



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

City Planning Commission

JULY 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 PLRZ20170000156, filed by Daniel Group, Inc., requesting to rezone from M-R, Multifamily Residential to HR-C, Highway Retail Commercial, Parcel ID #78291, otherwise known as Grid 0708, Block 003, Parcel 000008.001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property so that it can be consolidated with a portion of 465 Mt. Cross Rd.*
 2. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 15: entitled "Definitions", to amend the definition of Bed and Breakfast and to create the definition Distillery; and to amend Articles 3.K: entitled "CB-C Central Business District", Section B. entitled "Permitted Uses" and 3.L: entitled "TW-C Tobacco Warehouse District", Section B. entitled "Permitted Uses" to allow a distillery by right; and to amend Articles 3.J: entitled "N-C Neighborhood Commercial" Section C. entitled "Special Permit Uses", 3.M: entitled "HR-C Highway Retail Commercial" Section C. entitled "Uses Permitted by Special Use Permit" and 3.N: entitled "PS-C Planned Shopping Center Commercial", Section C. entitled "Uses Permitted by Special Use Permit" to allow a distillery by Special Use Permit.*
- IV. APPROVAL OF MINUTES FROM JUNE 12, 2017
- V. OTHER BUSINESS
- VI. ADJOURNMENT



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City Planning Commission

City Planning Commission

Meeting of July 10, 2017

Subject:

Rezoning application PLRZ20170000156, filed by Daniel Group, Inc., requesting to rezone from M-R, Multifamily Residential to HR-C, Highway Retail Commercial, Parcel ID #78291, otherwise known as Grid 0708, Block 003, Parcel 000008.001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone the property so that it can be consolidated with a portion of 465 Mt. Cross Rd.

Background:

The applicant, the Daniel Group, Inc., is requesting to rezone Parcel ID#78291 from M-R, Multifamily Residential to HR-C, Highway Retail Commercial so that the property may be consolidated with a portion of 465 Mt. Cross Rd. Consolidation may not occur unless all properties share the same zoning designation.

The subject parcel is 10.76 acres and is presently vacant. The rezoning request would allow the property owner to consolidate the subject parcel with a portion of 465 Mt Cross Road so that the subject parcel would extend all the way to Sandy River. The portion of 465 Mt. Cross Road that is to be consolidated with the subject parcel is within the flood plain. Daniel Group has no current intentions for redevelopment of the subject property as a whole.

Ten (10) 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 July 10, 2017.

Recommendation:

Staff recommends approval of rezoning application PLRZ20170000156, filed by Daniel Group, Inc., requesting to rezone from M-R, Multifamily Residential to HR-C, Highway Retail Commercial, Parcel ID #78291 so that it may be consolidated with a portion of 465 Mt. Cross Rd.

This rezoning will allow for consolidation with adjacent property as the Zoning Code does not permit consolidation unless all properties share the same zoning classification.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning application PLRZ20170000156 as submitted.
2. Recommend approval of Rezoning application PLRZ20170000156 subject to conditions by the Planning Commission.
3. Recommend denial of Rezoning application PLRZ20170000156 as submitted.
4. Recommend postponement of Rezoning application PLRZ20170000156 by Planning Commission.

Attachments:

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

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: MR
PROPOSED ZONING: HRC TAX MAP NUMBER: 78291
RECEIVED BY: [Signature] DATE FILED: _____
PLANNING COMMISSION DATE: 7/10/17 CITY COUNCIL DATE: 7/3/17

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 10.76 Ac+/- Property Address: Mt Cross Road, Danville

Property Location: N S E W Side of: Mt Cross Rd

Between: Lowes Drive and Old Mt Cross Rd

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

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

1. NAME: Daniel Group, Inc TELEPHONE: 434-791-8212

MAILING ADDRESS: 223 Riverview Dr, Danville, VA 24541

SIGNATURE: [Signature] DATE: 6-8-17

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: hburnette@danielgroup.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:

No current intentions for development

2. ALTERATION OF ZONING BOUNDARIES:

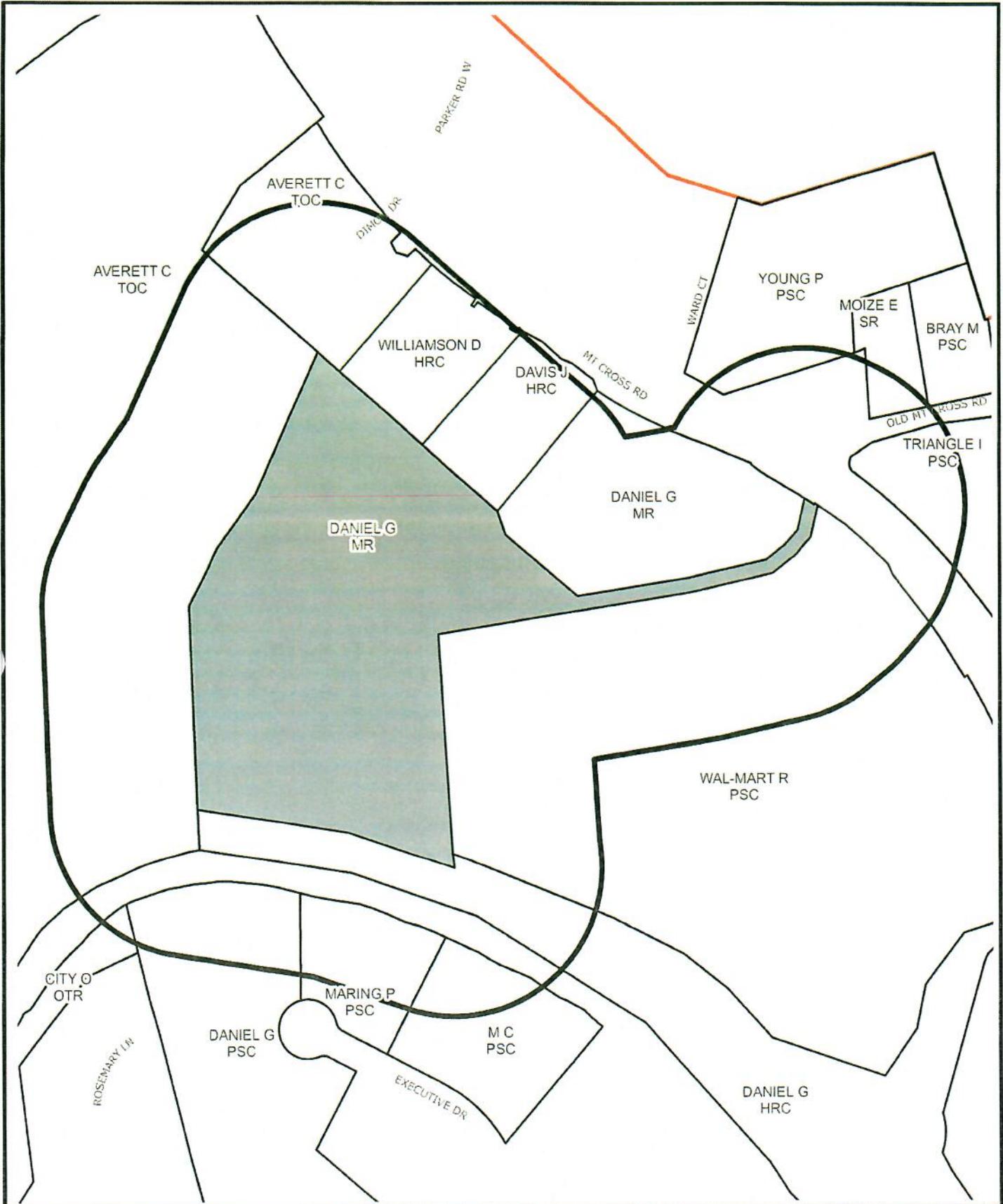
Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

Intend to consolidate a portion of PIN#72432 which is currently zoned HRC. Request provides like zoning

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
 6/19/2017

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 REQUEST
DATA SHEET

DATE:	July 10, 2017
LOCATION OF PROPERTY:	Parcel ID #78291. Mt Cross Rd
PRESENT ZONE:	M-R, Multifamily Residential
PROPOSED ZONE:	HR-C, Highway Retail Commercial
ACTION REQUESTED:	Rezoning request so that the property may be consolidated with a portion of adjacent property that is zoned HR-C. Consolidation of property requires like zoning.
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	The owner has no plans for development at this time
PROPERTY OWNER (S):	Daniel Group, Inc
NAME OF APPLICANT (S):	Same
PROPERTY BORDERED BY:	Commercial to north and south, west, and east.
ACREAGE/SQUARE FOOTAGE:	10.76 acres.
CHARACTER OF VICINITY:	Mixed commercial and institutional
INGRESS AND EGRESS:	Mt Cross Rd
TRAFFIC VOLUME:	High
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of July 10, 2017



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
6/19/2017

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City Planning Commission

City Planning Commission
Meeting of July 10, 2017

Subject:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 15: entitled "Definitions", to amend the definition of Bed and Breakfast and to create the definition Distillery; and to amend Articles 3.K: entitled "CB-C Central Business District", Section B. entitled "Permitted Uses" and 3.L: entitled "TW-C Tobacco Warehouse District", Section B. entitled "Permitted Uses" to allow a distillery by right; and to amend Articles 3.J: entitled "N-C Neighborhood Commercial" Section C. entitled "Special Permit Uses", 3.M: entitled "HR-C Highway Retail Commercial" Section C. entitled "Uses Permitted by Special Use Permit" and 3.N: entitled "PS-C Planned Shopping Center Commercial", Section C. entitled "Uses Permitted by Special Use Permit" to allow a distillery by Special Use Permit.

Background:

Applications have been received to amend the definition of Bed and Breakfast, to create the definition of Distillery, and to add Distillery as a use in multiple zoning classifications. The amendment to the current definition of Bed and Breakfast will contain language that will allow private parties to occur on the premise as an accessory use.

The proposed language is below:

Article 15:

Bed and breakfast lodging: A single family dwelling, occupied by its owner or operator, containing sleeping and breakfast accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no more than eight (8) room accommodations for transient persons and wherein a charge is normally paid for such accommodations. *A bed and breakfast may include banquet/event facilities for private parties as an accessory use.*

Distillery A facility for the production, bottling, packaging and sale of high alcohol content beverages produced on site for distribution, retail or wholesale, on or off premises sales and which meets all Virginia Alcoholic Beverage Control laws and regulations.

Staff recommends that Distillery be permitted as a use by right in the following districts:

Article 3.K: CB-C, Central Business Commercial

B. Permitted Uses

29. Distillery

Article 3.L: TW-C, Tobacco Warehouse Commercial

B. Permitted Uses

42. Distillery

Staff recommends that Distillery be allowed by Special Use Permit in the following districts:

Article 3.J: N-C, Neighborhood Commercial

C. Uses Permitted by Special Use Permit

21. Distillery

Article 3.M: HR-C, Highway Retail Commercial

C. Uses Permitted by Special Use Permit

27. Distillery

Article 3.N: PS-C, Planned Shopping Commercial

C. Uses Permitted by Special Use Permit

25. Distillery

Staff Analysis and Recommendation:

Staff recommends adoption of Zoning Code amendments to Article 15, Article 3.K., Article 3.L., Article 3.J., Article 3.M: and Article 3:N as presented above.

City Planning Commission Alternatives:

1. Recommend approval of the Code amendments as submitted.
2. Recommend approval of the Code amendments with modification per Planning Commission.
3. Recommend tabling the Code amendments for more study.
4. Recommend no changes be made to the Code.

CITY OF DANVILLE

CODE CHANGE AMENDMENT

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUCIL

Application is hereby made for the Code Change Amendment as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ DATE FILED: _____

RECEIVED FROM: _____

SECTION AFFECTED: _____

PLANNING COMMISSION DATE/ACTION: _____

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section: Article 12. – SITE PLAN REGULATIONS - *Bed and breakfast lodging*: A single family dwelling, occupied by its owner or operator, containing sleeping and breakfast accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no more than eight (8) room accommodations for transient persons and wherein a charge is normally paid for such accommodations.

Proposed Amendment: Allowance for use of space for small events.

Purpose for proposed amendment: To allow for the use of space to accommodate up to 40 people for events such as bridal showers, birthday celebrations, meetings, etc.

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

NAME: Karen Tekleberhan

ADDRESS: 124 Broad St., Danville, VA 24541

EMAIL: unteenana@yahoo.com

TELEPHONE: (202) 302-8094

SIGNATURE: 

DATE: 6/7/17

APPLICANT

NAME: Karen Tekleberhan

ADDRESS: 12908 Fox Bow Dr, Upper Marlboro, MD 20774

EMAIL: unteenana@yahoo.com

TELEPHONE: (202) 302-8094

SIGNATURE: 

DATE: 6/7/17

CITY OF DANVILLE

CODE CHANGE AMENDMENT

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ DATE FILED: _____

RECEIVED FROM: Hannah

SECTION AFFECTED: _____

PLANNING COMMISSION DATE/ACTION: 7/10/17

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section: Articles 3.K and 3.L, Sections B,

Articles 3.J, 3.M, and 3.N; Sections C, Article 15

Proposed Amendment (please attach if not sufficient space: Create a definition for

Distillery and add it to list of permitted uses by right to
CRC & TWC. Add it to list of uses by Special Use Permit in districts NC,
HRC, and PSC

Purpose for proposed amendment: To allow for distilleries

EXPLANATION OF REQUEST:

I. 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:

Distillery

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

I. NAME: THOMAS J. & MARGARET A. HARDY TELEPHONE: 434.799.6618
MAILING ADDRESS: 285 HAWTHORNS DR DANVILLE VA 24541
SIGNATURE: Margaret A. Hardy DATE: 6.19.17
SIGNATURE: Thomas J. Hardy DATE: 6.19.17
EMAIL ADDRESS: hardy73@comcast.net

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Dry Fork Fruit Distillery TELEPHONE: 434-429-9389
MAILING ADDRESS: 195 Light Ridge Rd, Meadows of Dan, Va 24120
EMAIL ADDRESS: v.puccia@2000@yachon.com
SIGNATURE: Vincent Puccia DATE: 6/16/17

PLANNING COMMISSION MINUTES

June 8, 2017

MEMBERS PRESENT

Mrs. Evans
Mr. Searce
Mr. Garrison
Mr. Bolton
Mr. Jones
Mr. Dodson
Mr. Wilson

MEMBERS ABSENT

STAFF

Tracie Lancaster
Ken Gillie
Renee Burton
Anna Levi
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

Special Use Permit application PLSUP20170000127, filed by Joel L. Bryant, Jr., 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 1491 W Main Street and 1485 W Main Street, otherwise known as Grid 0611, Block 004, Parcel 000003 and Grid 0611, Block 004, Parcel 000004, respectively, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to consolidate the two parcels creating a zero (0) foot side yard setback where twenty (20) feet is required and a ten (10) foot front yard setback where thirty (30) feet is required.

Ms. Levi read the staff report. Thirteen (14) notices were sent to surrounding property owners within 300 feet of the subject property. Three (3) were not opposed. One was opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was Joel Bryant, the applicant. Mr. Bryant stated I am one of the owners of Newcomb Carpet. We just want to combine the properties to create storage space. Since our business is expanded we need more storage space. That is the only reason for this and it will only be used for storage. We will not combine the insides of the two buildings to come into the storage building.

Mr. Jones stated do you have any problems with these conditions set by Staff?

Mr. Bryant stated no sir.

Mr. Lewis stated he came to find out exactly what this is about. He stated that he really didn't understand it. I own a house at 6 Laurel Avenue and I was within the circle so they sent the letter. Are they trying to take that much of my property or what?

Mr. Searce stated no sir. It doesn't really affect your property at all. They just send out letters within 300 feet with any zoning changes so that people can be notified. All they are doing is, they have two buildings and they are just closing it in-between.

Mr. Lewis stated okay well that doesn't matter to me. I was just thinking they were trying to take part of my yard. I didn't quite understand it.

Mr. Searce closed the Public Hearing.

Mr. Wilson made a motion to approve PLRZ20170000127 subject to conditions per staff. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

II. ITEMS NOT FOR PUBLIC HEARING

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

Mrs. Burton read the staff report.

Mr. Garrison stated Mr. Dunevant does this take care of phase 1?

Mr. Dunevant stated yes.

Mr. Garrison stated the current action by City Council that is tabled, will that have any effect on this?

Mr. Dunevant stated what they tabled is these two properties. So we worked it out with the property owners so that will not be coming back to Council.

Mr. Garrison stated so we can go ahead and get that started then?

Mr. Dunevant stated yeah this will help. We still have a few other hurdles to jump but as far as the properties and right-of-way yes.

Mr. Jones stated you are going to four lanes. Will there ever be a fifth lane for turning?

Mr. Dunevant stated this will include the turning lane.

Mr. Bolton made a motion to approve the resolution for exhibit 007. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

Mr. Bolton made a motion to approve the resolution for exhibit 008. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

III. MINUTES

The May 8, 2017, minutes were approved by unanimous vote.

IV. OTHER BUSINESS

Ms. Levi stated we do have cases for next month so plan to be here.

With no further business, the meeting adjourned at 3:11 p.m.

APPROVED