



PLANNING COMMISSION REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

January 8, 2024

3:00 PM

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ELECTION OF OFFICERS

IV. OLD BUSINESS

1. Special Use Permit application PZ23-00465 filed by Powers Signs requesting a special use permit at 540 Central Boulevard (Parcel 26372) to allow a waiver to maximum sign area in accordance with Article 3.I Section C Item 25.

V. NEW BUSINESS

1. Code Amendment Request PZ23-00495 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3.J Section C to create Item 23 "Automobile and light vehicle repair establishments".
2. Rezoning Application PZ23-00496 filed by First Choice Transmissions LLC, requesting to rezone 135 Forestdale Drive (Parcel 54834) from OT-R Old Town Residential to N-C Neighborhood Commercial .
3. Special Use Permit Application PZ23-00497 filed by First Choice Transmissions LLC, requesting a Special Use Permit at 135 Forestdale Drive (Parcel 54834) to allow

automobile and light vehicle repair establishments in accordance with Article 3.J Section C Item 23.

4. Rezoning Application PZ23-00498 filed by River City Developers LLC, requesting to rezone Parcel 73170 from PS-C Planned Shopping Center Commercial to M-R Multifamily Residential.

VI. APPROVAL OF MINUTES

1. December 11, 2023 Minutes
2. December 19, 2023 minutes

VII. ADJOURNMENT

VIII. PLANNING DIRECTOR'S REPORT



STAFF REPORT

DATE: January 8, 2024
TO: Planning Commission
FROM: Renee Burton, Division Director of Planning
RE: Special Use Permit application PZ23-00465 filed by Powers Signs requesting a special use permit at 540 Central Boulevard (Parcel 26372) to allow a waiver to maximum sign area in accordance with Article 3.I Section C Item 25.

SUMMARY

The applicant, Powers Signs, Inc., is requesting a Special Use Permit to waive the maximum sign area in accordance with 3.I Section C. Item 25 of the Zoning Code at Sacred Heart Catholic Church and School, 540 Central Boulevard (Parcel ID 26372). The existing sign, located in the City r-o-w, was allowed by an agreement dated August 2002. The sign is approximately nine feet (9') tall and has a message area of 25 sf. The right-of-way use agreement requires that the sign meets the zoning requirements of the parcel it is adjacent to and advertising. The applicant is requesting that this sign be removed and replaced by a larger sign that exceeds the specifications of the TO-C zoning classification.

540 Central Boulevard is zoned TO-C, Transitional Office Commercial. The TO-C zoning classification allows for a ground sign with a maximum 32sf in message area, 44sf of architectural elements and 10' in height.

During the December 11, 2023, Planning Commission meeting, Powers Signs, Inc. proposed a brick ground sign that is designed to mimic the bell tower. This sign had an attached LED message area of 27sf with 168.3 sf of architectural elements, a total message area of 43.3 sf and a total height of 19.5'. The staff and Planning Commission expressed concerns over the height and size of the proposed sign. After conversation, the Planning Commission and the applicant agreed to postpone the SUP request to allow the applicant time to communicate with their client and present a sign with a reduction in height and architectural elements.

The applicant has submitted a new proposal for a sign with the same design, but a reduction in size. The LED message area remains the same at 27sf, but the total message area is reduced slightly to 42sf, the height is reduced to 15' and the architectural elements are 67.3 sf (see exhibit A). The reduction is acceptable by planning staff.

RECOMMENDATION

The Planning Staff recommends that the Planning Commission recommend approval of PZ23-00465 as submitted in Exhibit A with a maximum height of 15', message area of 42sf and architectural elements of 67.3sf.

ATTACHMENTS

1. Application
2. Exhibit A
3. 540 Central Blvd_AERIALS
4. 540 Central Blvd_OWNERS
5. 540 Central Blvd_LANDUSE



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 #: P223-00465 PC Meeting Date: 12-11-23
Date Received: 11-13-23 Received By: Lisa Jones
Parcel ID: 26392 Address: 538-540 Central Blvd.
Existing Zoning: TOC Future Land Use: TOC

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 538-540 CENTRAL BLVD ID# 26372

Applicant: TOM POWERS SR POWERS SIGNS

Applicant's Address: 807 INDUSTRIAL AVE DANVILLE, VA 24541

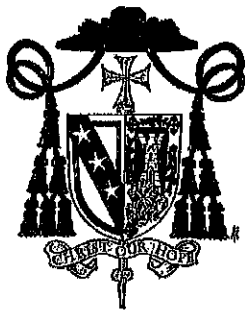
Applicant's Phone Number: 434-793-6351

Applicant's E-mail: SR@POWERSSIGNS.COM

Describe Proposed Request: REPLACE THE EXISTING GROUND SIGN AT
SACRED HEART CHURCH WITH A SIGN THAT
EXCEEDS THE ALLOWED SIZE OF 32 SQ FT.
TEXT 16.3 SQ FT, LED 27 SQ FT, TOTAL SQ FT 43.30.
ARCH. ELEMENT 168.3 SQ FT.

Tom Powers 11-2-2023
Applicant Signature date

Property Owner Signature date
(if not applicant)



Diocese of Richmond

Office of the Bishop

November 8, 2023

Very Rev. Anthony Senyah, V.F.
Sacred Heart Catholic Church and School
538 Central Blvd.
Danville, VA 24541

Dear Fr. Senyah,

I would like to express my gratitude to you, Mr. Matthew Weatherford, and Ms. Mary Foley for your presentation via Zoom to the Building and Renovation Committee (BARC) on Thursday, October 5, 2023.

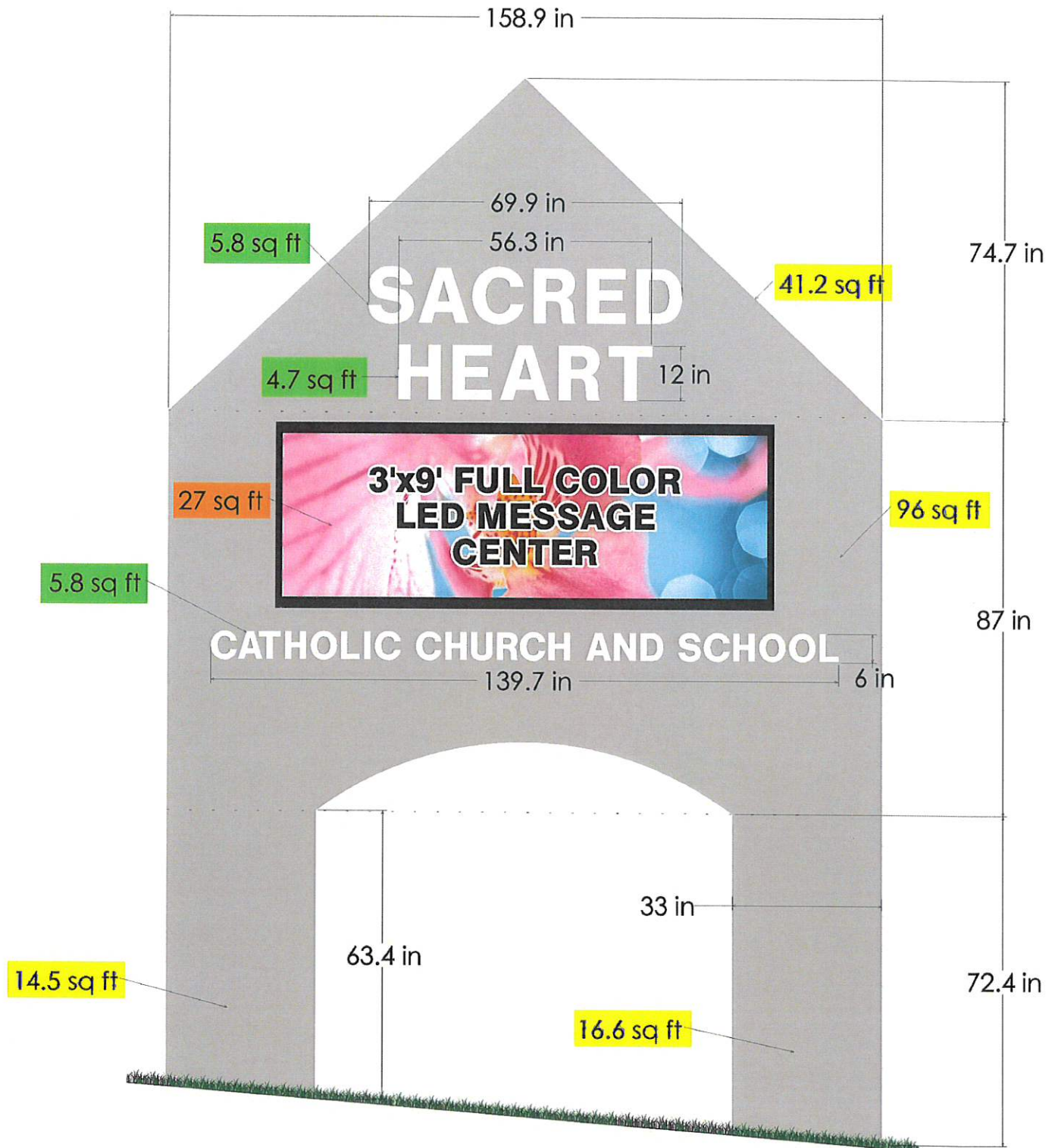
I understand that you presented the new digital sign and roof renovations at Sacred Heart School and parish. Thank you for your due diligence on both projects. I approve these two projects to move forward as presented.

With every best wish, I remain

Sincerely in Christ,

Most Reverend Barry C. Knestout
Bishop of Richmond

cc: Very Rev. Michael G. Boehling, Vicar General and Moderator of the Curia
Rev. Robert J Cole, Chairman of the Diocesan Building and Renovation Committee
Mike McGee, Chief Financial Officer
Mrs. Sarah W. Rabin, Director of Finance
Dr. Jennifer Bigelow, Superintendent of Catholic Schools



LEGEND

- ARCH. ELEMENTS - 168.3 sq ft
- TEXT - 16.3 sq ft
- LED - 27 sq ft

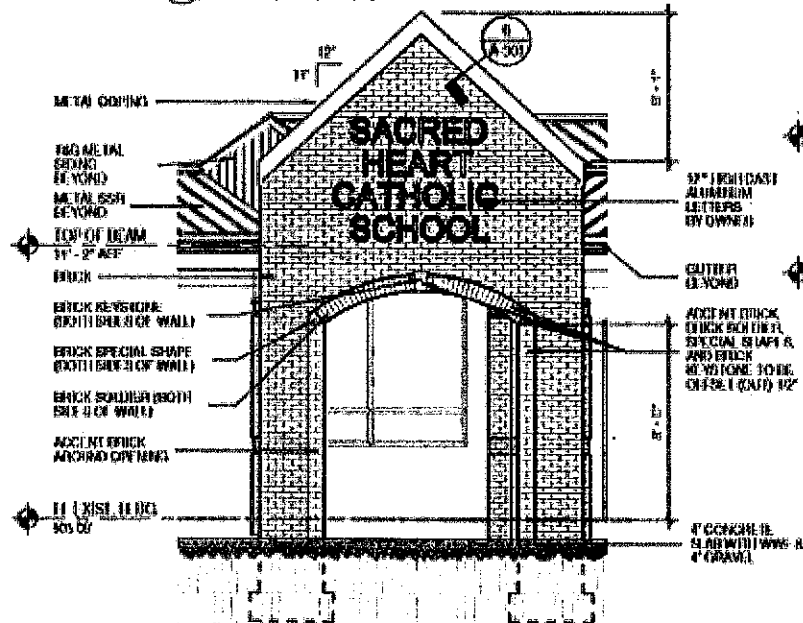
SACRED HEART

**3'x9' FULL COLOR
LED MESSAGE
CENTER**

CATHOLIC CHURCH AND SCHOOL

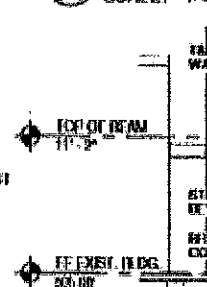


① SECTION A
SCALE: 1/4" = 1'-0"



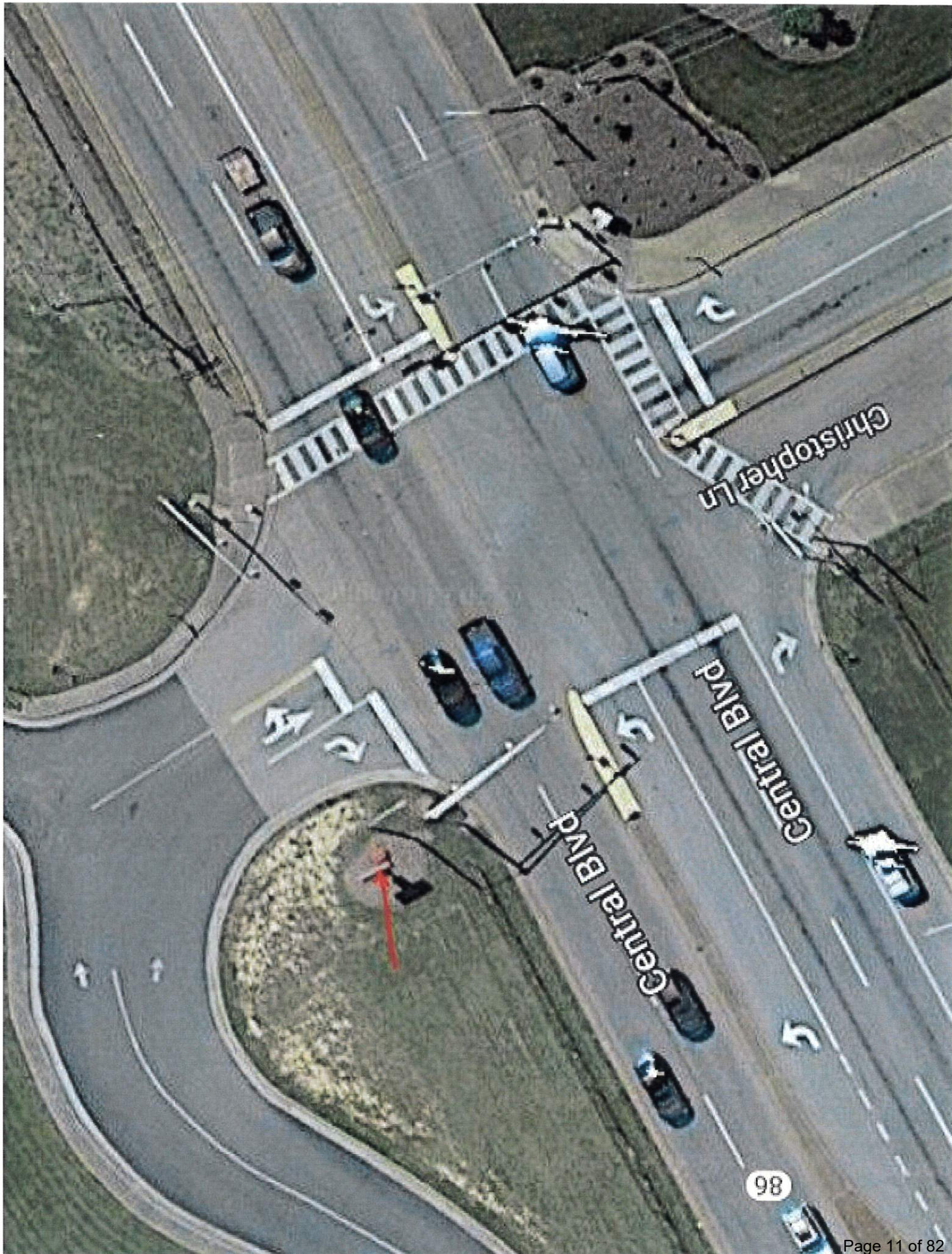
⑤ ELEVATION
SCALE: 1/4" = 1'-0"

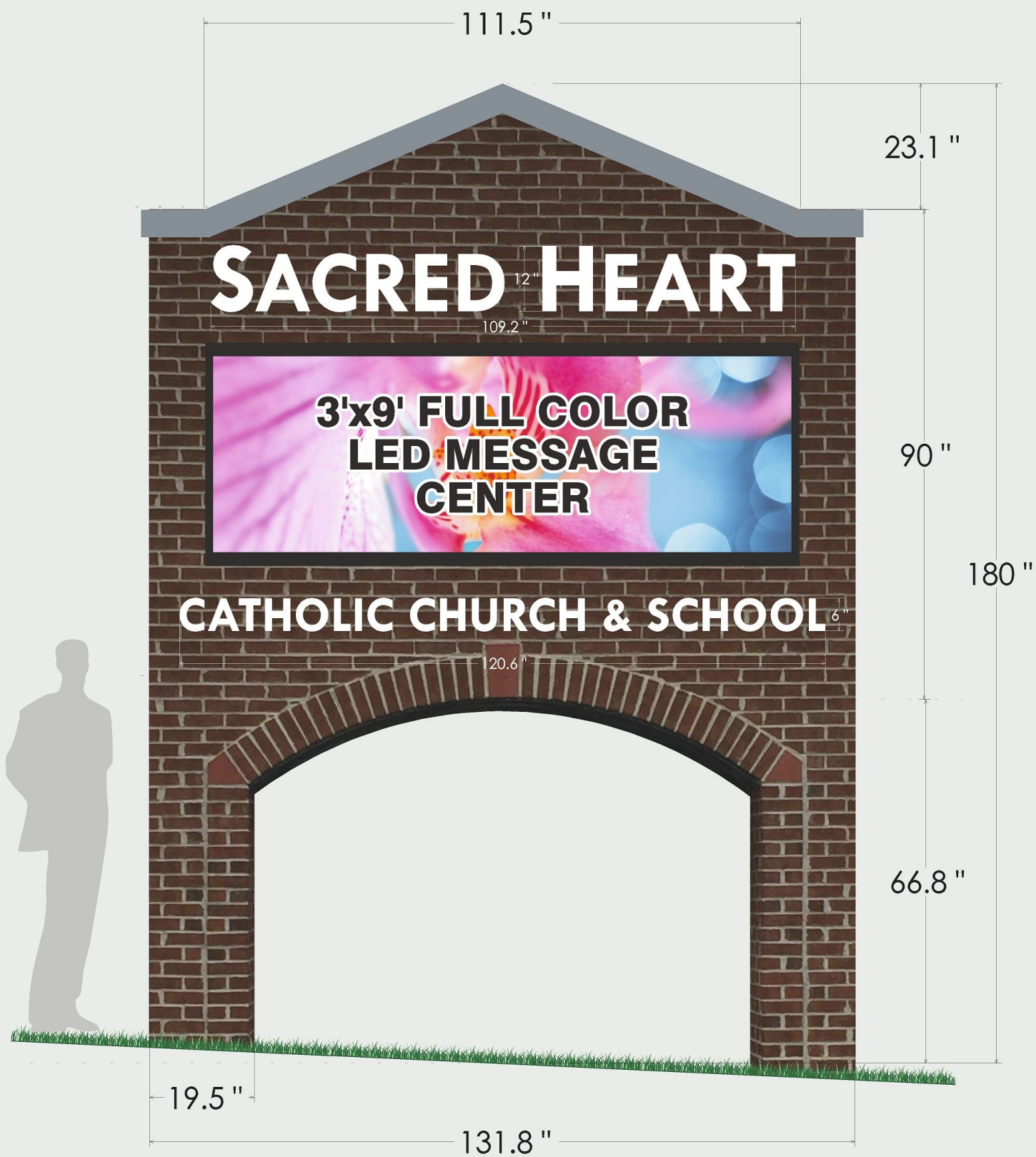
② SECTION
SCALE: 1/4"



⑥ ELEVATION
SCALE: 1/8"

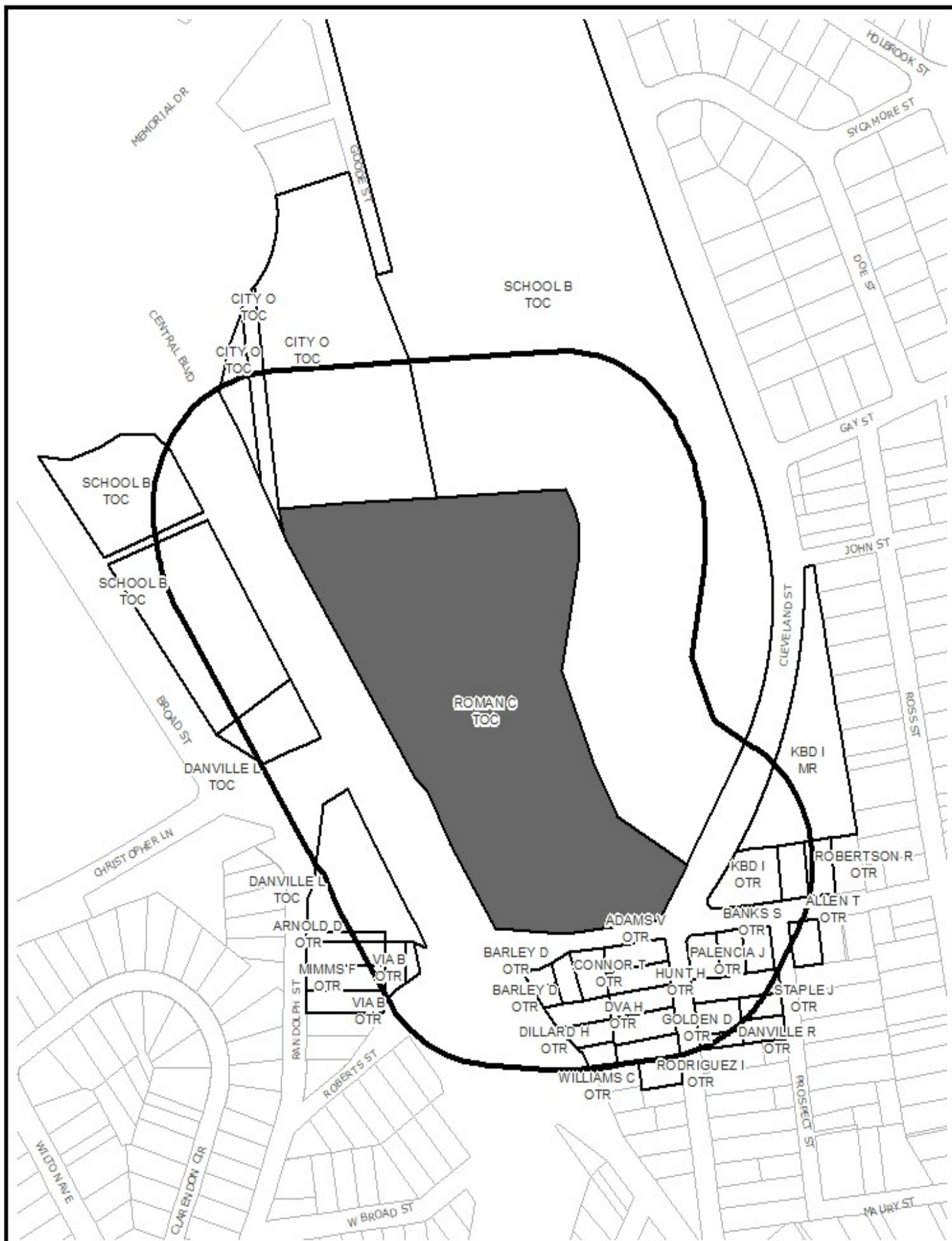






TEXT - 15 sq ft
LED - 27 sq ft
ARCH - 67.3 sq ft



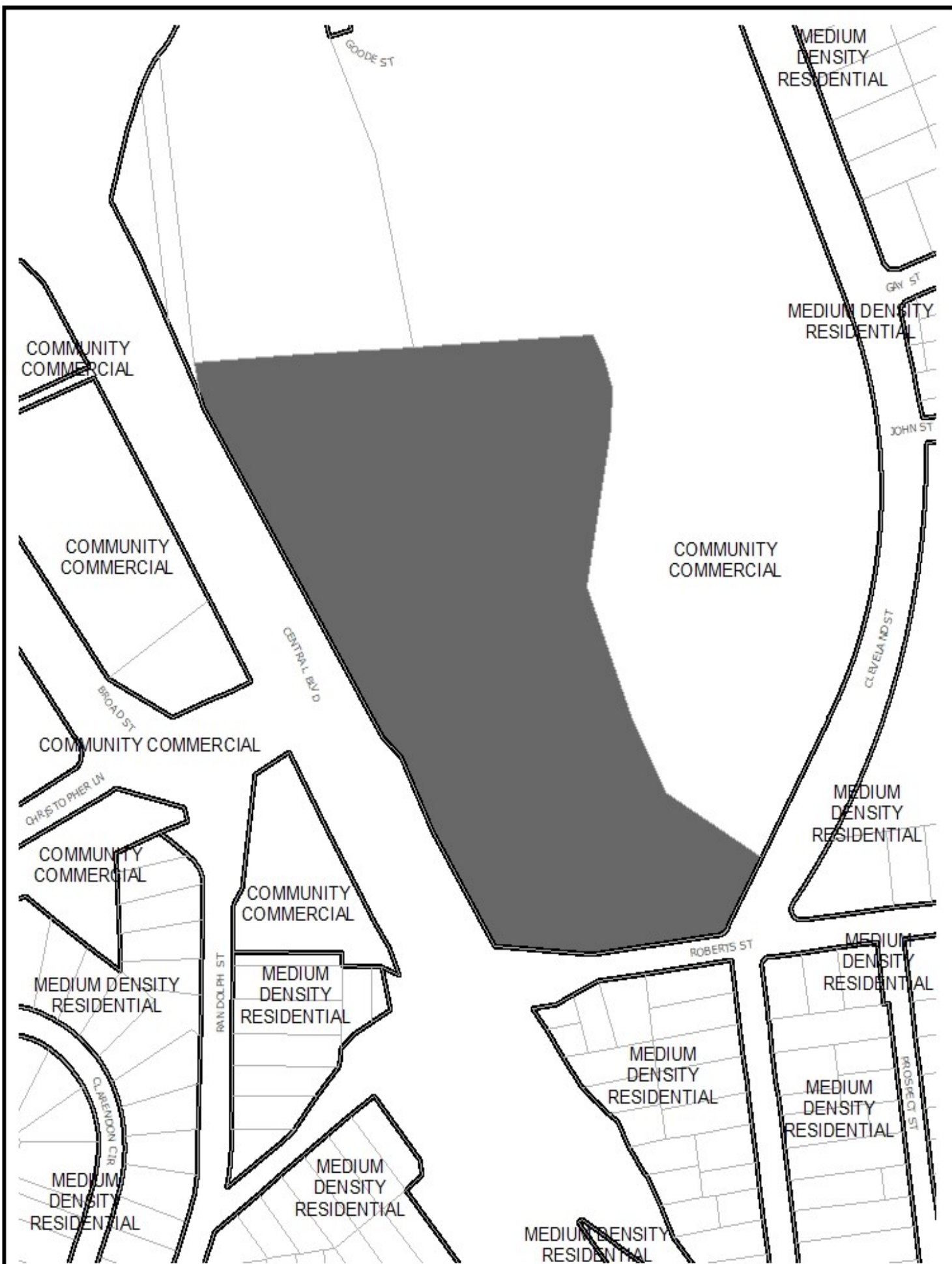


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
12/5/2023

Disclaimer: Information contained on this map is to be used for reference purposes only. 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
12/5/2023

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: January 8, 2024
TO: Planning Commission
FROM: Renee Burton, Division Director of Planning
RE: Code Amendment Request PZ23-00495 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3.J Section C to create Item 23 "Automobile and light vehicle repair establishments".

SUMMARY

A request was received by SOVA Legal to amend Article 3.J Section C to create Item 23 "Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage)". This amendment would allow a property owner to apply for a Special Use Permit to operate an automobile and light vehicle repair establishment in the N-C, Neighborhood Commercial Zoning District with a Special Use Permit granted by City Council.

Article 3. J Section A states:

The Neighborhood Commercial District is established to provide for selected locations in the City for neighborhood and convenience retail shopping facilities. Retail uses in the N-C District shall serve localized neighborhood shopping patterns, with the purpose of these establishments to provide good and necessities that usually require frequent purchasing with a minimum of consumer travel per shopping trip. Building size and intensity is governed to ensure appropriate scale and lot coverage within the district: Individual businesses are limited to 3,000 square feet of floor area per establishments and not to exceed 12,000 square feet per building, with a floor area ratio of 0.30.

The N-C District is not intended to create a retail market environment which is competitive with other City commercial areas, but, rather, is intended to accommodate existing and future neighborhood and convenience retail uses at locations compatible with those recognized by the Comprehensive Plan. The district is aimed at providing opportunities for individual neighborhood-styled businesses which, historically, have not been located in Danville within traditional strip shopping centers, regional shopping malls or in downtown commercial areas.

Minimum site improvements for uses within the N-C District shall include adequate on-site parking, public water and sewer service, public street frontage and safe access, pedestrian improvements, storm drainage, stormwater management facilities, and outdoor lighting for parking areas.

Automobile repair establishments, when not associated with an automobile dealership, are traditionally neighborhood-style businesses. They are generally locally owned and operated

by the owner/manager living in the surrounding neighborhood. This type of business is in character with the intent of the N-C, Neighborhood Commercial Zoning Classification.

However, the operation of an automobile repair facility produces outdoor storage, mechanic noises, frequent traffic and deliveries. This type of operation may not be compatible with all neighborhoods that possess the N-C zoning classification. Allowing the operation of an automobile repair facility by Special Use Permit allows review of each proposed operation to determine its compatibility with the neighborhood and comprehensive plan.

RECOMMENDATION

The Planning Staff recommends that the Planning Commission recommend approval of Code Amendment PZ23-00495 to create Article 3.J Section C Item 23 "Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage)".

Item 23 would allow "Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage)" to operate by Special Use Permit granted by City Council.

ATTACHMENTS

1. Application



December 8, 2023

Via Hand Delivery and Electronic Mail

Renee Burton
Director of Planning
City of Danville
427 Patton Street
Danville, Virginia 24541

Re: Applications for Code Change, Rezoning, and Special Use Permit submitted by
First Choice Transmissions LLC and L. Hampton Wilkins

Dear Ms. Burton:

On behalf of First Choice Transmissions LLC (“First Choice”) and L. Hampton Wilkins (“Mr. Wilkins”) (together with First Choice, the “Applicants”), the tenant and owner, respectively, of 135 Forestdale Drive (the “Parcel”), I submit the enclosed applications (collectively, the “Applications”):

- Application for Code Change Amendment;
- Application to Rezone the Parcel; and
- Application for Special Use Permit for the Parcel.

This letter is intended to supplement the Applications, which have been marked as Exhibits A, B, and C, respectively, including outlining the compatibility of First Choice’s use of the Parcel as required by the Applications.

Also enclosed is a check in the amount of \$1,070.00, representing the City’s fees associated with the Applications.

Relevant Background Information

The Parcel is truly exceptional: its uses have historically been commercial, yet it is located squarely within a residential area and is, in fact, zoned OT-R (Old Town Residential District).

Prior to First Choice’s tenancy, the Parcel was home to one or more private providers of emergency medical services. Unfortunately, given the location of the Parcel and the existing improvements to it, other uses of the Parcel are limited. Indeed, First Choice’s use of the Parcel –

to provide automobile-related services – was deemed an expansion of the prior non-conforming use of the Parcel.

In light of this determination by the City and confirmed by the Board of Zoning Appeals, our office has communicated with you on behalf of the Applicants to outline a path that – if approved by the Planning Commission and City Council – would allow for First Choice to operate on the Parcel. This path is a three-step process reflected in the Applications and discussed in greater detail below.

Application for Code Change Amendment

The necessary first step in this process is to provide an additional, limited opportunity for automobile service establishments to operate within the City.

At present, an automobile service establishment is allowed in the City only as follows: by right on parcels zoned M-I (Industrial Manufacturing District) and HR-C (Highway Retail Commercial District), and by special use permit on parcels zoned LED-I (Light Economic Development District).

Parcels zoned N-C (Neighborhood Retail Commercial District) presently allow for repair service establishments so long as they are non-motor vehicle related and without outdoor service.

Given these existing limitations, the Applicants submit that providing for additional locations in which a motor vehicle repair establishment can operate – with appropriate protections for neighboring property owners – is reasonable and, in particular, appropriate for properties such as the Parcel where maintenance of a prior non-conforming use is not practical.

To that end, the Applicants seek to amend the Code to allow for a motor vehicle repair establishment to operate on a parcel zoned N-C pursuant to a special use permit, provided that there is no outdoor service and any vehicles stored on the property are appropriately screened. In doing so, the Applicants do not seek to create any new “by right” use but instead create an opportunity in which exceptional properties such as the Parcel can continue in productive use.

Application for Rezoning

Should the above-referenced Code amendment be adopted, the Applicants next seek rezoning of the Parcel to the N-C classification, which the Applicants submit is the most appropriate zoning designation for a property such as this that has long been intended to serve a commercial purpose, is nestled within an otherwise-residential area, and for which it would be difficult to maintain a prior non-conforming use.

The requested rezoning would continue the commercial purpose of the Parcel and, should the special use permit discussed below be granted, allow First Choice – an established business within the City – to continue serving customers from this new location. First Choice observes normal weekday business hours, operating from 9 a.m. until no later than 6 p.m., and currently employs a team of five individuals.

A written statement of the compatibility of First Choice's use of the Parcel is set forth below.

Application for Special Use Permit

As the third and final step in this process, following adoption of the Code amendment and rezoning of the Parcel to N-C, the Applicants seek a special use permit to operate a motor vehicle-related service establishment on the Parcel.

The Applicants submit that, while many properties zoned N-C may not be appropriate for the siting of such a business, the Parcel is ideal given its existing infrastructure, the distance between such improvements and neighboring residences, and the comparatively more disruptive commercial uses to which neighbors of the Parcel have been accustomed in recent decades. First Choice is committed to performing all repair services inside its garage bays and constructing appropriate screening for any vehicles stored overnight on the Parcel.

Compatibility Considerations

For both the rezoning and special use permit applications, First Choice's use of the Parcel is in harmony with multiple goals of the City's 2030 Comprehensive Plan: it both (1) embraces the principle of sustainable growth and land use by continuing the productive use of the Parcel without the need for development of open space and, in doing so, (2) supports the continued economic development of the region by allowing this small business to thrive and grow. And, assuming adoption of the Code amendment set forth above, First Choice's use of the Parcel will be consistent with the N-C zoning district's special uses.

Furthermore, First Choice's operation from the Parcel is compatible with surrounding properties and current and future neighborhood conditions, given the long-standing commercial use of the Parcel and the fact that its operation represents a return to normal business hours and a reduction in noise and light disturbances associated with the most recent use of the Parcel.

Finally, the rezoning is also compatible with existing pedestrian and vehicular traffic patterns and preserves the status quo in both respects. The Parcel is also served by public facilities, and the rezoning sought here will not change or require expansion of such service.

Application Requirements for Special Use Permit

Our intention has been to address above each of the requirements identified as a requirement for consideration of the respective Applications. To the extent that any item has been overlooked, we will gladly and promptly supplement this letter.

* * *

Thank you in advance for your consideration of these Applications. Should you or your staff have any questions, do not hesitate to let me know. We look forward to discussing the Applications with the Planning Commission in January.

Sincerely,



Steven P. Gould

Enclosures

c: First Choice Transmissions LLC (w/encls.) [via electronic mail]
L. Hampton Wilkins (w/encls.) [via electronic mail]

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:

Chapter 41, Section 3.J: - N-C, Neighborhood Commercial (Neighborhood
Retail Commercial District)

Purpose for proposed amendment:

To allow motor vehicle repair service establishments to be a special use under item 12.
Proposed amendment: "Repair service establishments (non-motor and motor vehicle
related, ~~and~~ without outdoor service, and with screened outdoor vehicle storage areas)"

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

1. NAME (PLEASE PRINT OR TYPE): L. Hampton Wilkins

ADDRESS: 428 Piney Forest Road, Danville, VA 24540

EMAIL: hampton@wilkinsandco.com

TELEPHONE: (434)797-4007

SIGNATURE: Hampton T. Wilkins *counsel for owner* I hereby authorize the filing of this application.

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): First Choice Transmissions LLC

ADDRESS: 135 Forestdale Drive, Danville, VA 24540

EMAIL: firstchoicetransmissions@yahoo.com

TELEPHONE: (434) 429-7458

SIGNATURE: David Byrd-Dickens *counsel for applicant*

David Byrd-Dickens, Manager



CITY PLANNING COMMISSION

REZONING APPLICATION

1. An application for rezoning shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee as established by the City Council.
2. The application shall include the following information:
 - a. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - b. 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.
 - c. 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.
 7. A preliminary site plan in accordance with the Site Plan Regulations.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Zoning District: _____

Existing Zoning: _____ Proposed Zoning: _____

APPLICANT PROVIDED INFORMATION

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

Property Address: 135 Forestdale Drive Gross Area/Net Area: 0.8773 acres

Property Location: N ☒ S ☐ E ☐ W ☐ Side of: Forestdale Drive

Between: PIN 53192 and PIN 52864

Proffered Conditions (if any, please attach): _____

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

Name: L. Hampton Wilkins Telephone: (434) 797-4007

Mailing Address: 428 Piney Forest Road, Danville, VA 24540

Email Address: hampton@wilkinsandco.com

APPLICANT (PLEASE TYPE OR PRINT):

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

Name: First Choice Transmissions LLC Telephone: (434) 429-7458

Mailing Address: 135 Forestdale Drive, Danville, VA 24540

Email Address: firstchoicetransmissions@yahoo.com

David Byrd-Dickens, Counsel for applicant 12/8/23
Applicant Signature date
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

L. Hampton Wilkins, Counsel for applicant 12/8/23
Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the filing
of this application.



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.
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 - 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#): 428 Piney Forest Road, Danville, VA 24540

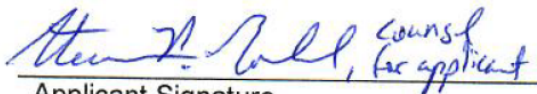
Applicant: First Choice Transmissions LLC

Applicant's Address: 135 Forestdale Drive, Danville, VA 24540

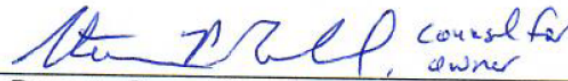
Applicant's Phone Number: (434) 429-7458

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

Describe Proposed Request: Please see attached correspondence.

 *Counsel for applicant* 12/8/23

Applicant Signature
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

 *Counsel for owner* 12/8/23

Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the
filing of this application.



STAFF REPORT

DATE: January 8, 2024
TO: Planning Commission
FROM: Renee Burton, Division Director of Planning
RE: Rezoning Application PZ23-00496 filed by First Choice Transmissions LLC, requesting to rezone 135 Forestdale Drive (Parcel 54834) from OT-R Old Town Residential to N-C Neighborhood Commercial .

SUMMARY

Background

135 Forestdale Drive is a storage garage and office space most recently occupied by Life Care. The subject property is zoned OT-R, Old Town Residential and was utilized by Regional One as a legal nonconforming use. The property surrounding 135 Forestdale Drive is zoned and utilized as single family.

According to City records, the structure at 135 Forestdale was occupied by North End Building Supply in 1986, then North End Cabinet Manufacturing. By 1999, the structure was occupied by Van MedTech and zoned R1-B, Residential/Business. Regional One then occupied the property until LifeCare began operations in 2010 as a legal non-conforming operation. The OT-R designation was established in 2004.

In October 2023, First Choice Transmissions, LLC requested a zoning clearance for the operation of an automobile repair facility (transmission repair) at 135 Forestdale Drive. The request was denied based on the Zoning Administrator's determination that the use would be an expansion of a legal non-conforming use. 135 Forestdale Drive is zoned OT-R, Old Town Residential. The most recent legal use of the property was by LifeCare, which began operations in 2019 and G&D Lawn Care, which began in 2020. Both businesses have active 2023 business licenses at this location.

OT-R is a single family zoning classification that does not allow for automobile repair facilities by right or by Special Use Permit. Automobile repair facilities are allowed by right within the HR-C, Highway Retail Commercial District and M-I, Industrial Manufacturing District; and by Special Use Permit only in the PS-C, Planned Shopping Center Commercial, LED-I, Light Economic Development Districts and N-C, Neighborhood Commercial (if Code Amendment request PZ23-00495 is approved by City Council).

On November 16, 2023, the Board of Zoning Appeals reviewed an appeal, presented by SOVA legal, of the Zoning Administrator's Decision that the operation of an automobile repair facility at 135 Forestdale Drive was an expansion of a legal non-conforming use. The Board upheld the Zoning Administrator's determination and denied the applicant the privilege of operating at 135 Forestdale Drive.

It is important to note that First Choice Transmissions, LLC is currently operating from this facility without proper licensing. After denial of a zoning clearance for a business license, the business was relocated from Riverside Drive and began operations. The structure itself has not been inspected and Change of Use has not been issued for this operation. The denial of his appeal also did not deter his operations. The business has continued at 135 Forestdale Drive.

To maintain operation of an automobile repair at 135 Forestdale Drive, it is necessary that the property be rezoned. Legal counsel for the operation and the Division Director of Planning determined that a Code Amendment, subsequent Rezoning Request and Special Use Permit application was the path necessary for this request.

Today's Request

Dependent on the approval of Code Amendment PZ23-00495, the applicant requests that the subject property is rezoned to N-C, Neighborhood Commercial and granted a subsequent Special Use Permit.

135 Forestdale is predominantly surrounded by residential zoning to the north, south, east and west. The residential zoning in the immediate area is OT-R, S-R and M-R. Commercial designations can be found at the intersection of North Main Street and Franklin Turnpike.

The Comprehensive Plan identifies this area, Planning Area 12, as an area for mixed use development to the east of the subject property, but recommends that residential development is maintained in the area of this proposed project.

Rezoning 135 Forestdale Drive from residential to commercial is incompatible with the surrounding community and the City of Danville's Comprehensive Plan. The rezoning would only benefit the subject property and not the community as a whole.

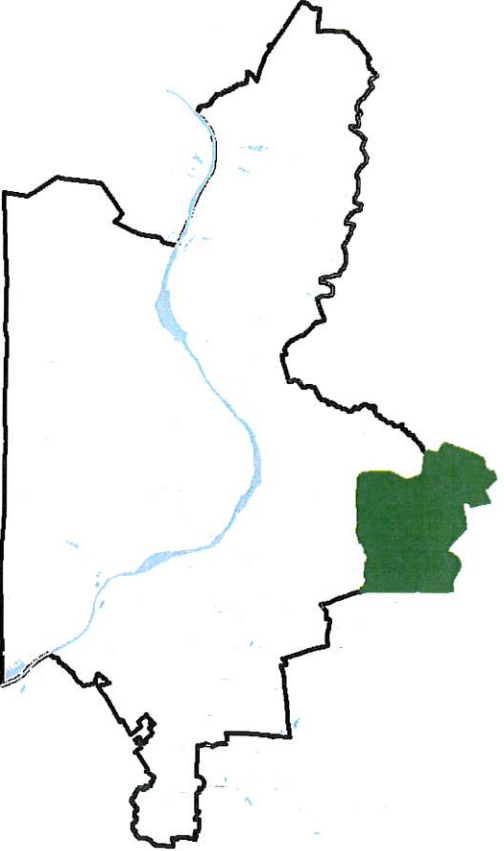
RECOMMENDATION

The Planning Staff recommends that the Planning Commission deny a request to rezone 135 Forestdale Drive from OT-R, Old Town Residential to N-C, Neighborhood Commercial. The proposed rezoning is incompatible with the surrounding residential development of the community and the City of Danville's Comprehensive Plan.

ATTACHMENTS

1. Comprehensive Plan _Area 12
2. Application
3. Zoning Violation Letter 135 Forestdale Drive
4. 135 Forestdale_Owners Map
5. 135 Forestdale_Aerial Map

Planning Area 12: FRANKLIN TURNPIKE



Location: The Franklin Turnpike Planning Area, located in the northernmost section of Danville, contains over 1,700 acres (representing approximately 6% of the City's total land area). It is bordered on the west by the City's corporate boundary and Arnett Boulevard, on the north and east by the City's corporate boundary and on the south by Fagan Street. Eight distinct Sub Areas have been identified within the Planning Area.

Existing Land Use: The Franklin Turnpike Planning Area is characterized by a variety of residential uses, strip commercial development and as large expanses of undeveloped land. Some of the more notable residential subdivisions in the area include: Afton Hills, Northbrood Park, Beverly Park, Shadowood, Seminole Hills, Swain Acres, Norwood Park, Robinwood and Brentwood Park. The Planning Area is also home to some community-scaled, corridor-based commercial uses along North Main Street.

Environment: A tributary of Fall Creek flows through the Planning Area.

Public Utilities: Public Utilities are available within the area, however, several of the undeveloped parcels in the outlying areas do not currently have public utility service.

Transportation: Pedestrian connections between and interior to residential neighborhoods in the Planning Area should be strengthened by the integration of a new sidewalk master plan recommended for Danville. The proposed Franklin Turnpike extension will impact the Planning Area (it should bisect Sub Area 8 if constructed as planned) in terms of both increased transportation linkages and future land use allocation options.

Corridors: North Main Street and Piney Forest Road

Public Facilities: G.L.H. Johnson Elementary, the Squire Recreation Area, the Armory, and a substation of the Danville Life Saving Crew are located within the Planning Area.

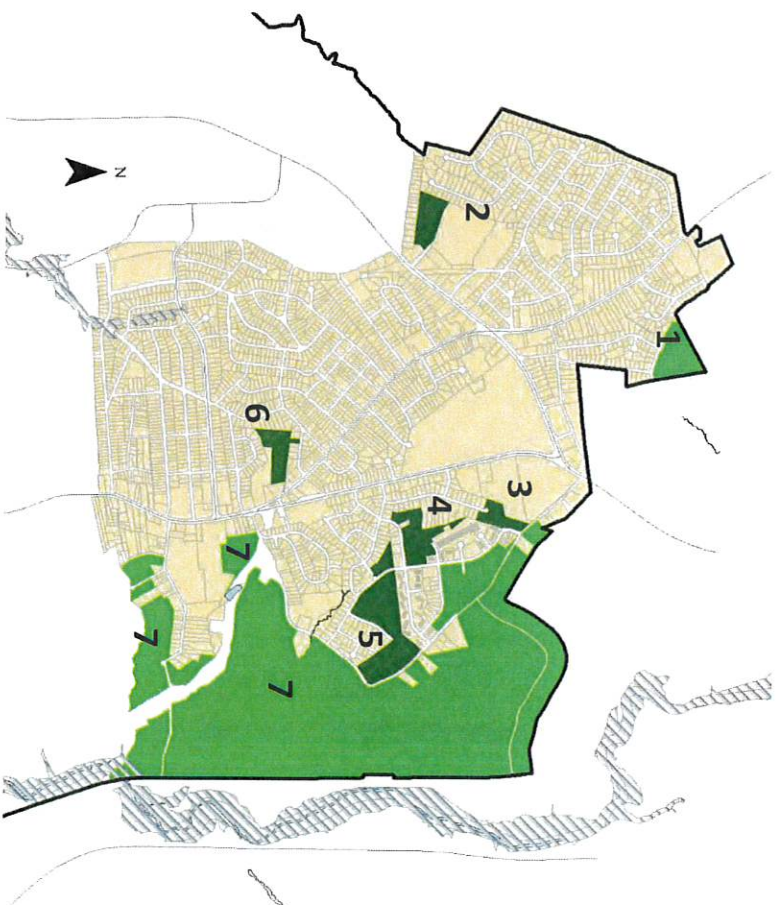
Revitalization: The long term future stability of several of the neighborhoods located adjacent to North Main Street is in jeopardy from neglect and commercial sprawl.

Future Land Use:

- Current zoning designation of "threshold residential" in sub area 8 will not be appropriate when the Franklin Turnpike Extension is built and should be rezoned to a more regional use.



PLANNING AREA 12						Future Land-Use Recommendation
Sub Area	Zoning Classification	Developable Acreage	Potential Yield	Sq Feet		
1	Threshold Residential	11	4		Low Density Residential	
2	Attached Residential	7	29		Medium Density Residential	
3	Suburban Residential	4	4		Mixed Use	
4	Suburban Residential	5	5		Medium Density Residential	
	Multi-Family Residential	5	65			
	Sub Total:	10	70			
5	Old Town Residential	2	6		Medium Density Residential	
	Suburban Residential	20	22			
	Sub Total:	22	28			
6	Threshold Residential	7	3		Open Space / Public	
7	Threshold Residential	315	119		Mixed Use	
	Transitional Office District Old Town	5		52,659		
	Residential	2	6			
	Multi-Family Residential	9	117			
	Highway Retail Commercial	40		383,560		
	Suburban Residential	5	5			
	Sub Total:	371	241	436,219		



Planning Area 12: FRANKLIN TURNPIKE





December 8, 2023

Via Hand Delivery and Electronic Mail

Renee Burton
Director of Planning
City of Danville
427 Patton Street
Danville, Virginia 24541

Re: Applications for Code Change, Rezoning, and Special Use Permit submitted by
First Choice Transmissions LLC and L. Hampton Wilkins

Dear Ms. Burton:

On behalf of First Choice Transmissions LLC (“First Choice”) and L. Hampton Wilkins (“Mr. Wilkins”) (together with First Choice, the “Applicants”), the tenant and owner, respectively, of 135 Forestdale Drive (the “Parcel”), I submit the enclosed applications (collectively, the “Applications”):

- Application for Code Change Amendment;
- Application to Rezone the Parcel; and
- Application for Special Use Permit for the Parcel.

This letter is intended to supplement the Applications, which have been marked as Exhibits A, B, and C, respectively, including outlining the compatibility of First Choice’s use of the Parcel as required by the Applications.

Also enclosed is a check in the amount of \$1,070.00, representing the City’s fees associated with the Applications.

Relevant Background Information

The Parcel is truly exceptional: its uses have historically been commercial, yet it is located squarely within a residential area and is, in fact, zoned OT-R (Old Town Residential District).

Prior to First Choice’s tenancy, the Parcel was home to one or more private providers of emergency medical services. Unfortunately, given the location of the Parcel and the existing improvements to it, other uses of the Parcel are limited. Indeed, First Choice’s use of the Parcel –

to provide automobile-related services – was deemed an expansion of the prior non-conforming use of the Parcel.

In light of this determination by the City and confirmed by the Board of Zoning Appeals, our office has communicated with you on behalf of the Applicants to outline a path that – if approved by the Planning Commission and City Council – would allow for First Choice to operate on the Parcel. This path is a three-step process reflected in the Applications and discussed in greater detail below.

Application for Code Change Amendment

The necessary first step in this process is to provide an additional, limited opportunity for automobile service establishments to operate within the City.

At present, an automobile service establishment is allowed in the City only as follows: by right on parcels zoned M-I (Industrial Manufacturing District) and HR-C (Highway Retail Commercial District), and by special use permit on parcels zoned LED-I (Light Economic Development District).

Parcels zoned N-C (Neighborhood Retail Commercial District) presently allow for repair service establishments so long as they are non-motor vehicle related and without outdoor service.

Given these existing limitations, the Applicants submit that providing for additional locations in which a motor vehicle repair establishment can operate – with appropriate protections for neighboring property owners – is reasonable and, in particular, appropriate for properties such as the Parcel where maintenance of a prior non-conforming use is not practical.

To that end, the Applicants seek to amend the Code to allow for a motor vehicle repair establishment to operate on a parcel zoned N-C pursuant to a special use permit, provided that there is no outdoor service and any vehicles stored on the property are appropriately screened. In doing so, the Applicants do not seek to create any new “by right” use but instead create an opportunity in which exceptional properties such as the Parcel can continue in productive use.

Application for Rezoning

Should the above-referenced Code amendment be adopted, the Applicants next seek rezoning of the Parcel to the N-C classification, which the Applicants submit is the most appropriate zoning designation for a property such as this that has long been intended to serve a commercial purpose, is nestled within an otherwise-residential area, and for which it would be difficult to maintain a prior non-conforming use.

The requested rezoning would continue the commercial purpose of the Parcel and, should the special use permit discussed below be granted, allow First Choice – an established business within the City – to continue serving customers from this new location. First Choice observes normal weekday business hours, operating from 9 a.m. until no later than 6 p.m., and currently employs a team of five individuals.

A written statement of the compatibility of First Choice's use of the Parcel is set forth below.

Application for Special Use Permit

As the third and final step in this process, following adoption of the Code amendment and rezoning of the Parcel to N-C, the Applicants seek a special use permit to operate a motor vehicle-related service establishment on the Parcel.

The Applicants submit that, while many properties zoned N-C may not be appropriate for the siting of such a business, the Parcel is ideal given its existing infrastructure, the distance between such improvements and neighboring residences, and the comparatively more disruptive commercial uses to which neighbors of the Parcel have been accustomed in recent decades. First Choice is committed to performing all repair services inside its garage bays and constructing appropriate screening for any vehicles stored overnight on the Parcel.

Compatibility Considerations

For both the rezoning and special use permit applications, First Choice's use of the Parcel is in harmony with multiple goals of the City's 2030 Comprehensive Plan: it both (1) embraces the principle of sustainable growth and land use by continuing the productive use of the Parcel without the need for development of open space and, in doing so, (2) supports the continued economic development of the region by allowing this small business to thrive and grow. And, assuming adoption of the Code amendment set forth above, First Choice's use of the Parcel will be consistent with the N-C zoning district's special uses.

Furthermore, First Choice's operation from the Parcel is compatible with surrounding properties and current and future neighborhood conditions, given the long-standing commercial use of the Parcel and the fact that its operation represents a return to normal business hours and a reduction in noise and light disturbances associated with the most recent use of the Parcel.

Finally, the rezoning is also compatible with existing pedestrian and vehicular traffic patterns and preserves the status quo in both respects. The Parcel is also served by public facilities, and the rezoning sought here will not change or require expansion of such service.

Application Requirements for Special Use Permit

Our intention has been to address above each of the requirements identified as a requirement for consideration of the respective Applications. To the extent that any item has been overlooked, we will gladly and promptly supplement this letter.

* * *

Thank you in advance for your consideration of these Applications. Should you or your staff have any questions, do not hesitate to let me know. We look forward to discussing the Applications with the Planning Commission in January.

Sincerely,



Steven P. Gould

Enclosures

c: First Choice Transmissions LLC (w/encls.) [via electronic mail]
L. Hampton Wilkins (w/encls.) [via electronic mail]

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:

Chapter 41, Section 3.J: - N-C, Neighborhood Commercial (Neighborhood
Retail Commercial District)

Purpose for proposed amendment:

To allow motor vehicle repair service establishments to be a special use under item 12.
Proposed amendment: "Repair service establishments (non-motor and motor vehicle
related, ~~and~~ without outdoor service, and with screened outdoor vehicle storage areas)"

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

1. NAME (PLEASE PRINT OR TYPE): L. Hampton Wilkins

ADDRESS: 428 Piney Forest Road, Danville, VA 24540

EMAIL: hampton@wilkinsandco.com

TELEPHONE: (434)797-4007

SIGNATURE: Hampton T. Wilkins *counsel for owner* I hereby authorize the filing of this application.

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): First Choice Transmissions LLC

ADDRESS: 135 Forestdale Drive, Danville, VA 24540

EMAIL: firstchoicetransmissions@yahoo.com

TELEPHONE: (434) 429-7458

SIGNATURE: David Byrd-Dickens *counsel for applicant*

David Byrd-Dickens, Manager



CITY PLANNING COMMISSION

REZONING APPLICATION

1. An application for rezoning shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee as established by the City Council.
2. The application shall include the following information:
 - a. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - b. 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.
 - c. 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.
 7. A preliminary site plan in accordance with the Site Plan Regulations.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Zoning District: _____

Existing Zoning: _____ Proposed Zoning: _____

APPLICANT PROVIDED INFORMATION

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

Property Address: 135 Forestdale Drive Gross Area/Net Area: 0.8773 acres

Property Location: N ☒ S ☐ E ☐ W ☐ Side of: Forestdale Drive

Between: PIN 53192 and PIN 52864

Proffered Conditions (if any, please attach): _____

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

Name: L. Hampton Wilkins Telephone: (434) 797-4007

Mailing Address: 428 Piney Forest Road, Danville, VA 24540

Email Address: hampton@wilkinsandco.com

APPLICANT (PLEASE TYPE OR PRINT):

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

Name: First Choice Transmissions LLC Telephone: (434) 429-7458

Mailing Address: 135 Forestdale Drive, Danville, VA 24540

Email Address: firstchoicetransmissions@yahoo.com

David Byrd-Dickens, Counsel for applicant 12/8/23
Applicant Signature date
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

L. Hampton Wilkins, Counsel for applicant 12/8/23
Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the filing
of this application.



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.
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 - (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#): 428 Piney Forest Road, Danville, VA 24540

Applicant: First Choice Transmissions LLC

Applicant's Address: 135 Forestdale Drive, Danville, VA 24540

Applicant's Phone Number: (434) 429-7458

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

Describe Proposed Request: Please see attached correspondence.

Hampton Wilkins, Counsel for applicant 12/8/23

Applicant Signature
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

Hampton Wilkins, Counsel for owner 12/8/23

Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the
filing of this application.



City of Danville
Community Development
Planning Division

November 8, 2023

LEE HAMPTON WILKINS
428 PINEY FOREST ROAD
DANVILLE, VA 24540

RE: Zoning Violation at 135 FORESTDALE DRIVE

Dear Property Owner:

The purpose of this letter is to inform you of a violation of the Zoning Code at 135 Forestdale Drive. The business First Choice Transmissions at the above location are being conducted without a City of Danville Business License and/or Zoning Clearance. Operations at this location must cease until these violations are resolved.

You have Ten (10) DAYS from the date of this letter to comply with the provisions of the Code. If you have any questions, please contact me at (434) 799-5260. X3783.

Sincerely,

Lisa Jones
Planning Technician
434-799-5260 Ext. 3783
joneslk@danvilleva.gov



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
12/27/2023

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: January 8, 2024
TO: Planning Commission
FROM: Renee Burton, Division Director of Planning
RE: Special Use Permit Application PZ23-00497 filed by First Choice Transmissions LLC, requesting a Special Use Permit at 135 Forestdale Drive (Parcel 54834) to allow automobile and light vehicle repair establishments in accordance with Article 3.J Section C Item 23.

SUMMARY

Background

135 Forestdale Drive is a storage garage and office space most recently occupied by Life Care. The subject property is zoned OT-R, Old Town Residential and was utilized by Regional One as a legal nonconforming use. The property surrounding 135 Forestdale Drive is zoned and utilized as single family.

According to City records, the structure at 135 Forestdale was occupied by North End Building Supply in 1986, then North End Cabinet Manufacturing. By 1999, the structure was occupied by Van MedTech and zoned R1-B, Residential/Business. Regional One then occupied the property until LifeCare began operations in 2010 as a legal non-conforming operation. The OT-R designation was established in 2004.

In October 2023, First Choice Transmissions, LLC requested a zoning clearance for the operation of an automobile repair facility (transmission repair) at 135 Forestdale Drive. The request was denied based on the Zoning Administrator's determination that the use would be an expansion of a legal non-conforming use. 135 Forestdale Drive is zoned OT-R, Old Town Residential. The most recent legal use of the property was by LifeCare, which began operations in 2019 and G&D Lawn Care, which began in 2020. Both businesses have active 2023 business licenses at this location.

OT-R is a single family zoning classification that does not allow for automobile repair facilities by right or by Special Use Permit. Automobile repair facilities are allowed by right within the HR-C, Highway Retail Commercial District and M-I, Industrial Manufacturing District; and by Special Use Permit only in the PS-C, Planned Shopping Center Commercial, LED-I, Light Economic Development Districts and N-C, Neighborhood Commercial (if Code Amendment request PZ23-00495 is approved by City Council).

On November 16, 2023, the Board of Zoning Appeals reviewed an appeal, presented by SOVA legal, of the Zoning Administrator's Decision that the operation of an automobile repair facility at 135 Forestdale Drive was an expansion of a legal non-conforming use. The Board upheld the Zoning Administrator's determination and denied the applicant the privilege of operating at 135 Forestdale Drive.

It is important to note that First Choice Transmissions, LLC is currently operating from this facility without proper licensing. After denial of a zoning clearance for a business license, the business was relocated from Riverside Drive and began operations. The structure itself has not been inspected and a Change of Use has not been issued for this operation. The denial of his appeal to the Board of Zoning Appeals also did not deter his operations. The business continued at 135 Forestdale Drive.

To maintain operation of an automobile repair at 135 Forestdale Drive, it is necessary that the property be rezoned. Legal counsel for the operation and the Division Director of Planning determined that a Code Amendment, subsequent Rezoning Request and Special Use Permit application was the path necessary for this request.

Today's Request

The applicant, SOVA legal, has requested a Code Amendment, Rezoning and Special Use Permit for the operation of an automobile repair facility at 135 Forestdale Drive.

The Planning Staff does not support the request to rezone 135 Forestdale Drive from OT-R, Old Town Residential to N-C, Neighborhood Commercial. Therefore, Staff is unable to support this request for a Special Use Permit.

RECOMMENDATION

The Planning Staff recommends that the Planning Commission recommend denial of Special Use Permit request PZ23-00497 at 135 Forestdale Drive. A Special Use Permit may not be granted without the approval of a rezoning to N-C, Neighborhood Commercial. Staff does not support the rezoning nor the Special Use Permit request submitted by the applicant.

Operation of an automobile repair facility at this location is incompatible with the surrounding community and the City of Danville's Comprehensive Plan.

ATTACHMENTS

1. Application
2. 135 Forestdale_Owners Map
3. 135 Forestdale_Aerial Map



December 8, 2023

Via Hand Delivery and Electronic Mail

Renee Burton
Director of Planning
City of Danville
427 Patton Street
Danville, Virginia 24541

Re: Applications for Code Change, Rezoning, and Special Use Permit submitted by
First Choice Transmissions LLC and L. Hampton Wilkins

Dear Ms. Burton:

On behalf of First Choice Transmissions LLC (“First Choice”) and L. Hampton Wilkins (“Mr. Wilkins”) (together with First Choice, the “Applicants”), the tenant and owner, respectively, of 135 Forestdale Drive (the “Parcel”), I submit the enclosed applications (collectively, the “Applications”):

- Application for Code Change Amendment;
- Application to Rezone the Parcel; and
- Application for Special Use Permit for the Parcel.

This letter is intended to supplement the Applications, which have been marked as Exhibits A, B, and C, respectively, including outlining the compatibility of First Choice’s use of the Parcel as required by the Applications.

Also enclosed is a check in the amount of \$1,070.00, representing the City’s fees associated with the Applications.

Relevant Background Information

The Parcel is truly exceptional: its uses have historically been commercial, yet it is located squarely within a residential area and is, in fact, zoned OT-R (Old Town Residential District).

Prior to First Choice’s tenancy, the Parcel was home to one or more private providers of emergency medical services. Unfortunately, given the location of the Parcel and the existing improvements to it, other uses of the Parcel are limited. Indeed, First Choice’s use of the Parcel –

to provide automobile-related services – was deemed an expansion of the prior non-conforming use of the Parcel.

In light of this determination by the City and confirmed by the Board of Zoning Appeals, our office has communicated with you on behalf of the Applicants to outline a path that – if approved by the Planning Commission and City Council – would allow for First Choice to operate on the Parcel. This path is a three-step process reflected in the Applications and discussed in greater detail below.

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Parcels zoned N-C (Neighborhood Retail Commercial District) presently allow for repair service establishments so long as they are non-motor vehicle related and without outdoor service.

Given these existing limitations, the Applicants submit that providing for additional locations in which a motor vehicle repair establishment can operate – with appropriate protections for neighboring property owners – is reasonable and, in particular, appropriate for properties such as the Parcel where maintenance of a prior non-conforming use is not practical.

To that end, the Applicants seek to amend the Code to allow for a motor vehicle repair establishment to operate on a parcel zoned N-C pursuant to a special use permit, provided that there is no outdoor service and any vehicles stored on the property are appropriately screened. In doing so, the Applicants do not seek to create any new “by right” use but instead create an opportunity in which exceptional properties such as the Parcel can continue in productive use.

Application for Rezoning

Should the above-referenced Code amendment be adopted, the Applicants next seek rezoning of the Parcel to the N-C classification, which the Applicants submit is the most appropriate zoning designation for a property such as this that has long been intended to serve a commercial purpose, is nestled within an otherwise-residential area, and for which it would be difficult to maintain a prior non-conforming use.

The requested rezoning would continue the commercial purpose of the Parcel and, should the special use permit discussed below be granted, allow First Choice – an established business within the City – to continue serving customers from this new location. First Choice observes normal weekday business hours, operating from 9 a.m. until no later than 6 p.m., and currently employs a team of five individuals.

A written statement of the compatibility of First Choice's use of the Parcel is set forth below.

Application for Special Use Permit

As the third and final step in this process, following adoption of the Code amendment and rezoning of the Parcel to N-C, the Applicants seek a special use permit to operate a motor vehicle-related service establishment on the Parcel.

The Applicants submit that, while many properties zoned N-C may not be appropriate for the siting of such a business, the Parcel is ideal given its existing infrastructure, the distance between such improvements and neighboring residences, and the comparatively more disruptive commercial uses to which neighbors of the Parcel have been accustomed in recent decades. First Choice is committed to performing all repair services inside its garage bays and constructing appropriate screening for any vehicles stored overnight on the Parcel.

Compatibility Considerations

For both the rezoning and special use permit applications, First Choice's use of the Parcel is in harmony with multiple goals of the City's 2030 Comprehensive Plan: it both (1) embraces the principle of sustainable growth and land use by continuing the productive use of the Parcel without the need for development of open space and, in doing so, (2) supports the continued economic development of the region by allowing this small business to thrive and grow. And, assuming adoption of the Code amendment set forth above, First Choice's use of the Parcel will be consistent with the N-C zoning district's special uses.

Furthermore, First Choice's operation from the Parcel is compatible with surrounding properties and current and future neighborhood conditions, given the long-standing commercial use of the Parcel and the fact that its operation represents a return to normal business hours and a reduction in noise and light disturbances associated with the most recent use of the Parcel.

Finally, the rezoning is also compatible with existing pedestrian and vehicular traffic patterns and preserves the status quo in both respects. The Parcel is also served by public facilities, and the rezoning sought here will not change or require expansion of such service.

Application Requirements for Special Use Permit

Our intention has been to address above each of the requirements identified as a requirement for consideration of the respective Applications. To the extent that any item has been overlooked, we will gladly and promptly supplement this letter.

* * *

Thank you in advance for your consideration of these Applications. Should you or your staff have any questions, do not hesitate to let me know. We look forward to discussing the Applications with the Planning Commission in January.

Sincerely,



Steven P. Gould

Enclosures

c: First Choice Transmissions LLC (w/encls.) [via electronic mail]
L. Hampton Wilkins (w/encls.) [via electronic mail]

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:

Chapter 41, Section 3.J: - N-C, Neighborhood Commercial (Neighborhood
Retail Commercial District)

Purpose for proposed amendment:

To allow motor vehicle repair service establishments to be a special use under item 12.
Proposed amendment: "Repair service establishments (non-motor and motor vehicle
related, ~~and~~ without outdoor service, and with screened outdoor vehicle storage areas)"

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

1. NAME (PLEASE PRINT OR TYPE): L. Hampton Wilkins

ADDRESS: 428 Piney Forest Road, Danville, VA 24540

EMAIL: hampton@wilkinsandco.com

TELEPHONE: (434)797-4007

SIGNATURE: Hampton L. Wilkins *counsel for owner* I hereby authorize the filing of this application.

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): First Choice Transmissions LLC

ADDRESS: 135 Forestdale Drive, Danville, VA 24540

EMAIL: firstchoicetransmissions@yahoo.com

TELEPHONE: (434) 429-7458

SIGNATURE: David Byrd-Dickens *counsel for applicant*

David Byrd-Dickens, Manager



CITY PLANNING COMMISSION

REZONING APPLICATION

1. An application for rezoning shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee as established by the City Council.
2. The application shall include the following information:
 - a. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - b. 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.
 - c. 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.
 7. A preliminary site plan in accordance with the Site Plan Regulations.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Zoning District: _____

Existing Zoning: _____ Proposed Zoning: _____

APPLICANT PROVIDED INFORMATION

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

Property Address: 135 Forestdale Drive Gross Area/Net Area: 0.8773 acres

Property Location: N ☒ S ☐ E ☐ W ☐ Side of: Forestdale Drive

Between: PIN 53192 and PIN 52864

Proffered Conditions (if any, please attach): _____

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

Name: L. Hampton Wilkins Telephone: (434) 797-4007

Mailing Address: 428 Piney Forest Road, Danville, VA 24540

Email Address: hampton@wilkinsandco.com

APPLICANT (PLEASE TYPE OR PRINT):

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

Name: First Choice Transmissions LLC Telephone: (434) 429-7458

Mailing Address: 135 Forestdale Drive, Danville, VA 24540

Email Address: firstchoicetransmissions@yahoo.com

David Byrd-Dickens, Counsel for applicant 12/8/23
Applicant Signature date
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

L. Hampton Wilkins, Counsel for applicant 12/8/23
Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the filing
of this application.



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#): 428 Piney Forest Road, Danville, VA 24540

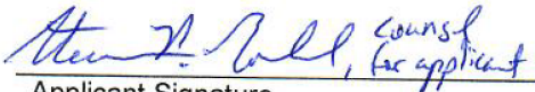
Applicant: First Choice Transmissions LLC

Applicant's Address: 135 Forestdale Drive, Danville, VA 24540

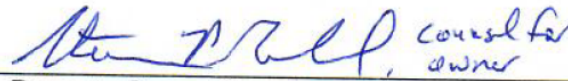
Applicant's Phone Number: (434) 429-7458

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

Describe Proposed Request: Please see attached correspondence.

 *counsel for applicant* 12/8/23

Applicant Signature
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

 *counsel for owner* 12/8/23

Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the
filing of this application.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
12/27/2023

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: January 8, 2024
TO: Planning Commission
FROM: Renee Burton, Division Director of Planning
RE: Rezoning Application PZ23-00498 filed by River City Developers LLC, requesting to rezone Parcel 73170 from PS-C Planned Shopping Center Commercial to M-R Multifamily Residential.

SUMMARY

Parcel ID 73170 is a vacant, undeveloped +/-30 acre tract with frontage on Parker Road, Sweetbriar Road and Koller Street. The property was recently purchased by River City Developers, LLC for a multifamily residential development. Their first step towards development is to rezone the property. It is anticipated that the property owners will return with a Planned Unit Development (PUD) proposal after more research has been completed.

The subject property is currently zoned PS-C, Planned Shopping Center Commercial. PS-C was applied to this parcel and parcels to the east and south in anticipation of shopping center development, now known as the Coleman Marketplace. However, this land and the houses along Sweetbriar Road and Koller Street with the same designation were never developed commercially.

To the north of the subject property is both M-R, Multifamily Residential zoning and S-R, Suburban Residential zoning. The property zoned M-R is developed with multiple apartment buildings and a mobile home park. The property zoned S-R is developed with a single brick structure. The adjacent properties along the western border of the subject property are located in Pittsylvania County and are developed with single family homes.

RECOMMENDATION

The Planning Staff recommends that the Planning Commission recommend approval of rezoning request PZ23-00498. The multifamily zoning classification and subsequent development is consistent with development in the area and can support the need for housing in the City of Danville.

ATTACHMENTS

1. Application_Rezoning
2. 73170_Aerial Map

3. 73170_Owners Map



December 11, 2023

Via Hand Delivery and Electronic Mail

Renee Burton
Director of Planning
City of Danville
427 Patton Street
Danville, Virginia 24541

Re: Application for Rezoning submitted by River City Developers LLC

Dear Ms. Burton:

On behalf of River City Developers LLC (the “Applicant”), I submit the enclosed application, which is marked as Exhibit A (the “Application”), to rezone Parcel Identification Number 73710 (the “Parcel”).

Also enclosed is a check in the amount of \$350.00, representing the City’s fee associated with the Application.

Relevant Background Information

The Applicant recently acquired the Parcel, which consists of 30.39 acres between Parker Road and Coleman Marketplace, at auction. In recent years, the Parcel has been zoned PS-C (Planned Shopping Center Commercial) given its proximity to Coleman Marketplace; however, it has not been developed to date.

Application for Rezoning

In light of (1) the absence of commercial development of the Parcel to date and (2) the City’s demonstrated and well publicized need for new housing, the Applicant seeks rezoning of the Parcel to the M-R (Multifamily Residential) classification, with the ultimate goal of achieving optimal use of the Parcel through a planned unit development negotiated with the City.

The sheer size of the Parcel provides a remarkable and exciting blank canvas for new residential development. In addition, it offers an intriguing opportunity to explore potential connectivity between such a development and an existing shopping destination in our region in the event that pedestrian access can be achieved.

The Parker Road area is also already home to an array of residential uses, with the Parcel abutting (a) two properties that feature homes and front Parker Road and (b) the western sides of Sweetbriar Drive and Koller Street, both already home to residential development.

Compatibility Considerations

The Applicant's desired use of the Parcel (i.e., new housing with an emphasis on multi-family opportunities) is in harmony with multiple goals of the City's 2030 Comprehensive Plan, both (1) promoting an opportunity for additional housing that is well planned (in addition to being much needed) and, in doing so, (2) supporting the continued economic development of the region.

The Applicant's desired use is also compatible with the specific rezoning sought, and the construction of new multi-family housing is in line with the established residential use of surrounding properties as well as current and future neighborhood conditions.

Finally, the rezoning is compatible with existing vehicular traffic patterns and has the potential to improve pedestrian opportunities. Furthermore, adequate public facilities are believed to exist to serve multi-family housing on the Parcel, but a specific determination will be made in conjunction with the specific proposed use of the Parcel.

Application Requirements for Rezoning

Our intention has been to address above each of the requirements identified as a requirement for consideration of the Application. To the extent that any item has been overlooked, we will gladly and promptly supplement this letter.

* * *

Thank you in advance for your consideration of this Application. Should you or your staff have any questions, do not hesitate to let me know. We look forward to discussing the Application with the Planning Commission in January.

Sincerely,



Steven P. Gould

Enclosures

c: River City Developers LLC (w/encls.) [via electronic mail]



CITY PLANNING COMMISSION

REZONING APPLICATION

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 4. Current and future neighborhood conditions.
 5. Pedestrian and vehicular traffic patterns, on-site and off-site.
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 3. Fiscal impact analysis.
 4. Parking and site circulation analysis.
 5. Photographs of property and surrounding area.
 6. Environmental impact statement.
 7. A preliminary site plan in accordance with the Site Plan Regulations.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Zoning District: _____

Existing Zoning: _____ Proposed Zoning: _____

APPLICANT PROVIDED INFORMATION

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

Property Address: Parker Road (PIN 73170) Gross Area/Net Area: 30.39 acres

Property Location: N ☐ S ☒ E ☐ W ☐ Side of: Parker Road

Between: PIN 73202 et al and Pittsylvania County line

Proffered Conditions (if any, please attach): _____

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

Name: River City Developers LLC Telephone: (434) 793-0217

Mailing Address: 733 Riverpark Drive, Danville, VA 24540

Email Address: clif.walden@riversiderooftruss.net; kevshotwe@aol.com

APPLICANT (PLEASE TYPE OR PRINT):

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

Name: River City Developers LLC Telephone: (434) 793-0217

Mailing Address: 733 Riverpark Drive, Danville, VA 24540

Email Address: clif.walden@riversiderooftruss.net; kevshotwe@aol.com



Kevin Shotwell (Dec 11, 2023 11:44 EST)

Dec 11, 2023

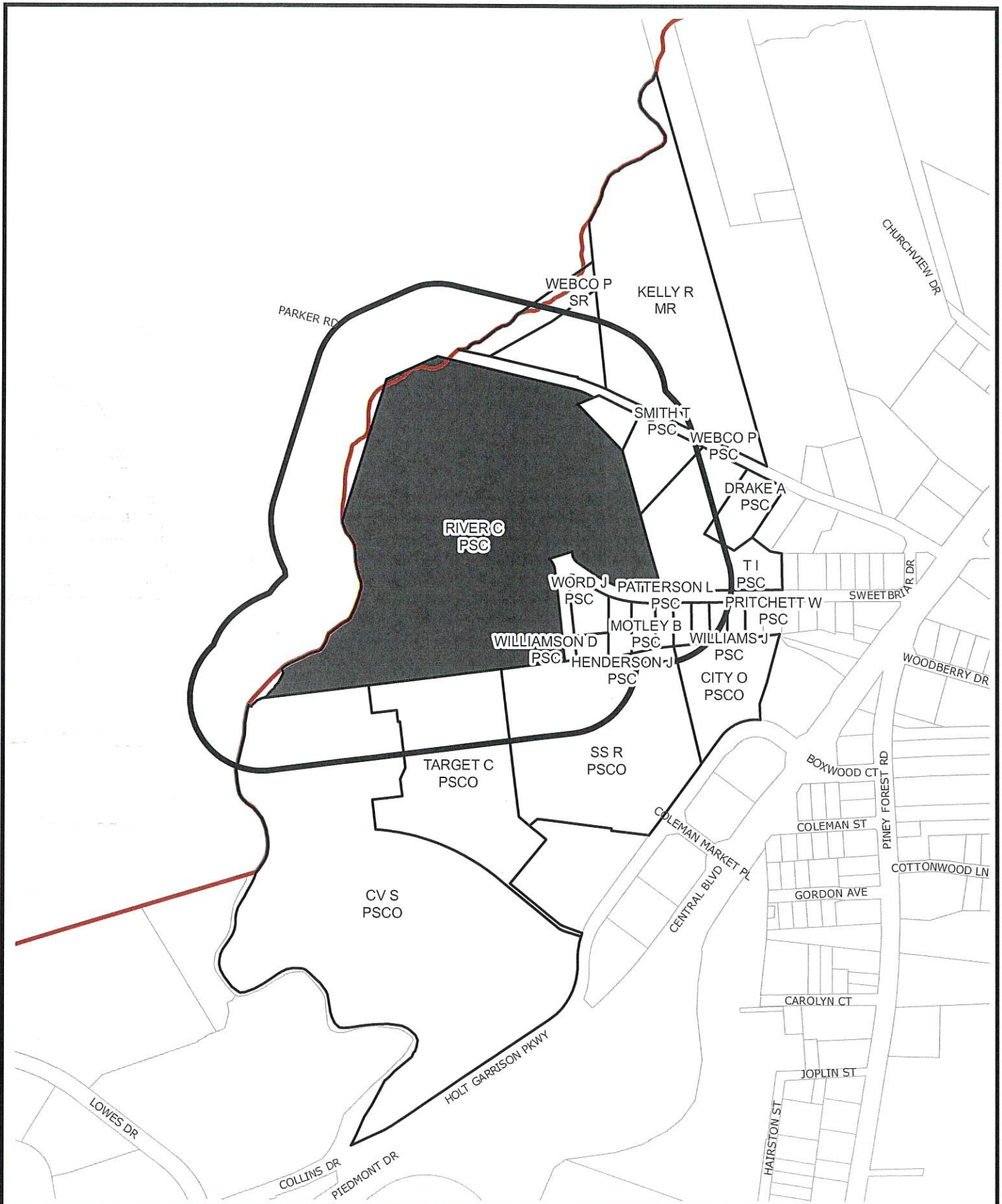
Applicant Signature _____ date

River City Developers LLC

By: Kevin Shotwell, Co-Manager

Property Owner Signature _____ date
(if not applicant)





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
1/2/2024

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.

PLANNING COMMISSION MINUTES

December 11, 2023

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Ranson
Mr. Jones

STAFF

Kenny Gillie
Cynthia Lester
Clarke Whitfield
Lisa Jones

Mr. Petrick stated. Request for an amendment to today's agenda in consideration of proposed changes to allow for a more efficient processing of applications for short-term rentals. Planning staff has requested that agenda items 1 and 2 under old business, and agenda items 1 through 18 under new business be postponed until further notice.

Mr. Bolton made a motion to postpone amendment to the agenda items 1 and 2 under old business and agenda items 1 through 18 under new business until further notice. Mr. Kahn seconded the motion. The motion was approved by a 5-0 vote.

I. ITEMS FOR PUBLIC HEARING

19. Special Use Permit Application PZ23-00404 filed by Garrett Shifflett, requesting a Special Use Permit at 618 Craghead Street (Parcel 21749) to request waiver of maximum density in accordance with Article 3.L Section C Item 13.

Mr. Petrick opened the Public Hearing.

Mr. Bond stated. I'm here on behalf of Garrett Shifflett, I would be happy to answer any questions you may have. All three of the requests have been met. There's bicycle parking, there ADA parking along with the public, and there's 88 units that all are fully leased. This is simply to correct a small clerical issue.

Mr. Petrick stated. These are the same condition items that were.

Mr. Bond stated. Yes.

Mr. Gillie stated. Staff has a question. The 1100-square foot commercial. Is that gone or is that still there?

Mr. Bond stated. No, there is an 1100-foot one, there are smaller ones but none of them are leased, and most likely no be used for commercial space they could be, I think it totals 1100 but they're split up into very small offices.

Mr. Petrick closed the Public Hearing.

Mr. Bolton stated. He said those conditions are met but, in the motion, you would still include it approval with conditions.

Mr. Petrick stated. Yes.

Mr. Bolton made a motion to approve Special Use Application PZ23-00404 with three conditions listed. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

20. Rezoning application PZ23-00449 filed by Lindsey Wagstaff III and Leslie McKay, requesting to rezone Parcels 76526, 76527, 76528, 76529, 76530, 76531, 76532, 76533, 76534, and 76535 on South Boston Road from N-C Neighborhood Commercial to HR-C Highway Retail Commercial.

Mr. Petrick opened the Public Hearing.

Mr. Wagstaff stated. Couple years ago, my wife gave this property to our two children, and they want to develop the property now, we do not have any specific use for it at the time we do want more options for neighborhood business. I think it is definitely compatible with what's going on out there. 58 coming from South Boston to Danville is the primary corridor going from the east to the west. There's a lot of traffic there. In fact, after looking around everything out there is HRC and I so diligent hope you all will approve this request.

Mr. Bolton stated. You stated putting them on the market, but you understand now you're going to develop it and keep it.

Mr. Wagstaff stated. No, we're open to both options. If something comes along where we could do a build to suit. That probably would suit us better than anything. This property has been in my wife's family, and we have been paying taxes for a long time. We need to do something with it. We are open to almost anything.

Mr. Bolton stated. Right.

Mr. Wagstaff stated. Whatever we do will be good for the community.

Ms. Cummings stated. I did not mail in my form but would like to register my opposition at this time. I here speaking on the behalf of my father, Dale Van Austin and my sister Holly Powell. We own the property there. My grandfather built the house in 1978 there, those properties that are in Green Acres are considered residential properties, back into the 1950's. My dad's property is the piece of land it touches, our concern is those parcels are already neighborhood commercial. So, they are developable. Nothing is stopping those pieces of property from being developed now. A special use permit could be obtained if any development wants to be done there that the neighborhood commercial zoning does not cover. I understand if the property is changed into this higher level of commercial property, that probably makes it more valuable on the market. However, there is something to be said for the quality of life of the individuals in the subdivision where my father currently resides. If the property becomes this higher level of commercial development it's going to make my father property less desirable as an owner occupied, single-family dwelling and that's essentially taking cash from one landowner's pocket and putting it into another. We would like to ask you to consider the impact on the neighbors and the folks that have lived in that development for years and years.

Mr. Bolton stated. So, which property is his looking at the map.

Ms. Cumming stated. It is 114 Vine Circle, the pie-shaped piece that backs up to a lot of the property parcel.

Mr. Bolton stated. Is it the one at the end of the cult the sac?

Ms. Cumming stated. Yes, the back of my dad's house basically is parallel to 58. Aside from the shifting of the value of the property going from being residential to commercial and that lowering the desirability of our property from being an owner-occupied dwelling. There is some quality of life to be said. My dad's in his eighties. This is the house that he's going to remain in, and I don't want Sheets right there with big lights, shining into and who knows who all will be there at all hours of the morning. If we knew that there was a current plan for development, that would be fine we certainly don't expect some one not to be able to develop their property if we knew what was going to go there and that would be beneficial and not go on into the night. It could be commercially developed now; it is already neighborhood commercial. A special use permit could be obtained to do something.

Ms. Castle stated. I live at 110 Vine Circle right next door to Mr. Van Austin. I am very much opposed to this also. The rezoning application states, under 2A, the description of the proposed whatever they are going to do, along with that the number of hours and the number of employees are not stated because it is unknown. The second thing is, there are 35 permitted uses for this zoning policy and that could be anything from a fast-food restaurant to a car wash to a convenience store that works 24/7. I don't think any of us want that beside our property. Also, the elevation of South Boston Road is higher than the elevation of our backyard on Vine Circle. In the past they were going to put a Burger King in our yard and offered to put a six-foot fence which would have been fine except we could stand on the back of our property and look over a six-foot fence. What provisions are you all going to protect us as a residential area? A six-foot fence like I said will not take care of it. So, that is the concern for us, also because one it's going to be noise because the trees are going to be cut. We are already hearing all kinds of sounds, fire department, lifesaving and traffic. Tractor trailer leaving Pilot going right up the hill and you hear them changing gears every night. Traffic is a problem now with the crossover that would be prevalent to what they would use if it was a business.

Right now, we have a Speedway, Flowers Bakery, and Tuscan Grill and Williamson Road. If we put another business, there we will have to use that one crossover and we do not have a stoplight there.

According to the FOIA I received from the police department, there have been seven accidents in that one intersection in the last year and a half. I would ask you to please vote no to protect our residential area. I don't think any of you would want a business that's open 24/7 to hear at 6:00 am, may I have your order please. Or at 2:00 am, could you repeat that order? Please vote no to protect our residents that are of retirement age and are not going to move anywhere else. This will probably be their final homes in the future. I would ask that you protect our property from the smell. I would hope none of you all would want that in your backyard.

Mr. Bolton stated. Staff if this were to be approved under the highway retail commercial there is certain things with lighting, noise and things that would come with that we don't need to look at anything today. Whatever development goes in there, they besides subject to wastewater runoff, green spaces and all of that.

Mr. Gillie stated. Correct, the city development provisions for stormwater management. We have to control that. We have buffers between different intensity districts, residential and commercial. They have to have landscape buffers and it's depending on the sizes, how much landscaping they can put in there. We do have external illumination regulations that covers spill over lighting onto adjacent properties. The city itself has a noise ordinance that speakers can't be a certain decibel at a certain time. We feel the code that we have now addresses when you have these different type of land uses. Yes, we have regulations in place for that.

Mr. Bolton stated. There is no need for us to address them today.

Mr. Gillie stated. It would be very difficult to address today until a development proposal comes in. It will be hard to say you're going to have this or that because each one is slightly different.

Mr. Bolton stated. Thank you.

Ms. Evans stated. To follow up to that, someone couldn't buy it and clear cut all the trees, and you will have to go back with the developer who's going to add landscaping and buffers.

Mr. Gillie stated. No, they could. Tree cutting is not regulated by the city. Tree planting is regulated by the city. Tree cutting is regulated through Department of Forestry. You can clear cut property. You have to get approval from them and then you come back in and the development itself has to have minimum landscape requirements; we have had a lot of development here. They come in clear everything else because some of the trees aren't what they consider good trees. They'll come in, meet our landscape requirements and plant all new things inside of development. Look at Coleman Marketplace that was basically cleared they came back in, planted all the trees and everything else. We have had multiple developments. So don't confuse the two together. You can come in clear cut. They can come in now and clear cut the lot itself and we wouldn't have any regulations on that. We would have stormwater management but again, on clear cutting Department of Forestry handles that, we handle the development portion of it.

Mr. Petrick closed the Public Hearing.

Mr. Bolton made a motion to approve Rezoning Application PZ23-00449. Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote.

21. Rezoning Application PZ23-00435 filed by Anthony Haynes, requesting to rezone 3411 Westover Drive (Parcel 71202) from N-C Neighborhood Commercial to S-R Suburban Residential.

Mr. Petrick opened the Public Hearing.

Mr. Haynes stated. I'm here speaking on behalf of Copper Construction LLC, the banks don't want to loan money on it, because they can't rebuild the house if the house burns down 50% or more.

Mr. Petrick stated. So, they're rebuilding and find it difficult to get financing because of this.

Mr. Haynes stated. No, they want to buy the house. We actually had it sold until they figured out that if it had burned 50% or more and you can't build a house back.

Mr. Petrick stated. I see.

Mr. Haynes stated. Therefore, the lady was trying to get a VA loan and they found it, we are trying to get it switched so we can sell the house.

Mr. Petrick closed the Public Hearing.

Mr. Bolton made a motion to approve Rezoning Application PZ23-00435. Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote.

22. Rezoning Application PZ23-00464 filed by Delabra Osvelio Macedo, requesting to rezone Parcel 73014 from OT-R Old Town Residential to HR-C Highway Retail Commercial.

Mr. Petrick opened the Public Hearing.

Mr. Macedo stated. I would like to have additional parking.

Mr. Bolton stated. You are going to have some of it fronting Ash Street, will you have egress from there as well from Piney Forest straight to the back or all access be from the original parking lot.

Mr. Macedo stated. Yes, from the original parking lot. Piney Forest.

Mr. Bolton stated. There will be no ingress, egress on Ash? Could people leave your restaurant on Ash Street.

Mr. Macedo stated. No.

Mr. Petrick closed the Public Hearing.

Mr. Dodson made a motion to approve Rezoning Application PZ23-00464. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

23. Special Use Permit application PZ23-00465 filed by Powers Signs requesting a Special Use Permit at 540 Central Boulevard (Parcel 26372) to allow a waiver to maximum sign area in accordance with Article 3.1 Section C Item 25.

Mr. Petrick opened the Public Hearing.

Mr. Powers stated. I'm with Power Signs working with Sacred Heart. I didn't catch what was the maximum height, you recommend?

Mr. Gillie stated. 15, Ms. Burton recommended I'm just reading it.

Mr. Powers stated. I've modified it somewhat, not that much because I'm dealing with the church that's out of Richmond. The number one architectural element in this case by definition, wouldn't you subtract the signage from the brick as it comes to architectural element?

Mr. Gillie stated. No, the brick would count as an architectural element, the sign itself is measured from corner to corner of advertising space. Anything not included in that is considered architectural element.

Mr. Powers stated. What I'm getting at is in this drawing we modified we actually have a LED, a 27 inch a text at 43.3 for 70 square feet which is 70.3 square feet which is actually less than HRC which is the largest allowed and then we've lowered it somewhat only about a foot from the original, if you subtract the lettering, the LED from the brick we come up with 115 square feet.

Mr. Gillie stated. The sign itself the LED is 3x9, right.

Mr. Powers stated. Yes.

Mr. Gillie stated. From the corner of the S up top to the bottom of the C, what do you get?

Mr. Powers stated. I don't have that.

Mr. Gillie stated. At this point with the change, I will recommend we just table it and allow staff to work on additional design with them because without calculations I can't say how it would impact the code.

Mr. Petrick stated. You spent some time with Ms. Burton on this issue with this sign.

Mr. Powers stated. Yes.

Mr. Petrick stated. It seemed we've got a maximum height that you're recommending of 15 feet.

Mr. Gillie stated. Correct.

Mr. Petrick state. We are exceeding that considerably here, aren't we?

Mr. Gillie stated. What your height on this.

Mr. Powers stated. The drawing I just handed is 18 feet, nine and a half inches.

Mr. Petrick stated. So, there is no way this can be modified to 15 feet?

Mr. Powers stated. The only thing we could probably bring it down some but there's a fence there. So, what I was trying to make sure that the Catholic Church school was above the fence line for visibility. If we come down 15 feet, we will have to do away with the element above it where it tries to mimic the actual entrance to the city.

Mr. Petrick stated. I see what you are doing yeah.

Mr. Petrick closed the Public Hearing.

Mr. Petrick stated. Is this something that can be worked out with Mr. Powers.

Mr. Gillie stated. I think it can be worked out with Mr. Powers. That is why it's staff recommendation would be either what we have or if you table it and allow us to go back and work with him on some additional designs and come back with something that's agreeable to all parties.

Mr. Bolton stated. Was there any urgency on this that you're aware of? Seems like to me the logical thing would be to table it unless there was urgency and he'd rather have the 15 feet approved.

Mr. Gillie stated. I don't know of any urgency. That would be a question that he would have to answer. I think they've been working on this for a while, so I don't believe there is any urgency.

Mr. Petrick stated. Mr. Powers would you prefer to postpone this and see if you could work something out or would you be opposed to approving the 15 feet and letting that stand.

Mr. Powers stated. I received an approval letter back. I'm not in a position to say anything other than we will try to work it out, I can't say yay or nay.

Mr. Petrick stated. Okay.

Mr. Kahn stated. Will this new sign go over the existing sign that is there right now or are you going to eliminate the old sign.

Mr. Powers stated. The old sign will be removed, and the new sign will be put in its place. I thought in my opinion, that we might should move it toward the river a little bit, but they wanted to keep it right there because it was just an accident up there about a month ago the took out part of the fence and what I'm concerned.

Mr. Kahn stated. There more than one accident there. And I know that, I did the entire parking lot for the church.

Mr. Gillie stated. Staff has concerns with relocating due to underground utilities and others in that area. We're kind of limited. Sign is already out in the right of way that's used of agreement is but the movement, there's some manholes and some other underground infrastructure that really preclude us moving that sign around.

Mr. Powers stated. I had that check, its fiber optic it but nothing else showed up. I had this utility check.

Mr. Gillie stated. Engineering sent me a thing about some manholes so that's what I'm going with.

Mr. Bolton made a motion to postpone Special Use Application PZ23-00465. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

24. Rezoning Application PZ23-00469 filed by J. Cubas Holdings, LLC, requesting to rezone Parcels 75941, 77419, 77420, 77421, 77422 on Jenny Lane from TR Threshold Residential to S-R Suburban Residential.

Mr. Petrick opened the Public Hearing.

Mr. Murphy stated. I live at 531 Jenny Lane. The opposition originally was based on the fact that I'd heard and read in the application that it was requesting four or five houses per acre. But what I'm hearing from the staff report is three which is more amenable, to be honest with you and some of the neighbors' opinions is that Arey Estate which is there today is two. So, we were thinking that from a traffic safety, Goodyear traffic that keeping that zoning would be best.

Ms. Pruitt stated. She resides at 600 Jenny Lane, which is part of the 592 Jenny Lane property that's adjoins parcel 46 acres. And I own property at 449 Jenny Lane which is across the street from the 55 acres. One of my questions is, should there have been a public notice signed posted on the two properties, 14 days prior to the Planning Commission Meeting. Per the code of ordinance, chapter 42, article 4F. The staff was notified on December the 6th at 11:31am, that there was not a sign posted of this meeting.

Mr. Gillie stated. Signs are provided to the applicant. How they post them, where they post them, they are supposed to do that. I can't testify and say yes or no maybe that something that others in the staff can answer but they're sick. I can't answer that question. We give them to the applicant.

Ms. Pruitt stated. One of my concerns was the same as Mr. Murphy is his application states that he wants four per acre and the staff says three.

Mr. Petrick stated. That's what he wanted to have.

Ms. Pruitt stated. The staff reports no road improvements are necessary and this seems to be dangerous at a minimum consideration be given to widening the road at least allowing for a turn lane into the subdivision and concerns over the storm water management requirements given the topography of the land and ensuring adequate system are in place. And if this goes through, if they run the sewage will the existing residents of Jenny Lane be allowed to connect to that sewage, because we have been trying to get it since annexation and have not been successful at that.

Mr. Petrick stated. Would staff like to comment on any of the issues as far as traffic and utilities are concerned.

Mr. Gillie stated. I can comment on both. One the traffic impact analysis or improvements depending on what come out of that traffic impact analysis will be required. They will have to do a TIA to see what impact this will have in that area and then improvements will be necessary based on the outcome of that TIA. So, to say that they wouldn't do anything, no something is going to have to be done. They just have to study it first, figure out what's necessary and then go from there. As for the sewer, depends on how that line is run our intention has always been to serve additional folks in that area. We have it right now serving the subdivision to the southwest and Erie Estate. The problem with that is the gravity is too high. So, it we can run it here across this property and continue out and continue on Jenny Lane and serve additional properties. Yes, we would love to provide the more the better.

Mr. Pruitt stated. I live across the street from this property, which is 500 feet from Arey Estate, I said I would pay for them to connect the sewage to my house and that wouldn't happen either.

Mr. Gillie stated. The topography, the problem with that wanted area at the end of Arey is the sewer line to get it up there is so tall, depends on where your house is, you can't make sewage flow uphill without a pump. It is not cost effective to have a pump on a single house. So, gravity gets in the way of things. I'm not the engineer. I didn't design all this stuff. I just know as we've been looking at anything that goes here from when it was previously considered for the RV Park and then it going to a single-family development, we have been considering all the topography in the best way to get the lines from the other side of the bypass out to this side of the road and then try to serve the maximum number of customers in that area and the biggest problem is just been topography and where the houses are located in relation to how you can get a line to run without having expensive pump system and everything else. Gravity is always the cheapest.

Ms. Pruitt stated. The original annexation document states that there would be sewage run in that area, and we are like 30 years away.

Mr. Gillie stated. Much longer than that 1988. So, we are going closer.

Ms. Pruitt stated. I have those documents at the house, and they said they would run sewage through there.

Mr. Gillie stated. I got here in 1992. So, it was even before I got here.

Mr. Petrick stated. As far as storm water runoff, that will be addressed also.

Mr. Gillie stated. Storm water runoff would have to addressed; internal traffic circulation will have to be addressed. Those things that come to TIA. The stormwater runoff is handled through the development of the property. There is a lot of things that comes into a development. Right now, its just they would like to increase their density from the 2 to 3. So, they can provide a few more house in there. The city perspective, we need houses but they're not asking to increase the density to a large amount. They could have gone to OTR or something else that would be a substantial increase. They went up to the SR which is basically one additional house per acre. Approximately 40 additional houses.

Ms. Pruitt stated. There's like 13 properties in Arey Estate is undeveloped. Why haven't they built houses on them if houses are so necessary in that area.

Mr. Gillie stated. That's a market question. You know why haven't sold those lot. I don't know. I'm not the guy marketing those lot. They have to sell them, that was the Marshall's who did it, I don't know what the prices are on those lots or anything else. They could price themselves out of the market. Maybe someone's holding on to a lot that is questions I don't know the answers to. We would love to see them all developed. I agree with you there I would love to see people build houses as much as possible on those lots and finish that subdivision, but I can't say.

Ms. Pruitt stated. The TIA is it not the same one applied to this that applied to the RV Park traffic impact analysis.

Mr. Gillie stated. It would be a basis for it, it would have to change because RVs are different than single-family dwellings because now you have an RV, you're hauling a large vehicle on another vehicle, a single-family is usually 2 or 3 cars associated with the house they don't have the large vehicles pulling in and out. So, the traffic is different between the two.

Ms. Pruitt stated. Less than a half a mile in the TIA for the last analysis they did was 5 million dollars to repair that road.

Mr. Gillie stated. That would probably be similar but again, until that is done, I'd be speculating at best.

Mr. Rice stated. I live adjacent to this property that he's developing. One question as for apartments. Is it just for single house dwellings or is this a possibility of apartment getting put in place of them?

Mr. Gillie stated. The suburban residential only allows single-family dwellings. They could come back in and ask for an additional special use permit to put duplexes in at the best but not multifamily. That would require an additional rezoning. Even if they would try to put duplexes in, you would get notification of that. So, this is single family and single family only.

Mr. Rice stated. I know the next one coming up is another parcel of land down the road from us that they are trying to develop also and I'm not sure how many we're talking about housing they are asking for there. Like Ms. Pruitt stated looking at 5 million dollars for a quarter of a mile. They are talking about developing above Arey Estate and everything so that is an additional road footage to be covered. We are looking at right now dual two per acre.

Mr. Gillie stated. Ninety-two was as it is with suburban.

Mr. Rice stated. Anywhere from 2 to 3 vehicles per household, you figure a husband, wife and maybe a teenager. You are looking at possible an additional 300 and also 300 back and then we are talking about the double parcel down the road also that I'm not sure how many they are asking for there but you figured another 2 to 3 cars per household and on top of that you have Goodyear traffic, going to and from the golf course and the Goodyear traffic going up and down Goodyear Blvd. We are also looking at possible stoplights to control the traffic flow for this area because I've live there since 1992, and have never let my children on that road because it is a 25 mile zone and they go through there doing 40 and 55 miles per hour. It is already dangerous enough as it is with the Goodyear traffic. And now we are talking about slapping a minimum 300 possible 600 cars back and forth on a daily basis on that road. There is no way that road is going to handle that and be safe for the people that live on that road. I do understand they need to develop the property but we're talking about going from 2 to 3 houses per acre. That is a lot of houses that an additional 40 people on that road. Now Arey Estates is 2 per acre. You know it has to be developed. I would rather have it stay at what is recommended right now by the city instead of it developing even more than we have now.

Mr. Petrick closed the Public Hearing.

Mr. Bolton stated. You have the acreage in there and I've subdivided two subdivisions over the years and you're not going to get a quarter acre lot every time. They're going to be areas that way the land is. You might have an acre lot, two-acre lot of only one house. So, what he proposes may end up being a little less, depending on topography. I'm not saying I guarantee it but I know how

those goes. You go into a piece of property thinking you going to get a hundred houses and you end up with seventy.

Mr. Kahn stated. I have a question for staff, from Jenny Lane going out to 86 that's Goodyear Blvd. Last time I thought a study was being made when the RV was supposed to go over there. Does the study have anything to do with the traffic flow and widen the road on Goodyear.

Mr. Gillie stated. Again, the problem we have with comparing the two studies. The traffic impact is going to be necessary for this as well for that. There was one done. When you have the RV Park. Yes, the vehicles are different, they are almost mini tractor trailers. So, the turning radiuses, the acceleration, the deceleration, all the things that are studied are different than a single-family development. The volume, the peak turnover times.

Like the gentlemen said you leave in the morning to go to work, 8:00 o'clock you have a rush. When you're coming to an RV Park, the peak discharge time, you show up to your vacation you check in around 11. The numbers all change. So, the size of vehicles, it hard to compare the two studies, What they're doing is saying, alright these are occurring in the same area so we can use the basis of that but the types of vehicles, traffic flow and the numbers all of that is going to be different, the only thing that counts is they say we had this many vehicles on 86 or this many vehicles on Goodyear beforehand. You can use that as a basis but then you have to change the numbers. So, it is really hard to say this one and that one. The road improvements may be similar, but it also may not because the radiuses, the turning radius for an RV versus a car is going to be different. So, the curvature, the slope and everything else can be different. It is really hard to compare the two.

Mr. Kahn stated. I understand that. What I am really concern about the width of the road it meanders before you get to 86. I worked there for five years. Going on to Goodyear Blvd, coming from 86 and both sides is very dangerous. Especially when it rains, light snow and things like that. Even with the housing and the RV before. That section of road I'm sure studies will be made again. That sectional road I deem very dangerous. I think something needs to be done, whether they put housing, RV Park it is very treacherous.

Mr. Gillie stated. We will look at that, the crossover at Martha and everything else.

Mr. Bolton stated. There's a road study and they came and said yes, we will approve it with this light here but we only going to approve it for 100 houses. Do they get into the nitpick or do they base it on a hundred and thirty-eight or with the traffic come back and say yes, this would be safe with a light here and here but only a hundred houses. There's a traffic study get into that much detail.

Mr. Gillie stated. Traffic study gets into details of what improvements are necessary based on the maximum development potential for that site. For example, if we say that there 140 houses there, what impact would 140 houses have on this area. They will also look at any other potential development in that area. We have on 86, we had a rezoning a few months ago for some apartments by the Valero Station, that going to impact the traffic on 86. This is also coming out to that area on 86. That intersection would have to account for both of those, you have this traffic now, is this traffic now all going to turn east some is going to turn west to go to the bypass. They'll kind of balance that out. So, it will get a list of improvements as necessary based on what they think the maximum development of that site would be. Now as you said, it's probably not realistic the number because you are going to find somebody, and this may be the reason in Arey Estate somebody may say I want that lot and the lot next to it, so I don't have a neighbor. We look at it that there's 140 lots. We assume 140 houses. As you said, we usually don't get that because somebody buys that piece next door. They are developing it, the traffic based on what they think the max could be, but it hardly ever develops at that max. At this point can they do the density, then we have to do the studies based on the max depending on what this density is. See what improvements are necessary and go from there.

Mr. Bolton stated. So, the subdivider would have to do things for the max.

Mr. Gillie stated. Correct.

Mr. Bolton stated. If it ends up being less that just more protection, even for lesser amount.

Mr. Gillie stated. Correct.

Mr. Bolton stated. Generally speaking, when you subdivide, that's going to happen.

Mr. Gillie stated. Correct.

Mr. Bolton made a motion to approve Rezoning Application PZ23-00469. Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote.

25. Rezoning Application PZ23-00470 filed by J. Cubas Holdings, LLC, requesting to rezone Parcel 78052 on Jenny Lane from TR Threshold Residential to S-R Suburban Residential.

Mr. Petrick opened the Public Hearing.

Mr. Rice stated. When we were doing this back for the RV Park, you Mr. Bolton suggested that we do a traffic study.

Mr. Bolton stated. I do.

Mr. Rice stated. But on this one, I didn't hear anything about a traffic study being done before it goes to council.

Mr. Bolton stated. I don't think it would ever be before it goes to council. Why would you do an impact study. before it was even sent.

Mr. Rice stated. The other one was impact study before it was even sent up, this time you all voted to table it, but you didn't vote that we're going to do the impact study before it's sent up to council.

Mr. Petrick stated. The study itself is going to determine what support is going to be required there to either improve or enlarge.

Mr. Rice stated. The thing is, was it stated in the record that you all would do the traffic study before you all send it to council and have them vote on it. But this one right here we didn't do that. We just said we're going to do a traffic study after the council votes or whether to have it or not.

Mr. Petrick stated. I can't speak to that unless that was something that Mr. Cubas decided.

Mr. Gillie stated. The RV Park was such a different type of development than a single-family development.

Mr. Petrick stated. Yes.

Mr. Gillie stated. The size of the units, the potential of turnover. It would almost be similar to a hotel complex because you have people constantly coming in and out. The traffic difference between an RV Park and a single-family development is substantial. We don't feel the need based on the increase in density. Right now, someone could come in and develop that as TR, not required TIA because it's single family it's by right. We're saying we need to do it because it increases in density. We can still get that done, that's why we are not pushing for it beforehand because it's single-family in that area. The whole neighborhood is single-family short of the golf course and the pieces that you have up on Goodyear itself, you have the old warehouse and the car lot and the Builder's Discount. So, we don't feel the need for city council. We will require it before it's developed because there's going to be some improvements necessary. No one doubt that there is improvement necessary out there.

Mr. Rice stated. Like I said, you have everybody in the morning going to work.

Mr. Gillie stated. Right.

Mr. Rice stated. And you have Goodyear trying to go the work. In the afternoon also I'm just saying, it seems to me that we okay this guy to come in and start building before we do an analysis on the traffic study for the area. I know you said RV is different but you're talking about the time was width the road. Now we're talking about 300 to 600 cars a day going up and down the road, instead of 20 RVs coming in on a special day. Now you tell me that's a different in the width I understand that but now we're talking about the population of traffic is going to be on that road at any given time especially in the morning and afternoon.

Mr. Gillie stated. Substantially more than 20 coming in and out of there based on that.

Mr. Rice stated. I understand that you were mainly basing on the width of the road and that RV is not being able to pass. That was the biggest thing and also the road condition itself couldn't support the weight of it but now we're talking about a larger number of cars going up and down the road. Now we going to approve this without doing a study and let him go ahead and start. It doesn't seem fair to me the study should be done beforehand to see if this person can come in with 100 or 140 or even 50 in both lots based on what we have right now or what the city is going to have to pay to run the widen the road to put up stoplights, run sewer, gas and water to all these places also.

Mr. Petrick stated. Is this an implied conditional item as far as the traffic study is concerned? Is this going to have to be done.

Mr. Gillie stated. Yes, traffic impact study will have to be done.

Mr. Petrick stated. What is the issue?

Mr. Rice stated. I didn't know.

Mr. Petrick stated. I will have to be done before the area is developed, correct.

Mr. Gillie stated. We've considering single-family. We are saying before you develop it you have to do it. It is the timing of it. Before it was like, we wanted it up front to see what the impacts were going to be.

Mr. Rice stated. It was based on the RV Park we said we was going to do it beforehand and this time we didn't that the reason I was questioning.

Mr. Gillie stated. We considered such different, single-family is what in that area. We know we're going to have to do improvements. You can do that study as you go through the process, with the RV park its like can it even handle an RV park? So, we want that up front. That's the difference so that's why we are not requiring it now.

Mr. Rice stated. I just wanted to get clarification on that.

Mr. Gillie stated. No problem.

Mr. Bolton stated. Further clarification, the applicant would have to abide by the traffic study, it's just no negotiation. Once the traffic study says, he needs to do this and this. He has to do that.

Mr. Gillie stated. It has to be done correct.

Ms. Pruitt stated. We not opposing houses being built, It's just the number of houses. If it was two per acre, like Arey Estate, that fine but the more traffic you get, we have a hearing-impaired daughter. I don't feel safe for her to go out on the road now and with the additional traffic, she will not be able to leave our yard. My preference would be to maintain the 2 per acre.

Mr. Petrick closed the Public Hearing.

Mr. Bolton made a motion to approve Rezoning Application PZ23-00470. Mr. Kahn seconded the motion. The motion was approved by a 5-0 vote.

V. PLANNING DIRECTOR'S REPORT

VI. MINUTES

The November 13, 2023, minutes were approved by unanimous vote.

With no further business, the meeting adjourned at 4:35 p.m.

APPROVED

PLANNING COMMISSION MINUTES

December 19, 2023

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Khan

STAFF

Cynthia Lester
Renee Burton
Clarke Whitfield
Shanika Williams

I. ITEMS FOR PUBLIC HEARING

1. *Code Amendment Request to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 2.Y, Article 3.A, Article 3.B, Article 3.C, Article 3.D, Article 3.E, Article 3.F, Article 3.G, and Article 3.I.*
Council Letter Number CL – 1094

Mr. Petrick opened the Public Hearing.

Mr. Petrick closed the Public Hearing.

Ms. Evans stated. You say that the process of notification and input remains the same. So, if there's a number of neighbors that are against a special use permit for short-term rental or special exception if we move it. Such as it was on Virginia, does the Board of Appeal Zoning still have the right to deny it or do we have to simply go by the five guidelines that you present us at each meeting. Is it black and white or is it some gray?

Ms. Burton stated. The five guidelines you're referring to are specifically for a variance application. That would not be the case with a special exception permit. So, those guidelines would not be there. Your guiding principles would be the regulations that are set forth in Article 2 section Y. The same you have now for a special use permit, they would use the same in the Board of Zoning Appeals.

Mr. Bolton stated. They would put conditions and things like we do now. They could say, well we recommend approval.

Ms. Burton stated. That's correct.

Ms. Bolton stated. Based on these conditions being applied. So, they would have that right as well.

Ms. Burton stated. Yes.

Ms. Evans stated. The guidelines the Planning Commission discussed previously that were not voted on by City Council. When do we vote on those, or do we vote on those?

Ms. Burton stated. Those were approved during the City Council December 5th, first meeting in December. So, those have been approved and are in effect.

Ms. Evans stated. The requirement for a driveway, for example, now exists.

Ms. Burton stated. The item for parking was stricken. So, if that was to be something that was placed on a particular application, it would have to be a condition placed on the approval.

Mr. Petrick stated. The maximum number was that affirmed by city council.

Ms. Burton stated. That was postponed.

Ms. Evans stated. Is there anything else that they removed that we need to be aware of or that I need to be aware of. Or other members of BZA need to be aware of.

Ms. Burton stated. They made two changes from the approval that Planning Commission recommended to City Council. One was they did remove the parking requirement. And the other was they did allow accessory uses. Short-term rental as an accessory use to remain. Planning Commission had recommended that be stricken from the regulations.

Ms. Evans stated. Why did they remove the requirement for driveway?

Ms. Burton stated. That was not discussed. The reason why was not discussed during the meeting.

Mr. Whitfield stated. What council said that it shouldn't be a blanket requirement but that if there were times and places where that wouldn't need to be required that it would be up to the Board of Zoning Appeals to do it.

Ms. Evans stated. Accessory use, meaning you can rent rooms.

Ms. Burton stated. Not rent individual rooms. So, you could not have a five-bedroom home. You use one bedroom and then each four bedrooms additional are each individual rental. You could rent less than 50% of the structure itself. So, you would remain as the primary residence and then you would rent less than 50%.

Mr. Bolton stated. Like the person did on College Avenue.

Ms. Burton stated. Right.

Ms. Evans stated. You determine that it's less than 50%?

Ms. Burton stated. College Avenue?

Ms. Evans stated. No. If someone wants to rent it as an accessory use, then staff determines it's less than 50%.

Ms. Burton stated. Yes, their Certificate of Occupancy will identify the square footage difference on what is to be used as the primary dwelling and what is to be used as rental.

Mr. Dodson stated. I think we sent City Council a good proposal and we said 1% of the buildable lots in the city, about 150 and that would limit for that time if the city had increased on buildable lots. The number could change the next year or whatever. I think that was a good proposal. It would eventually stop all these, we are not going to have 25 every month because you're going to run into your number 150 and that's it. To me seems that council just doesn't want to deal with it. And they want us to put it on the Board of Zoning Appeals and then they have to deal with it. And then City Council doesn't have to deal with it at all. I think our commission can do just as good a job as the Board of Zoning Appeals deciding yes or no. That's my position on it, I just think we need to keep it like it is. And if they would approve our 1% then it's not going to be a problem for very long. It might be a backlog for a little while. But it's not going to last forever. That's what I think.

Mr. Bolton stated. We need to decide that even the residential market wouldn't have to go up, we could add a meeting not now, but we could have just raised on the spot at a Planning Commission meeting, we wouldn't have to wait for the home to increase to make that 1% higher. We could have done that. So, that goes away, right.

Ms. Burton stated. When an item is brought back to City Council, they will determine either to approve or deny the 1% or 150 and then if that is approved, then in the future, it could come back as an additional code amendment to raise of lower that amount.

Mr. Dodson stated. It not going to be a hardened line, permanent numbers. 150 forever that was not going to be the case.

Ms. Burton stated. Can be amended. Yes.

Mr. Dodson stated. Right.

Mr. Bolton stated. So. Council hadn't decided on approving that or not yet. That hasn't been decided. They've tabled and they can bring it up at another meeting.

Ms. Burton stated. Yes.

Mr. Bolton made a motion to approve Code Amendment Request to amend Chapter 41 entitled "Zoning Ordinance" as submitted. Mr. Ranson seconded the motion. The motion was approved by a 4-2 vote.

V. PLANNING DIRECTOR'S REPORT

Ms. Burton stated. We have a new staff member Antonio Furman he is our Short-Term Rental Technician.

With no further business, the meeting adjourned at 2:15 p.m.

APPROVED