

Planning Commission Minutes

March 11, 2024

Members Present	Members Absent	Staff
Mr. Petrick Mr. Dodson Ms. Evans Mr. Khan Mr. Bolton	Mr. Jones Mr. Ranson	Renee Burton Cynthia Lester Clark Whitfield Shanika Williams

Mr. Petrick opened the Public Hearing.

1. Special Use Permit application PZ24-00090 filed by RMC Investments LLC for waiver for increase in building heights to over 50 feet at 1080 Riverside Drive (Parcel 02176) in accordance with Article 3.M Section C Item 20.

Ms. Burton Stated: The applicant RMC Investments LLC is requesting a waiver for building heights greater than 50 feet in accordance with article 3m, section c, item 20 at 1080 Riverside Drive. 1080 Riverside Drive is zoned HRC, Highway Retail Commercial. Proposed construction of a new hotel is 53 feet in height. Special use permit granting a waiver for a building height is necessary to complete the project as proposed. The proposed hotel project is part of the True and Home to Suites Brands, with the accommodations of 143 rooms. A hotel construction is allowed by right in this location zoning classification. A waiver for heights greater than 50 feet is the only waiver necessary for construction as proposed. There were 12 notices sent out to the surrounding property owners. 4 unopposed responses were received. Planning staff recommends that the planning commission recommend approval of PZ24-00090, to grant a waiver of increase in building height over 50 feet in accordance with article 3m, section c, item 20. The construction height may not exceed 53 feet as proposed.

Mr. Petrick Stated: Thank You. We will now open the public hearing. Anyone who would like to speak in favor of this item, please come forward. State your name. Yes.

Ryan Gatewood Stated: Good afternoon, my name is Ryan Gatewood. I'm president of LNE Professionals here in Danville, and I'm here on behalf of my client, RMC Investments. They are proposing to build a 143-room hotel. This Variance request is to exceed the maximum height limit of 50 feet. We are only requesting to go to 53 feet. This is in order to get a 5-story hotel in, instead of a 4-story hotel. The clients looked at the existing Hampton inn. They also own that building and realized how quickly they were filling up that hotel. There is this need in the city for additional rooms. And so, they pivoted on the existing true hotel that's been approved, and decided to propose a larger hotel to accommodate the growing need in the city. And I'm here to answer any questions you may have.

Mr. Bolton Stated: Parking? Are you going to share parking with the other hotel?

Mr. Gatewood Stated: Yes Sir. It'll be similar to the other true hotel that was proposed. This will be a shared parking agreement with the existing Hampton Inn.

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Mr. Bolton Stated: Do you think it'll be enough. There are 2 hotels right there.

Mr. Gatewood Stated: There will be a fair amount that's going to be added to what is there now. There are currently 88 rooms in the Hampton Inn and 98 Spaces. We are going to shoot for 238 spaces total for both hotels.

Ms. Evans Stated: Will you use the same entrance?

Mr. Gatewood Stated: Same entrance. No new entrance is proposed for Riverside.

Ms. Evans Stated: How tall is the Hampton Inn?

Mr. Gatewood Stated: The Hampton Inn is 4 stories. In terms of height, I would say that's 48 feet.

Mr. Petrick closed the Public Hearing.

Ms. Evans: I have a question for staff. Why is the limit 50 feet? Because we're looking at an apartment building and one of our agenda items later on is 60 feet.

Ms. Burton Stated: It does vary depending on the zoning classification. And I believe that is generally just for the aesthetic and then the ability for any kind of emergency vehicles to access fire. That type of thing. The 50 feet limit was of course developed 20 years ago when that current zoning code was adopted. This is so our fire department has greater accessibility to get to items, so things have changed a little bit, but the zoning code has not.

Ms. Evans Stated: Revisit that.

Ms. Burton Stated: We have proposed changes that you'll see probably in 2025 starting out. So, after the com plan, a new zoning code follows. So, they are in the works.

Mr. Bolton made a motion to approve application PZ24-00090, Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote

2. Code Amendment Request PZ24-00098 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3.

Mr. Petrick open the Public Hearing

Ms. Evans stated: Will there be a list of offers when someone ask for a special use permit?

Ms. Burton Stated: They can, yes.

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Ms. Evans Stated: They can but it's not required?

Ms. Burton Stated: Not required, no.

Ms. Evans Stated: So, anything?

Ms. Burton Stated: Within the guidelines of the zoning code yes. There are prohibited retail sales in the west main corridor, and in other areas of the city, and of course anything that would be illegal to sell to begin with.

Ms. Evans: This one can have store front displays as you changed it?

Ms. Burton Stated: Will not be allowed to have any outdoor displays, no.

Ms. Evans Stated: But store front?

Ms. Burton Stated: Right, you may have something in the window that's visible yes, but not anything that's outside of those walls.

Mr. Petrick closed the Public Hearing

Mr. Bolton made a motion to approve application PZ24-00098. Ms. Evans seconded the motion. The motion was approved by a 5-0 vote.

3. Special Use Permit application PZ24-00054 filed by Kisha Chaney to allow commercial recreation facilities at 1010 Piney Forest Road (Parcel 57737) in accordance with Article 3.M Section C Item 4

Mr. Petrick open the Public Hearing

Ms. Chaney Stated: Good afternoon, my name is Kisha Chaney and I am the owner of Ten restaurant and lounge here in Danville Virginia ten piney Forest road. Currently I am a restaurant, and I also would like to have live entertainment. I like live bands, sometimes occasionally I like live music. What I'm finding is that with the capacity that I have, those that have no intent to come in to spend on food and alcohol, which is the only thing I am allowed to sell right now are sometimes taking up my capacity. So therefore, people that want to come in and enjoy the live entertainment are turned away. I just want to request that I am able to do so. I will only do this on Friday nights and Saturday nights. My restaurant is open for the duration of the time. I do have a full ABC license. And I would just like to have an entertainment fee pay for those that want to stay. Now if they come in and say "I'm here for the restaurant only" then of course they can come in at no charge for the restaurant to be able to eat and drink. But if they do want to be able to enjoy the live band, and I also bought live bands from south Carolina and also north Carolina as well as our very own Danville Virginia and they will be performing also, but I would actually like for the people or the ones that want to enjoy the entertainment to help

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pay for those funds because my food to me should overturn and pay for itself, the alcohol should pay for itself but when it comes down to the entertainment, for those that want to listen to it, a cover charge or an entertainment fee I would like to be able to help pay for whatever live entertainment I bring to the scene.

Mr. Dodson Stated: What are your hours on Friday and Saturday night.

Ms. Chaney Stated: Right now, my hours are open from 11 am to 1 am.

Ms. Evans Stated: That's when you would have the music downstairs?

Ms. Chaney Stated: The music downstairs, I'm asking for 9pm to 1 am.

Ms. Evans Stated: I think you were in violation. How long were you been operating.

Ms. Chaney Stated: Since November 26th of 2023 when I opened, and then I received the letter and when I applied for everything, business license and everything, no one told me that I could not charge. Apparently, flyers that had got handed out that stated I was charging a 10-dollar entertainment fee got back and they notified my landlord and immediately I came down. Since then, I still have live entertainment, but it is free of charge for everyone. That's where I'm seeing the difference of you know people are coming in because they want to hear the entertainment but have no intent to purchase food, they have no intent to purchase alcohol and they are taking up my space for those that want to actually come in and enjoy the entertainment.

Mr. Bolton Stated: Are you okay with the first condition here? Occupancy is limited to 75 per floor. Does that meet your usual crowd?

Ms. Chaney Stated: Yea pretty much. I do have 3 stalls of restrooms downstairs. I actually have a side door entrance for those that want to go to the lounge can come thru or they can come straight thru the restaurant. Nine times out of ten everyone that normally comes around, I would say 8pm to actually sit down and dine in, the only thing is, I have a stage upstairs. So, if I was able to do it up or downstairs, the stage to me would fit more better with comedy shows or whatever I want to have because you have a stage that sits up higher, and the way my restaurant is designed, they can look right at the stage. I have had 2 events downstairs, it actually worked perfect, but I do have a wall that is kind of up a little bit to where they would be looking thru another wall. So, regardless of whether it is upstairs or downstairs, yes, I do understand what the occupancy is.

Mr. Khan Stated: What is the name of your restaurant?

Ms. Chaney stated: it's Ten Restaurant and Lounge. Have you heard about it?

Mr. Khan Stated: I know about it.

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Ms. Chaney stated: Good food?

Mr. Khan stated: I knew the man who owned it before. I know that it was formerly a Mexican restaurant.

Ms. Chaney stated: Oh yea, I think that's a little bit before me.

Mr. Khan Stated: Way before you. 20 or 30 years ago.

Ms. Chaney Stated: Yes Sir

Mr. Khan Stated: Are you going to maintain the same name?

Ms. Chaney Stated: Mines is actually spelled T-E-N with the number 1 and 0.

Mr. Khan Stated: I see. Are you going to maintain that?

Ms. Chaney Stated: Yes.

Ms. Evans Stated: I have a question for staff. So, it's limited to 75 people downstairs and 75 upstairs. I can promise you when it was state co. tech, it was about 200 people downstairs and the upstairs was not always open when state co. was open so what changed?

Ms. Burton Stated: I can only assume the building code and fire code probably are the changes that are addressing this particular situation. The certificate of occupancy states 75 for each level so I would assume that's probably the change.

Mr. Bolton Stated: So, another question here Renee. She mentioned there is a stage on the main level. Comedy acts maybe small bands, are you saying the entertainment can only be on the lower level or if she had entertainment and people eating, as long as the total does not exceed 75, she would be okay, correct?

Ms. Burton Stated: That's correct, as long as the total does not exceed 75.

Mr. Bolton Stated: So, she can have the entertainment upstairs, as long as she does not exceed 75?

Ms. Burton Stated: That's correct and if she chooses to have it on the lower level, the restaurant on the upper level must be open.

Ms. Evans made a motion to approve special use permit PZ24-00054 with the condition of only 75 persons per floor and the lower level may only be in operation when the upper level is in operation and open to the public. Mr. Doodson seconded the motion. The motion was approved by a 5-0 Vote

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4. Special Use Permit application PZ24-00063 filed by JoAnn Pyles to allow commercial recreation facilities at 2420 North Main Street in accordance with Article 3.M Section C Item 4.

Mr. Petrick open the Public Hearing

Ms. Pyles Stated: I am Ms. Pyles. I currently operate an internet café where people can come in who work at home who would like to come in and network with other individuals who do the same. To just do office work in the building. They can rent a suite, or they can just come in and sit for the day.

Mr. Bolton Stated: How many people are generally in there at one time?

Ms. Pyles Stated: Well, there are 8 suites. So, generally it wouldn't have anymore than like 1 per suite.

Mr. Bolton Stated: And the building itself? They are limiting your parking one space per 5 computer stations and I know there is not a lot of parking around there. Is there any off-street parking?

Ms. Pyles Stated: Well, there is parking in the back and its fenced in. And we also have parking on the side. I think there's like 24 spaces I want to say and there is a drive thru that's not being used. There are currently 4 suites and 1 conference room that can probably hold anywhere from 10-12 people.

Mr. Bolton Stated: From the map it didn't look like it can hold that much parking, but it sounds like you got plenty.

Mr. Petrick stated: Ms. Pyles there is no uh, you don't have any plans for any gaming there do you? This is strictly personal use office type cubicles.

Ms. Pyles Stated: Yes.

Mr. Petrick close the Public Hearing

Mr. Bolton made a motion to approve application PZ24-00063 with the 3 condition per staff. Ms. Evans seconded the motion. The motion was approved by a 5-0 Vote

5. Special Use Permit application PZ24-00064 filed by Janet Reed to allow a group home at 18 Selma Avenue (parcel 55273) in accordance with Article 3.E Section C Item 9.

Mr. Petrick open the Public Hearing

Ms. Reed Stated: Good evening, my name is Janet Reed. I'm currently trying to, if you guys would allow it, open a group home at that residence and that's what I'm trying to do. When I received the notice

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saying I was in violation, I did not know I was in violation because I had been doing this kind of work for over 20 years. I have never been asked to apply for a business license.

Mr. Petrick Stated: Have you been operating in the City of Danville?

Ms. Reed Stated: Not at this many people, no. But what I'm saying is that I had 2,3,4,5 at the most. But I've never been asked to get a business license until I was in violation this time. But that's what I'm trying to do. I am trying to get licensed.

Ms. Evans Stated: How long have you been operating this home?

Ms. Reed Stated: This particular home, 6 months.

Mr. Bolton stated: How many are there?

Ms. Reed Stated: Right now, there were 7 but now there is 4. I moved some clients around the city. I have other homes in the city.

Ms. Evans Stated: You don't have a license for those homes either?

Ms. Reed Stated: Well, what I am hearing ma'am, if you have 3, you don't need one. But if you have 4 or more, then you do.

Mr. Petrick stated: What are the state regulations on the numbers?

Ms. Burton Stated: The City of Danville considers a single family no more than 3 unrelated individuals. So, if there are no more than 3 un-related individuals within 1 unit, that is deemed a single family.

Mr. Petrick Stated: So, there is a requirement on 4 or more?

Ms. Burton stated: yes, 4 or more would be a separate situation.

Mr. Petrick Stated: Any other questions for Ms. Reed?

Mr. Dodson stated: Is someone always there to keep an eye out?

Ms. Reed Sated: Yes, it is 24-hour care.

Ms. Evans Stated: we've received numerous complaints about naked men outside.

Ms. Reed Stated: Okay yes, that did happen ma'am. James, one of my clients, he needed his medication regulated and he did go to the hospital probably after. The neighbor brought that to my attention. What he did was he slipped out while staff was in the bathroom and was parading. Then when staff came out and brought him in inside. He immediately went to the hospital after that. But he is fine now.

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Mr. Dodson Stated: Also, somebody said there is a sex offender there.

Ms. Reed Stated: There is a registered sex offender there. One of my clients has a parole office that comes from Charlottesville to check on him and he has to be fingerprinted every month. But there is no women this a men's group home.

Ms. Evans Stated: Are the staff men or women?

Ms. Reed stated: There are women and men staff. I have 4 staff member that rotate around the house clock.

Ms. Evans Stated: But if they go to the restroom, someone could slip out?

Ms. Reed Stated: Well, no because now what we are doing since that incident is I hired 2 more people. So, when someone is going to the bathroom, someone else is always watching. So now I'm not letting that happen again.

Ms. Regan Stated: My name is Debra Regan. I am going not read what I have to say because I have a horrible migraine today and can't really think straight. I live at 10 Selma Avenue with my husband Barry and my 87-year-old mother. We're two doors up today's focused property 18 Selma Avenue. Our initial concern is that we are most definitely dealing with the cart before the house today in that this meeting should've taken place before the group home was open and in business collecting money from these boarders. The fact that this business or any business for that matter was slid on our residential street without following any proper procedures for zoning and who knows what else is very disturbing. We really have no choice but to wonder if the original intentions was to fly under the radar and operate this business on the down low without following any proper procedure or getting the proper zoning in place before hand. If the excuse is that the owner did not know that a zoning request had to be made before hand, then the proper homework was not done to do everything required to open and run a business. Rules have not been followed from the jump; rules have been broken from the jump. That does not make for a good neighbor and gives us no hope for what we might expect down the road as they continue to do business as they want to rather than following procedure. Our next concern is what this will do to property value for the people on either side of this group home business as well as our own. We are most curious as to whether this initial zoning change on this particular property, on an otherwise total residential street would open the doors for as many other group homes anyone wishes to have on Selma Avenue going forward. The property on 17 Selma Avenue, directly across from todays focused property has undergone extensive renovations over the past 2 weeks. The same workers have worked on that house as it worked on these repairs hat have been required at 18 Selma Ave. SO, rumor on the street is she is opening a second at 17 Slema Ave. There is no sign, so it appears if that's the case that we are rolling on in opening the second one without following proper procedure. So here we go agon with not following the rules. Our next concern is the huge safety issue with those living around 18 Slema due to the people who are boarding there. While the info we found online today shows him no longer at the address, last week on March 7th, the city's database for convicted sex offenders shows a 3-time

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convicted sex offender living at 18 Selma Avenue. There is a 13-year-old boy living next door. Shouldn't his grandmother have been notified that a violent sex offender was living next door. There are children who walk up and down the street to and from the school bus every day. Shouldn't their parents have been notified that there is a possible stranger danger exists at 18 Selma Avenue, so they can walk across to the other side of the street and know to not even stop in that area. So, I kind of want to know what my rights, if she can roll in here and operate a group home like she been doing for 20 years without following procedure and we think she is getting ready to slide another one across the street, what are our rights as long term property owners and residents of this street to know that there is a sexual offender living two doors down. I really think we should have been notified. There is elderly people living next door to him. On the 29th of January, this man she mentioned was charged with beating up a caregiver, I guess one of her employees. What is to keep him from beating up one of the elderly neighbors that live around him. Now he's not there anymore but we got a sexual offender living there. So, I'm really curious as to what her vetting process is. How do these people come to her, where do her leads coming from and how is she vetting them. Apparently, she is not vetting them if I have these kinds of people living two doors down from me. Let me tell you a story. My mother has lived in this home for over 70 of her 87 years on this planet. During that time, we have had no known issues of property damage, theft or trespassing. My mother has had a security system and ring doorbell since my father died in 2008. When my husband and I moved in with her in 2022, we decided to upgrade the security system and put in blank cameras. So, I get up every morning and check my camera to see how many deer munch on the bushes in my yard. Imagine my surprise when I got up on January 22nd and I ...videos like I never experienced. There were 5 different clips over a 6-minute timeframe from 11:41 to 11:47 of a completely naked bare foot man standing in front of my house. It was 19 degrees that night. I'm going to end with this. So obviously they were not taking good care of their people when somebody can come out in the middle of the night and stand naked. But I want to ask each of you, when you consider making this zoning change, how many of you have woken up to video footage of a naked man standing in front of your house who was a sex offender. There is no vetting process. I need your consideration and I can send the video to whatever address you want. I already sent them to social services. I'll be glad to share.

Mr. Dodson Stated: I have a question for Ms. Burton. If we don't pass this resolution, can she still operate her home with 3 people. Is that correct?

Ms. Burton Stated: Correct, there can be no more than 3 un-related individuals. Now that would include the caregiver.

Mr. Dodson Stated: So, there would still be a group home there whether we vote yes, or no?

Ms. Burton Stated: It would within the restricted numbers.

Mr. Dodson Stated: okay.

Ms. Evans Stated: She would still have the business license and zoning or not?

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Ms. Burton Stated: Yes, she would still have to get a business license because she is operating from her office, so that does require a business license.

Mr. Bolton made a motion to postponed application PZ24-0064. Mr. Khan seconded the motion.

Mr. Petrick Stated. The motion was approved by a 5-0 vote.

I got a question. In regard to a business license, is the fact she been operating illegally bare any effect on her approval of a business license.

Ms. Burton Stated: There would if taxes have not been paid up until this point. They would have to be paid in full.

Mr. Petrick Stated: Who's responsibility is it to notify the surrounding neighbors of a registered sex offender in the neighborhood? Is that the states? Is social services responsibility? Somebody surely must be responsible. I know there is a public notification, and it has to be posted online.

Ms. Burton Stated: I'm afraid I don't have an answer. I can get you the answer to that. I can research that for you.

Ms. Evans Stated: I have a question. Cans she continue her operations currently until we meet again to discuss it?

Ms. Burton Stated: Any continuation is a violation. So, she is currently violation if she has above the limited number and that will continue if she operates in that manner, yes.

Mr. Petrick Stated: And who's responsibility is that to enforce?

Ms. Burton Stated: We will have that conversation with social services and continue to work together.

6. Special Use Permit application PZ24-00081 filed by Jaclyn Davis to allow a commercial kennel at 630 North Main Street (Parcel 02231) in accordance with Article 3.K Section C
Item 22

Mr. Petrick open the Public Hearing.

Ms. Davis Stated: My name is Jaclyn Davis and I'm requesting a special use permit to open a dog grooming store on the North Main location. I'm planning on being open Monday thru Friday with some Saturdays in the future depending on how well business is. I'm planning on being open from 8-6 we are looking at having 8-12 dogs throughout the day. But it is going to be at a stagger where I have half of them come in the morning from like 8-12 or 8-1 and the other half come during the second half of the day. I do not intend on having a large number of dogs in at once. I just kind of want it a little at a time throughout the day.

Mr. Bolton Stated: They would always be inside the building?

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Ms. Davis Stated: Yes, they would be inside in kennels. Separate kennels from each other.

Mr. Dodson Stated: How many employees do you anticipate having?

Ms. Davis Stated: Its going to start off as just me and I will have my husband helping me as well. I'm just going to see how business goes before I hire a bather to help me.

Mr. Petrick Stated: Ms. Davis, is there any available green space on the property or in the back of the property?

Ms. Davis Stated: Not to my knowledge.

Mr. Petrick Stated: I'm just curious. These animals are not going to be satisfied being in a cage all day long. Is there any contingency plan for...

Ms. Evans Stated: To take them outside to use the restroom.

Ms. Davis Stated: I understand. My intention is not to have them at my facility for any longer than they need to be. How I operate now is as soon as the dog is finished, I alert the owner and typically they come and get the dog as soon as I call them to anticipate not having the dog longer than I need to.

Mr. Petrick Stated: So, this is primarily grooming? Is that what you're saying?

Ms. Davis Stated: It is only grooming.

Mr. Petrick Stated: And it's not daycare?

Ms. Davis Stated: No, no boarding, no daycare, nothing overnight. If something were to happen with the owner and they couldn't pick up the dog, I would take the dog home with me or I would take the dog to the owner myself. I would have no dog staying overnight.

Ms. Evans Stated: Where do you work at now?

Ms. Davis Stated: I work at Hollywood Pets.

Ms. Evans Stated: So, this doesn't have a parking lot? So, there will be parking on the street, I take it.

Ms. Davis Stated: There is street parking in the front and the back and then there is also an additional parking lot across the street. But with my clients coming in, they will only be parked for 5 minutes. Its very quick in and out when they drop off and pick up. I don't anticipate my clients to be in those parking spots for very long.

Ms. Evans Stated: My concern is that the animals are tethered or in a crate so that they can not run away from their owner.

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Ms. Davis Stated: No, they will be in a kennel in my facility and when the owner comes to pick up the dog, I will bring the dog to the owner still in my building at the front counter and they will have to leash their pets and take them outside to their vehicle.

Ms. Evans Stated: Yes, but from car to building?

Ms. Davis Stated: they will be leashed yes.

Mr. Bolton Stated: so, if this goes well, I understand you'll have one for cats?

Ms. Evans Stated: I am certified to groom cats, but obviously the cats I groom typically come in a cat carrier.

Mr. Allen Stated: I am Wayne Allen and I own the historic North theater right across from the place. I apologize for my casual dressing I came from a tennis match. First, I have a couple questions actually. Number one, I'm real pleased James Buckner has bought the building and restored it because we are trying to fix up the whole area around the theater and everything So that's great. My question is, if you would answer, the pets won't be staying overnight so I don't have to worry about loud noises or anything. So, I'm very much in favor of it. I'd be careful, that street is very dangerous, people drive very fast there so make sure the owner do not let their dog go because if he or she goes out there, they are probably going to get killed. The other thing is I would say is if they do have to take the dogs out to use the bathroom, please clean up behind them because again we are trying to clean up the neighborhood. Other than that, if they don't make a lot of noise or anything I think it would be fine and we are happy to have you and welcome you to the neighborhood.

Mr. Petrick Closed the Public Hearing

Mr. Dodson made a motion to approve application PZ24-00081. Mr. Khan seconded the motion. Motion was approved by a 5-0 Vote

- 7. Special Use Permit application PZ24-00091 filed by Richard Morris Architecture LLC to allow a commercial recreation facility at 401 Main Street (Parcel 24072) in accordance with Article 3.K Section C Item 5.**

Mr. Petrick open the Public Hearing.

Ms. Burton Stated: I would like the commissioners to know that the applicant had an emergency situation. We were notified this morning, so they were unable to attend. But they did notify us.

Mr. Petrick closed the Public Hearing.

Ms. Evans Stated: That grass on the front, the artificial turf, is that going to remain?

Ms. Burton Stated: No, that's a temporary covering.

Ms. Evans Stated: For how long?

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Ms. Burton Stated: I can't speak to necessarily how long, but if that is something we need to speak to the applicant about, I will do so.

Ms. Evans Stated: That's because I have received a lot of complaints about it.

Ms. Burton stated: I would be happy to do that yes.

Mr. Bolton Stated: Going back to mention on another case where she is limited to 75 and i know this is 100 with no hours. is it simply because of CBC as opposed to the highway retail commercial zoning limits 75 and this one allows 100?

Ms. Burton Stated: There are no limits to the hours of operation because of the CBC zoning classification, that's correct. Their occupancy will then be limited based on their certificate of occupancy after we know all the building plans. We do not have all that in place yet.

Mr. Bolton made a motion to approve application PZ24-00091. Mr. Dodson seconded the motion. The motion was approved by a 5-0 Vote

8. Rezoning application PZ24-00092 filed by Juan Lopez for rezoning of Parcel 70961 from T-R Threshold Residential to NT-R Neotraditional Residential.

Mr. Petrick opened the Public Hearing.

Mr. White Stated: Good afternoon, commissioners my name is Jamie White. I'm with White Engineering design out of Bedford. I'm representing Mr. Lopez on this piece of property. We look at this piece of property for single family detached home residential development. We actually met with city staff back In December for by right development lay out for about 54 residential units. That was a by right option that we explored. We got public water that's in excess there that could use some upgrades along Longview. The upside is to have water lines to serve our development. Sewer line is accessible to our property as well. I have worked on a couple projects here in Danville. I'm fairly new to doing work down here but I have been working on multiple things that have been multi-family, townhouse developments and things of that nature, knowing that there is a need for single family detached homes in the area as well. We think we are bringing that. We had a discussion with planning and with housing development about a low tier price home. What we are proposing now in our re-zone is to get to 84 lots. This allows us to do smaller homes to help off-set costs and to help get prices to around 225 thousand dollars for a new home. What we would be looking to do is single story, three-bedroom two bath homes on these lots on a public street. Obviously the by right option that we were exploring and moving forward with, those homes will be close to 350 thousand dollars, and I don't think it hitting the targets that may be in need in the city. That's all I have, and I would be happy to answer any questions that you have.

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Mr. Petrick Stated: Yes, as far as city specifications, as far as design is concerned, would you talk about 1 story and 2 story dwellings?

Mr. White Stated: One story.

Mr. Petrick Stated: And what's the average square footage?

Mr. White Stated: 1,300 square feet.

Mr. Bolton Stated: And what is the size of the typical lot?

Mr. white Stated: I don't have that in front of me

Mr. Bolton Stated: And also, sandy river is pretty close. I rode by this property. I noticed you got this proposal close to there. Most of the time water is going to run to the water source. How is that land laid back there?

Mr. White Stated: Well, we are going to catch water in the streets and devote it back to open space with Stonewater management. We have not done an actual field survey, but we are shooting for 84 units and once we do, the survey on that lot may reduce the number of units in order to make Stonewater Management happen the way we need to. Some of it will use low-impact design for lots that are close to the water ways.

Ms. Evans Stated: The property I can see, it looks like part of it was reverend. Are you going to fill that in or just go with the topography.

Mr. White: We are going to follow the topography. Having single family detached homes, you can help follow the topography and grade changes between units and things like that. We don't get to as much with attached housing because you need to be flatter, I guess. You can't make up a lot of grades between units. And that's why I'm saying we are maximizing an ideal 84. It might be less once we get the survey done. We know we're crossing the gas line to run across the power lines to cut the property in half. Obviously, we can't grade that area, we need to be above grade when we cross over top the gas lines. But we will be able to follow the topography as we go.

Ms. Evans Stated: You're not planning on bringing in field dirt?

Mr. White Stated: we will balance our material on site. So, we're not letting them bring in a bunch of stuff. Whatever we need to fill, we will cut it out of the higher spot.

Ms. Evand Stated: And it looks like you only have one egress one ingress.

Mr. White Stated: One egress. We worked with the fire marshal office. Our plan for these units is to have sprinklers which would allow us to get up to 100 unit with single point access.

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Mr. Dodson Stated: These homes will have a carport or garage?

Mr. White Stated: Just driveways.

Mr. Petrick Stated: And no basements?

Mr. White Stated: No basements. There may be depending on the topography of some of these unit. They may be more suitable to have a walk out maybe a utility basement. But not finished.

Mr. Petrick Stated: Are these going to be slabs or crawl spaces.

Mr. White Stated: Yes, slabs and crawl spaces depending on the lots grade. Potentially a lot of them may be crawl spaces underneath. But if we got some heavy relief between the front and back yards, we may do walk out basements.

Ms. Evans Stated: So, the fire department was, okay?

Mr. White Stated: As long as it has sprinklers. That is the caveat of having more than 30 lots on a single point of access. There has to be sprinkles.

Mr. Roberts Stated: My name is Shawn Roberts. I am going to read this letter that we put together. My name is Shawn Roberts, and I am a citizen of Danville and I have resided in Westover hills community all my life. I am writing this letter to inform you about how much I appreciate the job you all are doing, and I completely understand the challenges you face daily by trying to balance the influx of people moving into the area while also trying to accommodate the zoning needs of the existing residents. I understand That. I wan to discuss the proposed zoning change for parcel id 70961 owned by Mr. Rivera on Longview Avenue. The proposed zoning change from Threshold Residential to Neo Traditional Residential is extremely concerning to me given the fact that the tract of land borders sandy river residential zoning and Threshold Residential zoning. Which are the least two density zonings in the city of Danville. This request if approved would make this parcel one of the highest density zonings on the city. In the 20230 comprehensive plan for Danville, one of the three underlining things for community improvement is to provide for public safety and maintain quality of life enjoyed by Danville residents. In my personal opinion it would be difficult to achieve these goals in this parcel in this location. One of the policies in the future land plan use, sustainable growth is to discourage development of land in the flood plain of the dan river or it's tributaries as well as parcels with severe slopes. According to the environmental conditions of the comprehensive plan concerning erosions, recognized as part of this property, is in the moderate scare flow erosion and includes slopes in excess of 25%. This is a major concern due to the erosion washing into the sandy river. The sandy river residential district was created when the zoning committee and its predecessors recognized the rural life of the sandy river area. It is directly stated in its purpose and intent to protect its existent rustic way of life in the sandy river community. And when you look up rustic in the dictionary, of course that's where we are with neo-residential. So, we are putting oil and water together. We are trying to put two different things together. The sandy river zoning is truly a rural zone that allows owner the freedom to grow crops, raise livestock and enjoy role living In the

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city. Given this information, adjoining the proposed neo residential threshold against the sandy river threshold residential would be counter intuitive. According to the city's master plan the Westover area is home to the highest concentration of active agricultural uses and undeveloped land in the city. It states the comprehensive plan for future land use that the city wants to maintain the character at Westover drive and not leapfrog the sub-division development in outlying areas. The minimum lot size for sandy river residential is 3 acres with a maximum density of 1 unit per 5 developable acres. Versus the neo residential threshold, with a minimum lot size of 4,000 square feet and up to 7 dwelling unit per developable acre. This is 3% at the minimum lot size versus sandy river residential. 4,000 square feet versus 130,680 square feet. The result in a 97% difference in land mass. In closing, I would like to express my appreciation for the hard work you all do. I personally am a residential builder and I understand the demands of your position. Based on the information from the 2030 comprehensive plan and the current zoning of this area, I would greatly appreciate if this board would consider my request to leave parcel 70961 as threshold residential. I would encourage the builder to develop this parcel under the current threshold residential permitted uses and in doing so, they would potentially gain lots of friends in the area. Sincerely Shawn Roberts. I just have a couple bullets to make on that. I got 33 seconds, I'm going to talk quick, y'all listen fast. There is approximately 1,000 acres of farmland and forest land just across the river which is less than 300 yards the corner of this proposed property. This is all kind of wildlife and of course you know you develop a new residential neighborhood; you have flowers and plants and all those kinds of things. Well, the deer is going to eat all those up. That's how things go. I know my time is running out and I'm going to close with this. If you do see fit to recommend this to city council, I would certainly appreciate a comprehensive traffic study on this. None of the streets to get back out to west over have curb and gutter or sidewalks and when you get out to Westover, these 500 feet is a hill that obstructs your view and west about 500 feet is a curve that obstructs your view. So, I certainly appreciate y'all looking into that.

Mr. Leggin Stated: I'm Mike Leggin. I just found out about this meeting. I will tie in a little bit of what Shawn Roberts mentioned. About 20 years ago, me, Jeff Roddin, and Ken Gille wrote the zoning that is the sandy river district zoning. And this other zoning is a lot like it. And at the time even a lot of this commercial stuff there was this big push for green space. And because of all this land being the buffer, and I have, along with my son, probably the largest parcel in the city that borders the river. It's probably close to 200 acres just a few blocks below it. But the whole foresight of the city was for this area to be large parcel building. I have all the silver line and easement of the city going thru. I don't even know if any the utilities or anything or any are able to handle this because the foresight was for this to be a large lot area. I'm just a little puzzled because the city, if considering this has changed their stance and so many people in the western area chose that area because of the large lot situation and green spaces and we actually board horses in the city and have a lot of property in the city. Up and down Westover. It's all in the city. That was probably the primary reason people like Shawn Roberts chose and a lot of large landowners here chose this area. I would seriously consider y'all to. You guys threw out one proposal 20 something years ago. A lot of people invested because of the direction you took it in first. So, thank you.

Mr. Agalara Stated: Good afternoon, my name is Jessie Agalara. I'm a resident in Longview and I want to thank the community for allowing us to speak on this matter. A couple things have been brought to my attention right now, just by sitting here, that the fact that Mr. White was in talk with the city, and we just found out about this zoning change 22 days ago. Second thing, Mr. White doesn't know exactly

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what is going to happen to our neighborhood because they haven't done the plan on the erosion, they haven't done the studies to exactly tell us what they are going to do there. Again, being a family unit, most of the residents have been there for a long, long time. So, this is once again going to ask us to change our lives. Several years back, this area was Pittsylvania County annexed by the city. So, our lives were changed. We are being asked again to change our lives completely. You see the plans and where we live. I don't have to mention what Sean and Mike said about it. But we saved our money and bought our houses with it. Now if the committee would allow me, I know there is a lot of people in this room. I would like to ask my neighbors who are opposed to this to stand up. Would that be okay. I don't think I need to say anymore. Thank you very much.

Ms. Bray Stated: My name is Bridgett Bray I lived on Longview for 55 years. I want to mention one thing that I have not heard mention. There is one way in and one way out on Longview Avenue. They reduced Westover Drive from 4 lanes to 2 lanes. They are talking about putting this monstrosity in our backyard and Mr. Agalara. The river is down there and when they are going to have to grade and cut the tress and all of that and that is going to cause erosion. It is going to flow down into our yards just like this all over. Go straight to the river and wherever it goes. I think that is just a terrible thing to put that between people's property. Most people who have lived on that street have been there 50 plus years and they want to put something like that on our street. One way in, one way out. That's all I have to say. Thank you.

Ms. Evans Stated: Does the city have plans to do a traffic study?

Ms. Burton Stated: If a traffic study were to be completed, it would be at the cost of the developer.

Mr. Bolton Stated: I don't have a question but if y'all would just allow me to make a comment on this. I am all for development. In my years I have been involved in 2 subdivisions. Int he county and half acres lots and it worked out great. And another gentleman that spoke in favor knows what he is talking about just by a few questions that I asked. My problem here is the problem I have on the last neo traditional zoning. It was designed with urbanization in mind, it was designed to limit automobiles and traffic in areas when I think about it, in the downtown Berryman monument type areas where there may be houses squished in where people can walk to restaurants and businesses and things like that. The change in neo out there is all rural looking. It is in the city it was annexed in 88, 1988. But there is still no curb and gutters, its rural. I have the issue going from the threshold to the neo traditional and I'm not going to support it.

Mr. Bolton made a motion to deny rezoning application PZ24-00092. Ms. Evans seconded the motion The motion was approved by a 4-1 vote

9. Special Use Permit application PZ24-00093 filed by Rivermont Danville, LLC to allow a waiver of maximum floor area ratio at 403 Spring Street (Parcel 21690) in accordance with Article 3.K Section C Item 19.

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Mr. Petrick open the Public Hearing.

Mr. Davidson Stated: I'm Charles Davidson I am the owner's rep and I'm here to answer any questions you may have.

Mr. Petrick Stated: Any questions from the commissioners? There will be an elevator in this garage.

Mr. Davidson Stated: The garage holds 2 elevators and 2 staircases. It is a public garage.

Ms. Evans Stated: With a fee?

Mr. Davidson Stated: That is to be determined.

Mr. Dodson Stated: How long will it take to build the structure.

Mr. Davidson Stated: Once approve, we anticipate it will take 16 months to construct it. We see an opening end of 2025 early 2026.

Mr. Petrick Stated: There was an additional parcel number added to this, correct? Okay.

Mr. Petrick closed the Public Hearing

M. Stated: When you say Spring Street, I have property on 618 Shelton Street. So, I'm trying to see how far, are you talking about the railroad.

Mr. Petrick Stated: No this is downtown.

Mr. Petrick closed the Public Hearing

Mr. Bolton made a motion to approve application PZ24-00093. Mr. Dodson seconded the motion.

Mr. Petrick Stated: The motion Was approved by a 5-0 vote.

10. Special Use Permit application PZ24-00094 filed by Culture Restaurant and Grill to allow commercial recreation facilities at 510 Spring Street (Parcel 20586) in accordance with Article 3.K Section C Item 5.

Mr. Petrick open the Public Hearing.

Mr. Pharrell Stated: Thank you, guys. Right now, we do entertainment. We are here for 3 different things.

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Ms. Burton Stated: Its all under the umbrella of commercial recreation.

Mr. Pharrell Stated: Okay fantastic. So, part of our business model will allow people to rent our facility. You will get a 4- or 8-hour rental in which we charge for. We want to continue to do that because it is a section of revenue for us. Periodically we will do entertainment like once a quarter and then maybe during the holidays where we will charge a ticket in advance. You will have to get that on event Brite. It allows us to monitor who is coming in. Collect info for us as well. And typically, we give you something. So, if we have a band, more than likely it's a band, you will get a meal or a drink. And then we have a loyalty program which is like a membership. You will \$300 per year and get access to extended hours as well as discounts.

Ms. Evans Stated: How long have you been operating at this capacity? Not your restaurant but charging for events because you received a violation letter.

Mr. Pharrell Stated: Yes, and we were shocked at first because we been doing this since we opened. We opened February 17, 2022, as a soft opening. That's how we conducted our soft opening, you had to have an event Brite ticket to come in to dine. Then we did our grand opening on March 18, 2022. We had events once a quarter. Then we blocked the streets off and charged for that as well. We done spring street music fest twice. We block the streets off and bring people down.

Mr. Petrick Stated: Is this like a cover charge?

Mr. Pharrell Stated: It's like a cover charger but you know most cover charges, you don't get anything with it. We give you something. Even with the 4th of July. If you paid \$25, you get barbecue and a drink and sit there and enjoy the fireworks.

Mr. Dodson Stated: Where do people park? Or do a lot of people just walk to your venue?

Mr. Pharrell Stated: It depends on the date and the attraction. We attract people from downtown who walk over. Typically, they line the street of Union, and we have a parking lot in front of the building. But union, Floyd, high street.

Mr. Petrick Stated: And they are planning to build a parking lot right across the street. It'll be convenient okay. Anyone else who like to speak in favor of this item? Anyone in opposition? If not, we will close the public hearing. Commissioners do we have any questions or comments?

Mr. Petrick closed the Public Hearing

Ms. Evans Stated: I have a question. He has been on operation since 2022, how come it took the city so long to figure this out?

Ms. Burton Stated: I can tell you when we become aware of it, violation letters are sent out.

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Ms. Evans Stated: not have staff to check on things like this?

Ms. Burton Stated: We have been operating at very limited capacity. We are not at full capacity yet, but we are much closer than we have been in the past.

Ms. Evans Stated: It concerns me that a lot of violations have been coming to us. A lot. And as it's been pointed out, people have been asking for forgiveness to move forward rather than for permission. I'd like to see the city more pro active to getting the word out that special use permits are required. Like short term rentals people are not aware that special exceptions permits are required. I think its very important the public be aware of what is required to operate whatever it is they want to operate.

Ms. Burton Stated: So, we been adding items to our website and also been working with the river district association. I have recently attended two separate meetings and workshops with them, and I have more scheduled in the future on how to properly start a business in the city of Danville.

Mr. Bolton made a motion to approve application PZ24-00094. Mr. Khan sectioned the motion. The motion was approved by a 5-0 vote

11. Special Use Permit application PZ24-00097 filed by Carl Norton for special use permit at 108 West Main Street (Parcel 26034).

Mr. Petrick open the Public Hearing.

Ms. Whitehouse Stated: I lived at 936 main street, and I have for the past ten years. I object to this. Not because I'm in the purview of it but because it is going to be in the old west end. Which many people have put in a lot of time and money to make it a nice place to live. Which they have especially Mr. Rigby at 926 main street. He has organized all these people, and we brought the whole place up to a very nice, lovely residential area. I don't think that the man operating this is really going to operate it and I don't think he is going to do what he says will. I think if you look back I the ten years, this man you been dealing with, you'll find out he is not the most truthful person in the world, and I don't think you should give him a permit to do anything. Not even to grow tulips in his backyard. SO that is my opinion, and I would like for you to know who he is and I think you do. I think he sued the whole town. Anyway, I hope that you don't approve this or any other permits for this man. He is not the kind of business that Danville is trying to cultivate. You got an economic renaissance going on here, don't spoil it by letting people of questionable character come into town and operate businesses. He is already in town. You should encourage the Edgar walkers of this world to come here and do things. Not characters like Norton.

Ms. Burton Stated: No sir he did not contact us.

Mr. Petrick closed the Public Hearing

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Ms. Evans Stated: Yes, you know how I feel about the applicant not being in attendance. I understand emergencies occur and we granted that person leniency the other day, but I do have a problem with applicants not attending.

Mr. Bolton Stated: We heard from the other one and he had an emergency and we moved forward to stay consistent. Did he reach out in anyway reach to say he was not going to be here?

Ms. Burton Stated: No, we did not hear from him.

Mr. Petrick Stated: It would be nice for him to come forward and clarify exactly what he intends to put there. I think that is sort of a mystery. I been hearing that is going to be a coffee shop for a long time. But anyway, it would be nice if he were here to talk to us about it. Are you making that in the form of a motion Commissioner?

Ms. Evans Stated: We haven't decided whether to deny or postpone.

Mr. Petrick Stated: oh okay. Let us know will you.

Ms. Evans made a motion to postpone PZ24-00097. We will give him one opportunity to come. Mr. Dodson seconded the motion. The motion was approved by a 5-0 vote

12. Special Use Permit Application PZ24-00089 filed by CCKW, LLC requesting a Special Use Permit to amend an existing PUD to include Parcel 25236 (Franklin Street).

Mr. Petrick open the Public Hearing

Mr. Gould Stated: Good afternoon, Mr. Chairman and everyone. My name is Steven Gould and I'm adjourning with PUD law, and we represent CCKW, the developer here. Ms. Burton has summarized the request here very concisely. Really this is a house keeping measure since we were before you in November and council approved this PUD in December. We are working with the city and DRHA to bring one additional parcel under control of CCKW. As Ms. Burton mentioned in doing so, we will reframe how those houses are going to look on Franklin Street and be able to avoid splitting two existing residences with a driveway way so there are really 2 actions here. One is to include that new parcel in that new PUD and to remove that parcel that was between the two houses that we ultimately did not acquire because this parcel was able to be obtained so I'm happy to answer any questions you may have.

Mr. Bolton Stated: Just for my memory, that was one of the if not the only objection previously. So, this in fact would solve the concern of that neighbor.

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Mr. Gould Stated: yes, that's right and that was the one thing we tried to work diligently to remedy. So, we are glad we been able to do that.

Mr. Petrick Stated: So, this is their home.? The people who objected to begin with.

Mr. Gould Stated: it's a parcel between two residents and it would have split them. it's a vacant parcel it would have a driveway cut thru it. SO, we are not able to avoid cutting thru those.

Mr. Petrick Stated: Thank You. Anyone who would like to speak in opposition, please come forward. Yes ma'am.

Ms. Adams Stated: I'm Tonya and my grandmother Mary Adams who live in the homes just wanted to say thank you. Thank you for taking in consideration of not putting that driveway thru wand we just wanted to say thank you.

Mr. Petrick closed the Public Hearing

Ms. Burton Stated: I would like to make not that it is a removal of a parcel. So that would be a removal of parcel 22082, in addition of parcel 25236. The removal was not noted in staff report.

Ms. Evans made a motion to approve application PZ24-00089. Mr. Bolton seconded the motion. The motion was approved by a 5-0 Vote

V. PLANNING DIRECTOR'S REPORT

VI. Minutes

The February 12, 2024, minutes were approved by unanimous vote.

With no further business, the meeting adjourned at 4:55 p.m.

s/Arsenio Day

Approved