City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

APRIL 10, 2017
3:00 P.M.
CITY COUNCIL CHAMBERS
AGENDA

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ITEMS FOR PUBLIC HEARING

1. *Rezoning application PLRZ20170000064, filed by Present Help Ministries, requesting to rezone from OT-R, Old Town Residential District to "Conditional" TO-C, Transitional Office Commercial, 717 Jefferson Street otherwise known as Grid 2717, Block 023, Parcel 000003, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate a homeless shelter for women and children.*

2. *Special Use Permit application PLSUP20170000065, filed by Present Help Ministries, requesting a Special Use Permit for a homeless shelter in accordance with Article 3: I, Section C, Item 20 of the Code of the City of Danville, Virginia 1986, as amended at 717 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a homeless shelter for women and children.*

3. *Rezoning application PLRZ20170000072, filed by Present Help Ministries, requesting to rezone from OT-R, Old Town Residential District to "Conditional" TO-C, Transitional Office Commercial, Parcel ID #22474 otherwise known as Grid 2717, Block 023, Parcel 000056, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate a private parking lot for a homeless shelter.*

4. *Special Use Permit application PLSUP20170000073 filed by Present Help Ministries, requesting a Special Use Permit for a parking lot in accordance with Article 3: I, Section C, Item 11 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #22474 otherwise known as Grid 2717, Block 023, Parcel 000056, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate a private parking lot for a homeless shelter.*

5. *Special Use Permit application PLSUP20170000067, filed by Rev. Tommy Crews, requesting a Special Use Permit for Urban Agriculture in accordance with Article 3.E, Section C, Item 28 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #02044, otherwise known as Grid 2710, Block 012, Parcel 000005.001, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to establish a community garden through the City of Danville's Lots of Potential Program.*

6. *Special Use Permit Application PLSUP20170000071, filed by Rev. Tommy Crews, requesting a Special Use Permit for Urban Agriculture in accordance with Article 3.E, Section C, Item 28 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #02043 otherwise known as Grid 2710, Block 012, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to establish a community garden through the City of Danville's Lots of Potential Program.*

7. *Rezoning application PLRZ20170000068, filed by Michael W. Flanigan, requesting to rezone from N-C, Neighborhood Commercial to "Conditional" HR-C, Highway Retail Commercial, 1102 Franklin Turnpike otherwise known as Grid 2913, Block 003, Parcel 000028, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate auto sales.*

8. *Special Use Permit application PLSUP20170000069, filed by Pam, Inc., requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3:M, Section C, Item 21 of the Code of the City of Danville, Virginia 1986, as amended at 479 Piney Forest Road, otherwise known as Grid 1819, Block 016, Parcel 000014 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to add a 48'x20' structure within the front yard setback fronting Churchview Drive.*

IV. APPROVAL OF MINUTES FROM MARCH 13, 2017

V. OTHER BUSINESS

VI. ADJOURNMENT

City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

City Planning Commission
Meeting of April 10, 2017

Subject:

Rezoning application PLRZ20170000064, filed by Present Help Ministries, requesting to rezone from OT-R, Old Town Residential District to "Conditional" TO-C, Transitional Office Commercial, 717 Jefferson Street otherwise known as Grid 2717, Block 023, Parcel 000003, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate a homeless shelter for women and children.

AND

Special Use Permit application PLSUP20170000065, filed by Present Help Ministries, requesting a Special Use Permit for a homeless shelter in accordance with Article 3: I, Section C, Item 20 of the Code of the City of Danville, Virginia 1986, as amended at 717 Jefferson Street, otherwise known as Grid 2717, Block 023, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate a homeless shelter for women and children.

Background:

717 Jefferson Street is zoned OT-R, Old Town Residential. Located on the property are two (2) structures. Constructed ca 1909, the large 2 ½ story main structure has remained vacant for several years and contains nine (9) bedrooms. There is also a detached garage in the rear that has additional living space above. Present Help Ministries, the applicant, was gifted the property in 2014.

Present Help Ministries is requesting to rezone the property to "Conditional" TO-C and obtain a Special Use Permit in accordance with Article 3: I, Section C, Item 20 to operate a homeless shelter to serve women and children. Their application states that it is their intent to provide "a home like atmosphere for them and/or their children. [t]o allow them up to 60 days with us". Parking is required for this operation. A separate parking lot on an adjacent lot is proposed and is to be reviewed today as PLRS20170000072 and PLSUP20170000073.

On December 28, 2016 Present Help Ministries was issued a Notice of Violation from the City of Danville Building Inspections Division. Alfrieta Bennett, on behalf of Present Help Ministries, has met with Inspectors to identify the violations and determine a plan of action to correct them.

Thirty-nine (39) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on April 10, 2017.

Recommendation:

Staff recognizes that rezoning this one specific parcel within a single family zoning neighborhood could be spot zoning. Spot zoning is site specific and does not include a use that is compatible or necessary to the overall zoning. Spot zoning may be deemed valid or invalid. Invalid spot zoning can be where favor has been shown to one landowner to the unreasonable detriment of the surrounding area. Valid spot zoning is made for the benefit of the community at large.

Staff recommends that Planning Commission make a recommendation to City Council in regards to Rezoning application PLRZ20170000064 and PLSUP20170000065 that would allow Present Help Ministries to operate a homeless shelter at 717 Jefferson Street.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning application PLRZ20170000064 as submitted.
2. Recommend approval of Rezoning application PLRZ20170000064 subject to conditions by the Planning Commission.
3. Recommend denial of Rezoning application PLRZ20170000064 as submitted.
4. Recommend postponement of Rezoning application PLRZ20170000064 by Planning Commission.

AND

5. Recommend approval of Special Use Permit application PLSUP20170000065 as submitted.
6. Recommend approval of Special Use Permit application PLSUP20170000065 subject to conditions by the Planning Commission.
7. Recommend denial of Special Use Permit application PLSUP20170000065 as submitted.
8. Recommend postponement of Special Use Permit application PLSUP20170000065 by Planning Commission.

Attachments:

Signed Proffer List
Application
Notice of Violation
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

B. - Permitted Uses.

1. Accessory use, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
2. ~~Banks and financial institutions (without drive-thru facilities.)~~
3. Bed and breakfast, inn, or tourist home (as defined).
4. ~~Catering service~~.
5. ~~Cemeteries~~.
6. Churches and places of worship.
7. ~~Offices (general and professional).~~
8. Day care facilities (adult and child).
9. ~~Funeral home~~.
10. Home occupations.
11. ~~Hospital, nursing home, and medical care facility, inclusive of inpatient activities~~.
12. ~~Nursing home~~.
13. ~~Personal service establishments~~.
14. ~~Pharmacy~~.
15. ~~Schools, colleges and universities (public or private).~~
16. ~~Single family residential dwelling, provided that (a) the residential dwelling is existing as a conforming use as of the date of adoption of this ordinance, (b) said residential dwelling shall conform in all respects to the OT-R District and (c) there shall be no more than one single-family dwelling per lot~~.
17. ~~Studio for an artist, designer, writer, photographer, sculptor or musician~~.
18. Child therapeutic day support services.

(Ord. No. 2004-02.04, Art. 3.I, § B, 2-17-04; Ord. No. 2014-08.09, 8-19-14)

C. - Uses Permitted by Special Use Permit.

1. Accessory apartments, within a residential dwelling and limited to one rental apartment.
2. ~~Any use incorporating a drive-thru facility (including banks, financial institutions and fast food restaurants).~~
3. ~~Antique shops~~.
4. ~~Community facilities and uses~~.
5. ~~Congregate care facility~~.
6. ~~Cupolas, spires and steeples (for public and semi-public uses).~~
7. ~~Fast food restaurant.~~
8. ~~Golf course, but not including a par 3 course, miniature golf course or driving range~~.
9. Group home.
10. ~~Offices with retail sales, limited to interior display and sales of high technology, scientific, electronic, health care, medical or biomedical equipment of a type not~~

~~customarily retailed to the general public, provided that there shall be no exterior or storefront displays~~.

11. Parking lots (private or public, off-street as a principal use).
12. ~~Private clubs and lodges~~.
13. ~~Public uses and utilities~~.
14. ~~Residential apartments, as an ancillary use within a commercial structure and limited to four (4) rental apartment units per structure~~.
15. ~~Restaurant.~~
16. Waiver of lot size requirements.
17. Waiver of maximum floor area ratio of 0.25.
18. Waiver of maximum building height regulations.
19. Waiver of minimum yard requirements.
20. Homeless shelter.
21. Transitional living shelter.
22. ~~Post-release housing~~.
23. ~~Museum~~.

(Ord. No. 2004-02.04, Art. 3.I, § C, 2-17-04; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2013-10.06, 10-17-13; Ord. No. 2013-11.05, 11-19-13)

Alfrieta Bennett

Present Help Ministries
Alfrieta Bennett

3/20/17
Date

CITY OF DANVILLE

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: OT-2

PROPOSED ZONING: Conditional TO-C TAX MAP NUMBER: _____

RECEIVED BY: MC DATE FILED: _____

PLANNING COMMISSION DATE: 4/10/17 CITY COUNCIL DATE: 5/2/17

INFORMATION TO BE PROVIDED BY THE APPLICANT

Exact legal description of property (Attach if insufficient space). 80 Ft. Pt. Nos 11-12 & 13 Sec B

Gross Area/Net Area: _____ Property Address: 717 Jefferson St.

Property Location: N S (E) W Side of: Stokes Street (800 block)

Between: Lee Street (cemetery) and ~~Jefferson~~ Stokes Street (800 block)

Proffered Conditions (if any, please attach): _____

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

1. NAME: Present Help Ministries TELEPHONE: 434-799-3480

MAILING ADDRESS: 3 Park Avenue Ext., Danville, VA 24541

SIGNATURE: Alfrieta J. Bennett DATE: 3-13-17

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: alfrieta@gmail.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: Alfrieta J. Bennett, Chairman TELEPHONE: 434-799-3480

MAILING ADDRESS: 3 Park Ave. Ext., Danville, VA 24541

EMAIL ADDRESS: alfrieta@gmail.com

SIGNATURE: Alfrieta J. Bennett DATE: 3-13-17

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

_____

_____

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

_____

_____

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

To make a home for homeless women and homeless women with children.

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:
Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE: homeless home (shelter) for homeless women and/or homeless women with their children.

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT
(PLEASE TYPE OR PRINT)

Exact legal description of property (Attach if insufficient space).
80 Ft. Pt. Nos 11-12 + 13 Sec B

Gross Area/Net Area: _____ Property Address: 717 Jefferson St

Property Location: N S (E) W Side of: Stokes Street

Between: Lee Street and Stokes Street

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

To rehab the 9 bedroom dwelling and use it for homeless women.
To provide a home like atmosphere for them and/or their children.
To allow them up to 60 days with us.

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

1. NAME: Present Help Ministries, Inc. TELEPHONE: 434-799-3480

MAILING ADDRESS: 3 Park Avenue Ext., Danville, VA 24541

SIGNATURE: Alfrieta J. Bennett DATE: 3-13-17

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: alfrieta@gmail.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: Alfrieta Bennett, Chairman TELEPHONE: 434-799-3480

MAILING ADDRESS: 3 Park Avenue Ext., Danville, VA 24541

EMAIL ADDRESS: alfrieta@gmail.com

SIGNATURE: Alfrieta J. Bennett DATE: 3-13-17

Property Information

Property Names

Name Explanation	Name
Function/Location	House, 717 Jefferson Street

Property Addresses

Current - 717 Jefferson Street

County/Independent City(s): Danville (Ind. City)
Incorporated Town(s): *No Data*
Zip Code(s): 24541
Magisterial District(s): *No Data*
Tax Parcel(s): *No Data*
USGS Quad(s): DANVILLE

Property Evaluation Status

Not Evaluated

This Property is associated with the Danville Tobacco Warehouse and Residential Historic District.

Additional Property Information

Architecture Setting: Urban
Acreage: *No Data*
Site Description:

July 1978: This house sits on the east side of Jefferson Street, one lot north of Lee Street. The surrounding area is residential with mostly large middle class dwellings and a few duplexes mixed in. A large church is across the street. The main business district and historic downtown area are located to the north. The large Green Hill Cemetery is located just to the south on the other side of Lee Street. A concrete driveway leads past the house on the south side and the front yard is neatly landscaped with boxwoods around the foundation and along the front walkway and brick edging around the perimeter.

Surveyor Assessment:

July 1978: This property contributes to the Danville Tobacco Warehouse and Residential Historic District because it was constructed during the period of significance and retains sufficient integrity.

Surveyor Recommendation: Recommended Not Eligible

Ownership

Ownership Category	Ownership Entity
Private	*No Data*

Primary Resource Information

Resource Category: Domestic
Resource Type: Single Dwelling
Date of Construction: 1909Ca
Historic Time Period: Reconstruction and Growth (1866 - 1916)
Historic Context(s): Architecture/Community Planning, Domestic
Architectural Style: Colonial Revival
Form: Square
Number of Stories: 2.5
Condition: Good
Interior Plan: *No Data*
Threats to Resource: None Known
Architectural Description:

July 1978: This large 2 ½ story, three-bay brick house, built ca. 1909, has a hipped roof with eight gabled dormers, two on each slope, and a symmetrical façade. A nearly full width porch is supported by fluted columns, has turned balusters, and a dentiled cornice. An aluminum awning extends from the front of the porch. The front entrance is in the central bay and is flanked by sidelights. The first and second story windows are double hung sash. The large dormers have Classicaly inspired pilasters flanking the windows and supporting the pedimented front gable. The large windows in the dormers have small diamond shaped panes in the upper sash. The eaves of the house are boxed and there is a dentiled cornice that matches the one on the porch. The house has a standing seam metal roof and two interior end chimneys with elaborate corbelled caps. The brick walls are laid in stretcher bond.

This house was built by Mary G. Watson and Nannie D. Green. In the 1909 Land Book the structure was valued at $2,500.

Exterior Components

Component	Component Type	Material	Material Treatment
Chimneys	Interior End	Brick	Corbeled
Dormer	Gable	Metal	*No Data*
Porch	1-Story Partial Width	Wood	Doric
Roof	Hipped	Metal	*No Data*
Structural System and Exterior Treatment	Masonry	Brick	Stretcher Bond
Windows	Double-hung	Wood	*No Data*

Secondary Resource Information

Secondary Resource #1

Resource Category: *No Data*
Resource Type: *No Data*
Architectural Style: *No Data*
Form: *No Data*
Date of Construction: *No Data*
Condition: *No Data*
Threats to Resource: *No Data*
Architectural Description:
No Data

Historic District Information

Historic District Name: Danville Tobacco Warehouse and Residential Historic District
Local Historic District Name: *No Data*
Historic District Significance: The Danville Tobacco Warehouse and Residential Historic District was listed on the National Register in 1980 with a period of significance spanning prehistory to the early 20th century. Areas of significance include archaeology, architecture, commerce, industry, transportation and social history. The existing above-ground resources represent Danville's economic prosperity in the late 19th and early 20th centuries.

CRM Events

Event Type: Survey:Phase I/Reconnaissance

Project Review File Number: *No Data*
Investigator: G. Grant/ B. Handy/ D. Ware
Organization/Company: DHR
Sponsoring Organization: *No Data*
Survey Date: 7/1/1978
Dhr Library Report Number: *No Data*
Project Staff/Notes:
No Data

Bibliographic Information

Bibliography:

Sanborn Insurance Map, 1910
City Directories, 1898-99
Land Book, 1909
Architectural Inventory, Russell Wright, 1971

Property Notes:

No Data

Project Bibliographic Information:

No Data

City of Danville, Inspections Division
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

NOTICE OF DEMOLITION AND REPAIR

12/28/2016

PRESENT HELP MINISTRIES
3 PARK AVE EXT
DANVILLE VA 24541

PRESENT HELP MINISTRIES
R/A ALFREITA BENNETT
3 PARK AVE EXT
DANVILLE VA 24541

PRESENT HELP MINISTRIES
717 JEFFERSON ST
DANVILLE VA 24541

RE: 717 JEFFERSON ST
Parcel ID: 23392
Application Number: 193341

Dear Property Owner(s) and/or Occupant,

The City of Danville's Inspections Division has inspected the building on the above referenced property and found it to be in violation of the provisions of the most current edition of the Virginia Uniform Statewide Building Code (USBC), as adopted by the Commonwealth of Virginia, Department of Housing & Community Development for the maintenance of existing structures. Further, it has also been determined by the Building Maintenance Official that this building is unsafe, unfit for human occupancy or unlawful pursuant to Section 105 of the Virginia Maintenance Code, Part III of the USBC, and is hereby deemed a dangerous structure as defined in Section 9-3 of the Code of the City of Danville, VA, 1986, as amended.

You are hereby notified that this building has been deemed an UNSAFE STRUCTURE, and the Building Maintenance Official prohibits any use or occupancy.

The specific violations of the Virginia Maintenance Code that cause the building to be declared unsafe, unfit for human occupancy or unlawful and a dangerous structure are as follows:

105 Unsafe structures: VMC Section 105 Unsafe and/or unfit for habitation.
302.7 Accessory structure: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
304.1 Exterior of Structure: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary.
304.2 Protective treatment: Exterior wood and/or metal surfaces have peeling, flaking and/or chipped paint.
304.7 Roofs and drainage: Roof and flashing shall be sound, tight and not have defects that admit rain.
304.8 Decorative features: All cornices, belt courses, corbel, terra cotta trim, wall facing and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
304.13 Window, skylight and door frames: Windows, skylight, doors and frames shall be kept in sound condition, good repair and weather tight.

ORDER.

The Building Maintenance Official has determined that in order to abate the unsafe or dangerous conditions on this property, this building must be demolished and removed. You are hereby ordered to complete the demolition and removal of this building within 30 days of receipt of this notice.

DEMOLITION

1. **DEMOLISH ACCESSORY STRUCTURE.**

REPAIR

2. **REPLACE ALL DETERIORATED WOOD. (DECORATIVE FEATURES, SOFFIT , FASCIA BOARD)**
3. **ALL PEELING, FLAKING, AND CHIPPED PAINT SHALL BE ELIMINATED AND SURFACES REPAINTED OR COVERED WITH A PROTECTIVE TREATMENT. (DECORATIVE FEATURES, SOFFIT , FASCIA BOARD, EXTERIOR WALLS, WINDOW FRAMES, AND DOOR FRAMES)**
4. **ALL METAL SURFACES SUBJECT TO RUST OR CORROSION SHALL BE STABILIZED AND COATED TO INHIBIT FUTURE RUST AND CORROSION. (GUTTERS)**
5. **REPLACE ALL CRACKED, BROKEN OR MISSING WINDOWS.**
6. **ALL GUTTERS, DOWNSPOUTS AND DRAINS MUST BE PROPERLY INSTALLED AND CAPABLE OF PERFORMING ITS INTENDED FUNCTION.**
7. **REPLACE MISSING EXTERIOR STAIRS ON REAR ENTRANCE.**

Failure to comply with this order to abate the unsafe and dangerous conditions will result in the City of Danville taking action to abate such conditions in accordance with the provisions of Virginia Code Section 15.2-906 and/or the Virginia Maintenance Code, as the Building Maintenance Official deems appropriate. This may result in legal action against you, which would subject you to a fine of up to $2,500.00, or the City may take the necessary action, up to and including the taking down and removal of the building, and charge the costs or expense thereof to you. Any charges assessed, which are unpaid, would constitute a lien in that amount against the property.

In the event that the City proceeds with demolition, any personal property remaining in the building at the time of demolition will be considered abandoned and will be disposed of in the course of demolition. No action will be taken to dispose of your personal property for a minimum of 45 days after the date of this Notice.

Contact the Inspections Division to inquire about retrieving your personal property in a safe and appropriate manner. Any attempt to access an unsafe or dangerous structure without authorization from the Building Maintenance Official is prohibited.

Right of Appeal

You have the right to appeal this decision of the Building Maintenance Official to the local Board of Building Code Appeals as provided for in Section 106.0 of the Virginia Maintenance Code, and in Section 9-3 of the Code of the City of Danville, Virginia, 1986, as amended. A written request for such an appeal shall be made on forms provided by the Building Maintenance Official, and filed with this office within 14 calendar days from receipt of this notice. At the time of filing, a fee of Two Hundred dollars ($200.00) shall accompany the appeal request. Applications for appeal may be obtained in the Inspections Office located in Room 208 of the Municipal Building at 427 Patton Street, Monday through Friday, 8:00 AM until 5:00 PM.

Compliance with this order may require a building permit from this office. Failure to obtain the proper permit(s) as required by the USBC shall constitute a separate violation. **Should you have any questions, or when all work ordered in this Notice has been completed, please contact me at (434) 799 5260**. Thank you for your cooperation in promptly eliminating these violations.

Sincerely,

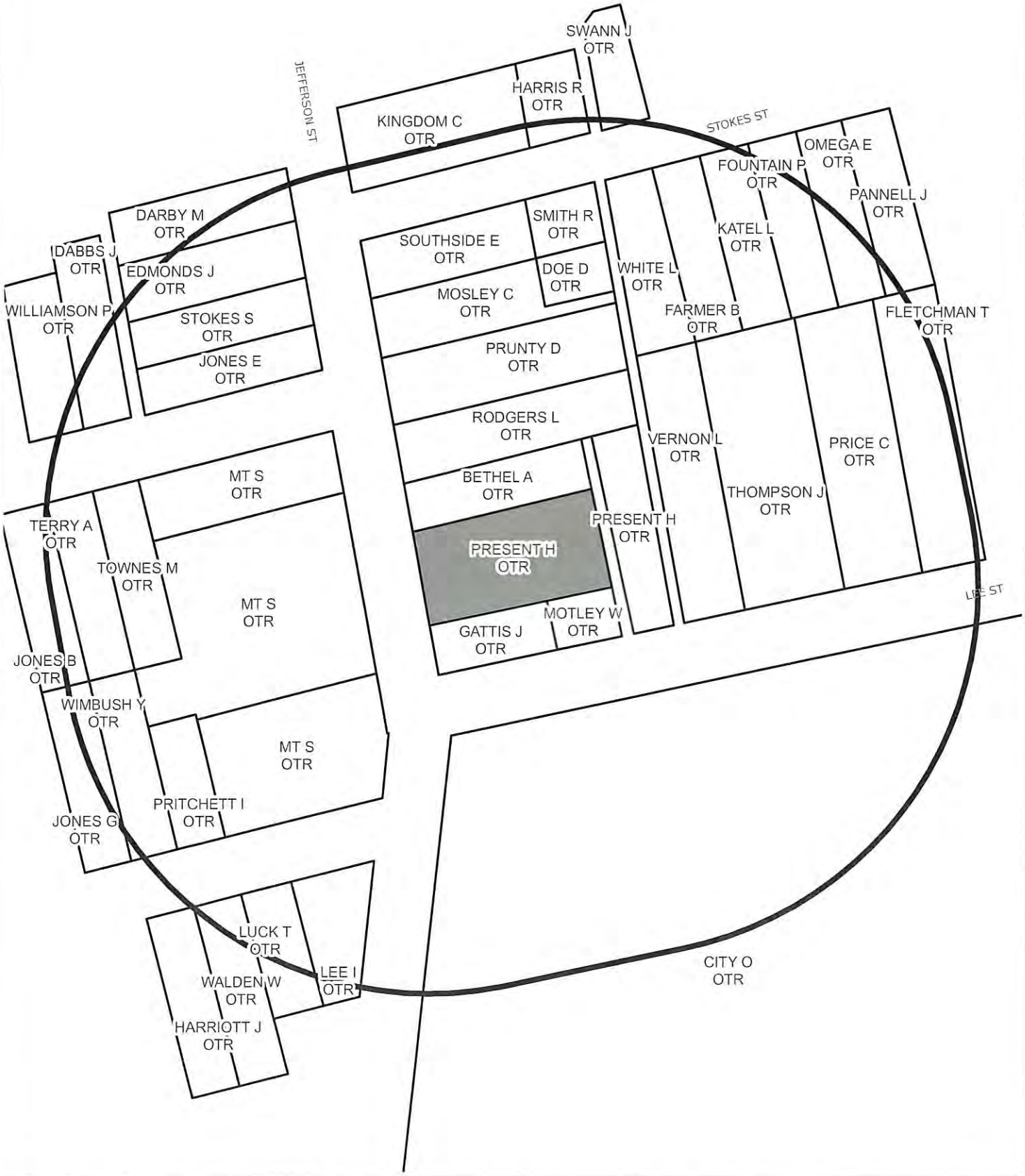
Carlos Valderrama

CARLOS A VALDERRAMA
Property Maintenance Inspector

Jerry D Rigney

JERRY D RIGNEY, CBO, CPCA
Division Director of Inspections

CC: File
Post on Property



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/23/2017

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.

REZONING AND SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	April 10, 2017
LOCATION OF PROPERTY:	717 Jefferson Street
PRESENT ZONE:	OT-R, Old Town Residential
PROPOSED ZONE:	"Conditional" TO-C, "Conditional" Transitional Office Commercial
ACTION REQUESTED:	Rezoning and Special Use Permit Requests so that the property may be operated as a homeless shelter.
PRESENT USE OF PROPERTY:	Single Family Dwelling
PROPOSED USE OF PROPERTY:	The applicant intends to operate the structure as a homeless shelter for women and children.
PROPERTY OWNER (S):	Present Help Ministries
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Residential to the north, south, west, and east
ACREAGE/SQUARE FOOTAGE:	0.28 acres.
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Jefferson Street
TRAFFIC VOLUME:	Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 10, 2017

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/23/2017

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.

City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

City Planning Commission
Meeting of April 10, 2017

Subject:

Rezoning application PLRZ20170000072, filed by Present Help Ministries, requesting to rezone from OT-R, Old Town Residential District to "Conditional" TO-C, Transitional Office Commercial, Parcel ID #22474 otherwise known as Grid 2717, Block 023, Parcel 000056, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate a private parking lot for a homeless shelter.

AND

Special Use Permit application PLSUP20170000073 filed by Present Help Ministries, requesting a Special Use Permit for a parking lot in accordance with Article 3: I, Section C, Item 11 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #22474 otherwise known as Grid 2717, Block 023, Parcel 000056, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate a private parking lot for a homeless shelter.

Background:

Parcel #22474 is zoned OT-R, Old Town Residential. The property is vacant and sandwiched between two (2) open alleys. Present Help Ministries, the applicant, was gifted the property in 2014.

Present Help Ministries has requested a Rezoning and Special Use Permit request, PLRZ20170000064 and PLRZ20170000065 respectively, for the operation of a homeless shelter. The operation of a homeless shelter requires that off-street parking be provided for its operation. PLRZ20170000072 and PLRZ20170000073 are requested by the applicant to provide private parking for the proposed homeless shelter.

Parcel #22474 has an open alley along its west and east boundaries. The applicant has submitted a request to the Public Works Department to close the alley to the west. An alley closure and subsequent consolidation with Parcel #22474 will allow a parking lot to be constructed adjacent to the rear lot line at the proposed homeless shelter at 717 Jefferson Avenue with ingress/egress on Lee Street.

Thirty-two (32) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on April 10, 2017.

Recommendation:

Staff recognizes that rezoning this one specific parcel within a single family zoning neighborhood could be spot zoning. Spot zoning is site specific and does not include a use that is compatible or necessary to the overall zoning. Spot zoning may be deemed valid or invalid. Invalid spot zoning can be where favor has been shown to one landowner to the unreasonable detriment of the surrounding area. Valid spot zoning is made for the benefit of the community at large.

Staff recommends that Planning Commission make a recommendation to City Council in regards to Rezoning application PLRZ20170000072 and PLSUP20170000073 that would allow Present Help Ministries to construct a private parking lot to be used for the operation of a proposed homeless shelter at 717 Jefferson Street.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning application PLRZ20170000072 as submitted.
2. Recommend approval of Rezoning application PLRZ20170000072 subject to conditions by the Planning Commission.
3. Recommend denial of Rezoning application PLRZ20170000072 as submitted.
4. Recommend postponement of Rezoning application PLRZ20170000072 by Planning Commission.

AND

5. Recommend approval of Special Use Permit application PLSUP20170000073 as submitted.
6. Recommend approval of Special Use Permit application PLSUP20170000073 subject to conditions by the Planning Commission.
7. Recommend denial of Special Use Permit application PLSUP20170000073 as submitted.
8. Recommend postponement of Special Use Permit application PLSUP20170000073 by Planning Commission.

Attachments:

Signed Proffer List
Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

B. - Permitted Uses.

1. Accessory use, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
2. ~~Banks and financial institutions (without drive-thru facilities.)~~
3. Bed and breakfast, inn, or tourist home (as defined).
4. ~~Catering service~~.
5. ~~Cemeteries~~.
6. Churches and places of worship.
7. ~~Offices (general and professional).~~
8. Day care facilities (adult and child).
9. ~~Funeral home~~.
10. Home occupations.
11. ~~Hospital, nursing home, and medical care facility, inclusive of inpatient activities~~.
12. ~~Nursing home~~.
13. ~~Personal service establishments~~.
14. ~~Pharmacy~~.
15. ~~Schools, colleges and universities (public or private).~~
16. ~~Single family residential dwelling, provided that (a) the residential dwelling is existing as a conforming use as of the date of adoption of this ordinance, (b) said residential dwelling shall conform in all respects to the OT-R District and (c) there shall be no more than one single-family dwelling per lot~~.
17. ~~Studio for an artist, designer, writer, photographer, sculptor or musician~~.
18. Child therapeutic day support services.

(Ord. No. 2004-02.04, Art. 3.I, § B, 2-17-04; Ord. No. 2014-08.09, 8-19-14)

C. - Uses Permitted by Special Use Permit.

1. Accessory apartments, within a residential dwelling and limited to one rental apartment.
2. ~~Any use incorporating a drive-thru facility (including banks, financial institutions and fast food restaurants).~~
3. ~~Antique shops~~.
4. ~~Community facilities and uses~~.
5. ~~Congregate care facility~~.
6. ~~Cupolas, spires and steeples (for public and semi-public uses).~~
7. ~~Fast food restaurant.~~
8. ~~Golf course, but not including a par 3 course, miniature golf course or driving range~~.
9. Group home.
10. ~~Offices with retail sales, limited to interior display and sales of high technology, scientific, electronic, health care, medical or biomedical equipment of a type not~~

~~customarily retailed to the general public, provided that there shall be no exterior or storefront displays~~.

11. Parking lots (private or public, off-street as a principal use).
12. ~~Private clubs and lodges~~.
13. ~~Public uses and utilities~~.
14. ~~Residential apartments, as an ancillary use within a commercial structure and limited to four (4) rental apartment units per structure~~.
15. ~~Restaurant.~~
16. Waiver of lot size requirements.
17. Waiver of maximum floor area ratio of 0.25.
18. Waiver of maximum building height regulations.
19. Waiver of minimum yard requirements.
20. Homeless shelter.
21. Transitional living shelter.
22. ~~Post-release housing~~.
23. ~~Museum~~.

(Ord. No. 2004-02.04, Art. 3.I, § C, 2-17-04; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2013-10.06, 10-17-13; Ord. No. 2013-11.05, 11-19-13)

Alfrieta Bennett
Present Help Ministries
Alfrieta Bennett

3/20/17
Date

CITY OF DANVILLE

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: OFR

PROPOSED ZONING: Conditional TO-C TAX MAP NUMBER: _____

RECEIVED BY: AC DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: .15 acre Property Address: Parcel ID 22474

Property Location: N S E W Side of: Stokes St

Between: Lee and Stokes

Proffered Conditions (if any, please attach): attached

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

1. NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

SIGNATURE: Alfrieta Bennett DATE: 3/20/17

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: Alfrieta Bennett DATE: 3/20/17

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Private Parking Lot

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

Rezone to "Conditional" TO-C for a parking lot

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:
Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE: Parking Lot - Article 3.1, Section C, Item 11

CASE NUMBER: _____ EXISTING ZONING: OT-R

PROPOSED ZONING: Conditional TOC TAX MAP NUMBER: _____

RECEIVED BY: AL DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT
(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: .15 acre Property Address: Parcel ID 22474

Property Location: N S (E) W Side of: Stokes Street

Between: Lee Street and Stokes Street

Proffered Conditions (if any, please attach): See attached.

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Private parking lot

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

1. NAME: Present Help Ministries TELEPHONE: 434-799-3480

MAILING ADDRESS: 3 Park Ave., Danville, VA 24541

SIGNATURE: Alfrieta Bennett DATE: 3/20/17

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: alfrieta@gmail.com

APPLICANT (PLEASE TYPE OR PRINT)**:**

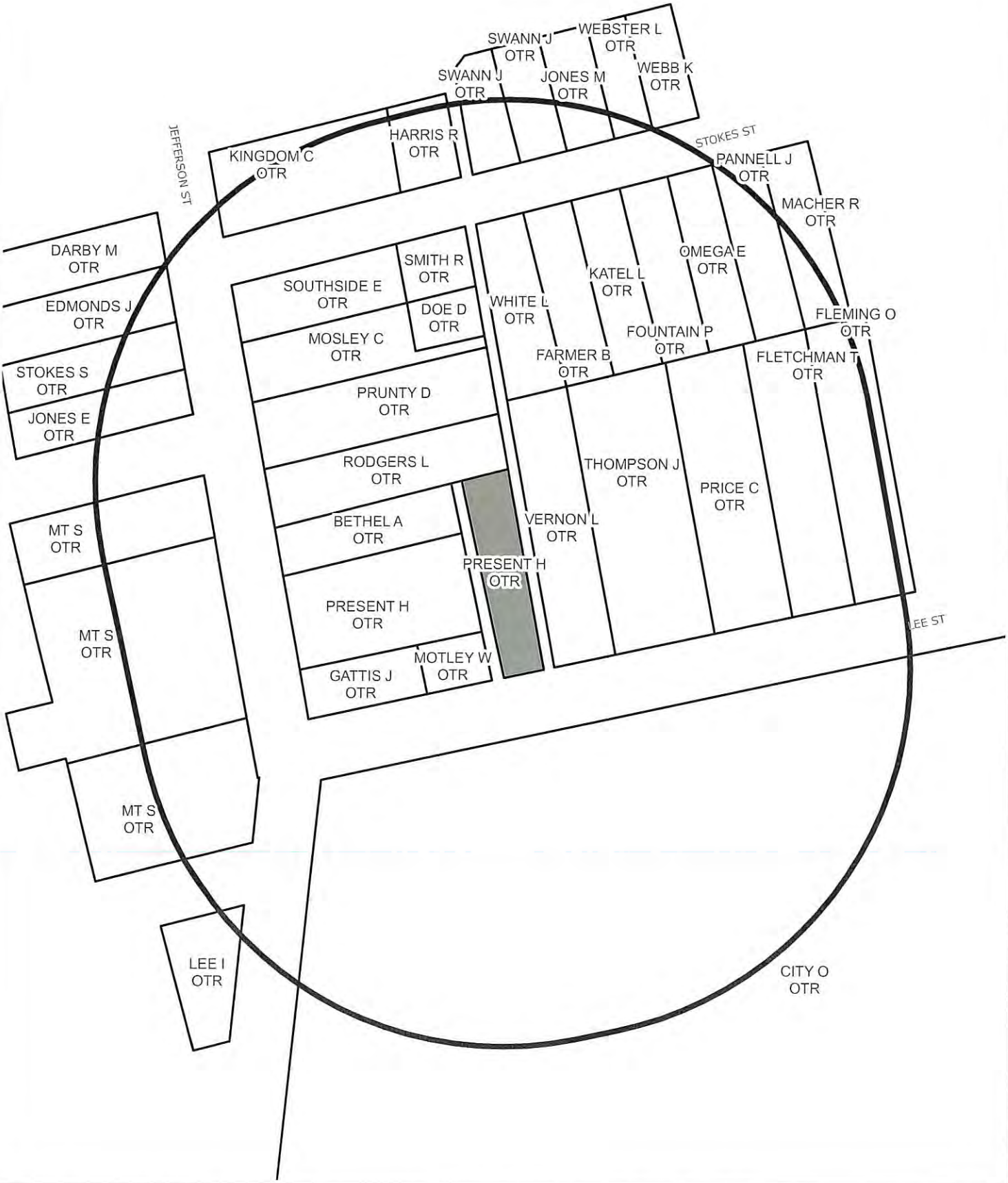
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Alfrieta Bennett TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/23/2017

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.

REZONING AND SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	April 10, 2017
LOCATION OF PROPERTY:	Parcel ID #22474
PRESENT ZONE:	OT-R, Old Town Residential
PROPOSED ZONE:	"Conditional" TO-C, "Conditional" Transitional Office Commercial
ACTION REQUESTED:	Rezoning and Special Use Permit Requests so that the property may be used as a parking lot.
PRESENT USE OF PROPERTY:	Vacant lot
PROPOSED USE OF PROPERTY:	The applicant intends to create a parking area on the lot for a proposed homeless shelter.
PROPERTY OWNER (S):	Present Help Ministries
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Residential to the north, south, west, and east
ACREAGE/SQUARE FOOTAGE:	0.15 acres.
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Lee Street
TRAFFIC VOLUME:	Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 10, 2017

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/23/2017

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.

City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

City Planning Commission
Meeting of April 10, 2017

Subject:

Special Use Permit application PLSUP20170000067, filed by Rev. Tommy Crews, requesting a Special Use Permit for Urban Agriculture in accordance with Article 3.E, Section C, Item 28 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #02044, otherwise known as Grid 2710, Block 012, Parcel 000005.001, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to establish a community garden through the City of Danville's Lots of Potential Program.

AND

Special Use Permit Application PLSUP20170000071, filed by Rev. Tommy Crews, requesting a Special Use Permit for Urban Agriculture in accordance with Article 3.E, Section C, Item 28 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID #02043 otherwise known as Grid 2710, Block 012, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to establish a community garden through the City of Danville's Lots of Potential Program.

Background:

The applicant, Rev. Tommy Crews of Right Touch Christian Church, is requesting a Special Use Permit for the operation of an urban agriculture operation. The applicant is proposing to operate a community garden on Parcel IDs #02044 and #02043. The community garden would be in partnership with the City of Danville's Lots of Potential Program whose purpose is to transform vacant and under-utilized City-owned property into sites for food production.

Right Touch Christian Church will license the parcels from the City for the use of a community garden. The license will be for a period of up to one year, though it will be renewable at the end of each term. The City will maintain ownership and possessory rights of the subject parcels. The total acreage of the two parcels is .5 acres.

Under the Lots of Potential Program, the licensee agrees to comply with specific rules and procedures. All gardening must be done in raised beds. All site improvements such as accessory buildings and fences must comply with zoning and building code and must

be permitted though the City. All licensed property must be mowed and maintained if not under cultivation.

Right Touch Christian Church is located approximately 330 ft away from the subject parcels. The 44 space parking lot there is to serve the proposed community garden.

Twenty-six (26) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on April 10, 2017.

Recommendation:

Staff believes that the community garden will not adversely affect surrounding property owners. Staff recommends approval of Special Use Permits PLSUP20170000067 and PLSUP20170000071, filed by Rev. Tommy Crews of Right Touch Christian Church to operate urban agriculture on Parcel IDs ##02044 and #02043 with the following conditions:

1. Any and all accessory structures meet the zoning setbacks and receive a zoning clearance.
2. All livestock or poultry being raised on the subject property adhere to the limits detailed in the definition of urban agriculture in the Zoning Code.
3. The hours of operation be limited to daylight hours.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit application PLSUP20170000067 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20170000067 subject to conditions by the Planning Commission.
3. Recommend denial of Special Use Permit application PLSUP20170000067 as submitted.
4. Recommend postponement of Special Use Permit application PLSUP20170000067 by Planning Commission.

AND

1. Recommend approval of Special Use Permit application PLSUP20170000071 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20170000071 subject to conditions by the Planning Commission.
3. Recommend denial of Special Use Permit application PLSUP20170000071 as submitted.
4. Recommend postponement of Special Use Permit application PLSUP20170000071 by Planning Commission.

Attachments:

Application
Lots of Potential Rules and Procedures
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:
Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING

USE: Urban Agriculture

CASE NUMBER: _____ EXISTING ZONING: OTR

PROPOSED ZONING: URBAN AGRICULTURE TAX MAP NUMBER: #02044 & #02043

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT
(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: 606 ft / .5 acres Property Address: Worsham St.

Property Location: N S E W Side of: Worsham St.

Between: Wagner St. and Taft St.

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Right Touch Christian Church proposes to license the parcel #02044 & # 02043 from the City of Danville for the purpose of Community Gardening in the Lots of Potential program.

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

1. NAME: City of Danville TELEPHONE: (434) 799-5260

MAILING ADDRESS: 427 Patton St. Danville, VA 24541

SIGNATURE: _____ DATE: 3-15-17

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: reynoeb@danvilleva.gov

APPLICANT (PLEASE TYPE OR PRINT)**:**
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Rev. Tommy Crews TELEPHONE: _____

MAILING ADDRESS: 513 Worsham St.

EMAIL ADDRESS: rev_tc@yahoo.com

SIGNATURE: _____ DATE: _____

00247
03042
04897
03644
KUSHNER ST
WORSHAM ST
04387
03510
04919
02958
00495
00681
00496
04580
03041
02233
03604
00677
03283
04492
04267
02818
01273
01274
02236
02077
02042
02046
02045
00380
03460
04288
04294
02110
04928
04889
04929
04927
00808
02047
02048
04930
OVERBY ST
WAGNER ST
00810
02044
00138
00811
02043
00812
02156
00137
03929
04701
03032
01152

Lots of Potential Community Gardening Program: Rules and Procedures

The following rules and procedures of the Lots of Potential program are meant to ensure safe and responsible operation of city-owned properties for community gardens. Upon signing a License with the City of Danville, Licensees also agree to accept the following policies and procedures:

A. Water Service: The City of Danville provides water service to all City residents. A water meter is currently (or can be) installed on the property. The selected grower for a licensed property will be expected to set up an account with the City of Danville and pay for water usage. You will be charged for irrigation only.

B. Drainage: The free flow of stormwater must be maintained at all times. Damming, blocking, or obstructing a storm water conveyance channel is prohibited. The harvesting of rainwater (rain barrels) may be used upon approval by the City's Public Works Department. Irrigation drainage shall not discharge to any City storm sewer. Irrigation drainage shall remain onsite and only discharge to a vegetated area of the property.

C. Erosion and Sediment Control: The City's Erosion & Sediment Control Program must be followed at all times. Sediment laden storm water or irrigation water shall not discharge onto an adjacent property. Erosion & Sediment Control practices (i.e. silt fence, sediment traps) shall be installed in accordance with the latest version of the Virginia Erosion & Sediment Control Handbook.

D. Hours of Operation: The properties may be accessed from dawn to dusk.

E. Use of Mechanical Equipment: Household tools, lawnmowers and other lawn care equipment with manufacturer's mufflers are exempt from the City's noise ordinance from 6am-10pm.

F. Vehicular Access: Throughout the entire term of the license (including development phases), the potential impacts on the surrounding neighborhood must be considered. The project must be designed and operated with satisfactory consideration to traffic flow, parking, and pedestrian safety.

G. Noise: Activities must comply with the noise ordinance of the City of Danville and any amendments thereto. Agricultural activities, excluding animals, are exempt from the noise ordinance.

H. Odor: The Licensee should make all reasonable attempts to control odor on the premises, including best practices for composting and reuse of garden materials.

I. Weeds and Grass: Each site must be weeded regularly and weeds and grass may not be allowed to go to seed. The Licensee should abide by the City of Danville weed ordinance. The Licensee should also adhere to all state and federal regulations regarding noxious and invasive weeds, and related quarantines.

J. Sheds: Permanent tool storage sheds may be appropriate for certain sites, but any proposed buildings will require proper permitting from the City of Danville, Planning Division.

K. Season-Extending Structures: The design and location of large, permanent season extending structures (greenhouses, hoophouses, coldframes) are subject to approval by City of Danville, Planning and Inspections staff.

L. Fences and Signs: The Licensee may erect fences and signs on the Licensed Property pursuant to the City of Danville zoning code. Prior to acquisition of fences or signs, plans for fences and signs must be approved by City of Danville Planning Division staff.

M. Maintenance: If the site has a sidewalk adjacent to the property, the Licensee is responsible for any and all snow removal on City sidewalks. Licensee shall also keep the Licensed Property mowed and trimmed as to all licensed areas not under cultivation. The property must be maintained in an aesthetically appealing and safe manner – free of graffiti and debris along the sidewalks and right-of-way.

N. Fires/cooking: Licensees (or guests) may not start or maintain a campfire, or burn weeds or crop residues on the site. Limited use of a barbecue grill is permitted for special events, with prior written permission from the City Sustainability Coordinator.

O. Smoking: Smoking is prohibited on the Lots of Potential sites, as cigarette tobacco can transfer tobacco mosaic virus to tomato and pepper plants, and poses a fire hazard.

P. Personal Property: The Licensee shall be responsible for any gardening or farming tools or implements on the Licensed Property and shall secure and store any personal property left on the Licensed Property.

Q. Subletting: Sites may be subleased to additional gardeners (as in a Community Garden) or to additional farmers for production. The Lots of Potential program administrator requires notification in such cases. However, the named Licensee is the sole responsible party. Therefore, any violations incurred by a sublessee will become the responsibility of the primary Licensee.

R. Pets: Pets on the site must be on a leash per the City leash ordinance.

S. Chickens: Danville City Zoning Code allows for the raising of fowl for egg or meat production. The maximum total number of permitted fowl allowed to be owned or kept on an individual lot is five chickens per three acres by special use permit only. Requests for the raising of fowl must be made through the Danville Planning Division.

T. On-Site Produce Sales: On-site sales of garden/farm produce is prohibited.

U. Accessibility: Common Ground sites must be accessible to people with all ability levels and meet the design requirements of the Americans with Disabilities Act (ADA). Although there are no formal ADA design guidelines for urban agriculture, best practices include: Establishing an accessible entrance, creating routes of sufficient width so that wheelchair users can navigate between garden components, building raised beds (at least 24 inches high and 48 inches wide) for disabled access in at least some portion of the garden.

V. Use of Pesticides and Agricultural Chemicals: No pesticides or agricultural chemicals can be used in the Lots of Potential program that does not appear in the attached list. When pesticide use is necessary, signs will be posted one hour prior to application. They will be placed in highly visible areas and remain up for 24 hours after notification. The notification signs will include: the name and active ingredient of the pesticide product, the date of pesticide use, and the contact information for the Lessee.

W. Raised Beds: All gardening must take place in raised beds. Raised beds are to conform to Lots of Potential program requirements. They must be at least 24 inches tall, have a liner to prevent roots from growing into the ground and use new, clean soil. For accessibility, it is recommended that beds are no wider than 48 inches across.

VIOLATION OF ANY OF THE ABOVE RULES MAY BE CAUSE FOR TERMINATION.
All City of Danville codes apply. To view all relevant City codes, and ordinances:
https://www.municode.com/library/va/danville/codes/code_of_ordinances?nodeId=10628

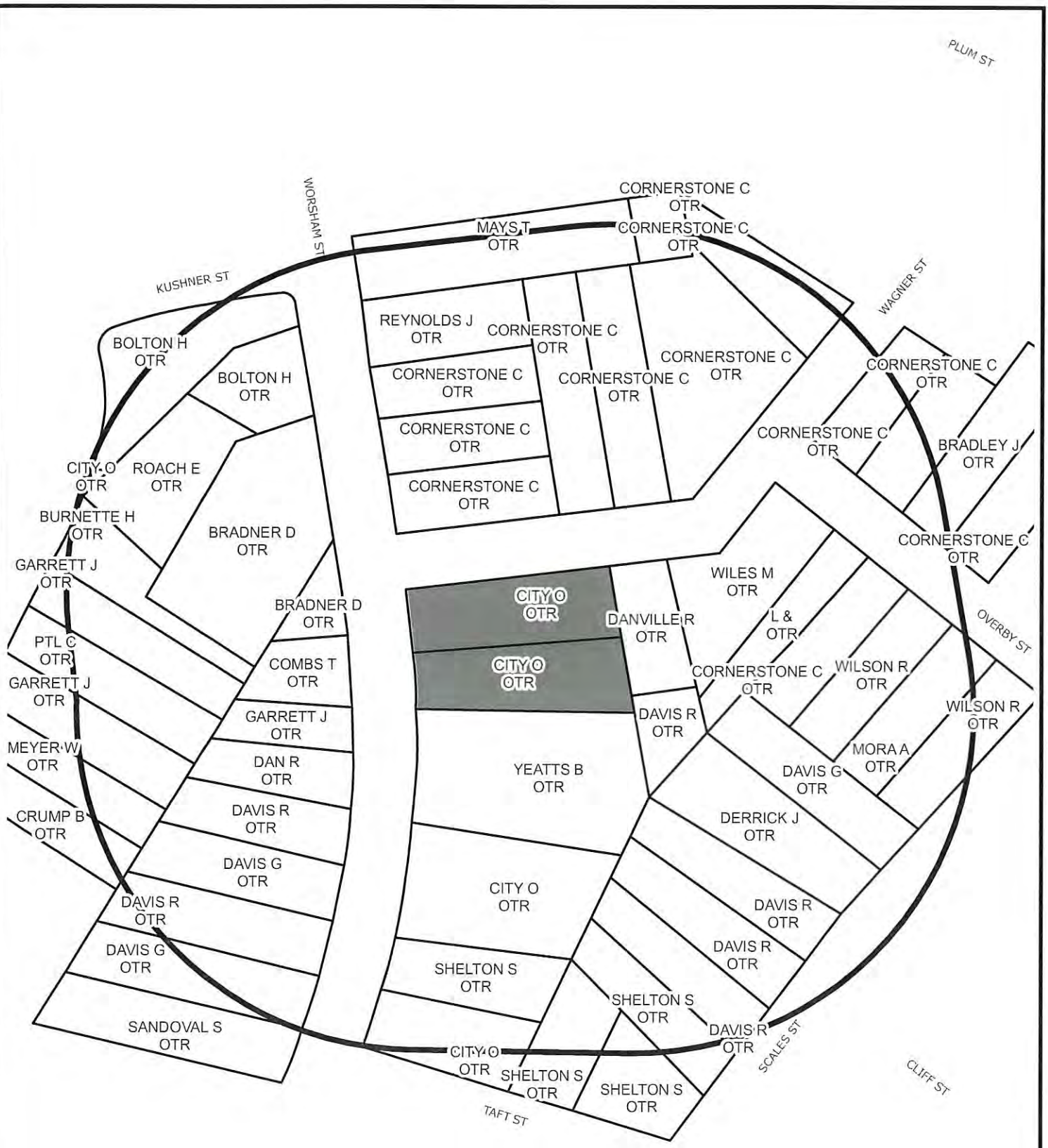
Lots of Potential Program 2017 Allowed Pesticide List				
Signal Word	**Trade/Product Name**	**Active Ingredient**	**Type**	**Typical Use**
Caution	Armicarb	Potassium Bicarbonate	Fungicide	control blackspot, powdery mildew on roses & flowers
Caution	Cleary's 3336F	Thiophanate-methyl	Fungicide	to prevent fungal infection on pine trees and turfgrass
Caution	Protect DF	Zinc ion & Manganese Bisthiocarbamate	Fungicide	curative fungicide for turfgrass
None required	Acelpryn	Chlorantraniliprole	Insecticide	control of grub worms, bagworms - no signal word required
Keep out of reach of children	Conserve SC	spinosad	Insecticide	bagworm control
Caution	Dylox	Trichlorfon	Insecticide	turf grub worms
caution	Merit or Zenith 0.5G	Imidacloprid	Insecticide	to control grubs in turfgrass
Caution	RTU Safer Brand Insecticidal Soap	Potassium salt of fatty acid	Insecticide	to control aphids, spidermites, caterpillars on flowers
Caution	Omni Oil 6E	petroleum oil parafin base	Insecticide/Miticide	spidermites
Caution	Wasp-A-Foam Advanced	d-trans allethrin & MGK® Permethrin	Insecticide	wasp and hornet nest spray - used on plants
Caution	Zep Wasp & Hornet Killer	Tetramethrin	Insecticide	wasp and hornet nest spray - non electrical condutor
Caution	Floramite SC	Bibenazate	Miticide	used in in rotation with other products to control spidermites
Caution	Hexygon DF	Hexythiazox	Miticide	used in in rotation with other products to control spidermites
Caution	Talstar P	Bifenthrin	Insecticide	general insecticide for trees, flowers and shrubs
Caution	Barricade	Prodiamine	Herbicide	pre-emergent to control annual grassy weeds in turfgrass
Caution	Dimension	Dithlopyr	Herbicide	pre-emergent to control annual grassy weeds in turfgrass
Caution	Power Zone	carfentrazone-ethyl MCPA,2-ethylexlester Mecoprop acid & Dicamba acid	Herbicide	post emergent selective control of broadleaf weeds like clover and dandelions in turfgrass
Caution	Dismiss	Sulfentrazone	Herbicide	post emergent control of yellow nutsedge in turfgrass
Caution	Drive XLR8	quinclorac	Herbicide	post emergent control for crabgrass in turf
Caution	Primo Maxx	Trinexapac-ethy	Herbicide	turfgrass growth regulator

Caution	Freehand 1.75G	dimethenamid -P pendimethalin	Herbicide	pre-emergent control of yellow nutsedge,annual and perennial weeds in landscape plantings
Caution	5% Treflan	trifluralin	Herbicide	pre-emergent control of annual weeds in flower beds
Caution	Snapshot 2.5TG	trifluralin isoxaben	Herbicide	pre-emergent control of annual and perennial weeds in landscape plantings
Caution	Surflan A. S.	Oryzalin	Herbicide	pre-emergent control of annual and perennial weeds in fence lines, guard rails
Caution	Pennant Magnum	S-metolachlor	Herbicide	pre-emergent control of yellow nutsedge, annual and perennial weeds in landscape plantings, fence lines
Caution	Ornamec	fluasiflop-P-butyl	Herbicide	post emergent selective control of bermuda grass in landscape plantings
Caution	Glyphosate Pro 4	Glyphosate	Herbicide	post emergent non selective weed control
Caution	Round Up Pro Concentrate	Glyphosate	Herbicide	post emergent non selective weed control
Caution	Round Up Pro Max	Glyphosate	Herbicide	post emergent non selective weed control
Caution	Sedge Hammer or ProSedge	Halosufuron-methy	Herbicide	post emergent to control yellow nutsedge in turf and landscape plantings
Caution	Sucker Stopper	ethyl 1-napthalenacetate	Herbicide	reduce sucker growth at base of crabapple trees
Caution	Tenacity	Mesotrione	Herbicide	selective weed control in turfgrass
Caution	Remedy Ultra	triclopyr	Herbicide	post emergent control for lespediza
Caution	GreenMatch	d-limonene	Herbicide	non selective herbicide - organic product
Caution	XL 2G	benefin & Oryzalin	Herbicide	pre-emergent weed control in landscape beds
Caution	Mole Killer	Bromethalin	Rodenticide	mole control in turfgrass
Caution	DyneAmic	modified vegtable oil and organosilicone surfactent blend	Additive	increased effectiveness of product
Caution	WaterWetter	Alkyl Phenol Ethoxylate	Additive	increased effectiveness of product
Caution	TREE-age G4	Emamectin Benzoate	Insecticide	Tree injection for control of Emerald Ash Borer

00247
03042
04897
03644
KUSHNER ST
WORSHAM ST
01273
01274
02236
02077
02042
02046
02045
00380
03460
04288
04294
02110
04928
04889
04929
04927
00808
02047
02048
04930
OVERBY ST
WAGNER ST
04387
03510
04919
02958
00495
00681
00496
04580
03041
02233
03604
00677
03283
04492
04267
02818
02044
02043
00138
00810
00811
00812
02156
00137
03929
04701
03032
01152

Lots of Potential Community Garden Program:
Parcel #02044 & #02043 SUP Supplemental Information

- The purpose of the Lots of Potential Program is to transform vacant and under-utilized City-owned property into sites for food production.
- Right Touch Christian Church, represented by Reverend Tommy Crews will license Parcel #02044 and #02043 from the City of Danville for the purpose of community gardening under the Lots of Potential program.
- The license will be limited to one year, renewable at the end of each term.
- The property will not be sold or leased to the licensee, and all ownership and possessory rights will remain with the City.
- The licensee must comply to all terms of the "Lots of Potential Community Gardening Program: Rules and Procedures", including but not limited to:
    - All gardening must be done in raised beds.
    - Requests for accessory units, fences, signs, or the raising of fowl must be made through the Planning District.
    - All licensed property must remain mowed and trimmed if not under cultivation.
    - Full "Lots of Potential Community Gardening Program: Rules and Procedures" document attached
- Proposed garden at parcel #s 02044 and 02043 is approximately 335 ft. from Right Touch Christian Church
    - 44 parking spaces at Church



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/20/2017

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.

SPECIAL USE PERMITS REQUEST
DATA SHEET

DATE:	April 10, 2017
LOCATION OF PROPERTY:	Corner of Worsham and Wagner Streets. Parcel IDs #02044 and #02043
PRESENT ZONE:	OT-R, Old Town Residential
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request for Urban Agriculture for each lot.
PRESENT USE OF PROPERTY:	Vacant lots
PROPOSED USE OF PROPERTY:	Community Garden Space
PROPERTY OWNER (S):	City of Danville
NAME OF APPLICANT (S):	Rev. Tommy Crews of Right Touch Christian Church.
PROPERTY BORDERED BY:	Residential to north, south, east, and west.
ACREAGE/SQUARE FOOTAGE:	0.5 acres total
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Worsham St and Wagner St
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 10, 2017

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/20/2017

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.

City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

City Planning Commission
Meeting of April 10, 2017

Subject:

Rezoning application PLRZ20170000068, filed by Michael W. Flanigan, requesting to rezone from N-C, Neighborhood Commercial to "Conditional" HR-C, Highway Retail Commercial, 1102 Franklin Turnpike otherwise known as Grid 2913, Block 003, Parcel 000028, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to operate auto sales.

Background:

The applicant, Michael W. Flanigan is requesting to rezone 1102 Franklin Turnpike from N-C, Neighborhood Commercial to "Conditional" HR-C, Highway Retail Commercial so that the property may be used for auto sales.

The subject property is 1.03 acres. There is a commercial building fronting Franklin Turnpike and a residential building towards the rear of the property.

The property has historically been used for auto sales. Business license clearance forms from 1991 and 2006 show that the subject parcel has been occupied by auto related business such as Clean as a Pin (auto-detailing) and various auto sales lots like Connan George's used car sales, Aaron Motors, and Flanigan Motors. In the past, auto-sales were a legal non-conforming use. The property has since been unused for auto-sales for a period of longer than two years so it is no longer considered a legal non-conforming use.

The surrounding property is mixed residential and commercial. Neighboring property is zoned N-C, Neighborhood Commercial, OT-R, Old Town Residential, and S-R, Suburban Residential. The applicant has submitted proffers that would limit his property to auto-related uses within the list of permitted uses within the HR-C, Highway Retail Commercial District.

Thirty-two (32) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on April 10, 2017.

Recommendation:

Staff recognizes that rezoning this one specific parcel within a single family zoning neighborhood could be spot zoning. Spot zoning is site specific and does not include a use that is compatible or necessary to the overall zoning. Spot zoning may be deemed valid or invalid. Invalid spot zoning can be where favor has been shown to one landowner to the unreasonable detriment of the surrounding area. Valid spot zoning is made for the benefit of the community at large.

With the exception of auto related uses, the applicant has proffered out all HR-C, Highway Retail Commercial uses, thus leaving the parcel largely the same as it has been in previous decades. For that reason, Staff supports this application.

Staff recommends approval of rezoning application PLRZ20170000068 filed by Michael W. Flanigan, requesting to rezone 1102 Franklin Turnpike from N-C, Neighborhood Commercial to "Conditional" HR-C, Highway Retail Commercial so that the property may be used for auto sales.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning application PLRZ20170000068 as submitted.
2. Recommend approval of Rezoning application PLRZ20170000068 subject to conditions by the Planning Commission.
3. Recommend denial of Rezoning application PLRZ20170000068 as submitted.
4. Recommend postponement of Rezoning application PLRZ20170000068 by Planning Commission.

Attachments:

Signed Proffer List
Business License Forms
Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

B. - Permitted Uses.

An individual use or structure intended for a single use with 60,000 square feet gross floor area or less, incorporating the following uses:

1. Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).
2. Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage).
3. ~~Banks and financial institutions.~~
4. ~~Business services and office supply establishments.~~
5. Car washes.
6. Churches and places of worship.
7. ~~Convenience stores (with or without gasoline sales).~~
8. ~~Fast-food restaurants.~~
9. ~~Funeral homes.~~
10. ~~Gasoline sales establishments.~~
11. ~~Health club, spa or fitness center.~~
12. ~~Hospitals and health care facilities with inpatient services.~~
13. ~~Hotels and motels.~~
14. ~~Laundromats/dry cleaners.~~
15. ~~Light intensity wholesale trade establishments (with no outdoor sales or display of products).~~
16. ~~Medical offices and outpatient care facilities.~~
17. ~~Mini-storage warehouses, with no exterior storage.~~
18. ~~Movie theaters.~~
19. ~~Offices (general and professional).~~
20. ~~Parking lots (private and public with off-street parking as the principal use).~~
21. ~~Personal service establishments.~~
22. ~~Private post office and delivery service.~~
23. ~~Public uses.~~
24. Repair service establishments (exclusive of automobile and light vehicle service and repair, with no outdoor storage).
25. ~~Restaurants.~~

~~26. Retail sales and leasing establishments, with screened outdoor sales or display of products limited to no greater than 15% of the net developable lot area. (See Additional Regulations.)~~

~~27. Schools, colleges and universities (public and private).~~

28. Seasonal retail uses.

29. Temporary retail sales.

~~30. Exterminator.~~

~~31. Bicycle shop.~~

~~32. Adult day support services.~~

~~33. Child therapeutic day support services.~~

(Ord. No. 2004-02.04, Art. 3.M, § B, 2-17-04; Ord. No. 2005-04.04, 4-5-05; Ord. No. 2009-12.08, 12-15-09; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2014-08.09, 8-19-14)

C. - Uses Permitted by Special Use Permit.

An individual use otherwise permitted hereinabove by-right in the HR-C District, but having greater than 60,000 square feet gross floor area, or any of the following uses:

~~1. Auction establishments.~~

~~2. Bed and breakfast, inn or tourist home (as defined).~~

~~3. Bus stations.~~

~~4. Commercial recreation facilities (indoor and outdoor).~~

~~5. Conference centers.~~

~~6. Day care centers (adult and child).~~

~~7. Kennels, commercial.~~

~~8. Light warehousing uses related to an adjunct retail use permitted either by-right or special permit, provided that warehousing space does not exceed 50% of the gross floor area.~~

~~9. Drive-in movie theaters.~~

~~10. Parking garages and structures.~~

~~11. Pet clinics.~~

~~12. Plant nurseries.~~

~~13. Public utilities.~~

~~14. Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the~~

~~assembling or processing of products. All assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.~~

~~15. Schools, colleges and universities (public or private).~~

~~16. Taxidermists.~~

~~17. Uses with lot frontage on the Dan River.~~

18. Vehicle sale, rental and ancillary service establishments, including mobile homes.

~~19. Veterinary clinics.~~

20. Waiver for increase in building heights to over 50 feet.

21. Waiver of yard requirements, subject to the prohibition of parking in front yards.

~~22. Caretaker's residence.~~

~~23. Homeless shelter.~~

~~24. Microbrewery or Micro-winery.~~

~~25. Wholesale Sales.~~

~~26. Indoor shooting facilities.~~

(Ord. No. 2004-02.04, Art. 3.M, § C, 2-17-04; Ord. No. 2008-07.04, Art. 3.M, § C, 7-15-08; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2012-09.09, 9-18-12; Ord. No. 2015-01.04, 1-20-15; Ord. No. 2016-04.03, 4-5-16)

M. W. Flanigan

Michael Flanigan

3-27-17

Date

OFFICE OF COMMUNITY DEVELOPMENT & ENGINEERING
CITY OF DANVILLE, VIRGINIA

DATE Oct 24, 1991

TO: OFFICE OF THE COMMISSIONER OF REVENUE

FROM: DEPARTMENT OF COMMUNITY DEVELOPMENT AND ENGINEERING

SUBJECT: ZONING OF PROPERTY

Mr ~~Ms.~~ Connan George has applied for a business license to operate the following type of business: Used Car Sales at 1102 Franklin Tpke in the City of Danville.

The subject property is zoned R-1B.

The type of business desired by the applicant:

* ✓ IS a permitted use within the zone.

_____ IS NOT a permitted use within the zone.

* existing Non-conforming use! Previously Flanagan motors - then Aaron motors.

COMMENTS:

George R. Still
Department of Community Development
and Engineering

Department of Community Development

Gerald L. Fischer
Director

P.O. Box 3300
Danville, Virginia 24543
(434) 799-5261
FAX: (434) 797-8919

Kenneth C. Gillie, Jr., Director
Planning Division
799-5261

Jerry D. Rigney, Director
Inspections Division
799-5263

Dianne W. Morris, Director
Housing & Development Div
799-5260

Randy Gentry
Development Coordinator
799-5261

BZL 06- 049 DATE: 2-9-06

TO: OFFICE OF THE COMMISSIONER OF REVENUE

FROM: DEPARTMENT OF COMMUNITY DEVELOPMENT

Mr./Mrs./Ms./Miss Tawanin Harper D/B/A Clean As A Pin

Has applied for a business license to operate the following type of business auto detail

At: 1102 Franklin Turnpike in the City of Danville, Virginia.

Tax Map No. 2913-003-028 Reference No. 70189

The subject property is zoned: d/c.

This type of business desired by the applicant:

_____ Is a permitted use as a Home Occupation

_____ Is a permitted use within this zoning district.

_X_ Is a legal nonconforming use within this zoning district.

Estimated number of jobs created: 1

COMMENTS:

Applicant

Zoning Administrator

CITY OF DANVILLE

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: NC

PROPOSED ZONING: Conditional HRC TAX MAP NUMBER: _____

RECEIVED BY: HL DATE FILED: _____

PLANNING COMMISSION DATE: 4/10/17 CITY COUNCIL DATE: 5/2/17

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 1.03 Property Address: 1102 FRANKLIN TPKE

Property Location: N S (E) W Side of: Franklin Tpke

Between: _____ and _____

Proffered Conditions (if any, please attach): See Attached

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

1. NAME: Michael W. Flanigan TELEPHONE: 434-822-0939

MAILING ADDRESS: 1415 W.F. Powell Rd. Dry Fork VA. 24549

SIGNATURE: M. W. Flanigan DATE: 3-13-17

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: FlanigAnAuto1@HotMail.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: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

_____

_____

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

Auto Sales

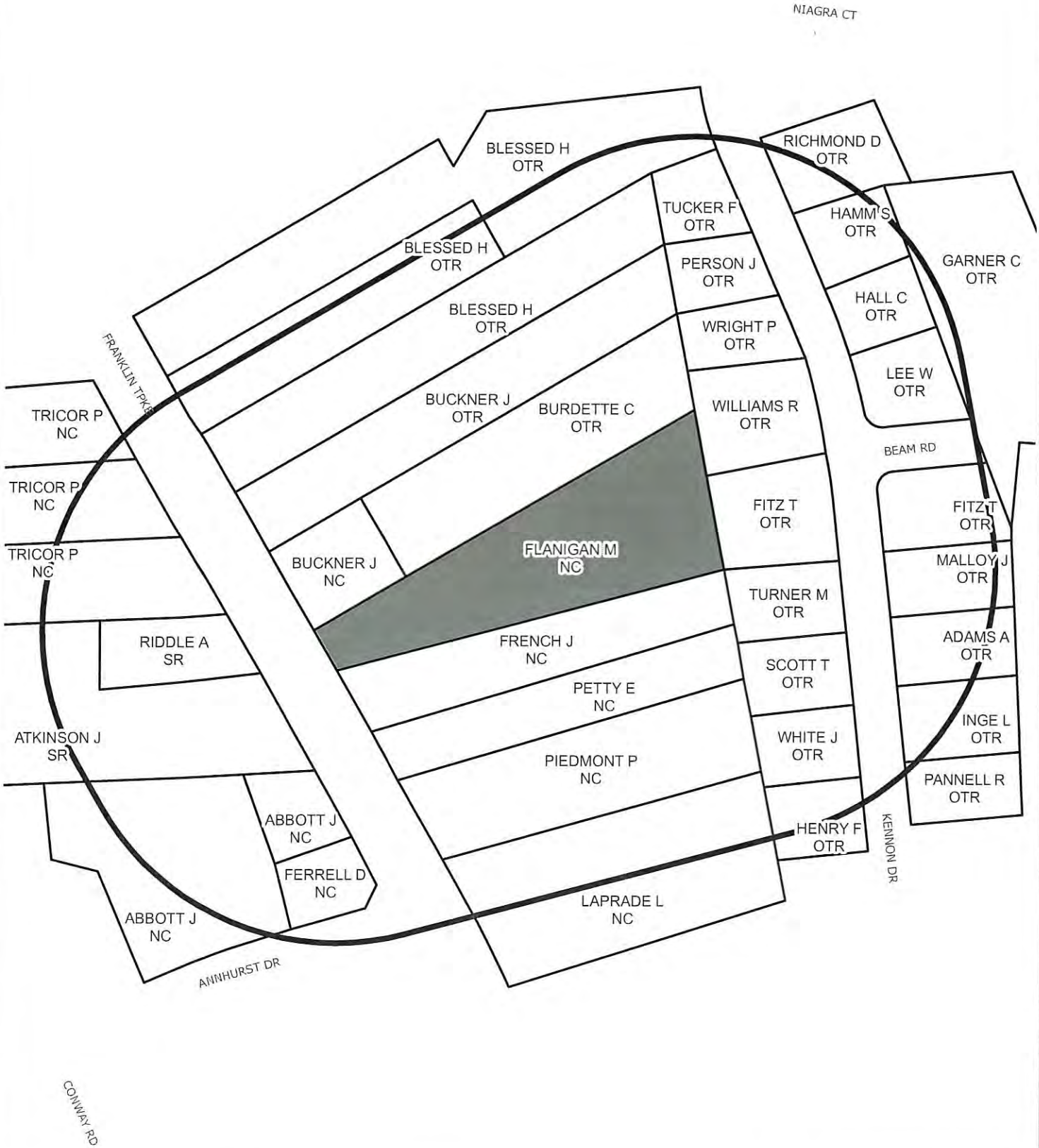
_____

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

_____

_____



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/20/2017

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REZONING REQUEST
DATA SHEET

DATE:	April 10, 2017
LOCATION OF PROPERTY:	1102 Franklin Tpke
PRESENT ZONE:	N-C, Neighborhood Commercial
PROPOSED ZONE:	"Conditional" HR-C, "Conditional" Highway Retail Commercial
ACTION REQUESTED:	Rezoning request so that the property may be used as an establishment for automobile sales.
PRESENT USE OF PROPERTY:	Neighborhood Commercial use with a residential structure to the rear of the property.
PROPOSED USE OF PROPERTY:	The applicant intends to operate the Commercial building as an automobile retail establishment.
PROPERTY OWNER (S):	Michael Flanigan
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Commercial to north and south. Residential to the north, west, and east
ACREAGE/SQUARE FOOTAGE:	1.03 acres.
CHARACTER OF VICINITY:	Mixed Commercial and Residential
INGRESS AND EGRESS:	Franklin Turnpike
TRAFFIC VOLUME:	Moderately high
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 10, 2017

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/20/2017

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City of Danville
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

City Planning Commission

City Planning Commission
Meeting of April 10, 2017

Subject:

Special Use Permit application PLSUP20170000069, filed by Pam, Inc., requesting a Special Use Permit for a waiver of yard requirements in accordance with Article 3:M, Section C, Item 21 of the Code of the City of Danville, Virginia 1986, as amended at 479 Piney Forest Road, otherwise known as Grid 1819, Block 016, Parcel 000014 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to add a 48'x20' structure within the front yard setback fronting Churchview Drive.

Background:

479 Piney Forest Road is currently the site of Commonwealth Home Health Care and is zoned HR-C, Highway Retail Commercial. The applicant, Pam Inc., is requesting a Special Use Permit for a waiver of front yard setbacks so that they may install an unenclosed 48'x20' metal structure in the parking area fronting Churchview Drive approximately 5 feet from the property line. The purpose of the proposed structure is to protect oxygen cylinders and other equipment from weather events.

Commonwealth Home Health Care sits upon a 1.07 acre lot. The site currently has forty (40) parking spaces available. The proposed structure would eliminate six (6) of those parking spaces, leaving a total of thirty-four (34) available spaces. The establishment only needs 25 parking spaces per zoning code regulations.

Twelve (12) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on April 10, 2017.

Recommendation:

The applicant, Pam Inc., is also the owner of the property across from Churchview Drive from where the proposed structure is to be installed on the subject property. It is from those lots that the structure would be most visible. For that reason, Staff believes that the structure would have no detrimental impact on other surrounding property owners.

Staff recommends that the City Planning Commission approve PLSUP20170000069 to allow for a waiver of front yard setbacks with the following conditions:

1. The building be made of metal and be temperature controlled to exceed temperatures of no greater than 120 degrees Fahrenheit per fire code.
2. Bushes or shrubs be installed on the side of the structure facing Churchview Drive.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit application PLSUP20170000069 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20170000069 subject to conditions by the Planning Commission.
3. Recommend denial of Special Use Permit application PLSUP20170000069 as submitted.
4. Recommend postponement of Special Use Permit application PLSUP20170000069 by Planning Commission.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2015 Aerial)

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:
Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE: Waiver of Frontyard Setback on Churchview Dr

CASE NUMBER: _____ EXISTING ZONING: HRC

PROPOSED ZONING: NA TAX MAP NUMBER: _____

RECEIVED BY: [illegible] DATE FILED: _____

PLANNING COMMISSION DATE: 4/10/17 CITY COUNCIL DATE: 5/2/17

INFORMATION TO BE PROVIDED BY THE APPLICANT
(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: 1.07 acres Property Address: 479 Piney Forest Rd

Property Location: N S E W Side of: Piney Forest

Between: _____ and _____

Proffered Conditions (if any, please attach): N/A

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Add 4 12 x 20 Carports to Cover Equipment from the Rain.

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

1. NAME: PAM, INC. TELEPHONE: 434 797 2332

MAILING ADDRESS: 479 Piney Forest Rd Danville VA 24540

SIGNATURE: [signature] DATE: 03/16/17

SIGNATURE: DATE:

EMAIL ADDRESS: brian.wilson@ehhcgroup.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: TELEPHONE:

MAILING ADDRESS:

EMAIL ADDRESS:

SIGNATURE: DATE:

City of Danville

Legend

- Parcels
- Historic_Districts
- Downtown
- Holbrook Ross
- North Danville
- Old West End
- Tobacco Warehouse
- Street Names
- House Numbers

Feet

0 25 50 75 100

1:1,000 / 1"=83 Feet

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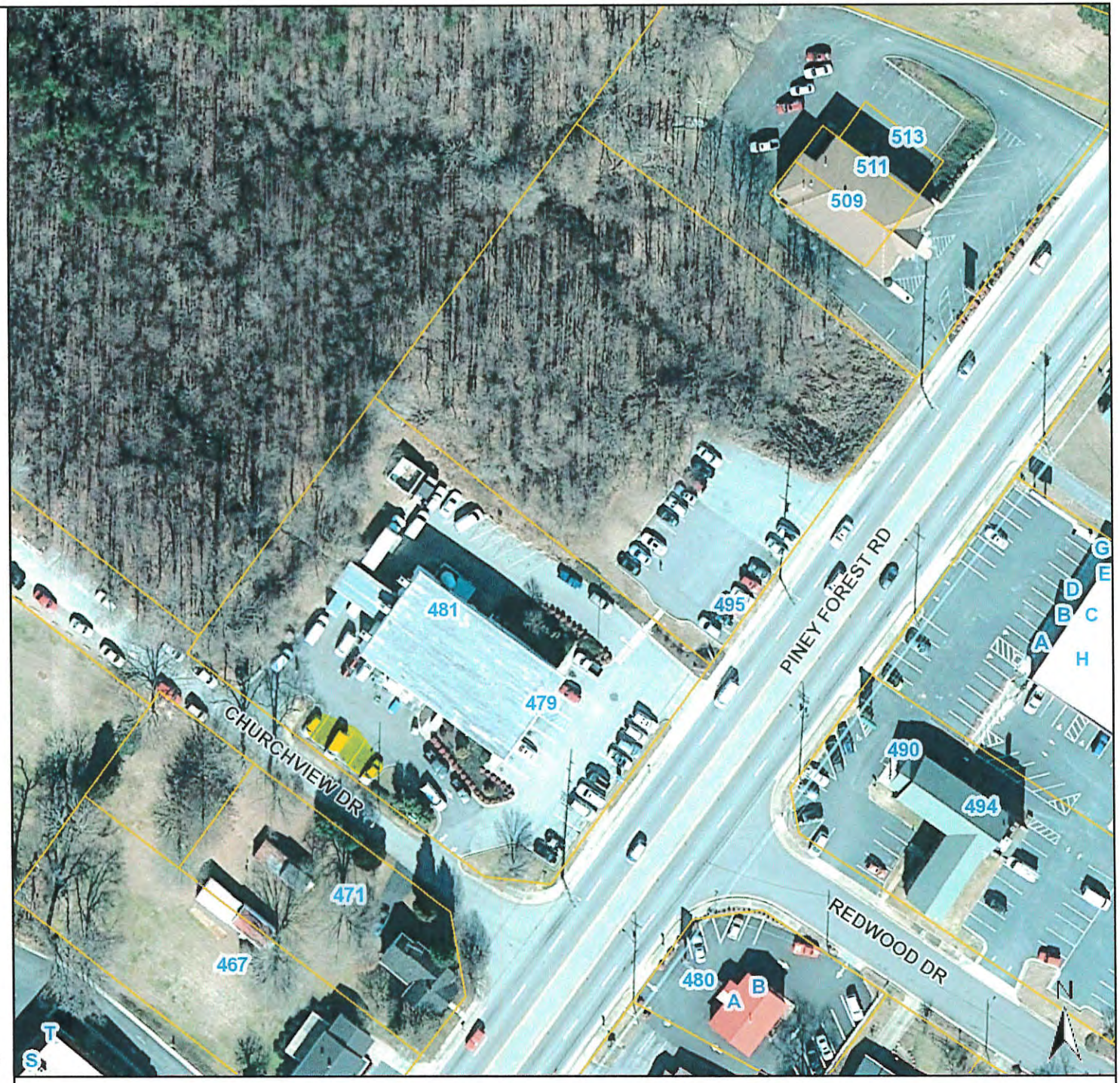
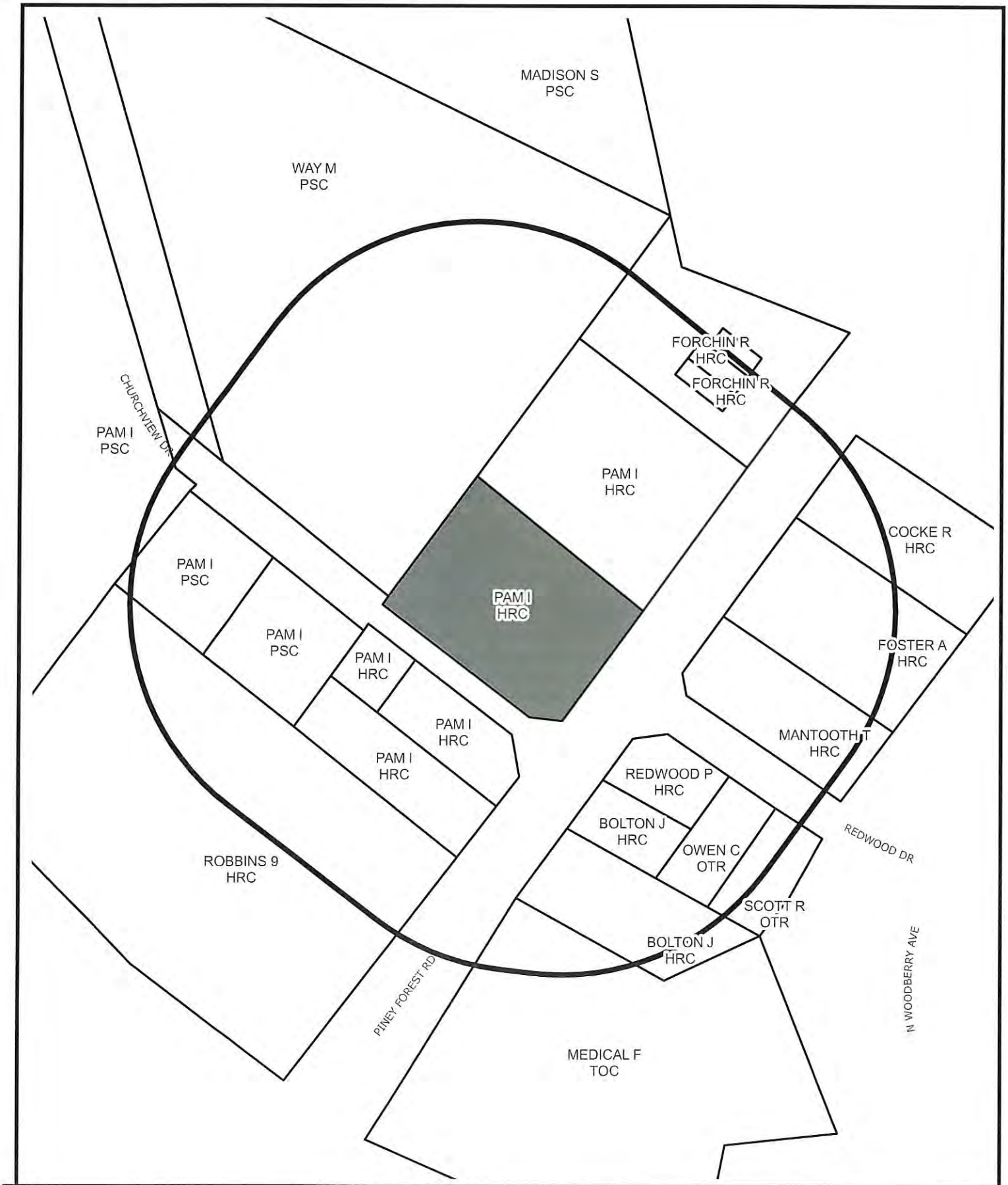


Title:

Date: 1/13/2017



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/20/2017

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SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	April 10, 2017
LOCATION OF PROPERTY:	479 Piney Forest Rd
PRESENT ZONE:	HR-C, Highway Retail Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	Special Use Permit request for a waiver of yard requirements.
PRESENT USE OF PROPERTY:	Commonwealth Home Health Care
PROPOSED USE OF PROPERTY:	Same. Applicant wishes to construct a 48'x20' structure within the front yard setback fronting Churchview Drive.
PROPERTY OWNER (S):	PAM Inc.
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Commercial to north, south, east, and west.
ACREAGE/SQUARE FOOTAGE:	1.07 acres.
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Piney Forest Rd and Churchview Dr
TRAFFIC VOLUME:	High
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 10, 2017

2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/20/2017

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PLANNING COMMISSION MINUTES

March 13, 2017

MEMBERS PRESENT	MEMBERS ABSENT	STAFF
Mr. Wilson	Mr. Jones	Tracie Lancaster
Mr. Dodson		Ken Gillie
Mr. Garrison		Renee Burton
Mr. Bolton		Anna Levi
Mrs. Evans		Clarke Whitfield
Mr. Scearce		

The meeting was called to order by Chairman Scearce at 3:00 p.m.

I. ITEMS NOT FOR PUBLIC HEARING

1. *Rezoning application PLRZ20170000040, filed by Danville Redevelopment Housing Authority, requesting to rezone from OT-R, Old Town Residential District to TO-CC, Transitional Office Commercial Conditional, 407 Holbrook Street otherwise known as Grid 1716, Block 025, Parcel 000004, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property to develop a mixed use facility known as The Williams Community Resource Center.*

2. *Special Use Permit application PLSUP20170000041, filed by Danville Redevelopment Housing Authority, requesting a Special Use Permit for residential apartments, as an ancillary use within a commercial structure in accordance with Article 3: I, Section C, Item 14 of the Code of the City of Danville, Virginia 1986, as amended at 407 Holbrook Street, otherwise known as Grid 1716, Block 025, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop a mixed use facility known as The Williams Community Resource Center.*

Mrs. Burton read the staff report. Twenty eight (28) notices were sent to surrounding property owners within 300 feet of the subject property. Four (4) were not opposed.

Mr. Scearce opened the Public Hearing.

Mr. Scearce closed the Public Hearing.

Mr. Garrison stated who will own the building once this is done?

Mrs. Burton stated at the time for completion of construction DRHA will own the building.

Mr. Garrison stated will they continue to own it in the future?

Mrs. Burton stated we are talking about a transfer of ownership but nothing has been settled at this point.

Mr. Garrison stated so for right now the City would be responsible for upkeep and maintenance?

Mrs. Burton stated the City is the applicant for the grant but the actual maintenance is DRHA's responsibility.

Mr. Garrison stated okay as far as I'm concerned that is the City. What about parking?

Mrs. Burton stated there is space available in the rear of the building. As well as an adjacent lot that has the potential for development for parking.

Mr. Garrison stated I was just over there walking around and to look at the back of that building you would have a hard time putting parking back there with the current drive situation. The adjacent lot is several feet lower. It is a very steep bank going down to that adjacent lot.

Mrs. Burton stated correct but we do have a site plan that we are working on to provide parking.

Mr. Garrison stated is that part of the grant money?

Mrs. Burton stated not at this time we hope for that to be a separate phase.

Mr. Garrison stated so there will be more money needed?

Mrs. Burton stated potentially yes.

Mr. Garrison stated you say two apartments upstairs. One of those has a combination kitchen, living room, bedroom and that is all. Is that correct?

Mrs. Burton stated that is correct.

Mr. Garrison stated the other one has a kitchen, living room and bedroom. Is that correct?

Mrs. Burton stated correct.

Mrs. Garrison stated are these renters going to enter from the lobby on the first floor?

Mrs. Burton stated yes.

Mr. Garrison stated okay what about secondary fire escapes from those two apartments?

Mrs. Burton stated there is a separate entrance in the rear.

Mr. Garrison stated from the upstairs?

Mrs. Burton stated you will have to come down the front staircase to be able to enter and exit from the rear on the front.

Mr. Garrison stated okay. Valid and invalid spot zoning, this is the first time I have heard those terms used. In the past I have heard illegal spot zoning but I'm guess he is only illegal when the court decides that it is illegal?

Mr. Whitfield stated that is correct.

Mr. Wilson stated does the National Park Service have some say in the development of this property? Is the grant dependent on the fact that there is going to be two residences inside of the building? I'm a little taken by the two residences above. What is the role they will play in the overall plan for this center? Like who would stay there? What is the usage of that?

Mrs. Burton stated the application for grant did include the two residential uses within the application. The residential uses are multi use. One being that it does help provide for the maintenance of the building. It also provides for potentially 24 hour occupancy so that the building is not vacant after hours when the offices are then closed.

Mr. Wilson stated so this isn't necessarily connected with the people who would work in the offices?

Mrs. Burton stated it could be. We have been looking at different scenarios but that hasn't been decided specifically yet.

Mr. Wilson stated just to grind the axe that I have ground so many times before. When we opened it up for Public Hearing no one was here to speak. Is Staff the representative of this project? In other words there was no one here to speak from the Danville Redevelopment and Housing Authority and I am just curious.

Mr. Whitfield stated the Director is here he just didn't speak at the Public Hearing.

Mr. Wilson stated well I just think this is my typical concern whenever we have something brought forward and the applicant doesn't stand up and really give us any information about it other then what is written in the report. Obviously, we have questions about it.

Mr. Scearce stated do you feel like you need some of those questions answered further? We can have them come up.

Mr. Wilson stated he had a nice list of questions. Do we need more information about how this is going to be developed than we currently have? Are we just seeking these changes so that we can move forward with this? In other words there are a lot assumptions it seems to me about how it is going to be developed that have even been raised here today like parking.

Mrs. Burton stated at this point we are just simply looking at the rezoning and the special use permit. But there are items that still need to be addressed for further development and construction that we are still working on.

Mr. Wilson stated let's say we approve this today can those go forward or would they have to come back here again?

Mrs. Burton stated no, they would not have to return.

Mrs. Evans stated hasn't that been our concern in the past that parking was taken care of before we approve something.
Mrs. Burton stated this development will be completed per the Zoning Code. The City of Danville is working as the applicant for the grant with the property owner of the Housing Authority.

Mr. Wilson stated is there a reason why those plans aren't further along by the time it is being brought to us? So that we can have a more thorough picture of what we're doing or are we needed to do something as far as a deadline related to the grant or something?

Mrs. Burton stated the drawings that were completed for the parking were conceptual drawings that were submitted with the grant application. There are still actual construction documents that are to be completed. The documentation for the grant hasn't been officially signed we are still in the process for the paperwork with the National Park Service; as well as excepting approval from City Council to accept that grant. There are steps that still need to be completed but this is part of the process for that development. This would need to be completed before construction can begin.

Mr. Bolton stated if we approve it, it would be with the proffers that they have already given. So if something did change the Zoning would only be approved for someone else with those proffers.

Mrs. Burton stated correct.

Mrs. Evans stated and if approved, is there a guarantee that there is parking and the other issues.

Mrs. Burton stated yes those will all be addressed.

Mr. Bolton stated if the parking couldn't be addressed according to code what would happen?

Mrs. Burton stated if parking couldn't be established onsite or in consolidation with the adjacent lot. There is also the option that parking could be available within 300 feet of the subject property with written permissions. So there are other options.

Mr. Bolton stated so how much do the neighbors know? There is no objection. I assume they know since the parking lot is behind it. But if you had to go to an adjacent property that maybe was beside someone would the neighbors not be aware? If there was a change in parking would it then have to come back to us?

Mrs. Burton stated not if there was available parking that would be handled administratively.

Mrs. Evans stated so the neighbors wouldn't have any opportunity to express concern that there is a parking lot developed adjacent to the property. They would be okay with that parking?

Mr. Garrison stated I'm going to make an assumption that you are talking about the parking lot across the street at the church.

Mrs. Burton stated if it is to be something that is to be shared parking it would be a lot that is already developed correct.

Mr. Bolton stated I misunderstood, thank you.

Mrs. Evans stated how many parking spaces are you talking about?

Mrs. Burton stated per code you are looking at seven parking spaces.

Mr. Bolton stated who will manage the property as far as the apartments who will manage them?

Mrs. Burton stated whoever the final owner of the building is after completion.

Mr. Bolton stated who we don't know?

Mrs. Burton stated we are still discussing that there is still an opportunity that one of the organizations may own that building but we don't have that finalized that yet.

Mr. Bolton stated but it wouldn't be the City?

Mrs. Burton stated correct.

Mr. Wilson stated so we are going to develop this and hope to sell it off to a non-profit or something? Are there rules around the grant that determines who can purchase it?

Mrs. Burton stated the project will be completed in the ownership of the Housing Authority. The intent now is that the NAACP will take ownership of the property and will continue maintenance and ownership of the property. Official documents have not been signed at this time for that transaction though. So they would maintain the maintenance of the lower and the residential units.

Mr. Wilson stated my only comment is there seems like a lot of questions are not really answered here. So really my question on our end is this a necessary step in getting to that place. We have to send to City Council with a recommendation to go forward with these adjustments.

Mr. Garrison stated can I have permission to think out loud for a minute? On Tuesday night of last week City Council on their agenda had this on it for the first reading. What is says is to amend the budget appropriation by increasing revenue for the grant in the amount of 413,270 dollars to be used to fund the renovation for 407 Holbrook Street. Generally what happens is when they have first reading on one meeting, the next meeting they have it on their consent agenda; which has no public input. They simply pass it on with whatever else is on that consent agenda. I have talked to one City Council member who did not at this point until I talked to him, he was not aware that it required a Special Use Permit and Zoning change. I don't know if City Council has been told that this has to come before them but generally this wouldn't come before them until the first meeting in April. So they would be voting to accept the funds for this project before they did the rezoning. I think that concerns me a bit. The second thought I have aloud is that we have probably 60 percent of the houses in the City of Danville are over 50 years old which makes them Historic by Federal definition. They are historic until proven otherwise. What happens if we have one of these

houses that has been in a family for three or four generations and great granddaddy did something important in the City? The family wants to put a museum with offices in it with an apartment upstairs in a residential neighborhood. Would we then be establishing some type of precedent for valid spot zoning in the future?

Mr. Bolton stated but you have mentioned once before that we don't set precedents that it is pretty much individual cases.

Mrs. Burton stated the Special Use process is meant to be a case by case process.

Mr. Bolton stated right and if we are dealing with it from just a Zoning and Special Use we don't have any objections from the neighborhood and your comments are reasonable enough to assume it will benefit the community at large. I would agree with that. I don't know what putting it off would do unless it's a technicality in what you're saying with the budget.

Mr. Garrison stated I'm not saying put it off. it just looks like to me the cart was before the horse in this particular case.

Mr. Bolton stated that's what I'm saying. Maybe it should flip flop; maybe we should delay it to get the horse in front of the cart. Otherwise it is a zoning case with no objections with a good use it seems to be. I don't think it would set precedent as you have said before.

Mr. Scearce stated the only thing I would say on the City Council issue is they will just have to make their decision if they want to approve the funds before it has been rezoned.

Mr. Garrison stated well at least one of them is aware that is the situation.

Mr. Bolton stated to me that might be stepping a little beyond. I look at this strictly as zoning. Then it seems okay. But if we look at it from other issues maybe it's not. If we are to look at those issues than maybe we should. Aren't we only looking at zoning issues more than anything else?

Mr. Whitfield stated that is correct.

Mr. Wilson stated yeah and I think my response to that is I don't necessarily see any issues with the zoning part but again I thought one of our roles here is to try and think ahead and make these things fit into a larger context because once we say yes it opens all kinds of doors when we say yes for other things to happen. So I just want to make sure those safety things for down the road are in place. Are there any comments from people that are directly associated with this project at this point you have heard our discussions? Could you clear up some of this for us?

Ms. Wells stated I would be happy to answer any questions that you all have.

Mr. Gillie stated you have both of us she can answer stuff related to the grant.

Mr. Wilson stated you have heard our discussion is there anything you can tell us to clear up some of our concerns.

Mr. Gillie stated the parking issues. We have several different choices. We can build parking onsite you can grade property. We haven't accounted for that yet in the budget but we are

still working on the budget. We have the ability to provide some remote offsite parking. The parking is a small lot like she said 7 spaces. It wouldn't be too expensive to build and we have a couple of different options. So we didn't consider that a big issue but I know where you are coming from we can address that rather simply. The occupancy of the building the apartments upstairs are really designed as a revenue generator to help fund whatever goes on inside this building. This will be a museum type thing that will need some additional help. The spot zoning issue as he can give you the spiel of not all spot zoning is illegal if it serves legitimate governmental purpose. We applied for this grant and there were only 20 people in the country that were able to successfully obtain this grant. The Park Service feels that this is something that will be a big benefit to the City as well as other people as a whole. We were the only two in Virginia that received it and so that leaves 18 throughout the rest of the US. So they are behind us in this. Could we go back for more money? That is possible but we are able to do this right now with no match from the City. So the funds that we put into it we can put into things like parking and everything else. At this point we don't have that programmed in and we are not asking for it because we think we can resolve it in other ways. The spot zoning yes it is an office and the neighborhood is behind it. We have been meeting with community leaders to talk to them about this project and that is why you haven't received any opposition. The neighborhood is very much behind it and was behind it when we applied for the grant. So that is one of the reason we were successful with the grant.

Mr. Scearce stated that is good to hear.

Mr. Gillie stated any other questions?

Mr. Bolton stated so you don't feel behind in the process with the grants and the way they work? This is not coming to us necessarily too early in your opinion?

Mr. Gillie stated in my opinion no. We have processes and things we have to go through we were hoping to have the paperwork signed through the Park Service but because of the change in administration that has slowed down the process. When there was a transfer over everything got put on hold. Now it has come through so we are back on it. We brought it here to you because we knew we had so much time to go for the rezoning the conditions and to get in front of City Council. So no we didn't feel like we were putting the cart before the horse.

Mrs. Evans stated will there be one of those big signs out front that indicate it is a historical property and the use of it?

Mr. Gillie stated there will be a sign but how big it is hasn't been determined at this time. There will probably also be a sign advertising who is inside and for the museum like we have at other museums here in the City. It will have to follow set Zoning regulations. It will probably don't hold me to this but there might be a plaque on the building.

Mrs. Evans stated I am just thinking of the Andrew Montague sign on West Main Street, that type of sign.

Mr. Gillie stated that hasn't been determined yet but we will probably look at something like that. I can't say that yes that is going to occur.

Mr. Bolton made a motion to approve *PLRZ20170000040* as submitted. Mr. Dodson seconded the motion. The motion was approved by a 5-1 vote.

Mr. Bolton made a motion to approve *PLRZ20170000041* as submitted. Mr. Dodson seconded the motion. The motion was approved by a 5-1 vote.

II. ITEMS NOT FOR PUBLIC HEARING

- **Mt Cross Rd. R-O-W expansion project**

Mrs. Burton read the staff report.

Mr. Scearce stated I'm assuming all of the land owners have been contacted?

Ms. Levi stated yes.

Mr. Scearce stated you have seen the property that will be taken for the right of way on your map. Do you all have any questions for staff?

Mr. Bolton stated how is this different than what we did last time and I know there is a difference.

Mr. Scearce stated this is a different location the other one was further out.

Mr. Whitfield stated there are two resolutions.

Ms. Levi stated technically there are four resolutions two of which are for the same parcel so they are on the same resolution sheet for you Mr. Scearce.

Mr. Scearce stated all of these properties are under the same resolution right?

Ms. Levi stated that is three separate resolutions.

Mr. Scearce yeah but it the same we vote one time?

Mr. Whitfield stated that would be three separate votes.

Ms. Levi stated I believe you did three separate ones in one vote last time.

Mr. Whitfield stated they would need to be voted on separately.

Ms. Levi stated I believe you did it in one vote last time.

Mr. Bolton stated yeah it was one vote last time.

Mr. Garrison stated yeah it was one vote.

Mr. Bolton stated what I said last time was just as we see them here as presented I would move that we approve. I didn't do them individually and read every one.

Mr. Scearce stated I think we can have a recommendation there and read that at the bottom of the page.

Mr. Bolton made a motion to adopt resolutions specifically exhibit 001, 004, 016, and 017. Mrs. Evans seconded the motion. The motion was approve by a 6-0 vote.

III. MINUTES

The February 13, 2017 minutes were approved by unanimous vote.

IV. OTHER BUSINESS

Mrs. Burton stated we do have cases for next month.

With no further business, the meeting adjourned at 3:30 p.m.

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APPROVED