the restriction and zoning. But if there's a developer that wants to take a property, and if you ride from Ballou Park, all the way down to Rich Street, you'll see there's lots of properties for sale, some of which have become run down. So, when developers want to invest money to improve property, I think all homeowners will appreciate it. I'm concerned about parking regulations. My property is to the right of Swicegood Funeral Home, two doors down, I have no access to my backyard other than walking back there and walking into a gate the lawn mower fits through. There's no way to put a driveway. And that's the case with many homes on West Main Street. So, if there's property that can accept closer to Ms. Long's house, there's a four plex. So, if there's a developer that wants to come in and spend \$200,000, to improve that property and help everyone's property value. But this restriction about parking and being able to get access to 50% of the parking in the backyard, I believe that's restricted. I think I have a problem with parking when the Funeral Home has a funeral. I come home from work at night, and there's a visitation and I have nowhere to park.

Mr. Petrick stated you have on street parking.

Mr. Haynesworth stated Yes, where it suggests that I have to have access to my backyard. And there's a lot of properties that don't. I would fall into that grandfather clause that I'm not asking for anything new that my property hadn't been used for. So, I would consider this verbiage so that it doesn't restrict property from development where it would be in the benefit of the area.

Ms. Burton stated parking regulations that are stated here would be for those that are required to actually provide parking based on very general single-family use does not have parking regulations. You may use obviously department does not require that you provide parking space or parking lot within the parcel. Commercial use being additional multifamily either retail any other commercial establishment require to have parking for their particular patrons. This will regulate that not for your single-family residential use, only in those instances where there's a parking lot.

Mr. Haynesworth stated my property had been used for single family for me and my family. We raised my two boys there. And we had apartment upstairs. Never had a problem with parking other than when there's a funeral at the funeral home. But we've never had problems with parking. We have off street parking for my wife, and I could park behind her. And then we have room for two to three cars to park in front of my house. My concern would be like in my property as an apartment or an Airbnb. Is that going to have to be amended says I have off street parking behind my house, which is not acceptable or accessible. I know that there are other property owners on West Main that have Airbnb which the city had approved. It was my understanding that if you only had 40% of the property used for that purpose, and you live there, then it's approved. And my property had been migrated to an Airbnb. And I found out through the Commissioner of Revenue that I'm not following the direction, and I'm going through the process to do that. I've had the City Inspector come; he gave me two things that I had to fix. Then I must request a zoning approval, certificate of occupancy. I've lived there for 40 years, and the apartment has been used in that state for the better part of that time. One comment I made to the city inspector, when I looked at becoming an Airbnb. I went to the city of Danville when I

typed in Airbnb, nothing, there's no direction. And I think once the city opens the process, that IT department can very easily have bullet points to say, here's the things you need to do if you're looking into being an Airbnb in Danville this is what you need to do. But my concern is when I go to zoning, and they say you don't meet the off-street parking requirements. So therefore, you can't use your properties. And its current use as an Airbnb the second story.

Ms. Burton stated without seeing your property in front of me right now I can't speak specifically to that. What we have in our regulations is short term rental, which is commonly called Airbnb. That's how it's defined within the City Zoning Code. We are looking at doing a registry and a bullet point checklist just like we talked about, we are having a second meeting Friday for committee that we convened just to address that.

Mr. Haynesworth stated my concern isn't just for my property it's for the hundreds maybe 200 Airbnb people that want to use their property and invest money or invest in the West Main corridor that would improve the property, but don't have that access for off street parking because there's no access and a lot of those properties to be able to put a driveway in.

Mr. Petrick stated if you go online, you can pull up the ordinances and specifically that information.

Mr. Haynesworth stated I've asked for that, I have sat down with Jimmy Gillespie, I can't find it.

Mr. Petrick stated its online on the city website.

Mr. Haynesworth stated Thank You.

Mr. Petrick closed the Public Hearing.

Mr. Bolton stated he mentioned that what we have right now is a little vague and existing residence that show how effective it is. Which is recommended today and knowing there's more to come and that will be presented at city council.

Ms. Burton stated way the language we approve today recommendation will go to City Council for final approval.

**Mr. Bolton made a motion to approve Code Amendment Request PZ23-00109 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

6. *Special Use Permit Application PZ23-00069 filed by J. Cubas Holdings, LLC requesting special use permit at Parcels 75941, 77419, 77420, 77421, and 77422 to allow a campground according to Article 3.B.C of the Danville Zoning Ordinance*

Mr. Petrick opened the Public Hearing.

Mr. Cubas states good afternoon, Mr. Chairman, members of the board Ms. Burton. Mr. Whitfield. Mr. Kahn. First, thank you for the opportunity to stand before you to present the RV Resort. The RV Resort categorizes the Luxury RV visually consists of 333 sites. The amenities, the reason it's call the Luxury RV Resort is because the amenities are a clubhouse, Bar and Grill, pools, spas. Game rooms, entertainment room, pickleball courts, tennis courts, pool, and other amenities. I would like to focus the presentation on basically four topics one is most importantly compliance. Second topic is composition of the neighborhood. Third topics of proposed circulation plans for traffic. And the final topic is economic development.

Mr. Cubas gave a PowerPoint presentation that is part of the record.

Mr. Pruitt stated thank you to the planning commission and city staff for the opportunity to speak, today beside me is my sister Jennifer she is deaf since birth and had some challenges that require her to have day to day assistance. And that's why I'm here today as a trustee of a trust managed for

her benefit. The trust owns approximately 58 acres adjoining the post RV park. Our family's lived on this property for over 90 years. We had the opportunity to name the street after Jennifer when we were annexed into the city as her trustee. I'm held to a higher standard, similar to the standards for a special use permit. We're here today hoping that the Planning Commission will make a recommendation to deny the Special Use Permit on Jenny Lane. So, I will start with the traffic impact. Talking about pedestrian safety, fire, and EMS safety. We also have a concern about traffic impact having a diminishing value on the existing homes on Jenny Lane and deterring future development. Mr. Cuban told me in conversations that he expects a four-to-seven-day avenue stay on the campground, which would be consistent with someone stay visiting Las Vegas, which just has a 3.4 night stay as of 2021 simple math 333 sites operating at 80% capacity with a four-day turnaround time. In eight days, you're looking at 1065 RV trips on Jenny Lane. There's no guarantee for high rollers or the high-end luxury campers. According to the RV industry association, the typical RV owners is 48 years old married and has an average annual household income of \$62,000. Without the appropriate safeguards in place, there's no guarantee the RV park will attract clientele Mr. Cuban is presenting. Mr. Cuban is also encouraged bike weeks; I think the challenges that they present their communities across the country. I'm not oppose to motorcycles, but those activities along with others in the RV park will increase risk noises, disturbances, litter and require deep needs for additional trash and police services. Also, there is no prior track record for Mr. Cuban owning or executing an RV park. We've all seen the challenges for the most part that he had in Pittsylvania County with the denial of the RV park. There's also another project in North Carolina, which after the entitlement work had been done, the permits had to be pulled because there was not water access to the property, There's no definitive, positive impact to the city. The project will create minimal jobs may not significantly increase tax revenue and will have negative impact on the future residential development in the Southwick planning district. I propose that there may be alternate sites that can be more suitable to an RV park. For example, the Industrial Development Authority of Danville owns a 30-acre tract of land zoned transitional residential and Corning Drive, which give almost immediate access to the expressway. And access via West Main Street. In Franklin Turnpike, I believe Mr. Cuban himself as he stated today pretty much agrees that this is not the ideal site. Mr. Cuban made several attempts to buy our property since it's at the corner of Jenny Lane and Goodyear Blvd so that he could have access to Goodyear and not have an impact on Jenny Lane. In the community meeting and in telephone conversation, he stated his preference for other sites. As I mentioned, a lot of the sites may have been picked up by the city for industrial or commercial uses. I would just request that the planning commission recommend denial for the special use permit and require substituents substantial additions and address more concern in his site plan and especially use application. I'm available for any questions. One other thing I know there may be some folks here that doesn't want to speak today, would we be able to call for a headcount for those that are opposed to this project.

Mr. Rice stated. I live right beside the parcel that he's planning on purchasing besides the picture you received in reference to the width of the road. Also did another study I placed a car right there where he planned on putting the campground and slowly because it's a curve, I slowly drove down the road and I stopped as soon as I could completely see the car measure it off 160 foot one of these RV that he's proposed that going in these lots is 24,600 pounds stopping distance is 40 miles per hour was 234 feet. Next thing I want to bring up Myrtle Beach if at all ever gone by the campgrounds on check in and checkout time how many cars are lined up the street 20 to 30 RV waiting to get in that going to run all the way up Goodyear, they going to be lined all the way up our street that's going to affect traffic. Third thing I want to bring up, he says something about having a van service how many you think will take a van when they can get in their vehicle and drive anywhere, they want to. And most of all we had a set time, and he knows that. He went over you asked him to hurry up. He kept on and on, we know he doesn't follow the rules. Thank you very much.

Mr. Murphy stated my wife and I have moved back here. I was raised in this area went to Westover my entire life. We moved to Florida, I lived in DC, and I've came back here, main reason we came back here is her family safety in a small-town atmosphere, That is something that we love about Danville, not a lot of people come back here, talking with churches around here that is a serious

issue. But I want to say that I agree with the limitations that you guys voted on earlier about not allowing visitors go to the park, but that will tie into a lot of concerns about enforcement, Jenny Lane is not the place to put an RV park. The city itself as you have heard, has backed yourself into a corner with an ordinance passed in 2022 that inhibits the potential locations of an RV park. Issues myself and many others have put forward have gone on address and not one from the city has reached out to us to discuss it. I personally have sent in many emails and contact a member and have not heard anything even though in the paper they were in support of it. They are aware the city appears to be solely focused on generating tax revenue that they are overlooking the effects of the citizens in the surrounding area. Land and development like this will cause, I could be wrong on this, but this is the first time we saw it on May 5, only one business day before this meeting on Friday. Only after pictures that we took and posted to Facebook did the city come out and measure the road, I think they measured it in four different locations. The idea that Jenny Lane residents are opposed to progress or development is incorrect. We welcome a housing development and progress, also welcome generation of tax revenue in the city. We are not welcoming over 1000 RVs in our neighborhood imagine the safety concern that you could have. With 1000 RVs turned around per week barreling down your street, endangering family, friends, and pets. There has not been due diligence done on the development of the site. This was also marketed as a Luxury RV Park. This has been published everywhere, but there's nothing in the special use permit to live up to his standard of \$300,000 plus RV's being the standard there. That is another thing with enforcement, there's nothing in there to enforce that. If the park doesn't do an 80% occupancy, they're not going bankrupt, they're not going to try to shut it down. They will lower the standards, and they will allow less and less quality vehicles to come in some parks have your standards like 10-year-old limitations. Even if there's a 300k standard put in place how do you assess that 10 years down the road when those are old RVs. We have over 383 signatures on our petition against this delicate development, I along with many other members are against this. He doesn't even live on the core street of Jenny Lane he lives across from Goodyear Boulevard on the other side, which would be nowhere near as impacted as those of us who own the land. I live and own land directly beside this. I along with family who are directly adjacent to this property have not been contacted directly by the developer, and only one forum was convened. It was very unproductive to us as citizens. He did present a slideshow. But this is not the forum that US Citizens wanted to talk with him and discuss our issues. We as citizens have serious concerns about safety. First and foremost, we're concerned with the drugs and crime will bring from tourist and planned bike rallies. That something new we learned. When bike rallies in South Carolina occur, many businesses have historically shut down and put-up portable restrooms for use. This type of event will bring as substantial amount of fear to us and neighbors. No one I spoke with wants to live beside an RV park and I would ask you to consider yourself. Would you want to live beside and RV park like this? This will negatively affect resale potential of our housing and land. And it will also affect future housing developments that we welcome and that are planned. An alternate location should be explored by the developer in conjunction with the city. I welcome any questions you have. And I thank you for your time.

Mr. Murphy stated. I live at 531 Jenny Lane which is the property directly across from the proposed entrances. When we're talking about 1000 RVs a week as we heard in the estimation, I can't imagine trying to get out my driveway when it's check-in time. We also mention the size and weight. And safety on that. And there's also a proposal I believe for 55 acres down the street further for more housing, which bring more school buses and pedestrians on the street, introducing these vehicles this size and weight that magnitude in quantity would be very dangerous. The other thing I want to mention it was brought up and I appreciate the consideration trying to litigate the amount of impact related to Goodyear traffic the visibility from those stops signs at the end of Jenny Lane which intersect Goodyear Blvd on both sides is very limited, even in my vehicle, much less an RV that's pulling a car behind. So, it's very dangerous. Appreciate your time.

Ms. Lea stated talking about the traffic on Goodyear Blvd I live on Goodyear all my life. When the interstate came in, they rezone the direct traffic on that road. It was on Twin Oaks Lane when Goodyear traffic come through, we had two deaths in the 70s this was a straight lane and now that

they rezone and built the expressway it now has a curve in Goodyear Blvd, we have to play Russian roulette to get out there once they come around that curve you right there in it. Now they talk putting a RV park will be too much traffic. The school buses drivers have to put the children on one side if someone comes behind them and do not stop there's no stoplight. We have to roll down our window to see what's coming around the curve to get out in the street. They need to straighten out the road on Goodyear Blvd just coming off 86. Thank you.

Mr. Barksdale stated. My wife and I reside at 186 Jenny Lane. We are RVers for 17 years. And we're not opposed to a campground we'll just opposed to one in our neighborhood. It's a project that already has so many safety concerns, and so many financial issues that needs to be relocated outside of a neighborhood. Several other residents of this area I understand RV also personally we know of some very unsavory things that goes on in RV campgrounds. Regardless of security, they can't be everywhere at once. I don't care what your buildings look like what's your entrance look like. Things do get out of control. You're going to have people that would prefer to camp near home, residential area. Theft so forth, campfires sometimes get out of control with the potential to spread into next door RVs, the wooded area surrounding this campground and the neighboring residents. When it comes to golf carts, you're going to have children on the street and those things been seen. Most of the campgrounds we've been to restrict you to have a driver's license and age of 16. But they do not enforce it. Most of the time we've seen kids out there who could barely reach the pedals. On a golf cart roaming around. They will spread into our neighborhood; they will be on our properties and in our streets. Then you the intoxicated adults, they will do the same thing. They're not going to stay in the campground they're going to get out there at night roaming and see where they can go. Traffic issues unless there's a costly remote road invasion to accommodate these 18 wheelers for deliveries, products, equipment. You have 40-foot RVs, 40-foot motorhomes towing storage trailers, car trailers, golf cart trailers, motorcycle trailers, just not room for all that on Jenny Lane. You'll have major traffic congestion in there if this comes to pass traffic during the Goodyear shift change has already been recognized. It's only going to get worse. These people fly out of there like going to the Daytona 500 and got to go home. Same thing in the morning a lot of them running late. They got five minutes to get there. You got an RV pulled out of Jenny Lane trying to make that wide turn trailer behind. Impatient traffic expected drivers get impatient road rage. Number one thing on our highways in this country today. Road Rage. We don't need that. Any renovation on Jenny Lane. The residents in that area risk losing the property frontage including improvement as planting trees, shrubberies a lot of them have sprinkler systems and ornamentals etc. Down the road renovation would require at least two wide travel lanes. In addition to an entrance and exit, like to this fall the cost of materials and labor for renovations to widen the road and sewage service and add traffic lights would be astronomical. Which would invariably lead to tax increases. Now I have some other disturbing information the campground is going to need sewer service which they wouldn't get for the 333 sites plus their operational facilities. Now, here's the sample. Residents of Jenny Lane were promised upon annexation, they would have water sewage service. Here 30 plus years down the road that area still has no sewage systems. What does that say about our city leader that can come up with money for this campground to come in and supply them with the holy city services. But yet our neighborhood has been without that service all these years. It's ridiculous. Now current finances went to the city council meeting the other week. Current finances they talked about. I don't think that it's conducive to all these expenses. I just wish you would weigh all the risks and expenses involved in this campground issue. Thank you for your time.

Mr. Ultrium stated. My concern is to piggyback off everybody else's safety, noise pollution, air pollution. It's to me we could find a better place I mean you've heard everybody response was also highly paid to me you're really need to talk to the people. We still have the power. He was talking to us before he didn't know he didn't want our report about this economic development or growth just fine another place. I talked to the Pittsylvania County Sheriff's Department which I spoke to Mr. Cuban at the meeting. He told me to check the report on Elkhorn and Paradise. He told me personally it's been a nuisance to their deficient. A lot of robbery, burglary, a lot of stuff going on. I not going to keep you long but everyone on this planning commission. Ask yourself this question Would you want a RV park

in your neighborhood with your loved ones, your kids, and grandkids. Just asked a question. Thank you.

Mr. Alverson stated. 64 years live right here, worked right here, went to school here graduated here beautiful, beautiful place. Like Mr. Rice said the rules don't apply to some people. When people get money, they get authority. We see that today in front of a council no regard for rules. Once this thing starts where is it going to end? Now I'm a little embarrassed. Pittsylvania County, the biggest county in the state of Virginia. And they had no room for an RV park. I couldn't believe it. I was embarrassed. I thought we could find some place we got Barry Hills out there with 1000s of acres. We couldn't put a RV park. We should have been able to get together somehow and put this thing in. But we didn't vote it down. Once it was voted down nice to the people of the community, the Bandover community out there was threatened. Well, I'll just take this land and put section 8. I'll make it very appetizing for everybody. Some people don't play fair. Some people don't play right. And it amazing to me that every time there's food. There is something here to eat. We live here this is our community. Now we can throw food out here on West Main Street, and people coming from everywhere. Don't walk on the people of Danville. For 42 and a half years, I work at Goodyear Tire and Rubber Company, I made a decision to go in every day. Traffic was crazy. If you haven't been out there during shift change you need to go out there. These people that live along there are correct It's crazy. Get a little ice or snow out there on the Boulevard it's unbelievable. I reached out when I heard Lee Vogler had kind of went after this when Pittsylvania County said look, we don't have no room for you here. So, I said I'll talk to some of these council members and see what their feeling is because I think you know. Dan River for so many years just stifled Danville when it could have been growing. It could have been Greensboro, but it's not. It was stifled. I think Danville need to grow. I reached out to Lee since he was spearheading this thing, didn't take my call, I left a message, he didn't call me back. I called Madison Wood; he didn't call me back. Now I call James Barton. He took the phone call, and we had a god conversation. James told me I asked him how he feel about it? Well, you know, I'm staying at arm's distance with this thing. You know we have these setbacks, but it's been the Pittsylvania County talk for about setbacks in a community. Well, is Pittsylvania County willing to build a 20–30-foot wall I could put around these electrical sites to protect what's in there or what's outside from getting in. Is this gentleman willing to do things like this. In order to be a good neighbor, or have a good neighbor, you have to be a good neighbor. But when you come in you spell blood and water and you come and eat you don't care about none of this stuff it just irrelevant. Are there completion dates, I've heard all these other entities that has been started it's not being completed. I don't care about that. If the planning commission seems fit to put this thing in, I would like some of that hierarchy a good year, you've got a timeline. And if you don't have a thing completed in a time limit, and we start fining you, don't open something and leave it. I don't see any place on Jenny Lane. There's plenty of places in Pittsylvania County and around Danville to put this up. Like I said, I don't know that I trust somebody from out of town. That's going to come in here and walk on the council and welcome the people of Danville walk on the people of Pittsylvania County. I don't know if I trust or want to do business with anyone like this.

Mr. Cubas stated Mr. Chairman, everyone that showed up here in opposition provided for their opinion. That opinion is certainly respected by me. However, everything we've heard are about the things that they're concerned about happening in the proposed RV Resort. Safety, security, campfires, intoxication, traffic, and we talked about right away. Are these also the same concerns that could happen in every single-family property in the neighborhood? They are the same concerns these are opinions. Secondly based on their opinions, where does opinions regulate what someone can do with their property in a lawful manner? If the property owner follows every rule follow every ordinance, and every statute. Where do the opinions of neighbors supersede the rights of a property owner. Now I did sit back there quietly while everyone gave their opinion. If those property rights by a property owner when he is in full compliance by the book, and by the law will not be respected. Then every other person who has a project in mind to bring to the city will think twice. And the question I have again, is where do those opinions? Where's the line? Where do they supersede and prevent someone from lawfully developing their property if they are within the Code, statue Ordinance Some of these comments, I take a little personal because although I've attempted to meet with them, speak with other met with them on April 3 to provide them all the information. As an open book, they still question me.

They question my character, they question my experience, let alone none of them knows anything about my history. What I've done in 47 years in this industry as a matter of fact has misquoted me and mischaracterized interictal issues of this application. So, although I do not take any of those comments, personal against them, because I respect them. I understand that, at what point do those opinions supersede the right of a property owner to develop his property in accordance with the law, the rules and the ordinance that governs each property owner in the city of Danville. Like they say, in Congress, I yield back a minute 15. Thank you very much.

Mr. Dodson state of the biggest concern they're having this track and we do some kind of traffic study. To see if these numbers are throwing out are accurate. Is there something we can do about that and find out exactly or as close as we can tell what the traffic would be like, for the people who live there?

Mr. Cubas stated. Well, one of the things that I've done. I'm glad I can say this in front of Ms. Burton. We've had many conversations with the city. First and foremost, I think everybody is on board with safety. Some of these comments make it sound as if I don't care about safety. That couldn't be the furthest thing from the truth. Everybody is on board with safety, me included, the city, Ms. Burton everyone on the staff side, we discussed doing all the necessary things to ensure what is the best way to handle the traffic with TIAs, we don't know if it's going to require expansions, we believe it will. But these are all the issues that we have been working with to ensure that we meet safety. That's our number one issue. One thing that I've discussed is the possibility of creating what's called something similar to a school zone, where you limit the speed limit, to ensure especially on the corner of Jenny Lane and Goodyear Blvd, out of the abundance of caution based on what Mr. Pruitt has provided me and the conditions of his sister. I'm concerned about that. So, one of the ways to ensure safety is create something called a school zone. And I'm using that as a reference to ensure speed limit is reduced in that area. That way we increase safety in the area that need to have lower speed limits. Yes, I am working with the city on addressing that issue.

Mr. Dodson stated. Any chance of them widening Jenny Lane.

Mr. Cubas stated. I think there is a chance, I don't want to speak for the city, but I think there is a chance of that.

Can I ask a question sir?

Mr. Petrick stated. Sorry you can't state a rebuttal against Mr. Cuban right now. What is your Question? I'm all for wine and grapes, Yeah, I'm all for it. What are these people all for giving up their property, so he gets rich.

Mr. Cubas stated. Mr. Chairman, I thought the issue was safety, And that's the focus. It's not whether I get richer or poor. It's about safety. And that is the focus. That's what everyone on my site. And I don't speak for the city. But they are working very hard as well with me to ensure we meet safety.

Mr. Kahn stated. I worked on Martha Street adjacent to Jenny Lane, the curve off 86 is very dangerous and slowly for many years, it is a problem. And I guess even the city, understand what he was talking about, unless the city. We'll able to have alternate plan is a major concern. And as for the change of shift, and yes, they do run exceedingly open speeding.

Mr. Cubas stated. Mr. Khan, part of trying to look for the exact page that you have a copy of the presentation today, one of the things we've done to help address or mitigate the issue is ensure that check in time whenever there is the highest peak of traffic for the RV resort to take place during the lowest peak of traffic. So that's in conjunction with the traffic circulation coming off Goodyear. Obviously, I think everybody knows that if they point inside at the same time, there is a major traffic situation, but we are mitigating that by ensuring the check in time and check out times happens in the middle of the day shift change when there is not shift change traffic per say.

Mr. Bolton stated. The request says to allow for a campground according to 34BC that edition of the article stipulated it will be Luxury RV? Or is there some way we can stipulate that it will be everything that seem like it would be. Are we saying luxury is better than saying regular. Can we specify that is RV, a Luxury RV, or is the hard to name.

You going to discriminate a half a million-dollar RV and a \$50,000 RV.

Mr. Bolton stated. This says campground doesn't say Luxury RV just want to make sure.

Ms. Burton stated. The ordinance does not specify the value or the style of the RV.

Mr. Petrick stated. Not sure we come to the conclusion on that.

Mr. Bolton stated. Has anyone looked at the entrance and exit of on the express lane.

Mr. Petrick stated. We discuss the fact 86 down Goodyear Blvd., but I don't know that.

Mr. Bolton stated. To me it looks like most of the issues are safety, traffic visibility or weight. I know when we had a project that had a lot of the same concern that we conditioned that with a traffic study. Someone mention it is going to be required anyway, but can we not take the chance. If we make a motion as such and we conditioned that show studied enough required to be done even though it may be required just to ensure that it's done. And also, on the sewer? I guess he's gotten use of the water and sewer. Should we condition it even though it is a requirement would probably still be a wide range of conditionality as well. You mentioned that you actually say that we should perhaps look at these two things maybe potentially include those conditions. And how long do they take, how long does a normal traffic study take.

Ms. Burton stated. Special use permit can have additional conditions placed on such as TIA traffic impact study or traffic impact analysis that can be done by the planning commission upon a motion. The time lapse for traffic impact study varies depending on its particular spot that is looking at, the distance, the neighborhood there are a lot of different variables that I don't know if I can give you a specific on. I would say probably six months to a year depending on the particular situation.

Mr. Bolton stated. Who will pay for this?

Mr. Burton stated. Typically, I have seen them be paid for by the developer, there are things that can be worked out, but I'm saying in general terms.

Mr. Bolton stated. If it be required what kind of funds are out there to help with that, with city negotiation, contribute or not. If we should put in motion, should we stipulate that the author would pay. And if he can get additional money.

Ms. Burton stated. I don't know about the funding availability for something of this nature, that's not something that I've actually gotten involved in as far as funding. But certainly, that is another condition.

Mr. Petrick stated. Ms. Burton did recommend traffic study.

Ms. Burton stated. Yes, we believe this project is in need of a TIA.

Mr. Petrick stated. This would be required anyway.

Ms. Evans stated We have a lot of information today. I was wondering Renee can you answer any of the concern. This is very broad. But I'm at a loss relative to what all to ask, specifically to you. What is the specific? Answers to some of these questions?

Mr. Burton stated. A lot of the questions I think are posed, as we've talked about how to deal with traffic, how to deal with the impact of safety concerns, such as in that nature, those would be answered by traffic impact analysis, those are the things that I can't answer, because I don't have all the information. And all the data put together. The case that you have before you, and my piece that I'm involved in, is to recognize the zoning code, and the eight criteria that I have set forth in this staff report, anything else will have to be addressed later during development and during specific planning stages. The point specifically looking at traffic.

Mr. Petrick stated. Traffic is one thing, but traffic involving these large vehicle traffic. Is that something that would be a direct consideration with a traffic study as to the types and sizes of vehicles.

Ms. Burton stated. Absolutely, the traffic impact studies we've looked at before, were general vehicle traffic, it wasn't a specific list of the larger vehicles, the heavier equipment. That's why I can't give any specifics on that because I'm not involved in that before. So, we will take that into consideration.

Mr. Bolton stated. If we propose what he presented, I guess he has his own traffic studies.

Ms. Burton stated. This would be more detailed traffic counts specific road and pavements conditions. Looking at traffic counts, a magnitude of things

Mr. Bolton stated. Speed limits things like that.

Ms. Burton stated. That's correct.

Ms. Evans stated. Refer to area transitional residential but we can only do it at threshold. That's not the same thing. Is that correct.

Ms. Burton stated. I believe that's probably what he was referring to, we do not have transitional residential. So, I think that's probably what he referring to.

Mr. Bolton stated Traffic in the area very different water and sewer services.

Ms. Burton stated Right, city services is required for connection to city water services and utilities.

Mr. Bolton stated. Is it necessary?

Ms. Burton stated. It is not necessary but may be done.

Mr. Petrick stated So is it not conclusive that this meets all the requirements for this code.

Ms. Burton stated. It does meet the criteria that the zoning code. Yes, it has. When we get further along into the development and the specifics of the development of this particular property, water sewer connections, we looked at topography of the land, the egress, all those things we'll be able to get at that time. We're not far ahead in that process right now.

Mr. Petrick closed the Public Hearing

**Mr. Bolton made a motion to approve Code Amendment Request PZ23-00069 as submitted.  
Mr. Kahn seconded the motion. The motion was approved by a 6-0 vote.**

## **V. PLANNING DIRECTOR'S REPORT**

## **VI. MINUTES**

**The April 11, 2023, minutes were approved by unanimous vote.**

With no further business, the meeting adjourned at 5:45 p.m.

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APPROVED