PLANNING COMMISSION REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

October 10, 2023

3:00 PM

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ITEMS NOT FOR PUBLIC HEARING

1. Request to review a Final Major Subdivision plat for the dedication of right-of-way for Community Way.

IV. OLD BUSINESS

1. Special Use Permit application PZ23-00280 filed by Charles Motley to convert single family detached dwelling to duplex at 305 Girard Street (Parcel 02281) in accordance with Article 3.E Section C.

V. NEW BUSINESS

1. Special Use Permit application PZ23-00210 filed by Late Bloomers LLC requesting a Special Use Permit at 115 Howeland Circle (Parcel 21172) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.
2. Special Use Permit application PZ23-00271 filed by Preferred Management Group on behalf of 2 JD LLC requesting a Special Use Permit at 151 Virginia Avenue (Parcel 20470) to allow short-term rental as principal use in accordance with Article 3.E Section C

Item 29.

3. Special Use Permit application PZ23-00312 filed by Misty and Derek Adams on behalf of DM Woodstock Enterprise, LLC requesting a Special Use Permit at 1244 Westover Drive (Parcel 50398) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

4. Special Use Permit application PZ23-00327 filed by Anthony C. Martin requesting a Special Use Permit at 85 Ashlawn Drive (Parcel 53437) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

5. Special Use Permit application PZ23-00314 filed by David Gold and Juli Reeves requesting a Special Use Permit at 118 Mt Vernon Avenue (Parcel 23302) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

6. Special Use Permit application PZ23-00316 filed by Tamara Belotti requesting a Special Use Permit at 440 Mimosa Street (Parcel 56067) to allow short-term rental as principal use in accordance with Article 3.C Section C Item 29.

7. Code Amendment Request PZ23-00339 filed by James Osborne on behalf of Extreme Recovery of Danville amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 3. M. C. to create Item 30. Automobile salvage or other salvage yards.

8. Special Use Permit application PZ23-00340 filed by James Osborne on behalf of Extreme Recovery of Danville requesting a Special Use Permit at 4711 Riverside Drive (Parcel 51529) to allow automobile salvage in accordance with Article 3.M Section C Item 30.

VI. PLANNING DIRECTOR'S REPORT

1. October 4, 2023 Work Session results

2. City Council Update

3. PLANDanville

VII. APPROVAL OF MINUTES

1. Minutes, September 11, 2023

VIII. ADJOURNMENT

STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Request to review a Final Major Subdivision plat for the dedication of right-of-way for Community Way.

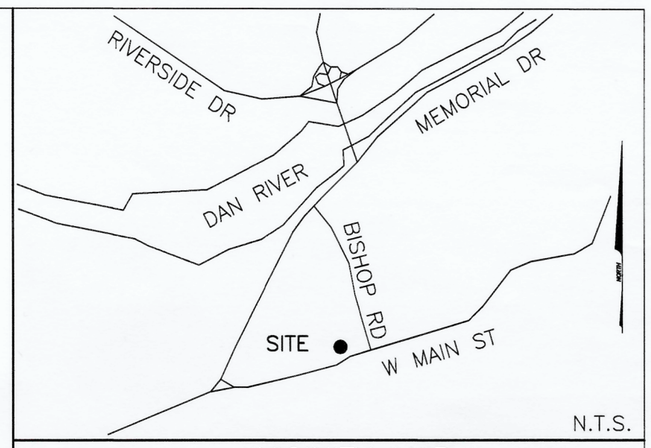
Summary
A request has been filed to review a Final Major Subdivision plat for the dedication of right-of-way for Bishop Road. The 0.108 acres of land to be conveyed to the City of Danville includes property to be named Community Way, granting access from Bishop Road to the City of Danville Police Department.

Recommendation
The Planning Division recommends the Planning Commission grant approval of the Final Major Subdivision plat and acceptance of the right-of-way for Community Way shown as Exhibit A.

ATTACHMENTS
1. Exhibit A

NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT AND THERE ARE NO READILY APPARENT EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE, DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD ZONE PER FEMA FLOOD MAP 51143C0633E EFFECTIVE 9-29-2010.
4. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, DETECTION, OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED ON THE SURVEYED PREMISES.
5. NOT ALL PHYSICAL IMPROVEMENTS ARE NECESSARILY SHOWN AS PART OF THIS BOUNDARY RESURVEY. ONLY IMPROVEMENTS WHICH ENCROACH ON THE LINE OR ARE IN CLOSE PROXIMITY TO THE LINE ARE SHOWN.



VICINITY MAP

THE DEDICATION OF LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LOT AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

_____

KEN LARKING, CITY MANAGER FOR CITY OF DANVILLE

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/ CITY OF _____
I, _____, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNER:
_____ WHOSE NAME
(NAME) (TITLE)
IS SIGNED HEREON HAS ACKNOWLEDGED THE SAME BEFORE ME THIS DAY OF _____, 20 . MY COMMISSION EXPIRES: _____

_____
NOTARY PUBLIC

THE DEDICATION OF LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LOT AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

_____

NEAL MORRIS, CHAIRMAN OF DANVILLE INDUSTRIAL DEVELOPMENT AUTHORITY

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/ CITY OF _____
I, _____, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNER:
_____ WHOSE NAME
(NAME) (TITLE)
IS SIGNED HEREON HAS ACKNOWLEDGED THE SAME BEFORE ME THIS DAY OF _____, 20 . MY COMMISSION EXPIRES: _____

_____
NOTARY PUBLIC

CITY APPROVAL CERTIFICATION:

I CERTIFY THAT THIS PLATTING IS IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND HEREBY APPROVED IN ACCORDANCE WITH CODE OF THE CITY OF DANVILLE 2004, AS AMENDED.

_____
CITY ENGINEER

_____
ZONING ADMINISTRATOR

COMMONWEALTH OF VIRGINIA
RICHARD B. ARMSTRONG, JR.
Lic. No. 3017
4-19-2023
LAND SURVEYOR

CITY OF DANVILLE SURVEYORS CERTIFICATE (SUBDIVISIONS):

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND CITY COUNCIL, AND ORDINANCES OF THE CITY OF DANVILLE, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS, DIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH GIVEN UNDER MY HAND THIS 19th DAY OF APRIL, 2023.

Rich B Armstrong

RICHARD B. ARMSTRONG, JR. LS 3017

LEGEND

- PF ◎ PIPE FOUND
- RF ◎ REBAR FOUND
- ◎ IRON FOUND AS NOTED
- ○ COMPUTED POINT
- ● REBAR SET
- -o- UTILITY POLE
- ✲ LIGHT POLE
- Ⓢ SANITARY SEWER MANHOLE
- Ⓓ STORM SEWER MANHOLE
- SS UNDERGROUND SANITARY SEWER
- ——OH E T C F—— OVERHEAD ELECTRIC, TELEPHONE, CATV, & FIBER OPTIC
- ——OH FO—— OVERHEAD FIBER OPTIC
- ——OH E—— OVERHEAD ELECTRIC
- —— x —— FENCE
- ——/// EDGE OF PAVEMENT
- CONCRETE

ARMSTRONG CIVIL
105 NORTH MAIN ST. GRETNA, VA 24557. 434-656-1051
ARMSTRONGANDASSOCIATES.NET
RICH@ARMSTRONGANDASSOCIATES.NET

DRAWN BY: JBT DATE: 4-19-2023 PROJECT # 230073

PLAT SHOWING RIGHT OF WAY DEDICATION AND PROPOSED EASEMENTS OF THE PROPERTY OF
THE CITY OF DANVILLE & THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE VIRGINIA
CITY OF DANVILLE, VIRGINIA

VA STATE PLANE SOUTH ZONE (NAD83)

CITY OF DANVILLE
INST 22-2787
INST 20-4262 (PLAT)
PID 60574

PROPERTY LINE ALONG BRANCH AS IT MEANDERS

VERTICAL BRIDGE DEVELOPMENT, LLC.
INST 18-1633
INST 12-4253 (PLAT)
PID 60538

N 14°44'42" W 343.83'
TIE TO RF
30.00'
RF
S 72°01'54" W 302.33'
6.03'
'C'
RF
20.0'
PROPOSED 20' STORM EASEMENT
330.36'

CALLS ALONG THE BOUNDARY

LINE	BEARING	DISTANCE
L1	N 16°12'30" W	16.47'
L2	N 16°12'30" W	43.32'
L3	N 00°57'01" E	45.88'
L4	N 07°21'08" W	22.87'
L5	N 07°21'08" W	3.36'
L6	N 11°19'45" W	20.25'
L7	N 11°19'45" W	14.99'
L8	N 17°16'44" W	4.95'
L9	N 17°16'44" W	24.77'

CALLS ALONG THE BOUNDARY

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C1	6°30'40"	685.09'	77.85'	N 70°25'04" W	77.81'
C2	2°08'04"	585.09'	21.80'	S 68°13'46" E	21.80'
C3	34°56'58"	585.09'	356.90'	S 86°46'17" E	351.39'
C4	6°10'24"	1472.42'	158.64'	N 15°01'28" W	158.57'
C5	9°17'26"	685.09'	111.09'	N 80°23'57" E	110.97'

CALLS EXISTING RIGHT OF WAY TO BE VACATED

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C6	6°11'53"	1466.42'	158.63'	S 15°00'43" E	158.55'
C7	90°20'57"	19.94'	31.44'	S 27°04'00" W	28.29'

CALLS ALONG PROPOSED STORM EASEMENT

LINE	BEARING	DISTANCE
L10	N 78°40'15" E	20.65'
L11	S 11°19'45" E	20.00'
L12	S 20°12'24" W	10.72'

CALLS ALONG PROPOSED STORM EASEMENT

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH
C8	1°44'43"	565.09'	17.21'	N 68°55'12" W	17.21'

CALLS ALONG PROPOSED SANITARY EASEMENT

LINE	BEARING	DISTANCE
L13	N 64°22'08" E	244.20'
L14	N 64°09'50" E	200.42'
L15	N 64°22'08" E	245.29'
L16	N 64°09'50" E	102.86'

CALLS ALONG PROPOSED ELECTRIC EASEMENT

LINE	BEARING	DISTANCE
L17	N 17°33'52" E	85.76'
L18	N 17°33'52" E	48.73'

30.829 ACRES (PID 60574)
-0.108 ACRES (PARCEL '1')
30.721 ACRES (RESIDUE)

0.108 ACRES
PARCEL '1'
PART OF PID 60574
TO BE CONVEYED TO
THE CITY OF DANVILLE

N 22°50'16" E
100.00'

LINES 'A' TO 'B' HERBY ESTABLISHED

RISER

S 75°39'37" W 480.00'
TIE TO PINCHED PF

3.284 ACRES (PARCEL '2')
+0.108 ACRES (PARCEL '1')
3.392 ACRES (AREA CONVEYED FOR R/W)

PROPOSED VARIABLE WIDTH STORM EASEMENT

COMMUNITY WAY
NEW CONSTRUCTION
VARIABLE WIDTH R/W

NEW SIDEWALK

LINES 'B' TO 'C' HERBY ESTABLISHED

20.0' PROPOSED 20' UTILITY EASEMENT

N 75°45'14" E 311.21'

15.000 ACRES (PID 60539 PER INST. 12-4253)
-3.284 ACRES (PARCEL '2')
-1.684 ACRES (NEW LOT '5D')
10.032 ACRES (RESIDUE)

INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE VIRGINIA
INST 12-4252
INST 12-4253 (PLAT)
PID 60539

N 28°49'23" E
75.00'

27.38'

BISHOP ROAD
70' R/W

LINES 'C' TO 'D' HEREBY VACATED

S 18°06'28" E 571.54'

N 18°06'28" W 226.07'

N 84°42'09" E
8.18' (CHORD TIE)
N 83°26'39" E
21.91' (CHORD TIE)

N 33°20'23" E
26.03'

LINES 'E' TO 'D' HERBY ESTABLISHED

N 75°45'14" E 321.54'

99.55'

S 61°10'37" E
75.00'

6.71'

PROPOSED 20' ELECTRIC EASEMENT

34.47'
20.0'
0.99'
19.60'
20.0'
PROPOSED 20' SANITARY SEWER EASEMENT

1.684 ACRES
NEW LOT '5D'
PART OF PID 60539
HEREBY CREATED

BROKEN UP ASPHALT PARKING LOT

S 18°06'28" E 138.90'

6.00' TO BE VACATED

S 18°06'28" E 130.33'

DAN RIVER PLAZA, LLC.
INST 10-3048
MB 16 PG 43
PID 58503

N 16°21'59" W 282.63'

3.284 ACRES
PARCEL '2'
PART OF PID 60539
TO BE CONVEYED TO
THE CITY OF DANVILLE

N 17°54'08" W
80.24'

S 73°10'20" W 217.73'

3.81'
1-STY BUILDING

PINCHED PIPE
@25.01'

RAIL FENCE

C & J WILSON PROPERTIES, LLC.
INST 20-3666
DB 648 PG 338 (PLAT)
PID 55060

S 17°54'08" E 289.11'

N 16°47'56" W 114.27'

S 83°12'36" W
65.12'

S 72°46'12" W 223.52'(T)

111.52'

112.00'
SIDEWALK UNDER CONSTRUCTION

C & J WILSON PROPERTIES, LLC.
INST 20-2497
DB 437 PG 391 (PLAT)
PID 51471

INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE VIRGINIA
INST 13-3234
DB 437 PG 391 (PLAT)
PID 54629

N 17°16'27" W 151.45'

S 26°36'38" W
25.00'

S 72°15'26" W
96.60'

3.53'

60.10' (TIE)
S 72°06'30" W 169.90'

BNE RESTAURANTS GROUP IV, LLC.
INST 97-1468
INST 97-1470 (PLAT)
PID 57478

S 17°53'30" E 238.89' (TIE)
RF @100.28'

N 17°53'30" W 194.80'

CONC STEPS

S 17°54'08" E 289.11'
2-STY APARTMENTS

INTERNATIONAL SECURITY INVESTMENTS CORP.
INST 96-0389
DB 257 PG 99 (PLAT)
PID 56046

S 79°00'38" W
21.02' (TIE)

PINCHED PIPE

S 66°52'18" W
91.71' (TIE)

S 72°00'40" W
100.11' (TIE)

58.94' (TIE)

117.98' (TIE)

S 64°10'05" W
50.26'

WEST MAIN STREET
VARIABLE R/W

© RF IN R/W

0.023 ACRES
PARCEL '3'
PART OF PID 54629
TO BE CONVEYED TO
THE CITY OF DANVILLE

0.411 ACRES (PID 54629)
-0.023 ACRES (PARCEL '3')
0.388 ACRES (RESIDUE)

COMMONWEALTH OF VIRGINIA
RICHARD B. ARMSTRONG, JR.
Lic. No. 3017
4-19-2023
LAND SURVEYOR

0 60 120 180
1"=60'

ARMSTRONG CIVIL
105 NORTH MAIN ST. GRETNA, VA 24557. 434-656-1051
ARMSTRONGANDASSOCIATES.NET
RICH@ARMSTRONGANDASSOCIATES.NET

SHEET 2 OF 2

DRAWN BY: JBT	DATE: 4-19-2023	PROJECT # 230073

PLAT SHOWING RIGHT OF WAY DEDICATION AND PROPOSED EASEMENTS OF THE PROPERTY OF
THE CITY OF DANVILLE & THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE VIRGINIA
CITY OF DANVILLE, VIRGINIA

STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit application PZ23-00280 filed by Charles Motley to convert single family detached dwelling to duplex at 305 Girard Street (Parcel 02281) in accordance with Article 3.E Section C.

SUMMARY

305 Girard Street is zoned OT-R, Old Town Residential. The applicant, Charles Motley, has requested to convert this single family dwelling into a duplex according to Article 3.E. Section C Item 2.

The subject property was built in 1906 and is a single family dwelling. It was acquired by the applicant in 2007. There are no other listed multifamily homes on Girard Street and much of the parking is on-street.

Fifty-five (55) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received, four (4) were unopposed and one (1) was opposed.

This item was tabled at the September 11, 2023 Planning Commission due to the lack of attendance by the applicant.

RECOMMENDATION

The Planning Division recommends that the Planning Commission approve PZ23-00280 for a Special Use Permit in accordance with Article 3.E. Section C Item 2 to convert the single family dwelling to a duplex at 305 Girard Street.

ATTACHMENTS

1. Application
2. 305 Girard St
3. 305 Girard St_AERIALS
4. 305 Girard St_OWNERS
5. 305 Girard St_LANDUSE

City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of $360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
   a. A preliminary site plan in accordance with the Site Plan Regulations.
   b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
   c. A written statement of proposed project compatibility with the following:
      (1) The Comprehensive Plan.
      (2) The applicable zoning district.
      (3) The surrounding properties.
      (4) Current and future neighborhood conditions.
      (5) Pedestrian and vehicular traffic patterns, on-site and off-site.
      (6) Adequate public facilities.
   d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
      (1) The architectural elevations and floor plans of proposed building(s).
      (2) Traffic impact analysis.
      (3) Fiscal impact analysis.
      (4) Parking and site circulation analysis.
      (5) Photographs of property and surrounding area.
      (6) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00280 PC Meeting Date: Sept. 11

Date Received: 8/7 Received By: williams

Parcel ID: 02281 Address: 305 Girard St

Existing Zoning OT-R Future Land Use: duplex

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 305 Girard St (N. Danville)

Applicant: Charles B. Motley

Applicant's Address: 1805 Swann Ave - Belle Isle, Florida 32809

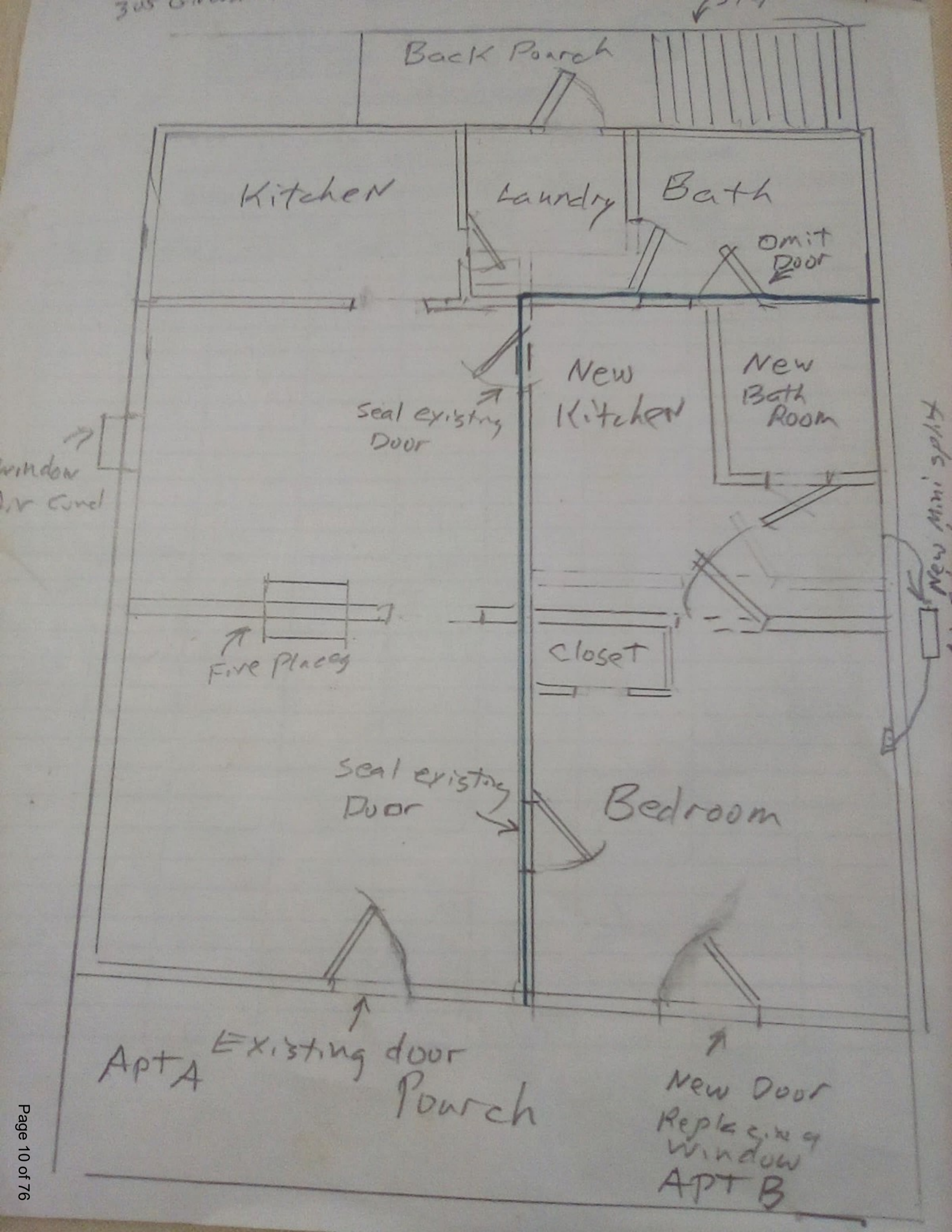
Applicant's Phone Number: 407 851-2289 (Land Line)

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

Describe Proposed Request: Replace Metal roof (install)
Convert single family residence into a duplex.
Community Services leases this to house special Needs community (1 person). This is Danville's greatest shortage Needs, They would like this duplex so they can house another person. (and expressed they would maintain it)

Charles B. Motley
Applicant Signature date

Charles B. Motley
Property Owner Signature (if not applicant) date


Back Porch
Kitchen
Laundry
Bath
Omit Door
New Kitchen
New Bath Room
Seal existing Door
Window A/C Cond
New Window
Fire Place
Closet
Seal existing Door
Bedroom
Apt A
Existing door
Porch
New Door Replacing Window
Apt B

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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.

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit application PZ23-00210 filed by Late Bloomers LLC requesting a Special Use Permit at 115 Howeland Circle (Parcel 21172) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

SUMMARY

115 Howeland Circle is zoned OT-R, Old Town Residential. The applicant, Late Bloomers, LLC, 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.

The subject property was built in 1925 and is a single family dwelling. There is on-street parking but no private driveway. There has not been a Certificate of Occupancy inspection. The applicant has identified a property manager located in Providence, NC, roughly six miles from the property.

The adjacent property at 121 Howeland Circle has requested a special use permit for short-term rental that will be reviewed by City Council during their October 5, 2023 meeting.

Forty-four (44) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received, Five (5) were unopposed and two (2) were opposed.

RECOMMENDATION

The Planning Division recommends that the Planning Commission approve PZ23-00210 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 115 Howeland Circle (Parcel 21172).

ATTACHMENTS

1. Application
2. 115 Howeland Cir_AERIALS
3. 115 Howeland Cir_LANDUSE
4. 115 Howeland Cir_OWNERS (1)

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of $360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
   a. A preliminary site plan in accordance with the Site Plan Regulations.
   b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
   c. A written statement of proposed project compatibility with the following:
      (1.) The Comprehensive Plan.
      (2.) The applicable zoning district.
      (3.) The surrounding properties.
      (4.) Current and future neighborhood conditions.
      (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
      (6.) Adequate public facilities.
   d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
      (1.) The architectural elevations and floor plans of proposed building(s).
      (2.) Traffic impact analysis.
      (3.) Fiscal impact analysis.
      (4.) Parking and site circulation analysis.
      (5.) Photographs of property and surrounding area.
      (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00210 PC Meeting Date: Aug 7, 2023

Date Received: 6-22-23 Received By: Charles Fulcher

Parcel ID: _____ Address: 115 Howeland Circle

Existing Zoning _____ Future Land Use: Air BNB

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 115 Roweland Cir. Danville, Va. 24541

Applicant: Diane Nevells

Applicant's Address: 749 Piney Forest Rd #136, Dan. VA 24540

Applicant's Phone Number: (434) 250-9936

Applicant's E-mail: dnevells60@gmail.com

Describe Proposed Request: I want to use this Property for short-term rental and AirBnb

Applicant Signature 6/21/23 date

Property Owner Signature (if not applicant) Diane Nevells 6/21/23 date

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
7/14/2023

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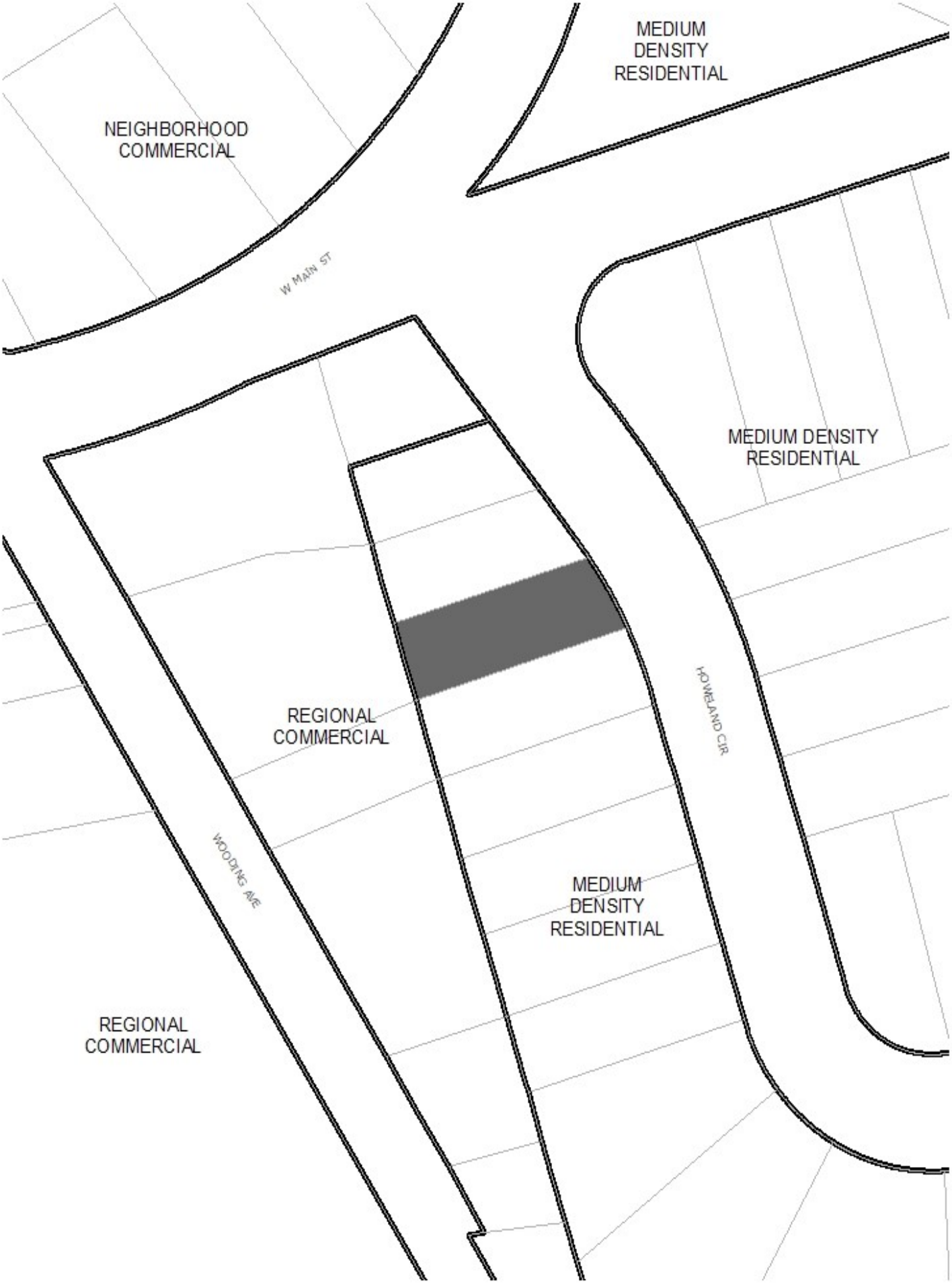

YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
7/14/2023

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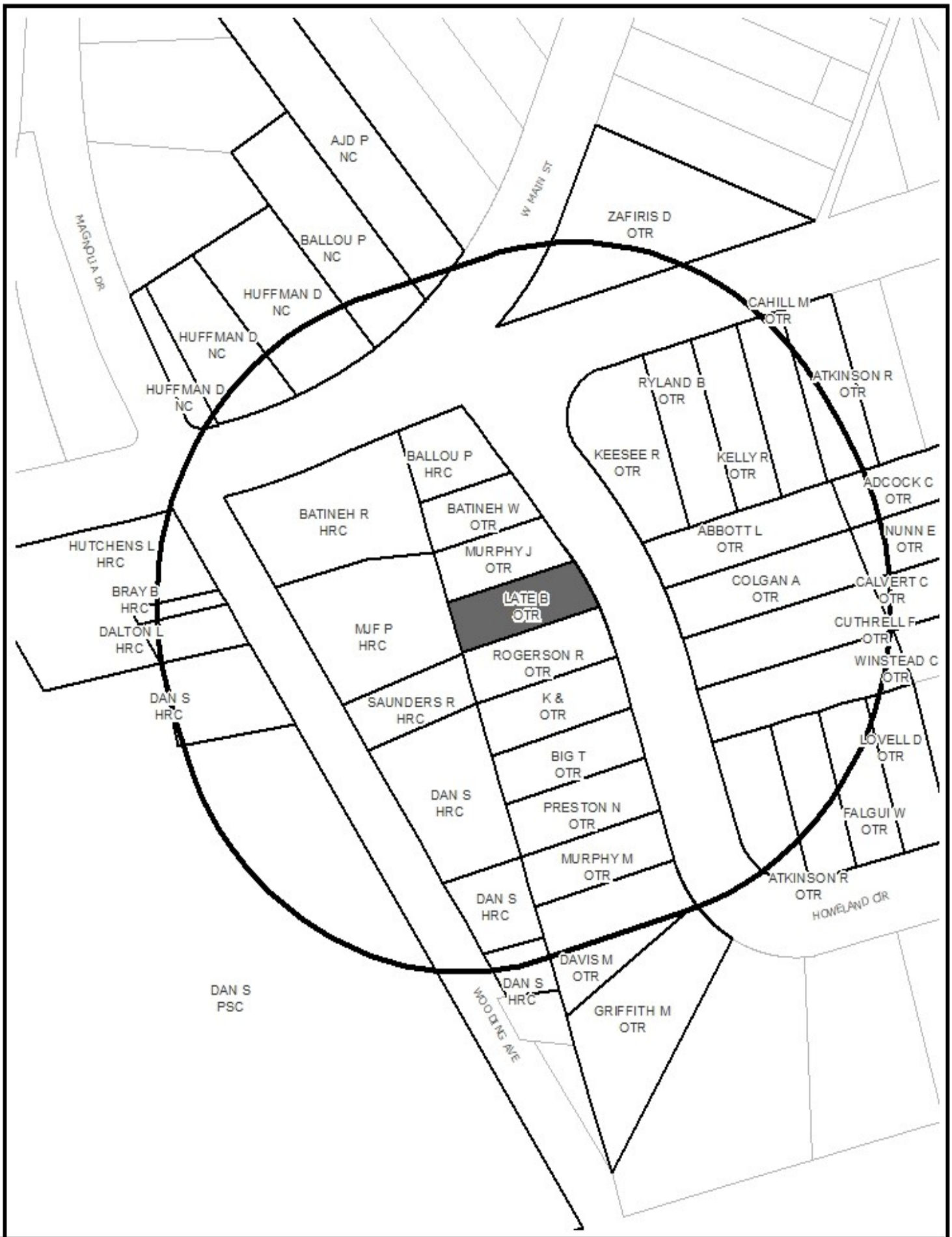

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
7/14/2023

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STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit application PZ23-00271 filed by Preferred Management Group on behalf of 2 JD LLC requesting a Special Use Permit at 151 Virginia Avenue (Parcel 20470) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

SUMMARY

151 Virginia Avenue is zoned OT-R, Old Town Residential. The applicant, Preferred Management Group, 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.

The subject property was built in 1922 and is a duplex dwelling. The applicant is requesting the special use permit for the 151 Virginia Avenue unit only. There is on-street parking and there is a two-car driveway dedicated to this unit. There has been a Certificate of Occupancy inspection, but additional work must be completed before the certificate can be issued. The applicant is a property management company local to Danville that will be acting as the manager of this location.

Fifty-six (56) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Forty-four (44) responses were received, fifteen (15) were unopposed and twenty-nine (29) were opposed.

RECOMMENDATION

Although the property is in compliance with Article 2 Section Y, due to overwhelming neighborhood opposition, the Planning Division recommends that the Planning Commission carefully review PZ23-00271 for a Special Use Permit prior to making a recommendation to City Council.

ATTACHMENTS

1. 151 Virginia Ave_AERIALS
2. 151 Virginia Ave_LANDUSE
3. 151 Virginia Ave_OWNERS (3)

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit application PZ23-00312 filed by Misty and Derek Adams on behalf of DM Woodstock Enterprise, LLC requesting a Special Use Permit at 1244 Westover Drive (Parcel 50398) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

SUMMARY

1244 Westover Drive is zoned OT-R, Old Town Residential. The applicant, DM Woodstock Enterprise, LLC, 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.

The subject property was built in 1930 and is a single family dwelling. There is on-street parking and a private driveway. There has not been a Certificate of Occupancy inspection. The applicant will act as property manager, and lives nearby in Danville.

Thirty-nine (39) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Nine (9) responses were received, eight (8) were unopposed and one (1) was opposed.

RECOMMENDATION

The Planning Division recommends that the Planning Commission approve PZ23-00312 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 1244 Westover Drive (Parcel 50398).

ATTACHMENTS

1. STR Applicant
2. Special Use Permit - 1244 Westover Drive
3. 1244 Westover Dr_AERIALS
4. 1244 Westover Dr_LANDUSE
5. 1244 Westover Dr_OWNERS (1)

Authentisign ID: [illegible]

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 1224 Westover Drive

Applicant: AuthentiSIGN David Lindley Riley, Jr. AuthentiSIGN Kristen Thompson-Riley

Applicant's Address: 139 Stoneham Rd. Mebane, NC 27302

Applicant's Phone Number: 919-428-0766

Applicant's E-mail: kristen.thompson-riley@autodesk.com

Describe Proposed Request: operate a short term rental

AuthentiSIGN David Lindley Riley, Jr. 10/02/23

AuthentiSIGN Kristen Thompson-Riley 10/02/23

Applicant Signature date

AuthentiSIGN Misty Adams 10/02/23

Property Owner Signature (if not applicant) date

DM Woodstock Enterprise, LLC / Owner

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of $360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
   a. A preliminary site plan in accordance with the Site Plan Regulations.
   b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
   c. A written statement of proposed project compatibility with the following:
      (1.) The Comprehensive Plan.
      (2.) The applicable zoning district.
      (3.) The surrounding properties.
      (4.) Current and future neighborhood conditions.
      (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
      (6.) Adequate public facilities.
   d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
      (1.) The architectural elevations and floor plans of proposed building(s).
      (2.) Traffic impact analysis.
      (3.) Fiscal impact analysis.
      (4.) Parking and site circulation analysis.
      (5.) Photographs of property and surrounding area.
      (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00312 PC Meeting Date: October 10, 2023

Date Received: 8-28-2023 Received By: Lisa Jones

Parcel ID: 50398 Address: 1244 Westover Drive

Existing Zoning OTR Future Land Use: Short term Rental

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 1244 Westover Dr Danville, VA 24541

Applicant: DM Woodstock Enterprise, LLC / Misty & Derek Adams

Applicant's Address: 117 Woodstock Way Danville, VA 24541

Applicant's Phone Number: 434-251-8291

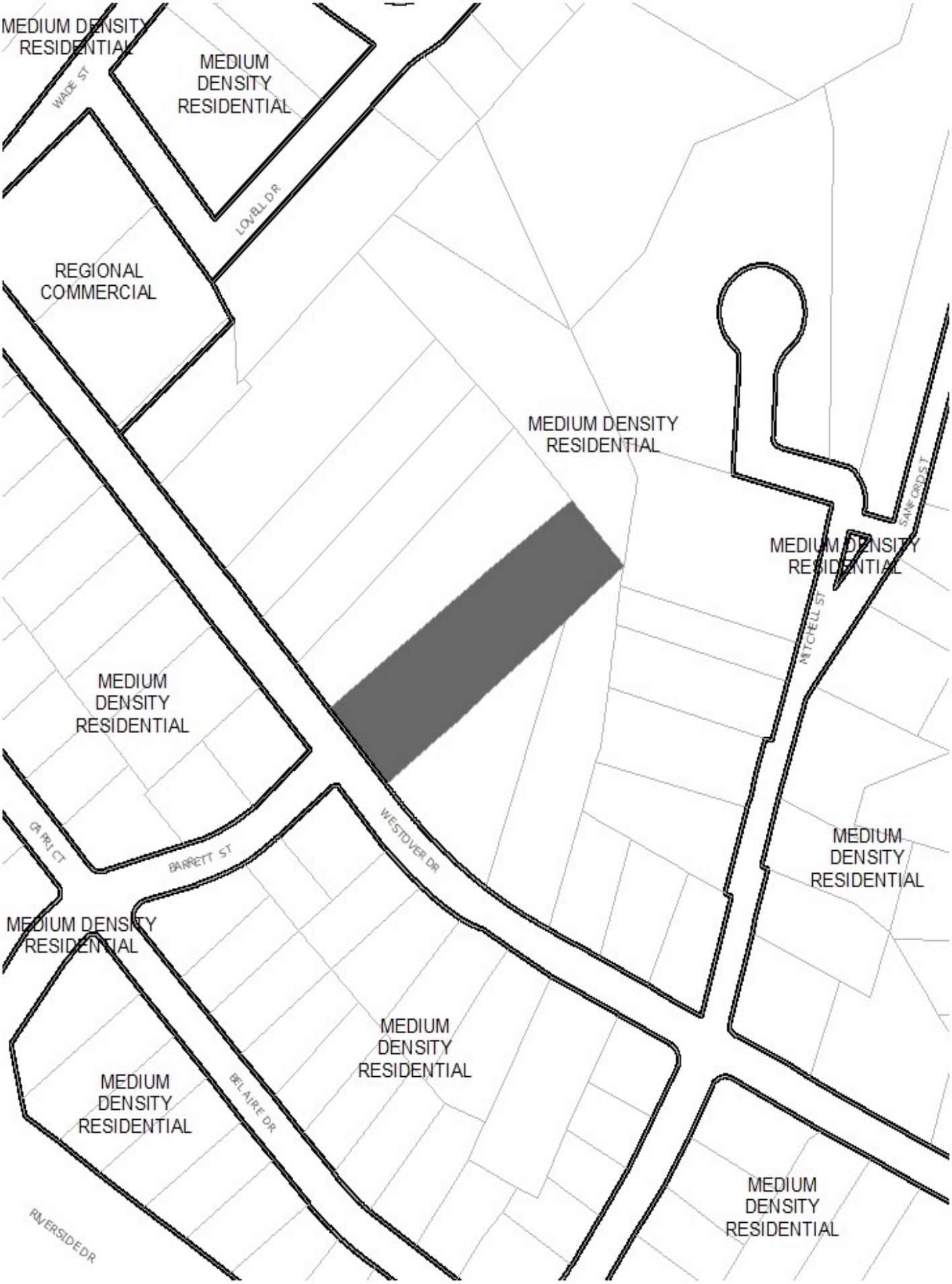
Applicant's E-mail: Dmwoodstockenterprisellc@gmail.com

Describe Proposed Request: Special Use Permit for STR at 1244 Westover Dr

Applicant Signature 8.28.23 date

Property Owner Signature 8.28.23 date
(if not applicant)

WADE ST
LOVELL DR
MITCHELL ST
SANFORD ST
WESTOVER DR
CAPRI CT
BARRETT ST
BELAIRE DR
RIVERSIDE DR



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/18/2023

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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/18/2023

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STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit application PZ23-00327 filed by Anthony C. Martin requesting a Special Use Permit at 85 Ashlawn Drive (Parcel 53437) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

SUMMARY

85 Ashlawn Drive is zoned OT-R, Old Town Residential. The applicant, Anthony Martin, 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.

The subject property was built in 1940 and is a single family residential dwelling. There is on-street parking but no private driveway on the property. There has not been a Certificate of Occupancy inspection. The applicant has not identified a property manager.

Fifty-one (51) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received; all five (5) were unopposed.

RECOMMENDATION

The Planning Division recommends that the Planning Commission table PZ23-00327 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 85 Ashlawn Drive (Parcel 53437). The applicant has not provided all the details necessary to properly review this application.

ATTACHMENTS

1. Special Use Permit - 85 Ashlawn Drive
2. 85 Ashlawn Dr_AERIALS
3. 85 Ashlawn Dr_LANDUSE
4. 85 Ashlawn Dr_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 #: P23-00327 PC Meeting Date: October 10, 2023

Date Received: 8-31-23 Received By: Lisa Jones

Parcel ID: 53437 Address: 85 Ashlawn Drive

Existing Zoning OTR Future Land Use: _____

Parcel ID: 53437

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 85 ashlawn Drive Danville va 24541

Applicant: Anthony C. Martin

Applicant's Address: 344 Ross Street Danville, VA 24541

Applicant's Phone Number: (434) 710-9574

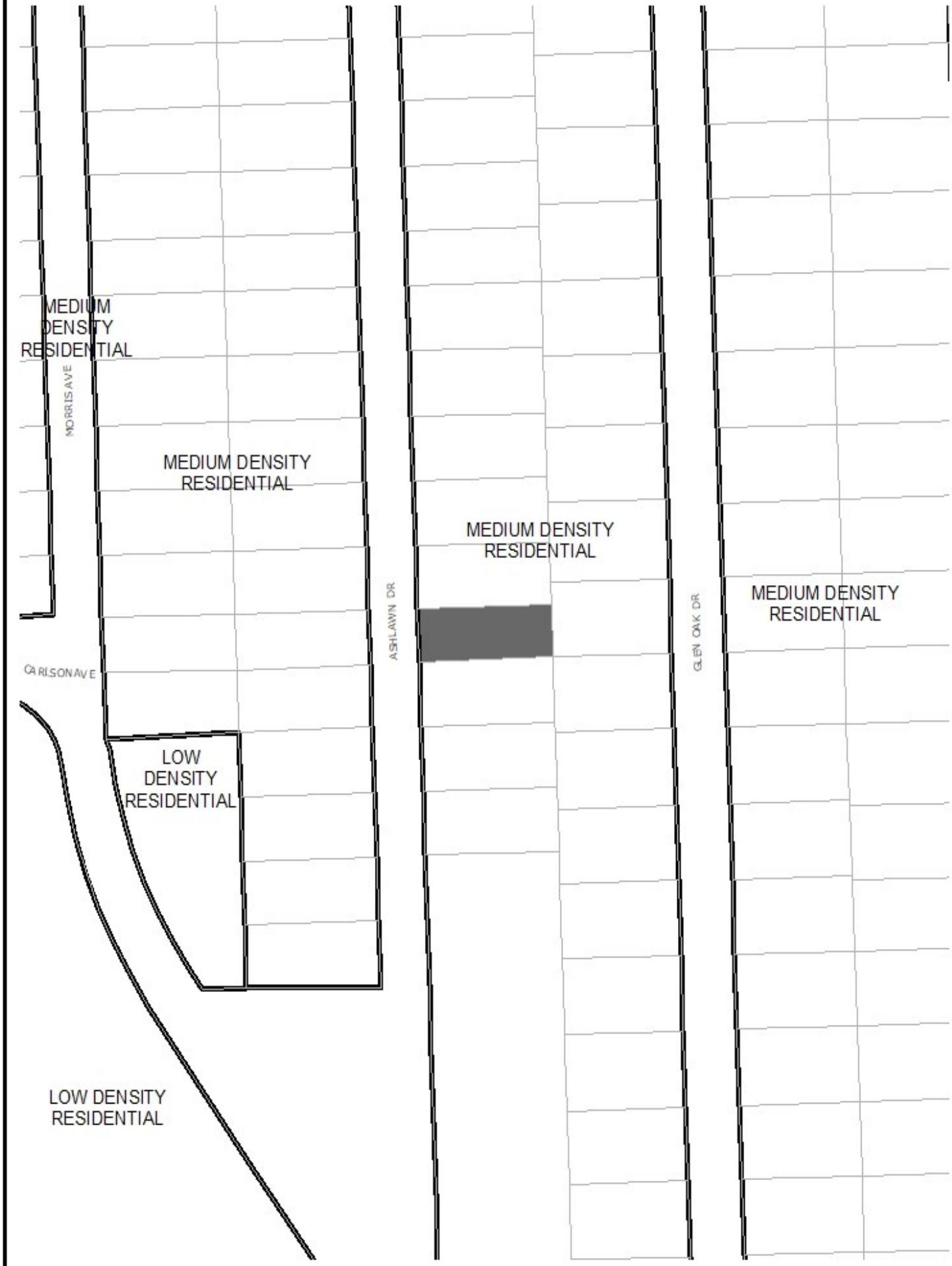
Applicant's E-mail: Kimberlyhughes2@yahoo.com

Describe Proposed Request: Air BnB and Traveling Nurse's

Applicant Signature date

Property Owner Signature (if not applicant) date

MORRIS AVE
ASH LAWN DR
GLEN OAK DR



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/19/2023

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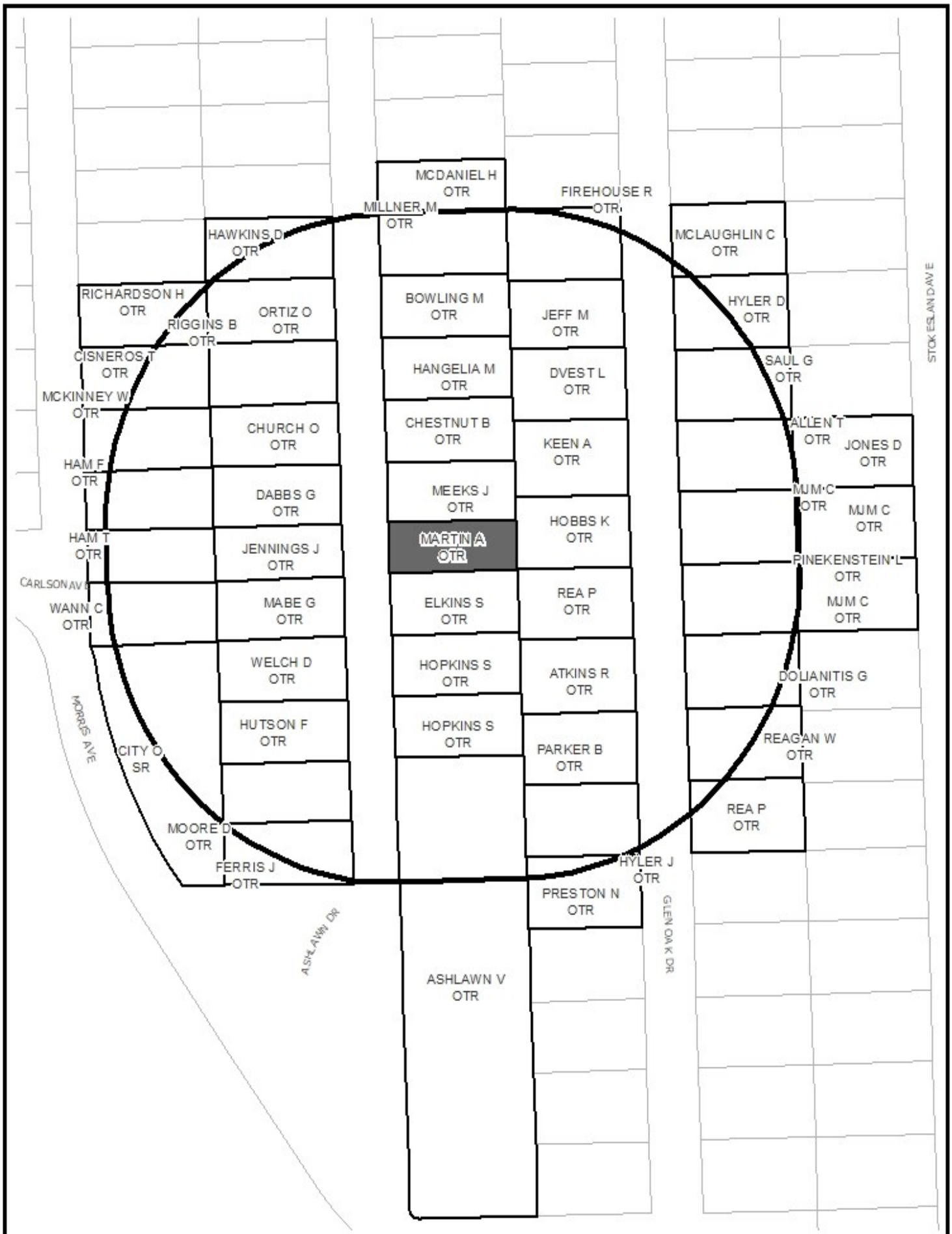

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/19/2023

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STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit application PZ23-00314 filed by David Gold and Juli Reeves requesting a Special Use Permit at 118 Mt Vernon Avenue (Parcel 23302) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

SUMMARY

118 Mt Vernon Avenue is zoned OT-R, Old Town Residential. The applicants, David Gold and Juli Reeves, have 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.

The subject property was built in 1915 and is a single family residential dwelling. There is on-street parking and a private driveway. There has not been a Certificate of Occupancy inspection. The applicant has identified a property manager who lives in Chapel Hill, NC, which is fifty miles from Danville.

Forty (40) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received, five (5) were unopposed and two (2) were opposed.

RECOMMENDATION

The Planning Division recommends that the Planning Commission approve PZ23-00314 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 118 Mt. Vernon Avenue (Parcel 23302).

ATTACHMENTS

1. Application
2. Application 2
3. 118 Mt Vernon Ave_AERIALS
4. 118 Mt Vernon Ave_AERIALS_LANDSCAPE
5. 118 Mt Vernon Ave_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 #: PZ23-00314 PC Meeting Date: Oct. 10

Date Received: 8-28-23 Received By: williss

Parcel ID: 23302 Address: 118 Mt. Vernon Ave

Existing Zoning OT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 118 MT VERON AVE DANVILLE VA 24541

Applicant: DAVID GOLD & JULI REVES

Applicant's Address: 5807 BRISBANE DR CHAPEL HILL NC 27514

Applicant's Phone Number: 919-915-7658

Applicant's E-mail: dave@davegold.com

Describe Proposed Request: seeking approval to use property for short term rental

David Gold Julie Reves 8/24/22

Applicant Signature date

Property Owner Signature (if not applicant) date

CANTERBURY RD
RANDOLPH ST
LADY ASTOR ST
W MAIN ST
MT VERNON AVE
MARSHALL TER

VIRGINIA AVE
ROBERTSON AVE
CANTERBURY RD
RANDOLPH ST
W MAIN ST
MT VERNON AVE
MARSHALL TER
LADY ASTOR ST
MONTAGUE ST
WESTMORELAND CT

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/18/2023

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STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit application PZ23-00316 filed by Tamara Belotti requesting a Special Use Permit at 440 Mimosa Street (Parcel 56067) to allow short-term rental as principal use in accordance with Article 3.C Section C Item 29.

SUMMARY

440 Mimosa Street is zoned S-R Suburban Residential. The applicant, Tamara Belotti, has requested a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article 3.C. Section C Item 29.

The subject property was built in 1943 and is a single family residential dwelling. There is no on-street parking, but there is a private driveway. There has not been a Certificate of Occupancy inspection. The applicant will act as property manager and lives nearby in Cascade, VA.

Twenty-six (26) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Nine (9) responses were received, all nine (9) were unopposed.

RECOMMENDATION

The Planning Division recommends that the Planning Commission approve PZ23-00316 for a Special Use Permit in accordance with Article 3.C. Section C Item 29 to operate a Short Term Rental as a principal use at 440 Mimosa Street (Parcel 56067).

ATTACHMENTS

1. Application 1
2. Application 2
3. 440 Mimosa St_AERIALS
4. 440 Mimosa St_LANDUSE
5. 440 Mimosa 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 #: PZ23-00314 PC Meeting Date: Oct. 10

Date Received: 8-28-23 Received By: Willis

Parcel ID: 23302 Address: 118 Mt. Vernon Ave

Existing Zoning OT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 119 MT VERON AVE DANVILLE VA 24541

Applicant: DAVID GOLD + JULI REVES

Applicant's Address: 5807 BRISBANE DR CHAPEL HILL NC 27514

Applicant's Phone Number: 919-915-7658

Applicant's E-mail: dave@davegold.com

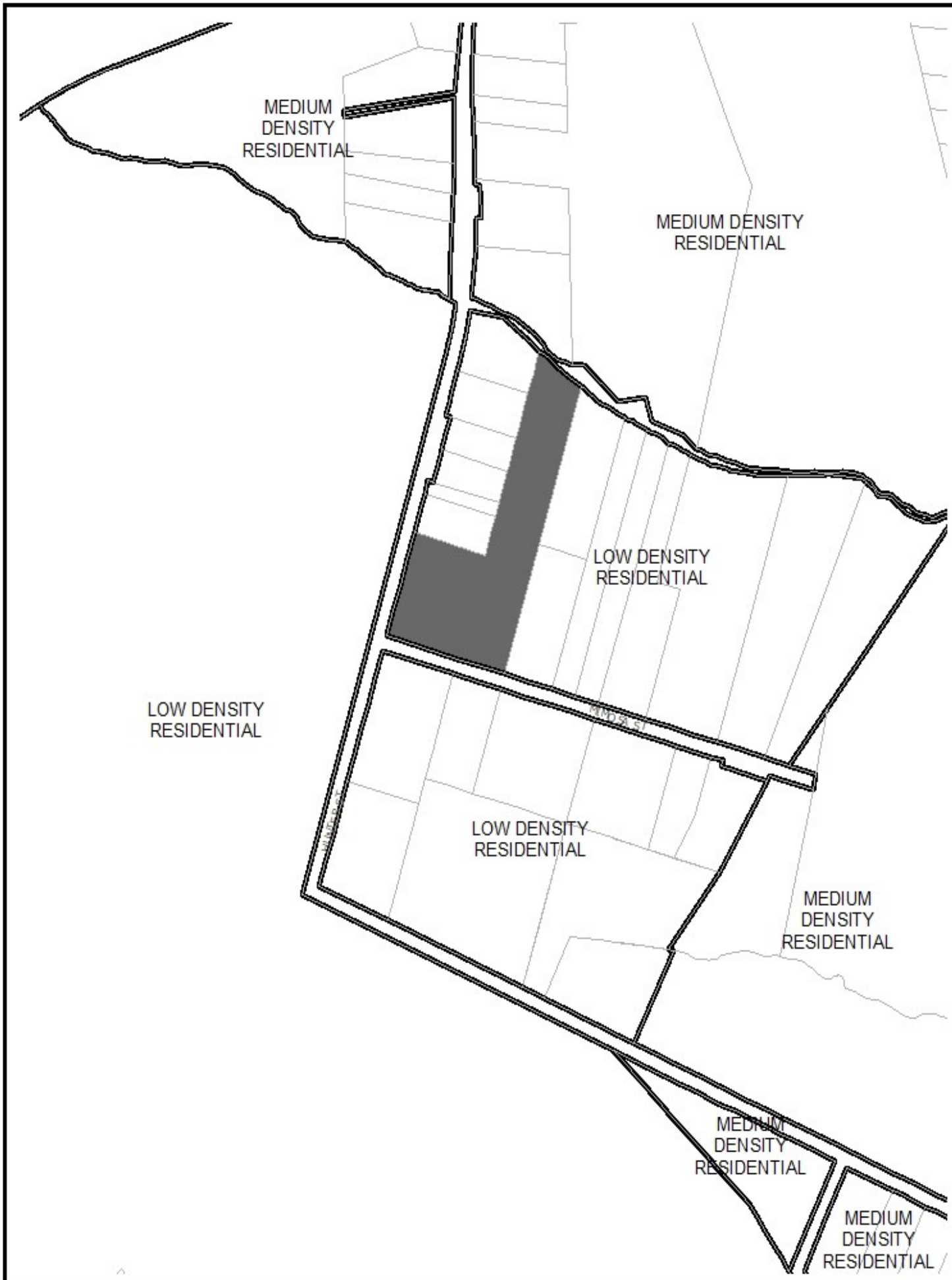
Describe Proposed Request: seeking approval to use property for short term rental

David Gold Juli Reves 8/24/22

Applicant Signature date

Property Owner Signature (if not applicant) date

W MAIN ST
HUNTER ST
MIMOSA ST



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/18/2023

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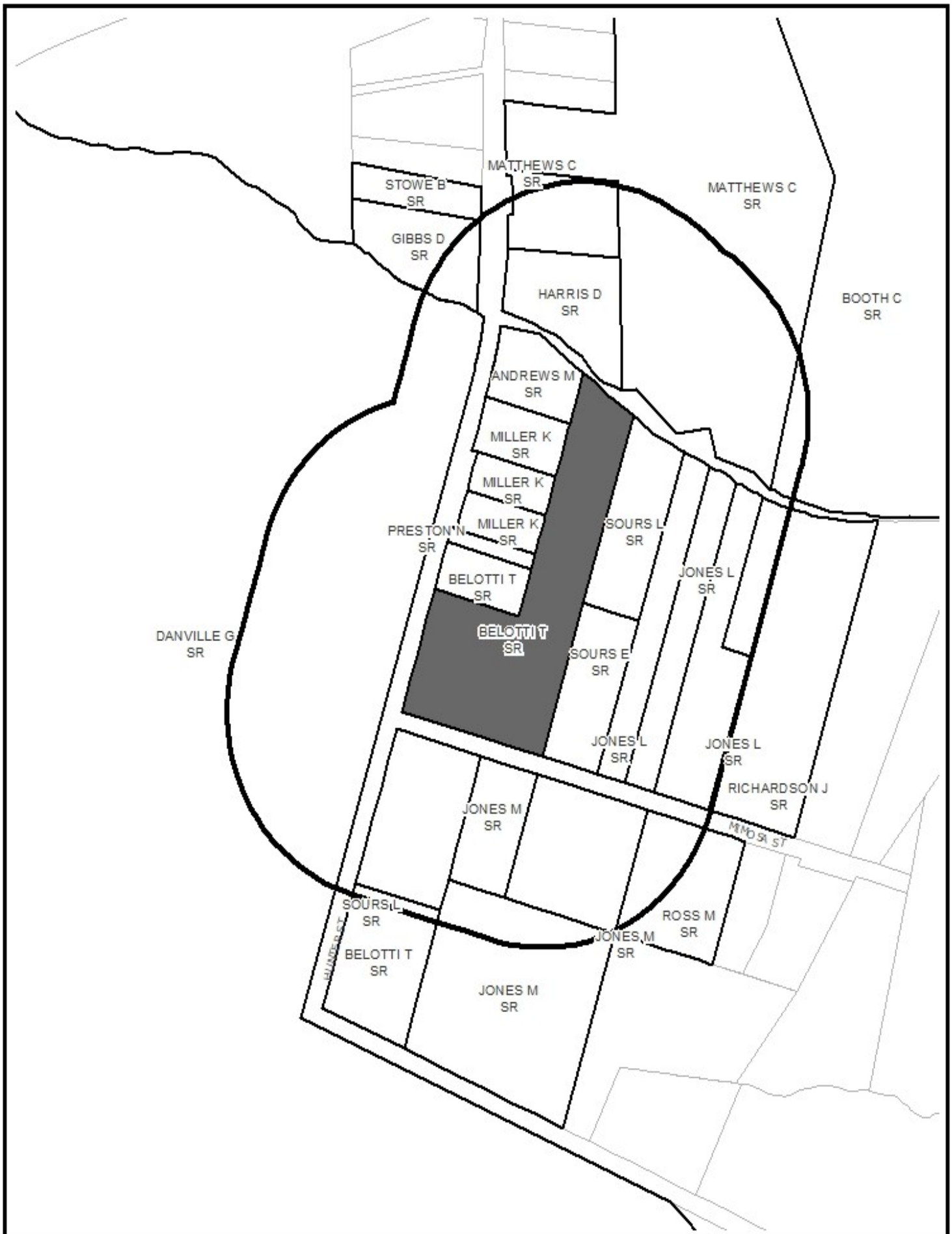

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/18/2023

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STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Code Amendment Request PZ23-00339 filed by James Osborne on behalf of Extreme Recovery of Danville amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 3. M. C. to create Item 30. Automobile salvage or other salvage yards.

SUMMARY

The applicant, James Osborne, has requested a Code Amendment to create Article 3.M Section C Item 30 Automobile salvage or other salvage yards. Automobile salvage or other salvage yards is currently a use permitted by Special Use Permit within Article 3.0, LED-I, Light Economic Development, but not within Article 3.M, HR-C, Highway Retail Commercial. Creating Article 3.M Section C. Item 30 would create a new use classification, with a Special Use Permit, for the HR-C zoning district. This would allow a request for the operation of an automobile or other salvage yard to be approved on a case by case basis, considering the circumstances of each parcel and neighborhood independently.

Salvage yards are not known for their attractive appearance or quiet operations. However, staff understands that there are areas of the city where an automobile or other salvage yard may be operated in a HR-C zoning district and be compatible with the surrounding neighborhood. A Code Amendment allowing an automobile or other salvage yard by Special Use Permit will allow discretion to be used by City Council about the location of each proposed operation.

RECOMMENDATION

The Planning Staff recommends that the Planning Commission recommends approval of PZ23-00339 to create Article 3.M Section C Item 30 "Automobile salvage and other salvage yards" as a Code Amendment to Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended.

ATTACHMENTS

1. Application

CODE CHANGE AMENDMENT

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL
Application is hereby made for the Code Change Amendment as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: DATE FILED:

RECEIVED FROM:

SECTION AFFECTED:

PLANNING COMMISSION DATE/ACTION:

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section:

Article 3.M.C

Purpose for proposed amendment:

Add Automobile Salvage yard

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

1. NAME (PLEASE PRINT OR TYPE):

ADDRESS:

EMAIL:

TELEPHONE:
SIGNATURE:

2. NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

TELEPHONE:
SIGNATURE:

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

NAME (PLEASE PRINT OR TYPE): James Conway Osborne

ADDRESS:

EMAIL:

TELEPHONE:
SIGNATURE:

STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit application PZ23-00340 filed by James Osborne on behalf of Extreme Recovery of Danville requesting a Special Use Permit at 4711 Riverside Drive (Parcel 51529) to allow automobile salvage in accordance with Article 3.M Section C Item 30.

SUMMARY

The applicant, James Osborne, has requested a Special Use Permit in accordance with Article 3.M. Section C Item 30 "Automobile salvage and other salvage yards" at 4711 Riverside Drive (Parcel ID #51529). 4711 Riverside Drive was once a used car dealership and repair shop. The facility was not used for salvage vehicles during its operation.

The request is to allow Extreme Recovery of Danville to use the facility as an automobile salvage yard. Extreme Recovery of Danville is a towing operation for damaged and repossessed vehicles. The property was purchased in August 2023 for this intended use. The applicant intends to fence and screen an area for security and aesthetic purposes.

The subject property is currently improved with a two-story metal building and fenced-in yard. The structure has an office and three (3) garage bays. Immediately to the east is a fenced storage yard operated by another entity. Vacant land surrounds the property to the north, south and west.

Thirteen (13) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received, two (2) were unopposed and three (3) were opposed.

RECOMMENDATION

The planning staff recommends that the City Planning Commission recommend approval of PZ23-00340 to allow a Special Use Permit at 4711 Riverside Drive (Parcel ID #51529) for the operation of an automobile salvage and other salvage yards.

ATTACHMENTS

1. Application

2. 4711 Riverside Dr_AERIALS
3. 4711 Riverside Dr_LANDUSE
4. 4711 Riverside Dr_OWNERS

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 4711 Riverside Dr. Danville, VA #51529

Applicant: James Osborne / Extreme Recovery of Danville

Applicant's Address: 4075 Sharon Drive Danville, VA

Applicant's Phone Number: 434-441-2944 or 434-835-2589

Applicant's E-mail: extremerecovery24540@gmail.com

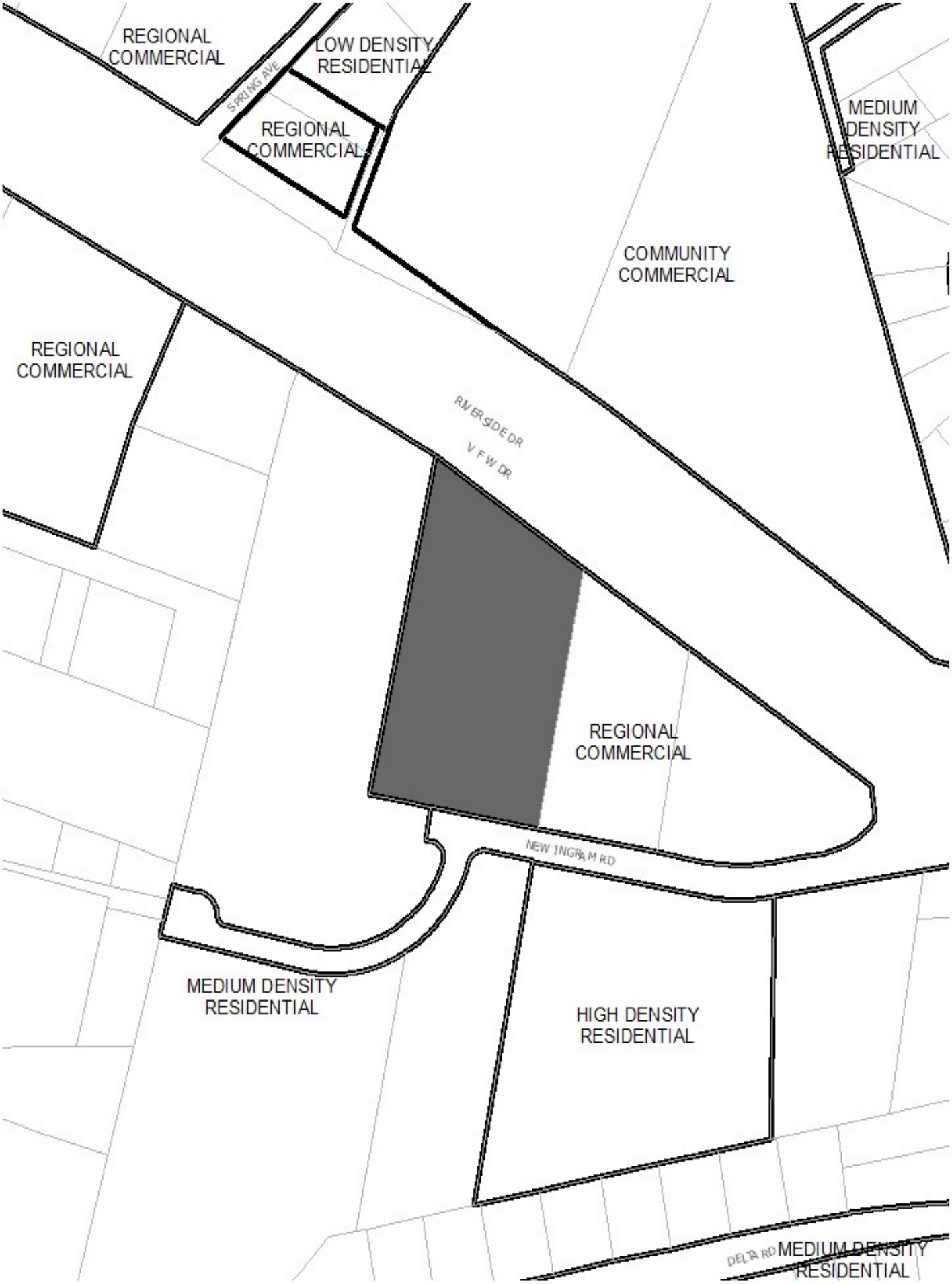
Describe Proposed Request: To zone property as a towing/recovery location due to outgrowing the current location; because of the growth of the City of Danville within the last year. The location will also be used as a independent car dealer; as well as a garage to repair vehicles.

James C. Osborne 9/7/23

Applicant Signature date

Property Owner Signature (if not applicant) date

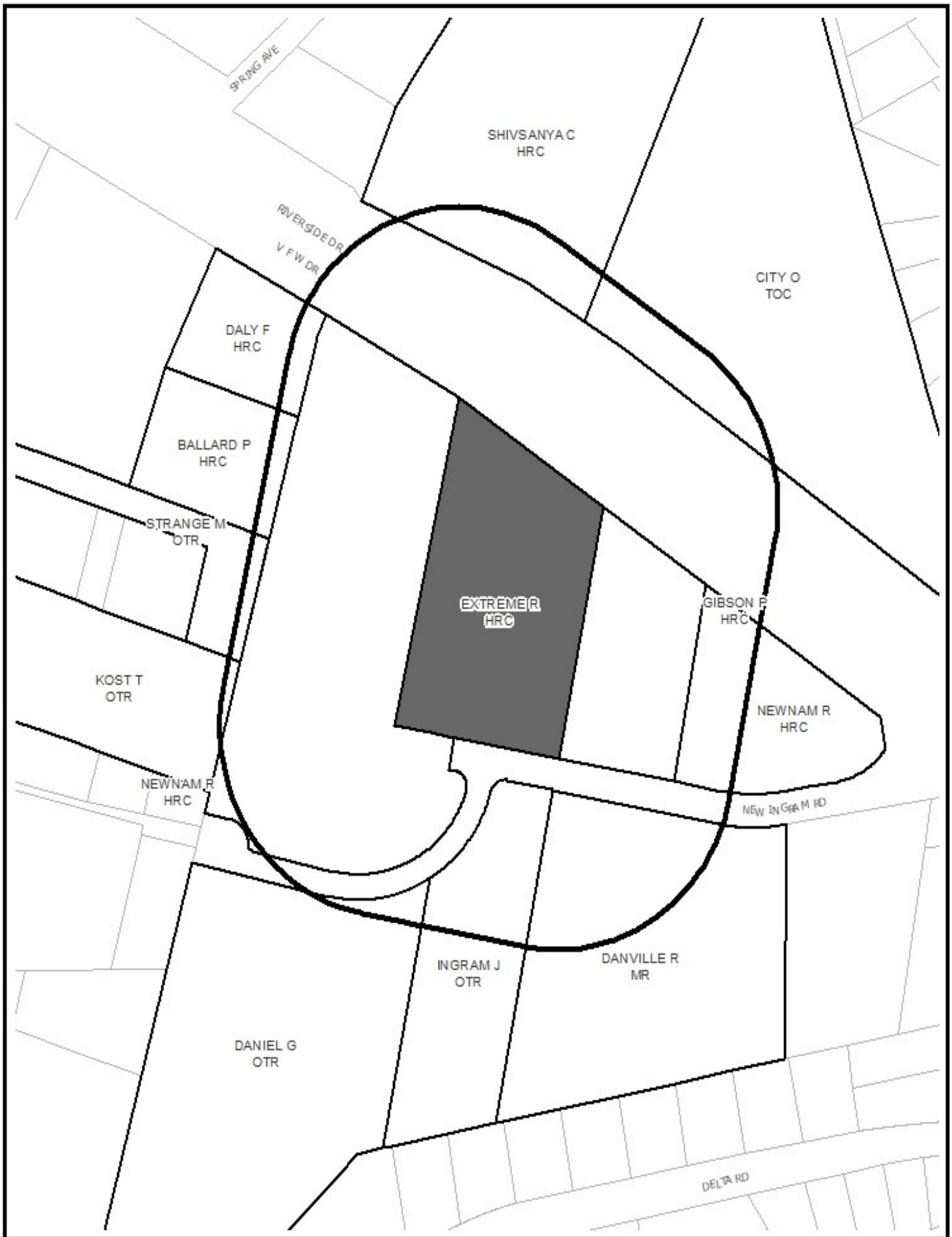
SPRING AVE
RIVERSIDE DR
V F W DR
NEW INGRAM RD
DELTA RD



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/19/2023

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.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/19/2023

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.

STAFF REPORT

DATE: October 10, 2023

TO: Planning Commission

FROM:

RE: October 4, 2023 Work Session results

ATTACHMENTS

None

STAFF REPORT

DATE: October 10, 2023
TO: Planning Commission
FROM:
RE: City Council Update

ATTACHMENTS
None

STAFF REPORT

DATE: October 10, 2023
TO: Planning Commission
FROM:
RE: PLANDanville

ATTACHMENTS
None

PLANNING COMMISSION MINUTES

September 11, 2023

MEMBERS PRESENT	MEMBERS ABSENT	STAFF
Mr. Petrick	Mr. Dodson	Cynthia Lester
Mr. Jones		Renee Burton
Ms. Evans		Shanika Williams
Mr. Kahn		Clarke Whitfield
Mr. Bolton		
Mr. Ranson		

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PZ23-00254 filed by MADS Holbrook, LLC requesting a Special Use Permit at 503 Holbrook Avenue (Parcel 21964) to allow short-term rental as principal use in accordance with Article 3.E. Section C Item 29.*

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Mr. Petrick opened the Public Hearing.

Mr. Ryder stated. I am one the owners of MADS Holbrook, LLC. We purchased the house back in November of 2021. Last year started working on renovating, we put $185,000 into it to make it back up to where the glory years that they had there. A lot of the thing that we did were to keep it as much as possible within the look of the era that was built. Some of the things weren't practical to do such as the kitchen was pretty much gone by the time we got to it, but we've upgraded those new cabinets and everything the windows are the original windows that was built originally. The desire is to make it as close as possible to them and provide and opportunity for somebody to visit and stay in the area, maybe with a larger family to use the facilities,

Ms. Evans stated. Who will be the property manager?

Mr. Ryder stated. I am, we live here in town.

Mr. Petrick stated. This is a duplex.

Mr. Ryder stated. No, a single-family home.

Mr. Petrick closed the Public Hearing

Mr. Bolton made a motion to approve Special Use Application PZ23-00254 as submitted. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

2. *Special Use Permit Application PZ23-00280 filed by Charles Motley to convert single family detached dwelling to duplex at 305 Girard Street (Parcel 02281) in accordance with Article 3. E. Section C.*

Mr. Petrick opened the Public Hearing.

Mr. Petrick closed the Public Hearing.

Ms. Evans made a motion to table Special Use Application PZ23-00280 as submitted. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

3. *Special Use Permit Application PZ23-00270 filed by Preferred Management Group on behalf of Rebekah and Jonathan Rogerson requesting a Special Use Permit at 121 Howeland Circle (Parcel 23422) to allow short-term rental as principle use in accordance with Article 3.E Section C Item 29.*

Mr. Petrick opened the Public Hearing.

Ms. Heather stated. I'm here with Preferred Management Group on behalf of Rogerson, I will be glad to answer any question you might have.

Mr. Bolton stated. You plan on using all 4 bedrooms.

Ms. Heather stated. Yes.

Mr. Bolton stated. How many guests?

Ms. Heather stated. Maximum 8, and typically that's going to be family setting. So probably 2 cars maybe at the max for that. I think we can get at least 3 cars probably in the driveway if need be. There is also parking in front of the residents.

Mr. Petrick closed the Public Hearing.

Ms. Bolton made a motion to approve Special Use Permit PZ23-00270 as submitted. Mr. Khan seconded the motion. The motion was approved by a 5-1 vote.

4. *Special Use Permit Application PZ23-00269 filed by Martha Evans Ray requesting a Special Use Permit at 113 Clarendon Circle (Parcel 25586) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.*

Mr. Petrick opened the Public Hearing.

Ms. Ray stated. Thank you for giving me this opportunity to speak, the property in question is 113 Clarendon Circle it was my parents home and I feel like my home for over 30 years, the neighbors I consider my neighbors. Although many have moved on or passed away, I still take the ones that are still there into consideration. The integrity of the neighborhood is most important to me. That is why I would rather offer an Airbnb than a long-term rental house. My parents both passed away about four years ago. And since then, my husband and I have kept this house up and used it both personally and for family and friends. We did quite a bit of remodeling and upgrading over the past few years and just wanted it to look nice in the neighborhood. I have actually been renting this house through Airbnb for some time. I first started mainly to test the waters to see if it was even feasible. It's not like I was looking for an investment. Airbnb has brilliant ideals for people like me, I think I want to keep this house for my personal use. Also, to supplement the expenses associated with having an extra home. As soon as I realized the guidelines were changing. When we started hearing and talked about in the paper, I started trying to figure it out. I made some phone calls, and this is where it has led me. I feel it is still developing, but I am here to seek your approval for special use as it currently stands. I don't want to take up too much time, but I just wanted to perhaps clear up some misconceptions about Airbnb. Airbnb checks out quests before they can book before I ever get involved. The guests are held accountable and reviewed by me and likewise I am reviewed and held accountable by the guests. It works beautifully because no one wants a bad review. I might further add that I've had nothing but five-star occupants and reviews for which I have worked hard. It's a win win situation. There are good people coming to our area for work, entertainment of life issues like funerals, graduations and moving their children into school. They want to enjoy their stay in a nice comfortable place for a reasonable price. A home away from home so to say. I feel that Airbnb is only enhanced the offering of the city for people traveling for work and play. It gives them another option for pleasant and memorable stay in our city. This property has off street parking, as well as plenty of on street parking, so it will not affect any of the neighbors. I am offering 2 bedrooms for a total of 4 occupants at any given time. Additionally, I live a couple blocks away on Canterbury Road. And when I have renters I drive back, or on my daily walk I check on things. Basically, nothing would change as far as the neighbors or the city of concern. Airbnb has been collecting and paying the occupancy taxes since I began. Also, if anyone is interested in seeing the house, I would love to give you a tour. Thanks for your consideration.

Mr. Bolton stated. The people that you have where do they park.

Ms. Ray stated. In the driveway, and if there is a second car, which I've never had they would park right on the street it's by a corner, so the occupant uses the other side of the corner for their main entrance. It's a big shot across there.

Mr. Bolton stated. It's a shared driveway.

Ms. Ray stated. Yes, it is my parents always use the left side, they have always shared it all. We share garbage cans, it has never been a problem, even when my parents were there.

Mr. Petrick stated. You situation is probably ideal. You live in the same neighborhood and you're able to keep close tabs on the people that are renting.

Ms. Ray stated. I plant, I have the landscape of course done I keep the flowers pots always watered. Was there yesterday pressure washing the mounts. I'm over there all the time. Since my parents passed away it took a long time to decide, I mean, it's been four and a half years. So, this seemed to fit because I can keep things over there in the basement. I like feeding the birds in the backyard I love the birds they have been there for 30 years. I think it's a great thing for someone like me and I have no interest in further developing any investments, it's just a use of this house. I had great reviews; they be like it's so nice and calming.

Mr. Jones stated. You already use the properties as an Airbnb, how long?

Ms. Ray stated. Well pretty much in this year, I sort of started seeing and hearing about it, like what are we going to do. I just wanted to test the waters. It started developing into this thing to get a special use permit. I just wanted to try it out.

Mr. Wiles stated. I live at 144 Clarendon Circle, as a 30-year resident of Clarendon Circle I have seen a number of long-term rental properties and on our street increase, which is an unfortunate process and lifecycle overnight, the increase in rental properties in the neighborhood is generally not a good transition. As the occupants of the properties typically do not maintain them in the same manner that the owner resident does and are not invested in the value of the property. Short-term rentals are another matter altogether, particularly when the owner or host does not reside in the same residence as the property. The same issues with long term rentals properties exist., but on a significantly more impactful scale. If allowed to operate as a short-term rental, a single-family residence in a neighborhood made up entirely of other single-family residences, becomes a mini hotel. I'm not opposed to short-term rentals altogether. I do not believe that they belong in a residential neighborhood, composed of entirely single-family residences, I intentionally purchased my home in a neighborhood composed of single-family residences, and not in a mixed-use area where businesses and residences exist in the same place. And while the availability of parking may not be a concern, it is a concern of what types of vehicles parked there. That what brought this particular property to my attention. I'm outside of the 300-foot radius, and so I didn't get a notice. But 2 large utility work trucks were parked on the street in front of this property back a couple of weeks ago. And if you are not aware you can not park commercial vehicles in a residential neighborhood. People coming in don't know what the city ordinances are. I have spoken with 13 homeowners occupied residences on Clarendon Circle and Wilson Avenue they all do not support short-term rentals in our neighborhood. Our neighborhood is largely composed primarily of single-family residences. Those 13 individuals that I had the chance to speak with agreed that they would be named in support before Council. Should this be recommended. I respectfully request that you not recommend a special use permit be granted and maintain the integrity of our single-family residential neighbors. Thank you.

Ms. Ray stated. Yes, we did have 2 commercial vehicles. I called Airbnb and addressed it with them and told them that it was never brought up. They had commercial vehicles; I don't know what really constitutes a commercial vehicle. I mean a truck with a name on the side of it, because I see an area there are other vehicles, but I mean clearly, these are 2 bigger than normal and I did address it with them. Told them no more of that because it was running through a business.
But I will say that I can stand on my parent's front walk and look around and point out seven long-term rental houses, and I will put the look of mines up to any of them because they're weak, they don't take care of them. I would rather have and Airbnb, where you have turnover and you know you are not going to get somebody in there for a year, have parties because there are rules for Airbnb. It is not what people think. It works beautifully. It's been going on for almost a year and nobody even known it. It works very smoothly. I do realize that the commercial vehicles, but that's not going to happen again.

Mr. Pettrick stated. These people that were there was out of a business.

Mr. Ray stated. Yes, I have a lot of that. A lot of people want to come and rent it for a week or so, three or four days. I have not had one person that I know come for the casino. It's been people coming in for funerals, several reunions. I had a man who lives in Washington State who grew up on Clarendon Circle, he came and rented it for a week. He had so much fun as a paperboy. He booked a couple extra days. It's not what people think when they think its transient people come in and a lot goes on. This is my house I don't want them tearing up my house and abusing it.

Mr. Bolton stated. The time that you have been renting it as an Airbnb have you had any neighbors call and complain about anything.

Ms. Ray stated. Not until those 2 trucks, I don't think anybody ever known anything was going on, I mean not going on, just come and go and it's very smooth. My next-door neighbors on both sides and across the street that aren't rental people, they have been very supportive of it.

Mr. Jones stated. After you notify the commercial vehicles you notified Airbnb, how long did it take for the problem to be rectified?

Ms. Ray stated. I didn't really know they were there until the city call me; he said it was against the city ordinance. When it was all said and done, and he reviewed me like I reviewed him, and he said he was upset because it was undisclosed rules. They were very prompt and very smooth, they left and that was that.

Mr. Petrick closed the Public Hearing

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Ms. Evans made a motion to approve Special Use Permit PZ23-00269 as submitted.
Mr. Ranson seconded the motion. The motion was approved by a 5-1 vote.

5. *Rezoning application PZ23-00274 filed by Jeremiah Clark to rezone 2 Winstead Drive (Parcel 51165) from HR-C Highway Retail Commercial to OT-R Old Town Residential.*

Mr. Petrick opened the Public Hearing.

Mr. Clark stated. I would like to consider this piece of property as an Airbnb property sort of perfect location for ones that's traveling into the city of Danville, for short stay.

Mr. Bolton stated. It looks like you are doing some work. How many bedrooms.

Mr. Clark stated. Two bedrooms.

Mr. Bolton stated. How far does that lot go where that driveway comes in looks like you're going to the commercial space.

Mr. Clark stated. I'm going to put two big driveways there that will hold four cars. That driveway already behind them in the front and wouldn't be connected with that one.

Mr. Bolton stated. If that property wasn't chained, would you still put in the driveway in.

Mr. Clark stated. Yes.

Ms. Evans stated. You plan on renting the entire house at one time rather than by bedrooms.

Mr. Clark stated. Yes, entire house.

Mr. Petrick closed the Public Hearing.

Mr. Jones made a motion to approve Rezoning application PZ23-00274 as submitted.
Mr. Kahn seconded the motion. The motion was approved by a 6-0 vote.

6. *Special Use Permit Application PZ23-00273 filed by Jeremiah Clark requesting a Special Use Permit at 2 Winstead Drive (Parcel 51165) to allow short-term rental as principal use in accordance with Article 3. E Section C Item 29.*

Mr. Petrick opened the Public Hearing.

Mr. Petrick closed the Public Hearing

Mr. Bolton made a motion to approve Code Amendment Request PZ23-00273 as submitted. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

7. *Rezoning application PZ23-00276 filed by Jeremiah Clark to rezone 2520 West Main Street (Parcel 54430) from HR-C Highway Retail Commercial to OT-R Old Town Residential.*

Mr. Petrick opened the Public Hearing.

Mr. Clark stated. I would like to consider this property an Airbnb as well, because it a perfect location, plenty parking space. Convenient right off the highway great place for short stay.

Mr. Petrick stated. Are you aware of the concern of staff in the fact that this could be considered spot zoning. If we were to allow this there's only about two miles south of Garden Grove Street off to the City of Kansas State line is all commercial on West Main. Do you understand why staff may have a concern about rezoning this.

Mr. Clark stated. Yes, I think I have some concerns.

Mr. Bolton stated. If this was approved, you do an Airbnb where would the entrance be off the rear side or front.

Mr. Clark stated. There is already an apron on the left coming from Old Dutch on the right, it has an apron to drive in right there, you can drive in from the right side of the building, its already an apron to pull in for a driveway.

Mr. Bolton stated. I know the driveway is there, when people come into that driveway, are they going to walk around the building and go in front or go in the back side of that building.

Mr. Clark stated. Front side.

Mr. Bolton stated. How many bedrooms?

Mr. Clark stated. It's going to be a duplex, two bedrooms, each side.

Mr. Bolton stated. So, I guess your question to staff is if he's going to do multifamily or duplex allowed.

Ms. Burton stated. Duplex are allowed in this area by special use permit, he has applied for another special use permit on next month.

Mr. Petrick closed the Public Hearing

Mr. Bolton stated. I have a question for staff, that lot next door is vacant?

Ms. Burton stated. Yes.

Mr. Bolton stated. If it wasn't vacant, I could almost see where it could possibly be. Because what else that building going to be, its so close to the street. But with that vacant building there, I guess that would kind of be spot zoning wouldn't it in your opinion, or illegal zoning to change it.

Ms. Burton stated. The definition of illegal spot zoning is if it is specifically done for the greater good for one., not the greater good of the community. If there is no adjacent zoning classification. Now you did just approve the rezoning of 2 Winstead Drive which is adjacent. So, it wouldn't necessarily be deemed illegal spot zoning. If that 2 Winstead Drive is approved for rezoning.

Mr. Bolton stated. That place has been vacant for a long time, I almost rather see some use, obviously he is doing some remodeling to it. But I'm worried about getting into that's commercial.

Ms. Burton stated. That is staff concern we are placing a residential single family residential zoning classification in the commercial corridor.

Mr. Ranson stated. Also, a question of greater good. Is there a demand for this type of housing in that area, and that would mean it would be for the greater good rather than just the individual good that's the second part of the sentence.

Mr. Bolton stated. So, a duplex in that area. I mean that solves some things I guess but I just like what he's done with it. He's got the vinyl on it; the building was horrible, and I almost like to ask him if he doesn't get it what would he do with the building.

Mr. Kahn stated. You have a vacant lot next to the building right. Nothing will go there; my question is if something does go there is that conducive to the area in there. I think it should be a problem. My point is not to do anything here.

Ms. Burton stated. It's zone HRC so any commercial entity could move into that area.

Mr. Bolton stated. I was going to ask him what his use might be. He owns the building what his use might be if he doesn't get rezoned. Does he have a commercial use in mind? If it was to remain HRC zoning, I know you've done some work to it and it looks good, it looks better. But if we deny this and council upheld that, do you have a use in mind to be commercial, would you continue to remodel.

Mr. Clark stated. Yes, I would continue to remodel its in a nice location, nice spot. I haven't decided yet whether to leave as an event, leave it open or make it a beauty shop or barber shop. I have to wait to get approval from you all first before I can do anything on the inside.

Mr. Bolton stated. It would be plenty of parking behind that building for commercial.

Mr. Whitfield stated. Yes, there is plenty of parking.

Mr. Bolton made a motion to deny rezoning application PZ23-00276 as submitted.
Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

8. *Special Use Permit Application PZ23-00275 filed by Jeremiah Clark requesting a Special Use Permit at 2520 West Main Street (Parcel 54430) to allow short-term rental, as principal use in accordance with Article 3. E Section C Item 29*

Mr. Petrick opened the Public Hearing.

Mr. Petrick closed the Public Hearing

Mr. Bolton made a motion to deny Special Use Permit application PZ23-00275 as submitted.
Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

9. *Special Use Permit Application PZ23-00291 filed by Seth Francis on behalf of SOVAH Health, requesting a special use permit at 142 South Main Street to allow waiver of minimum yard requirement in accordance with Article 3.1 Section C Item 19.*

Mr. Petrick opened the Public Hearing.

Mr. Francis stated. I'm from Cronk Engineering applicant on the behalf of SOVAH Health of Danville and would be happy to answer any questions you guy may have.

Mr. Ranson stated. How tall is the addition going to be?

Mr. Francis stated. 14 and ½ feet.

Mr. Ranson stated. Also, I know you doing the construction you put some black fabric on the fence to block the view, I wonder if that's going to be a permanent solution or will that addition be visible from the parking lot once completed.

Mr. Francis stated. That addition will be visible from the parking lot.

Mr. Ranson stated. So, you are going to remove the fabric from the fence.

Mr. Francis stated. Yes.

Mr. Petrick closed the Public Hearing

Ms. Evans made a motion to approved Special Use Permit application PZ23-00291 as submitted.
Mr. Kahn seconded the motion. The motion was approved by a 6-0 vote.

10. *Rezoning application PZ23-00292 filed by PDJ Development, LLC to rezone Parcel (75912) from LED-I Industrial District to M-R Multifamily Residential District.*

Mr. Petrick opened the Public Hearing.

Mr. Crew stated. I'm with Balser and Associates Architects and Engineers. We try to be with you this afternoon to talk about this new investment within the city and share kind of our project vision that's outlined in the package. As you mentioned, this is 2 parts that is on the agenda, but we are considering those together as on single project. One of the gentlemen here today is Patrick Dailey, who's the contract purchaser. He's with us this afternoon, and we'll be happy to answer any questions for you. I'm going to go down through just a couple of project highlights, and I will be happy to answer any questions that you all have. This new investment in the city is a mixed-use development, the emphasis for this particular request is on the multifamily or residential side of the particular project with future phases of both multifamily and commercial moving forward, the rezoning allows the development of vacant parcels, to appropriate higher density, multifamily, which is a priority, as increasing demand and responding to housing shortages within the community. The application that you have before you and one of the exhibits on the screen. We have an overall zoning plan; we have a phase one for improvements that is outlined. And the third part of that are some representative renderings of the proposed building as part of the project. We had the opportunity to meet with city staff multiple times to discuss the project, had the opportunity to meet with VDOT as part of the project, traffic was an important discussion. We have provided a TIA that's currently under review by VDOT and the city, we were fortunate to have some roads that were controlled by VDOT, and some roads controlled by the city. We have both parties that are merged together that are part of the review. And as part of the application, we provide one proper condition that kind of states a threshold for the Phase One multifamily, and then once that is complete, we move to a second phase, there's traffic improvements that are required as part of that. We wanted to make sure there was assurance from all parties, including staff, that once we got to that point that the traffic improvements will be part of the project. As the staff report outlines, I think you provided and excellent summary of why we are here. We had some discussions in the staff report about, spot zoning, and some of those items, both of these parcels are large acreage., The minimum acreage is required in this particular zoning is five acres. So, we are talking about 120 something acres here. So that what the vision is for the developers to create a new community. We are not just picking one small parcel; we got a large acreage here that we're looking to develop and multiple phases. I be happy to answer any questions.

Mr. Petrick stated. I was a little confused, which is not unusual when I was reading the information about phase one. Does it include all 17? Or is it going to be the first nine building.

Mr. Crew stated. Phase one is just the first nine building.

Mr. Petrick stated. Phase two will be the additional eight building.

Mr. Crew stated. Yes

Mr. Petrick stated. We have 612 units total when it complete.

Mr. Crew stated. That correct, that will be phase one phase two or three whatever that moves forward.

Mr. Bolton stated. Did the traffic study claims necessary.
Mr. Crew stated. The traffic improvement that are required as part of Phase Two involves part of the overpass and the expressway. There are some light configurations that may come in there. Which I have 400 pages of traffic study that outline a lot of those. But there are some significant improvements that are required along that corridor to make sure it functions correctly moving forward.

Mr. Petrick closed the Public Hearing

Mr. Bolton made a motion to approve rezoning application PZ23-00292 as submitted.
Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

11. *Rezoning application PZ23-00294 filed by PDJ Development, LLC to rezone Parcel (78257) from LED-I Industrial District to M-R Multifamily Residential District.*

Mr. Petrick opened the Public Hearing.

Mr. Petrick closed the Public Hearing

Mr. Bolton made a motion to approve rezoning application PZ23-00294 as submitted.
Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

Mr. Petrick opened the Public Hearing.

Mr. Petrick closed the Public Hearing

12. *Code Amendment Request PZ23-00295 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 2 to create Section Y titled "Short-term Rentals".*

Mr. Petrick opened the Public Hearing.

Mr. Hardy stated. My wife is the owner of our grandmother's house on Park Circle, which she is ended up doing short-term rental. Definitely came to a meeting last week. They want to charge a $1000 registration yearly, which I think is way to high. And someone is not in compliance they initially were talking about $200 - $300 per year with the fine for those people should be $500 monthly over and above the annual registration fee at $500 registration fee is not that bad. For as parking goes you ride around the city and look at all the single-family dwellings that have three or four families living in that's six, to eight cars. Where are the parking? On the street. I don't think as far a short-term rental if someone does not have a parking lot or parking driveway, they should be able to be allowed to park one car on the street. You all know more than I know that we have single family dwelling in the city that are housing three or four families, and they have six to eight cars. And there might be two in the driveway and four on the street. I think it needs to be a little more lenient on the people that try and abide by the law and be a little more stringent on the people that already breaking the law.

Mr. Petrick stated. It's always the goal but can be challenging sometimes.

Mr. Hardy stated. I think the yearly inspections I don't have a problem with that. But there's a lot of houses in the city of Danville that inspector need to really go look at today. Not just in the future, there are some rundown houses in the City of Danville.

Mr. Petrick stated. The one item that you mentioned specific as to the registration fee, I think that had been recommended $500 annually. Nothing has been decided yet.

Mr. Hardy stated. The fines as far as someone trying to skirt under the law, so to speak, should be funded minimum $500 monthly that over and above the registration. Because I would pay the registration fee and pay into real estate taxes, with paying taxes on the beds. refrigerators, pillows, ottomans, everything that goes inside the house is getting taxed, which I think is absurd. But that just my opinion.

Ms. Evans stated. I just want to make a statement like staff is recommended $500 fine per violation.

Mr. Hardy stated. Should be per month not just a one-shot deal. If they've been illegal since January, and it now September, that's nine months, times $500 plus the registration fee.

Mr. Ranson stated. Doesn't violation mean every time they rent it out.

Ms. Burton stated. Correct, so if they were to rent five times during that month that accumulates toe the $2500. So, it would not be monthly it would be by violations.

Mr. Hardy stated. I don't know if you do the math on it, just say you have your short-term rental, rented every week in a month, that's 52 weekends, you can pay $200 a night. That's $15,900 a year, $500 registration. I'm sure we had to pay for the yearly inspection.

Ms. Burton stated. That's actually part of the registration.

Mr. Hardy stated. Real estate taxes, again I mentioned the taxes on bed, ottomans, and the pillows and sheets to tiles and pillowcases. You know we are taxed to death. Go after the ones that aren't doing it legally.

Mr. Petrick stated. Personal property taxes.

Ms. Ray stated. I know this isn't about long-term rentals, do long term rentals have registration fees and parking restrictions and inspections and all these things that are recourse if someone's in there and you're disturbed by your next-door neighbor having a long-term rental.

Mr. Petrick stated. Designated rental district they are required.

Ms. Burton stated. We do have five rental districts in the city of Danville.

Ms. Ray stated. It's not necessarily the rental district where the short-term rentals are.

Ms. Burton stated. Right, you have a long-term rental that is not within those districts. There is a separate registration fee. There isn't a necessity for a certificate of occupancy or business license, If you are renting it then you should be holding a city of Danville business license.

Ms. Ray stated. And parking restrictions.

Ms. Burton stated. Those do not apply. Unless you are a multi-unit dwelling. So multifamily and apartment, duplexes those do require additional parking single-family dwelling do not.

Ms. Ray stated. It does not, just think it's kind of you know, if you're on the same street, why would one be required and one not, a long-term versus a short-term is my question.

Mr. Petrick stated. We are consuming a lot of things.

Ms. Ray stated. I think short-term rentals might have less parking issues, like he was saying a long-term rental, you could have two or three cars and be renting, you could own the house and have two or three cars.

Ms. Evans stated. I do agree that there needs to be inspections for long-term rentals. These are a problem in the area.

Mr. Petrick stated. I don't know what, are other municipalities requiring annual inspections on long-term rentals.

Ms. Burton stated. I have not researched long-term rentals. I can state this is pretty common in short-term rental operations. Long-term rentals are handled by building inspections division.

Mr. Petrick stated. I can't believe outside designated rental areas that they are required.

Mr. Ranson stated. The city does have a maintenance code.

Ms. Burton stated. We do.

Mr. Ranson stated. Is that for rental or all residential property?

Ms. Burton stated. All residential property. For the exterior. So only in rental district are we allowed in the interior.

Mr. Petrick stated. These are mostly items of health and safety.

Ms. Burton stated. Right.

Mr. Petrick closed the Public Hearing

Mr. Bolton stated. I would like to make a comment on that $1000, coming due in January. I'm just thinking of the person coming in December have to pay the whole fee and then has to pay again in January and pay another $1000. I tend to agree with the recommendation of the special task force that we drop it to $500. I don't know how that goes into our motion. Did you change it or it when we make the motion we change it.

Ms. Burton stated. Staff has recommended that change. So, it you agree with the changes per staff, that the only changes being made that I've noted during this conversation was that parking be paved. And I didn't have that in there. Motion would need to include that if that's the desire of the commission.

Mr. Bolton stated. Say someone has property and a back-alley way went through the property, the alleyway is not paved. And I don't know who would require that, so we are saying once it gets on the property, that it would have to be paved. If we went with pavement, where what has to be paved, the driveway.

Ms. Burton stated. Yes, the driveway. It would not be a chance to pave a right of way.

Mr. Petrick opened the Public Hearing

Mr. Fields stated. My question with that, and I think it came up earlier, in a shared driveway situation, we have one of those that's going to be proposed to you in the next couple weeks, when you have this situation and now you are requiring it to be paved, whether it asphalt or concrete. Now you've got a split party situation with that, I mean, can you not have a gravel driveway that's maintained?

Mr. Bolton stated. I think there was an applicant today on Winstead, don't remember if he said he was going to pave it or not, if it gravels. I see some where there's concrete where the tires are and grass in the middle, I don't know if that going to be restricted or not.

Ms. Evans stated. I seen some that were gravel driveway that were not maintained, and we approved, which I am not in agreement with.

Mr. Field stated. No disrespect someone in my family has a paved driveway that you can judge whether it has more grass under it than pavement, I think the maintaining part of it is something to consider before we just drawn a line and say, paved or not paved.

Mr. Bolton stated I like that maintain or well maintained.

Ms. Evans stated. Have it inspected once a year and it doesn't have to be maintained the other eleven months.

Mr. Petrick closed the Public Hearing

Mr. Ranson stated. In my past experience the city would not allow paved parking lots. I mean gravel parking lots. I don't know if that has changed. I will tell you what it was it was Gods Store House it had a gravel parking lot and they said no you have to pave it. So, is it still there or was it not there or was it because it was a commercial endeavor or what?

Ms. Burton stated. Generally commercial parking lots are required to be paved, unless there are six or less spaces, they may request a waiver. But anything above six spaces they are required to be paved some type of storm management system.

Mr. Bolton stated. Just another thought could we I mean each case individually, if the person came in and had pictures and had a very well-maintained gravel could we do it a case by case not just limited now?

Ms. Burton stated That the desire of the commission?

Mr. Bolton stated. I'm getting feedback from that. How do others feel.

Ms. Evans stated. Paved.

Mr. Petrick stated. Would it be possible if we had a work session. Could we invite the task force to attend, and we could hash it out there. So, the main thing today we are concern with is the annual renewal fee.

Ms. Burton stated. It's exhibit A which are code amendment changes. Currently they do not include the paved parking. They simply state that parking must be provided. If you want to discuss that further as well in the work session and then bring that back up, we can do it that way.

Mr. Petrick stated. I think so. What's the consensus?

Ms. Burton stated. We can add that to the items for the work session. If that's the desire.

Mr. Ranson stated. It seems to be getting to be a complex issue that further thought.

Mr. Petrick stated. I think so. Do I hear a motion?

Mr. Bolton made a motion to approve Code Amendment request PZ23-00295 with changes per memo.
Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

V. PLANNING DIRECTOR'S REPORT

VI. MINUTES

The August 7, 2023, minutes were approved by unanimous vote.

With no further business, the meeting adjourned at 4:50 p.m.

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APPROVED