

PLANNING COMMISSION MINUTES

APRIL 8, 2024

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Jones

STAFF

Renee Burton
Bonnie Case
Clarke Whitfield
Shanika Williams

ITEMS FOR PUBLIC HEARING:

OLD BUSINESS

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

Mr. Petrick opened the Public Hearing.

Ms. Reed stated. I am the owner of this group home trying to get a special permit. Currently there are 4 individuals in this home. They are mentally challenged. I have another home across the street that I moved three individuals too. I am trying to get my business license eventually.

Ms. Evans stated. She is continuing to operate without a business license or special use permit.

Ms. Burton stated. She should not be operating without those items, No.

Ms. Evans stated. But she is.

Ms. Burton stated. That is a violation. She continues violation. She has been made aware of that and what we're trying to do now is work towards bringing her into compliance.

Mr. Bolton stated. For Ms. Burton you are a little vague on the law and what you're waiting for but by right, right now, can she do anything.

Ms. Burton stated. The law states that a single family is defined as no more than 3 unrelated individuals so you could have no more than 3 unrelated individuals within one home receiving care if a zoning clearance and business license were received. That would not require a special use permit. That path could be taken but at this point, there has been no business license or zoning clearance received for this operation.

Ms. Evans stated. Got 4 in there.

Ms. Burton stated. So that would be too many.

Mr. Bolton stated. I would hate to postpone it again but say if a motion was made to deny and approved, we don't know that yet. She could still do her three while and then pursue something after council make a decision.

Ms. Burton stated. Yes, she could obtain a business license and have no more than 3 unrelated individuals within that home regardless of the outcome of this particular review.

Mr. Dodson stated. How long would it take to get a business license?

Ms. Burton stated. 10 to 15 minutes

Mr. Petrick closed the Public Hearing.

Mr. Bolton made a motion to deny special use permit application PZ24-00064. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

2. *Special Use Permit application PZ24-00097 filed by Carl Norton to allow retail sales in accordance with Article 3.I Section C at 108 West Main Street (Parcel 26034).*

Mr. Petrick opened the Public Hearing.

Mr. Norton stated. We started the store call Dan Vegas, it all retail and apparel. We bought some sample with us. The first thing we want to talk about was the property. 108 when we bought it was a condemned building. And we've spent hundreds of thousands of dollars restoring the building. It is now up to city code for occupancy. We have handicap ramps and bathrooms; we have 50 parking spaces to the rear of the building so that there is no on-street parking and there is a dedicated ingress one way to the property and then and exit out through the back alley. All this was in place before we purchased the building. It was a real estate office. It had been several establishments. It has now been retrofitted as Ms. Burton said, the first floor is all retail inside nothing outside. Seven years ago, we purchased the name on a whim, having no idea that the casino was coming to town, we own the trade name Dan Vegas Inc. We also own the IRS EIN number for Dan Vegas Inc. and all variations. We also have the Virginia License for Dan Vegas Inc. So, we've trademarked the name. We are not able to copywrite anything yet. We have 28 different graphics around Dan Vegas which will be on all the merchandise that we're selling. It looks like a great place all around us, there are churches and hospital. There's no residence around us we decided to fix up that building and make it useful again.

Ms. Evans stated. What is going to be on the second floor>

Mr. Norton stated. Right now, it's four offices but we use those for our own we are not renting those. They are just our own business. We have a rope that goes off to the second floor and it's also behind showcases. So, no one can go back there.

Ms. Evans stated. Is there a basement?

Mr. Norton stated. There is a basement for storage right now. At one time, it was 2 apartment buildings down there. The bathrooms and everything are still there. We just gutted it and cleaned it. Removed the old drop ceilings, put in new wiring and plumbing in.

Mr. Dodson stated. If this is approved how soon do you think you could open your business?

Mr. Norton stated. We ready to open now. As I leave this meeting we're going to go downstairs and talk to the permit office about signage. We are going to mirror that type of sign that the Wednesday Club have. An antiequey, old west end vibe for the sign with our logo. We could be open as soon as 2 weeks after approval. All of our product are done, we have a website which we will launch with the opening of the store.

Mr. Petrick stated. At the moment you have no intention of serving any food.

Mr. Norton state. No, we are not doing any food right now on site. We have an area in the back that we would like to serve coffee. We don't know how to do that yet. We have to talk to Ms. Burton she been helping us with that.

Mr. Petrick closed the Public Hearing.

Mr. Bolton made a motion to approve Application PZ24-00097 with condition hours 8am-8pm. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

ITEMS FOR PUBLIC HEARING:

NEW BUSINESS

1. *Special Use Permit application PZ24-00131 filed by Chris Koontz for a waiver of side yard requirement for accessory uses in accordance with Article 3.E Section C Item 20 at 136 Gatewood Avenue (Parcel 57476).*

Mr. Petrick opened the Public Hearing.

Mr. Koontz stated. I am the owner of the property the building was put there, that is the only level spot in the yard. I'm a disabled veteran, we have been trying to level out more of the backyard but that was where it was put. 2 feet from the property line, put there out of my ignorance.

Mr. Dodson stated. I rode by there I couldn't exactly tell. Does that fence behind the building go all the way through or not.

Mr. Koontz stated. No, I have left a section open intentionally so if anyone wanted to look, and I do have to move it. I'm not going to destroy my fence moving it.

Mr. Dodson stated. Have you spoke to your next-door neighbor? Is there a problem.

Mr. Koontz stated. My neighbor there are a lot of problems. We don't speak. He has been in contempt of 3 different orders to the city. He has a swimming pool that we've trying to get filled in he hasn't done anything with it for 6 years and I actually went over and fixed the pump for him if he wanted to start the swimming pool when he never did, we are not on good terms but he's quiet. I stay to myself and that as one of the reasons we put the 6-foot fence.

Mr. Dodson stated. Has he said anything about your building or not?

Mr. Koontz stated. After a few choice words, some of the city people had been to his house and force him to cut some dead trees down. He told me I was going to move the building.

Mr. Petrick closed the Public Hearing.

Ms. Evans made a motion to approve Application PZ24-00131. Mr. Ranson seconded the motion. The motion was approved by a 6-0 vote.

2. *Rezoning application PZ24-00135 filed by Fred Webb, Donna Webb, Jennifer Turner, and Sarah Kubic to rezone 533 Piney Forest Road (Parcel 56964) from PS-C Planned Shopping Center Commercial to HR-C Highway Retail Commercial.*

Mr. Petrick opened the Public Hearing.

Mr. Gould Stated. I'm with PLDR Law representing the applicants. This is the middle of 3 inherited parcels that are all together on Piney Forest and as Ms. Burton mentioned the two parcel that book in this one is already zoned. HRC so the request is to move this middle parcel from planned shopping center commercial HRC to allow for a replating of all three parcels together in anticipation of potential sale down the road. There is no plan in place right now for sale or development of the property. This I just an appropriate step to get things ready so that at the appropriate time, the owners can sell the property.

Mr. Dodson stated. Does anyone live in that house right now?

Mr. Gould stated. It is vacant. I think there are occasionally Mr. Webb check in on the property, but no one is living there full time.

Mr. Dodson stated. We are not kicking anybody out.

Mr. Gould stated. No, its own by the family and controlled by the family. No other non-family use of the property.

Ms. Evans stated. Will it remain there until it is consolidated and sold?

Mr. Gould stated. I believe so, I'm not aware of any plans to take the structure down at this time.

Mr. Pugh stated. I'm one of the owners of the property located at 158 Pineview Drive which is approximately 300 feet from the edge of this property. My concerns is not that it is going to be unified as far as the zoning but rather what the property can be used for. Section involved with rezoning and as there is no specific decision as to what the property is going to be used for. I am concerned about the possibility under section 12 of the zone which would allow hospital and healthcare facilities for inpatient. That means our homes will have to deal emergency and ambulance sirens at night and day. There also the possibility of putting in a contractor's shop under section 34, and with that, you're talking about machinery of contractors who normally go to work early in the morning, and these contractors can include, as I understand the code, the addition noise is of a concern to me. Also under the special use permit, which these owners or future owners could apply for, they could put a Kennel or veterinary clinic on any of that property and I personally do not want to have a series of barking dogs at all hours of the night, and I have been asked that this not be allowed.

Mr. Petrick closed the Public Hearing.

Mr. Bolton stated. I'm seeing a little blue light, is that water? Is that a creek on the property he's talking about that's going to be close to him. Looks like there's maybe water back there.

Mr. Webb stated. I'm one of the owners. It's a dry creek bed. You can have water in it at times but for the most part, it a dry creek bed.

Mr. Bolton stated. How does that land lay back there?

Mr. Webb stated. It's downhill, it's going to be more than 300-feet. Buffer to Pineview regardless of what you do to it because once you get so far into the woods, it just drops off.

Mr. Bolton stated. The reason I was asking that because that's kind of the way I'm seeing that property. Developments going to be up. Obviously close to the road more than likely. That's the purpose of being on Piney Forest Road.

Mr. Webb stated. They just cleared cut an awful lot of timber behind the property and adjacent to where it jots down toward Pineview.

Mr. Bolton stated. That is what I thought. Thank you.

Mr. Pugh stated. The lady's property which is closer to the zoned area. It is a dry creek. However, behind my property, is not a dry creek. It is an active creek.

Mr. Bolton a motion to approve Rezoning Application PZ24-00135. Mr. Khan seconded the motion. The motion was approved by a 6-0 vote.

3. *Special Use Permit application PZ24-00134 filed by FHC Holdings LLC to allow uses permitted by right and by special use permit in the HR-C District in accordance with Article 3.O Section C Item 15 at 874 Cahill Court (Parcel 23207)*

Mr. Petrick opened the Public Hearing.

Mr. Gould stated. PLDR Law, as our application indicates the space is intended to serve as a contractor shop and to have retail sales on the premises as well. The applicant has plans to make a significant investment to improve the property for these uses and has communicated with city manager's office and with Ms. Burton and her staff about these intentions because the current LED eye zoning does not permit the property to be used for these purposes by right. Specifically, the LED eye classification allows applicants to request a special use permit for anything permitted by right or by special use permit in the HRC classification and both contractors office and retail sales are either permitted of special uses under that HRC classification.

Mr. Dodson stated. You say you have a parking solution, where exactly do they plan for the parking to be?

Mr. Gould stated. Very close by. They are still in the works in terms of finalizing all the details, but I know the details have been shared with Ms. Burton and she is satisfied that it will meet all of the requirements that the city has.

Mr. Petrick closed the Public Hearing.

Mr. Petrick stated. Ms. Burton would you like to speak about potential parking?

Ms. Burton stated. Sure, so, parking is required to be off-street. There is a requirement within the code that states that parking may be provided within 300-feet of the subject property if it is not specifically on site and so we believe we will be using that provision to provide parking but at this time, we believe that's been adequately addressed.

Mr. Petrick stated. So. This will more likely be at a least situation for parking there.

Ms. Burton stated. I can't say whether it be leased or purchased but we believe it will be satisfied and building permits and the moving forward with the actual operation can't occur without this parking.

Ms. Evans a motion to approve Application PZ24-00134. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

4. *Rezoning application PZ24-00136 filed by David McLaughlin to rezone 221 South Main Street (Parcels 24101 and 25694) from OT-R Old Town Residential to TO-C Transitional Office*

Mr. Petrick opened the Public Hearing.

Mr. McLaughlin stated. I am the owner of that facility McLaughlin funeral service. We obtained it through purchase from the family that was using that facility as a funeral home, and we went into consideration with all of the request that was made by the city and of course we were in compliance and wishing to open that business at this time.

Mr. Dodson stated. Do you have any experience in the funeral business?

Mr. McLaughlin stated. Yes, I do. This will be my third funeral home. I have one other funeral home here in the city of Danville.

Mr. Ranson stated. Parking is your reference. Is that on Paxton. You said they were rezoning a lot you were going to use for parking.

Mr. McLaughlin stated. There a parking lot that's attached to this property. That runs side of Paxton.

Ms. Burton stated. Funeral home structure and the parking lot are two separate parcels. So, we will need to rezone both parcels so that they may consolidate in the future.

Mr. Ranson stated. The parking lot is on Paxton.

Ms. Burton stated. Yes, the corner of Paxton.

Ms. Evans stated. Are you currently operating in that facility?

Mr. McLaughlin stated. I'm operating at 4960 Riverside Drive.

Mr. Bolton stated. It been vacant since 2007, have you had to spend a lot to get it up to code or is that to come later or have you already spent the money and trying to get it to where it needs to be?

Mr. McLaughlin stated. We went through the instructions from the city. Building permit and roughly done what was necessary to do. Which was destruction already a funeral home. So, we maintain it as such.

Mr. Petrick closed the Public Hearing.

Mr. Bolton made a motion to approve Rezoning Application PZ24-00136 with conditions that parcel be consolidate prior to operation. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

5. *Special Use Permit application PZ24-00137 filed by Dewberry to allow a waiver of yard requirements in accordance with Article 3.O Section C Item 25 at 424 Airport Drive (Parcel 76366).*

Mr. Petrick opened the Public Hearing.

Mr. Lasley stated. I am a designer from Dewberry Davis office here in Danville alongside my colleague. Ms. Hall and Mr. Hassan. We're representing the city of Danville today. We are seeking approval for a waiver of yard requirements for a new aviation training facility located in the Danville Regional Airport that will support economic programs, academic programs offered by both Averett University and the Danville Community College. We are requesting that the Buyer Right front yard setback for this new facility be reduced to 20 feet from the parcels exterior boundary in order to provide both economical and programmatically functional building in both the owner, its beneficiaries and the Danville community at large. We are excited about this project and believe that it will be a positive value added to the airport drive corridor as well as the academic economic goals outlined in 2030 comprehensive plan.

Mr. Bolton stated. What's your time frame if this was to be approved? That it may be up and running and active.

Mr. Lasley stated. The facility is going through an EVA grant process which will be, if approved for funding, the project will go out to bid in July and 12 months from that. So, we are looking into mid-2025.

Mr. Ranson stated. What exactly is the setback? Did you say 20 feet?

Mr. Lasley stated. Yes.

Mr. Petrick closed the Public Hearing.

Mr. Dodson made a motion to approve Application PZ24-00137 with conditions per staff of 20 feet. Mr. Khan seconded the motion. The motion was approved by a 6-0 vote.

6. *Special Use Permit application PZ24-00152 filed by Henry Leggett to allow waiver of lot frontage requirements on a public street and waiver of requirements for public water in accordance with Article 3.A Section C Items 18 and 19 at 201 Little River Road (Parcel 70874).*

Mr. Petrick open the Public Hearing.

Mr. Leggett stated. It not unusual for this area. When zoning was set up, it was realized that there are a lot of landlock basically pieces of parcels and we're just trying to get the adjusted so that we can put a home in.

Ms. Evans stated. Will it be an easement?

Mr. Leggett stated. No, it will be my daughter's home. There is a road that comes through the farm. It acknowledged by Google but because the UPS truck and different one come through but there is not an easement as of right now. No.

Ms. Evans stated. Thinking in the future, your daughter, down the road, wants to sell it.

Mr. Leggett stated. Right, actually I have a son on the left side of the property and one to the extreme right. When the deed is transferred over it will be set up like the rest of them right of refusal by the others. And it would be purchased by the other children.

Mr. Petrick stated. At the present you have 3 single-family drawings on this parcel.

Mr. Leggett stated. My son on the right has his own farm that butts up to this property. The son on the left it already been broken off just like we're doing here except he has access through Fox Hollow. That's the only difference.

Mr. Petrick stated. Yeah, I noticed the one there, I think it was an off of Preston. Has a gateway.

Mr. Leggett stated. That same setup the other son on the right-hand side, same situation. There are no right ways into his farm. It was already existing when he built his home but since then, he's bought the land in front of that one.

Mr. Bolton stated. How big a track is it? The one you're subdividing off, how big is it?

Mr. Leggett stated. It will be a 3-acre track. We are keeping it 3-acre so that there's no zone changes. It will also be Sandy River District.

Mr. Petrick closed the Public Hearing

Mr. Bolton made a motion to approve Application PZ24-00152. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

7. *Code Amendment Request PZ24-00153 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3.X Section H to create Item 19 "Car washes".*

Mr. Petrick opened the Public Hearing

Mr. Petrick closed the Public Hearing

Ms. Evans stated. These are like do-it-yourself car washes, correct? Not like Huffman's.

Ms. Burton stated. It would be car washes in general. So, it will be any type of car wash, automatic or hand wash.

Ms. Evans stated. Will Huffman's be grandfathered in?

Ms. Burton stated. Yes.

Mr. Bolton stated. I think there is two more, spray wash and then on out further across from Gamma golf club, I know they wash cars there by hand all the time. They will be grandfathered.

Ms. Burton stated. That's correct. They will be allowed to remain.

Ms. Evans made a motion to approve Code Amendment Request PZ24-00153 to add car wash facilities as a prohibited use. Mr. Ranson seconded the motion. The motion was approved by a 6-0 vote.

Mr. Petrick stated. We have a plat here for right away for properties of Ceasars, Virginia LLC, City of Danville, Industrial Development Authority of Danville, Virginia, and 1076 Schoolfield LLC.

Ms. Burton stated. The plat I have printed for you This is a dedication of right away that will be coming off West Main Street. Go northbound and then exit on to Park Avenue, so it will go off one and back the other. We will have the option to come in and out both directions. It will pass by. The casino development owned by Ceasars as well as the 1076 as mentioned. It'll take a small portion of city property as well. City code requires that the Planning Commission approve any property that is dedicated as city right away.

Mr. Bolton stated. It will be a recommendation; does it end with us or does it go to council.

Ms. Burton stated. It does end with you.

Mr. Whitfield stated. You might want to; I suggest that you make a motion to approve and accept the property.



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Mr. Bolton made a motion to approve and accept the right of way as submitted here on the plat. Mr. Dodson seconded the motion.

Ms. Burton stated. There is one other plat that is in front of you that was submitted just a couple hours ago. This will be the same situation that it is not for public hearing. Anytime that 3 or mor parcels are created by a subdivision that's considered a major subdivision and requires approval of Planning Commission. The plat that you have is the original 1700 West Main Street. This will be divided into 3 parcels. The rezoning was approved by city council last month to allow rezonings for an apartment complex and then a single-family development. This is the plat to separate those particular parcels.



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Mr. Petrick state. This will be the same format to accept and approve.

Ms. Burton stated. No need to accept, you simply approve. Because it is considered a major subdivision plat.

Mr. Bolton made a motion to approve the subdivision plat as presented. Mr. Khan seconded the motion.

V. PLANNING DIRECTOR'S REPORT

VI. MINUTES

The March 11, 2024, minutes were approved by unanimous vote.

With no further business, the meeting adjourned at ?p.m.

s/Cynthia Lester
APPROVED