



City of Danville

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

City Planning Commission

MAY 13, 2019

3:00 P.M.

CITY COUNCIL CHAMBERS

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING
 - 1) *Special Use Permit application PLSUP20190000147, filed by Riverside BP LLC, 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 3027 Riverside Dr., otherwise known as Grid 1713, Block 006, Parcel 000005, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to waive yard requirements to expand the side and rear of an existing building.*
 - 2) *Rezoning application PLRZ20190000158, filed by John Grothe requesting to rezone from N-C Neighborhood Commercial to CB-C Central Business Commercial, 750 Main St., otherwise known as Grid 1716, Block 006, Parcel 000035 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to reuse an existing building for a restaurant, commercial kitchen, and indoor recreational space.*
 - 3) *Special Use Permit application PLSUP20190000159, filed by John Grothe requesting a Special Use Permit for indoor recreation in accordance with Article 3.K, Section C, Item 5 of the Code of the City of Danville, Virginia 1986 as amended at 750 Main St., otherwise known as Grid 1716, Block 006, Parcel 000035 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to reuse an existing building for indoor axe-throwing and event space.*
 - 4) *Rezoning application PLRZ20190000157, filed by Driftwood LLC requesting to rezone from HR-C Highway Retail Commercial to LED-I Light Economic Development Industrial, 201 Eastwood Dr., otherwise known as Grid 2716, Block 005, Parcel 000013 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone from a commercial to a light industrial use district.*

- 5) *Special Use Permit application PLSUP20190000177, filed by Driftwood LLC requesting a Special Use Permit for a waiver of district and yard setback requirements in accordance with Article 3.O, Section C, Items 19 and 25 of the Code of the City of Danville, Virginia 1986 as amended at 201 Eastwood Dr., otherwise known as Grid 2716, Block 005, Parcel 000013 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to waive requirements for the change in minimum district size and yard setbacks when rezoning the property to the LED-I Light Economic Development Industrial District.*
- 6) *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, VA 1986, more specifically Article 2 entitled "General Regulations", various sub-articles and sections of Article 3 entitled "Zoning Districts", and Article 15 entitled "Definitions", Section B entitled "Definitions". The purpose is to allow for short-term rentals of an entire home within residential districts.*
- 7) *Special Use Permit application PLSUP 20190000161, filed by Barry Davis requesting a Special Use Permit for a short-term rental of an entire home in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986 as amended at 500 Plum St., otherwise known as Grid 2710, Block 006, Parcels 000007 and 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop a house to rent on Airbnb.*

IV. ITEMS NOT FOR PUBLIC HEARING

Request to allow compact parking spaces in place of regular parking spaces at 119 Cane Creek Blvd. The applicant wishes to provide compact spaces in order to maximize on-site parking.

V. APPROVAL OF MINUTES FROM APRIL 8, 2019

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 May 13, 2019

Subject:

Special Use Permit application PLSUP20190000147, filed by Riverside BP LLC, 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 3027 Riverside Dr., otherwise known as Grid 1713, Block 006, Parcel 000005, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to waive yard requirements to expand the side and rear of an existing building.

Background:

Riverside BP LLC, the applicant, is requesting a Special Use Permit for a waiver of yard requirements at 3027 Riverside Dr. This property is located in the HR-C, Highway Retail Commercial District, in which a Special Use Permit may be used to waive or reduce the required yard setbacks. For this district, these setbacks require a building be at least thirty (30) ft. from the front property line, and twenty (20) ft. from the side and rear property lines.

Currently, the site serves as a gas station and automobile repair establishment.

There is a building containing vehicle bays, and a detached gas station canopy. The applicant wishes to add to the building in order to provide vehicle safety inspections. In order to obtain a state license as an official inspection station, the site must have an inspection bay which is at least forty (40) ft. long, eight (8) ft. wide, and ten (10) ft. tall. The applicant wishes to expand the existing building to accommodate the forty (40) ft. length requirement.

The building is built at an angle to the property lines. Public records suggest the building is approximately twelve (12) ft. from the side and fifteen (15) ft. from the rear. However, a land survey will need to confirm the actual distance. This is considered legal nonconforming. At this time, the applicant has discussed expanding either the rear of the northern end, or the side of the southern end of the building. Either option would require a waiver of the yard setback requirements.

Staff's main concern is maintaining some minimal distance between any structures and the property line. Completely waiving the yard requirement would allow development practically on top of neighboring property. This could later raise issues if a neighboring property owner also asks for a waiver in order to develop near the property line. However, one of the neighboring properties (118 Barter St.) is owned by the same owner. Consolidating this property with 3027 Riverside Dr. would alleviate some of these concerns to maintain some space between buildings and property lines. However, staff generally do not recommend requiring consolidation.

Seventeen (17) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on May 13, 2019.

Recommendation:

The Planning staff recommends the City Planning Commission recommend approval of Special Use Permit application PLSUP20190000147, filed by Riverside BP LLC, 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 3027 Riverside Dr., otherwise known as Grid 1713, Block 006, Parcel 000005, of the City of Danville, Virginia Zoning District Map, subject to the following conditions:

1. The front yard setback shall remain unchanged;
2. The side yard setback for the western side property line shall remain unchanged;
3. Either a land survey or similar land record shall be used to ensure that any future building additions or development does not encroach on neighboring property;
4. The yard setback waiver shall only apply to existing buildings and additions to those buildings; and
5. If the property owner later chooses to consolidate 3027 Riverside Dr. (Parcel ID# 51989) and 118 Barter St. (Parcel ID# 52478), the waiver of yard setbacks may also apply to the newly consolidated parcel; but at least twenty (20) ft. must be kept between any buildings and 104-109 Barter St. (Parcel ID# 52948) and 124 Trade St. (Parcel ID# 52480).

The Special Use Permit and conditions would waive the yard requirements, but ensure that future development does not encroach on neighboring property. Additionally, the property owner could choose to consolidate 3027 Riverside Dr. and 118 Barter St. to allow additional room for expansion, but without causing any additional concerns.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000147 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000147 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000147 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000147 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000147 by Planning Commission.

Attachments:

- A. Application
- B. Property Ownership/Zoning Map
- C. Data Sheet
- D. 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

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

USE: Expand existing building into side/rear yards with a waiver of yard requirements

CASE NUMBER: PLSUP 20190000147

EXISTING ZONING: HR-C, Highway Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: ID# 51989, 1713-006-001005

RECEIVED BY: Bryce Johnson

DATE FILED: April 3, 2019

PLANNING COMMISSION DATE: May 13

CITY COUNCIL DATE: June 10

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

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

Gross Area/Net Area: _____ Property Address: 3027 Riverside Dr Danville VA

Property Location: N S E W Side of: _____

Between: _____ and _____

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:

Article 3.M III section C III Item 21 III
Waiver of yard requirements

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

1. NAME: STE Properties of Ringgold LLC TELEPHONE: 434-728-0402
MAILING ADDRESS: 2703 South Boston Hwy Ringgold VA 24586
SIGNATURE: Jason Swain (pres) DATE: 4-3-2019
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: ~~triplesof~~ triplesinc@yahoo.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: Riverside Bp LLC TELEPHONE: 434-728-0402
MAILING ADDRESS: 3027 Riverside Dr Danville VA 24541
EMAIL ADDRESS: triplesinc@yahoo.com
SIGNATURE: Jason Swain pres. DATE: 4-3-2019

Parcel ID: 51989
Address: 3027 RIVERSIDE DR

Owner: S & E PROPERTIES OF
 RINGGOLD LLC
 2703 SOUTH BOSTON HWY
 RINGGOLD, VA 24586

Mail-To: S & E PROPERTIES OF
 RINGGOLD LLC
 2703 SOUTH BOSTON HWY
 RINGGOLD, VA 24586



Value Information	
Land / Use:	\$153,500
Improvement:	\$100,400
Total:	\$253,900.00

Building Information	
Year Built:	1960
Total Rooms:	0
Bedrooms:	0
Full Bathrooms:	0
Half Bathrooms:	0
Finished Square Feet:	1,450

Additional Information			
State Code:	4561 Service Stations	Approx Acres:	0.36
Land Use:	Commercial	Legal Description:	155 FT NO 9A & PT NO 8 RIVERSIDE DR
Tax Map:	1713-006-000005.000	Zone:	HRC Highway Retail Comm
Notes: Avg Lot: 156.0 x 100.0 BP Service StationDB 17-2790: Same 3 lists.DB 12-274: Same 3 lists. DB 12-40: 3 lists incl acct#51989, 52478 & 60213. (Map 33-5-4)			

Building

Building Information - 1			
Property Class:	Commercial	Finished Square Feet:	1,450
Style:	No Data	Basement Square Feet:	0
Year Built:	1960	Total Rooms:	0
Condition:	No Data	<i>* Bathrooms are not included in total room count.</i>	
Story Height:	No Data		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Forced Air Unit		100 %	
Brick with Block Back-up		50 %	
Concrete Block		50 %	

Improvements

Bldg #:	Improvement:	Size:
1	Asphalt Paving	14,000
1	Canopy	1,152
1	Light STD - Single	3

Land

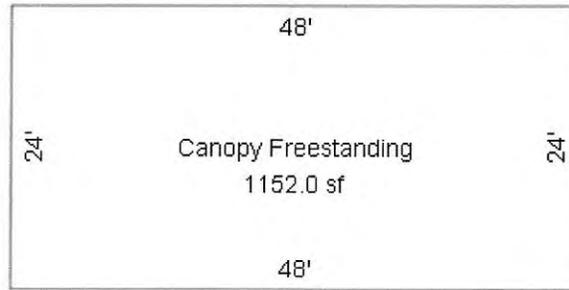
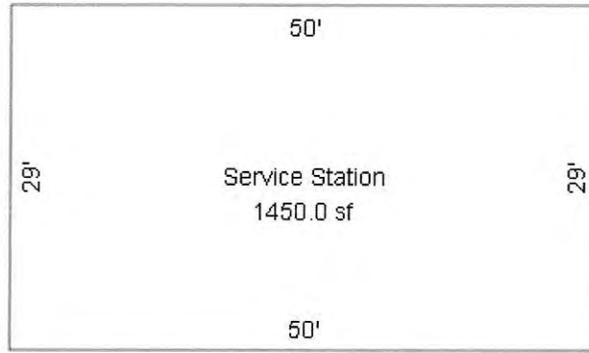
Land Code:	C25 Comm FF (1200)	Rate:	\$1,200
Acres:	0.36	Adj. Rate:	\$984
Sq. Ft.:	15,600	Base Value:	\$153,500
Front:	155	Adj. Amount:	\$0
Effective Front:	156	Value:	\$153,500
Depth:	100		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 17	2790	\$640,000	8/17/2017	BATTERMAN PROPERTIES LLC	S & E PROPERTIES OF RINGGOLD LLC
D 12	274	\$0	1/23/2012	BATTERMAN FREDERICK CHRISTIAN AUGUST II & SCARCE ELIZABETH KEEN BATTERMAN	BATTERMAN PROPERTIES LLC
D 12	40	\$0	1/5/2012	BATTERMAN BRANTLEY K T/U BATTERMAN NANCY E TRUST	BATTERMAN FREDERICK CHRISTIAN AUGUST II & SCARCE ELIZABETH KEEN BATTERMAN
D 96	5602	\$0	12/23/1996	<i>No Data</i>	<i>No Data</i>

Assessments

Year	Land	Use	Improvements	Total
2018	\$153,500	\$0	\$100,400	\$253,900
2017	\$153,500	\$0	\$100,900	\$254,400
2016	\$153,500	\$0	\$100,900	\$254,400
2015	\$153,500	\$0	\$100,200	\$253,700
2014	\$153,500	\$0	\$100,200	\$253,700
2013	\$153,500	\$0	\$98,100	\$251,600
2012	\$153,500	\$0	\$98,100	\$251,600
2011	\$153,500	\$0	\$98,900	\$252,400
2010	\$153,500	\$0	\$98,900	\$252,400
2009	\$153,500	\$0	\$98,100	\$251,600
2008	\$153,500	\$0	\$98,100	\$251,600
2007	\$153,500	\$0	\$90,500	\$244,000
2006	\$153,500	\$0	\$90,500	\$244,000
2005	\$153,500	\$0	\$80,400	\$233,900
2004	\$153,500	\$0	\$80,400	\$233,900
2003	\$88,600	\$0	\$80,300	\$168,900
2002	\$88,600	\$0	\$80,300	\$168,900
2001	\$66,400	\$0	\$65,700	\$132,100
2000	\$66,400	\$0	\$62,100	\$128,500

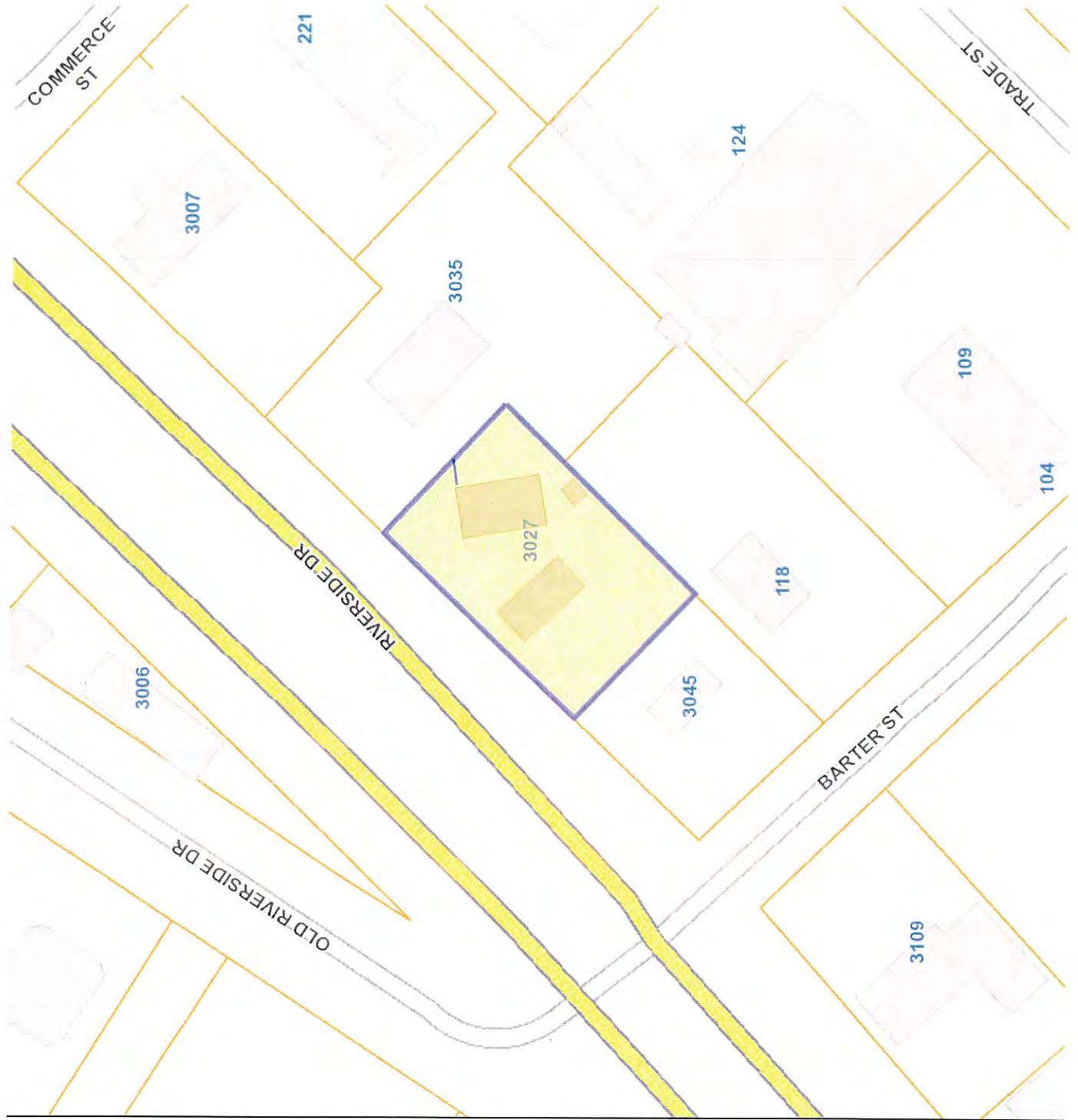


Sketch by Apex Medina™



- Buildings
- Parcels
- Street Names
- House Numbers

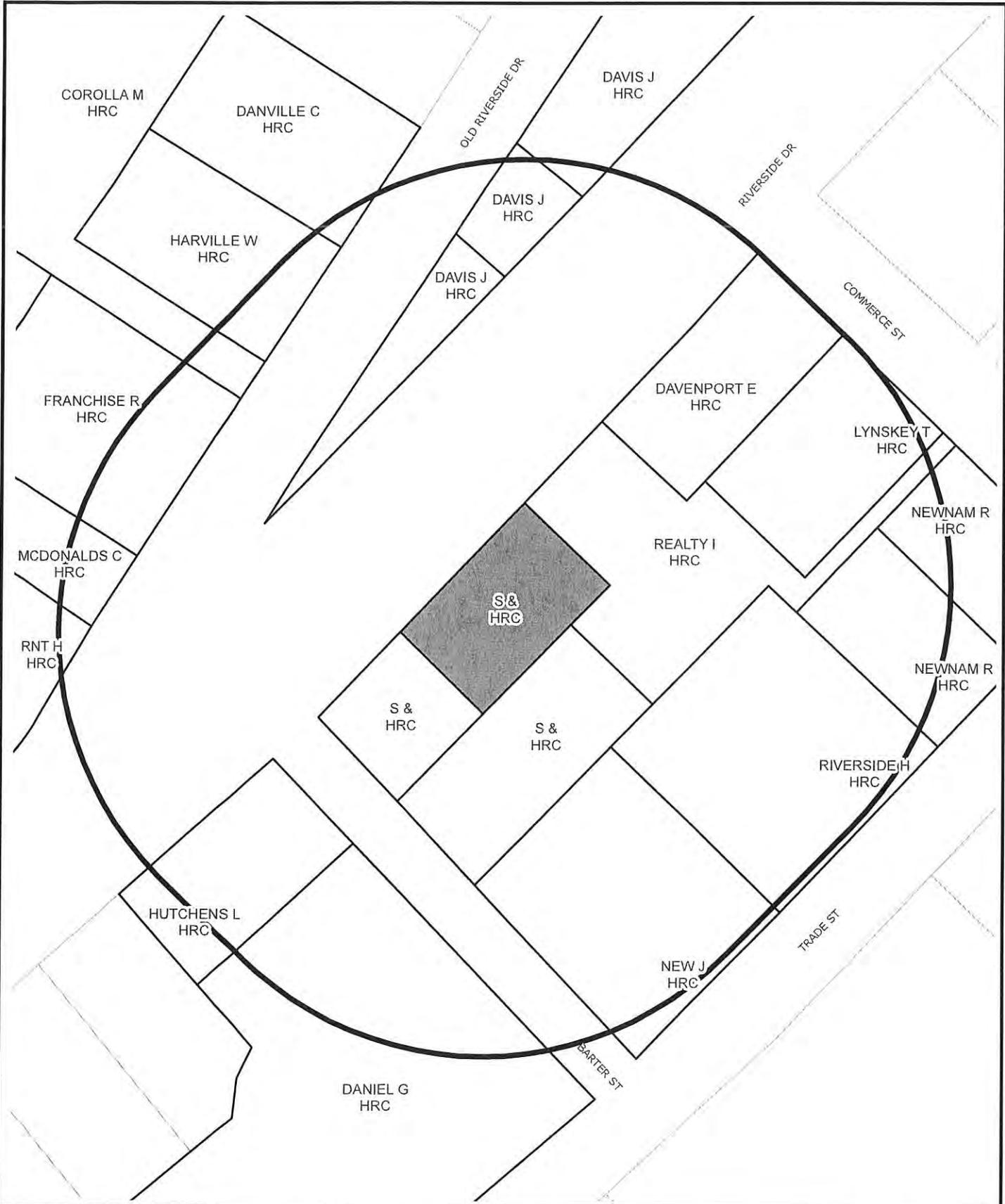
Parcel ID: 51989



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, it's accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Date: 4/10/2019





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 4/10/2019

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SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on May 13, 2019
City Council (tentative) at 7pm on June 10, 2019

LOCATION OF PROPERTY: 3027 Riverside Dr.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: Unchanged

ACTION REQUESTED: Special Use Permit for waiver of yard requirements

PRESENT USE OF PROPERTY: Gas station and vehicle service establishment

PROPOSED USE OF PROPERTY: Unchanged, but wants to expand existing building

PROPERTY OWNER (S): S & E Properties Of Ringgold LLC

NAME OF APPLICANT (S): Riverside BP LLC

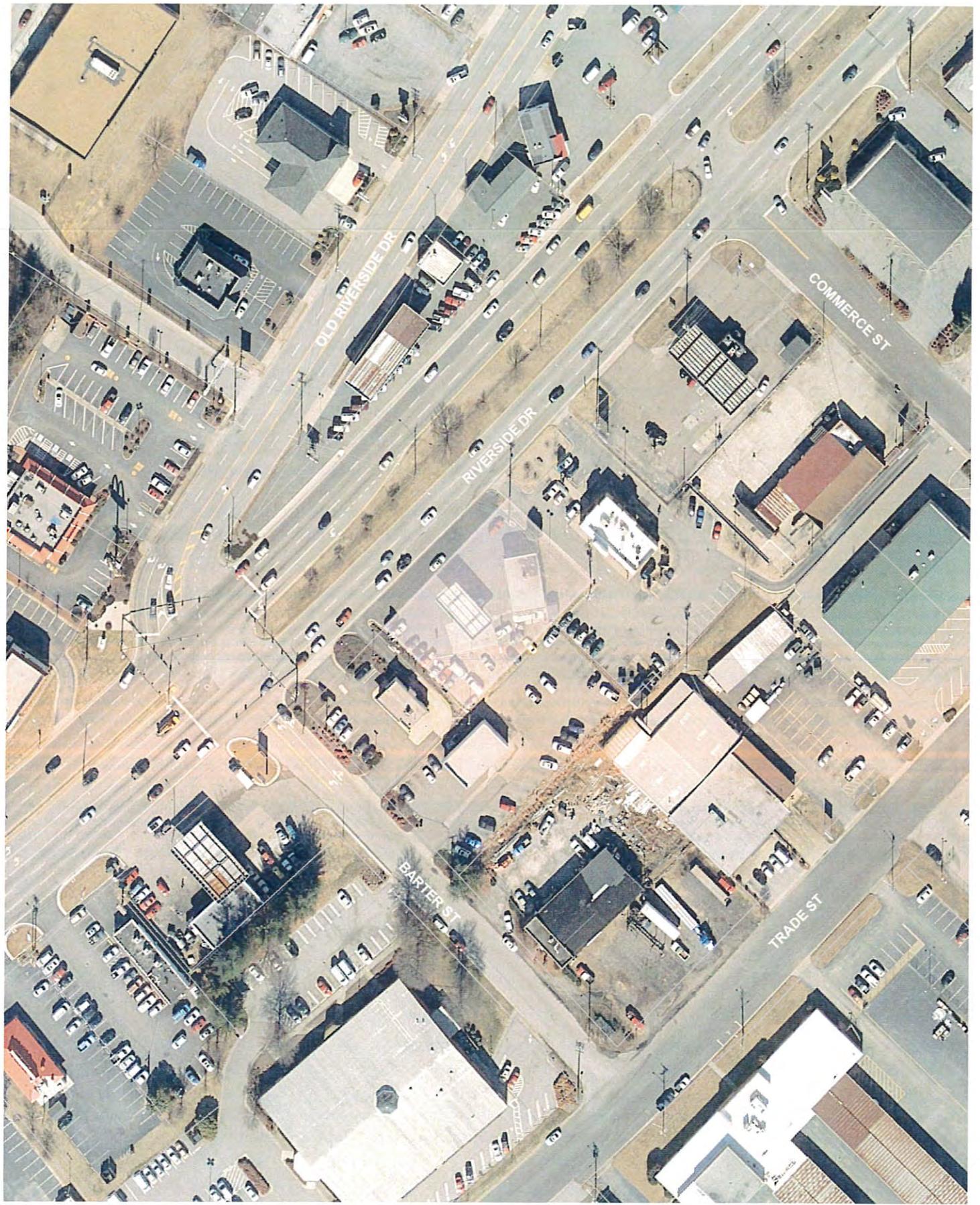
PROPERTY BORDERED BY: Highway Retail on all sides, and some industrial to the South (along Trade St.)

ACREAGE: 0.36 acres (15,681 sq. ft.)

CHARACTER OF VICINITY: Commercial

INGRESS AND EGRESS: Riverside Dr.

TRAFFIC VOLUME: High



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
4/10/2019

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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 May 13, 2019

Subject:

Rezoning application PLRZ20190000158, filed by John Grothe requesting to rezone from N-C Neighborhood Commercial to CB-C Central Business Commercial, 750 Main St., otherwise known as Grid 1716, Block 006, Parcel 000035 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to reuse an existing building for a restaurant, commercial kitchen, and indoor recreational space.

and

Special Use Permit application PLSUP20190000159, filed by John Grothe requesting a Special Use Permit for indoor recreation in accordance with Article 3.K, Section C, Item 5 of the Code of the City of Danville, Virginia 1986 as amended at 750 Main St., otherwise known as Grid 1716, Block 006, Parcel 000035 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to reuse an existing building for indoor axe-throwing and event space.

Background:

An application has been filed by John Grothe, requesting to rezone 750 Main St. from N-C, Neighborhood Commercial District to CB-C, Central Business Commercial District. This request is also accompanied by a Special Use Permit request to allow indoor recreation. The applicant wishes to operate a restaurant, provide commercial kitchen space for use by local businesses, and provide an indoor axe-throwing establishment. At some point in the future, the applicant has also indicated a desire to convert part of the building into residential units.

The current N-C District does not permit any of the proposed uses by right. However, the N-C District does permit most of these uses by Special Use Permit. The only non-permitted use is the potential residential units, which is not currently being discussed. In the proposed CB-C District, the restaurant, commercial kitchen, and possible residential units are permitted by right. However, a Special Use Permit is still required for any indoor-recreation. The proposed zoning district better reflects the proposed uses of property.

The Planning Commission last heard a request for this site on November 12, 2018. At that time, a separate applicant proposed to operate an indoor gun range. The neighborhood expressed concern about the proposed use. Public records indicate a range of concerns, such about how the site contributes to an appropriate transition between the historic Old West End and the River District. After the Planning Commission recommended denying the request, the applicant withdrew their request. Other than the site, the current request is unrelated to the previous proposed use.

When reviewing a rezoning a request, the Commission should generally consider three components: (1) the *Danville: 2030 Comprehensive Plan*¹, (2) the relationship between the property and surrounding land, and (3) any proffers (voluntary land use restrictions).

Consideration of the *Comprehensive Plan*: The proposed rezoning partially aligns with the *Comprehensive Plan*. The proposed use itself contributes to the City's goals related to historic and cultural resources², economic development³, housing.⁴ These goals recommend reuse of existing buildings, support of the local foods industry, and concentrated development around the River District.

The proposed rezoning does not align with the Future Land Use Map. The *Comprehensive Plan* recommends that the property remain a neighborhood commercial land use, under which the Neighborhood Commercial District is categorized. The proposed Central Business Commercial District is described as a mixed use category.

Consideration of the relationship between the property and surrounding land: The property is located along a corridor which provides a transition between the Old West End Historic District and the River District. This corridor contains a mixture of residential and commercial properties, ranging from medium to high density. The property is not immediately adjacent to any properties zoned as Central Business Commercial, so this would constitute as spot zoning. However, there are nearby properties which are zoned as Conditional Central Business Commercial District.

Consideration of proffers: No voluntary zoning restrictions have been proffered.

Special Use Permit: The applicant is also requesting a Special Use Permit for indoor recreation for indoor axe-throwing and event space. This activity allows customers to learn to throw axes at targets, typically within enclosed lanes.

Thirty-one (31) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on May 13, 2019.

¹ Comprehensive Plan webpage: <https://www.danville-va.gov/485/Comprehensive-Plan>

² Historic and Cultural Resources Plan: <https://www.danville-va.gov/DocumentCenter/View/12569/9--Historic-Cultural-Resources-Plan-Section-2030CompPlan-RevisedUpdated?bidId=>

³ Economic Revitalization Plan: <https://www.danville-va.gov/DocumentCenter/View/12570/10--Economic-Revitalization-Plan-Section-2030CompPlan-RevisedUpdated?bidId=>

⁴ Neighborhood Revitalization Plan: <https://www.danville-va.gov/DocumentCenter/View/12568/8--Neighborhood-Revitalization-Plan-Section-2030CompPlan-RevisedUpdated?bidId=>

Recommendation:

The Planning staff recommends the City Planning Commission recommend denial of Rezoning application as submitted. Staff do not have significant concerns about the proposed use. However, staff have concerns about other uses permitted within the CB-C District. Staff could possibly support a conditional rezoning which limits the permitted uses to be more compatible with the neighborhood. Please see the attached example, based on the conditions at 769 Main St. which is zoned Conditional CB-C.

Without a rezoning, staff cannot recommend approval of the Special Use Permit application. However, if Special Use Permit application PLSUP20190000159 for indoor recreation at 750 Main St. were recommended for approval, staff would suggest the following conditions:

1. The hours of operation are to be limited between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday;
2. The site shall continue to have at least thirteen (13) on-site parking spaces, one (1) of which shall be handicap parking; and
3. The site shall contain bicycle parking sufficient for a total of at least three (3) bicycles between the two properties, preferably covered.

If a both requests were approved, the applicant could operate a restaurant, commercial kitchen, and indoor axe-throwing establishment. The conditions for the Permit would limit negative impact on neighboring properties, and address potential parking concerns for a new commercial use in a high density area. However, the Special Use Permit, as advertised under Article 3.K, cannot be granted if the zoning remains unchanged.

City Planning Commission Options:

1. Recommend approval of Rezoning application PLRZ20190000158 as submitted.
2. Recommend denial of Rezoning application PLRZ20190000158 as submitted.
3. Tabling of Rezoning application PLRZ20190000158 by Planning Commission.

And

1. Recommend approval of Special Use Permit application PLSUP20190000159 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000159 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000159 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000159as submitted.
5. Tabling of Special Use Permit application PLSUP20190000159 by Planning Commission.

Attachments:

- A. Application
- B. Property Ownership/Zoning Map
- C. Data Sheet
- D. Future Land Use Map
- E. Existing Land Use Map (2015 Aerial)
- F. Permitted Uses at 769 Main St

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: PLR220190000158 EXISTING ZONING: N-C, Neighborhood Commercial
PROPOSED ZONING: CBC, Central Business Commercial TAX MAP NUMBER: ID#26402 or 1715-005-000035
RECEIVED BY: Byrce Johnson DATE FILED: April 10, 2019
PLANNING COMMISSION DATE: May 13, 2019 CITY COUNCIL DATE: June 4, 2019

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 15,654 Property Address: 750 Main St. Danville VA 24543
Property Location: N S E W Side of: YWCA Building
Between: _____ and _____
Proffered Conditions (if any, please attach): _____

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

1. NAME: Piedmont Lands of Virginia LLC TELEPHONE: 434-791-4171
MAILING ADDRESS: 308 Craghead Street
SIGNATURE: _____ DATE: _____
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: Tammy Poplin Tmpopl@plandsva.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: John Groth TELEPHONE: 336-583-7556 or 919-704-6335
MAILING ADDRESS: 115 Allyson Lane Roxboro NC 27574
EMAIL ADDRESS: getbuffaloeed@716foods.org
SIGNATURE: John Groth DATE: 4/9/19

SEE ATTACHMENT

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:

N/A Bottom floor as Commercial Kitchens to be
rented to Mobile Food Units & caterers, Top floor to be restaurant and event room.
20x40 Room would be used for event Room Rental.

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

N/A

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

N/A

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

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

USE: Indoor recreation for axe-throwing + event space

CASE NUMBER: PLSUP20190000159

EXISTING ZONING: N-C, Neighborhood Commercial

PROPOSED ZONING: LB-C, Central Business

TAX MAP NUMBER: 112 # 26402 or 1716-006-000035

RECEIVED BY: Bryce Johnson

DATE FILED: April 10, 2019

PLANNING COMMISSION DATE: May 13, 2019

CITY COUNCIL DATE: June 4, 2019

See rezoning application →

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: 15,654 Property Address: 750 Mann St Danville VA 24543

Property Location: N S E W Side of: YWCA

Between: _____ and _____

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. *See map*
- Existing on-site buildings, separation dimensions and paved areas. *See map*
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided. *30*
- Net acreage. *1.1*
- Gross and net square footage of building (s) (proposed and existing). *15,654*
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Axe Throwing Venue at the YWCA Gym. This would include
5-10 individual lanes that is secured from surrounding elements.
~~From~~ This application is accompanying the zone application submitted.

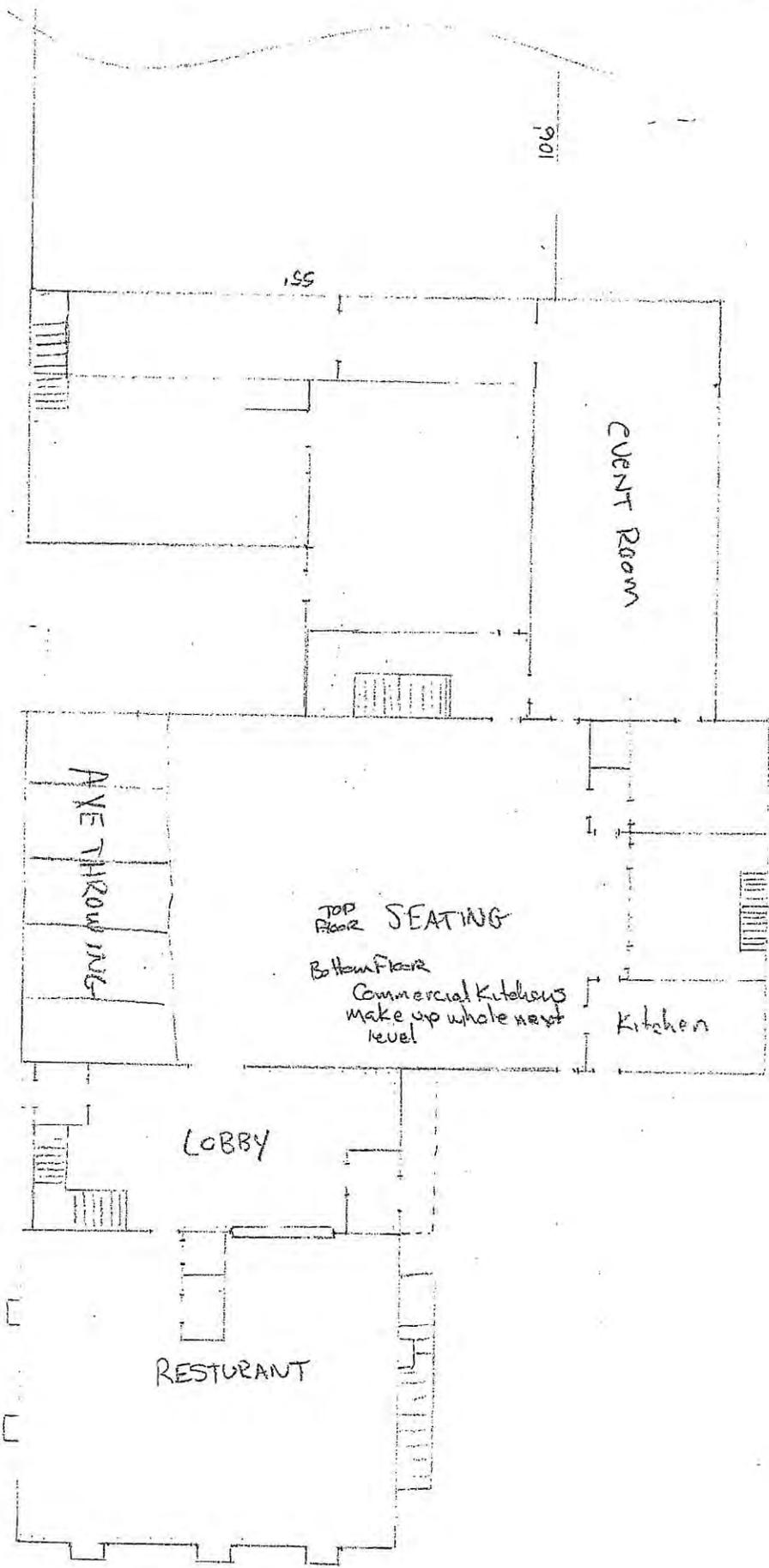
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Piedmont Lands of Virginia TELEPHONE: 434-791-4171
MAILING ADDRESS: 308 Craghead Street
SIGNATURE: Tammy Poplin DATE: _____
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: TMPOPLIN@plandsVA.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: John Grothe TELEPHONE: 336-583-7556 ^{OR} 919-704-6336
MAILING ADDRESS: 115 Allysau Lane Roxboro NC 27574
EMAIL ADDRESS: getbuffaloeed@716foods.org
SIGNATURE: John Grothe DATE: 4/9/19



Parcel ID: 26402
Address: 750 MAIN ST

Owner: PIEDMONT LANDS OF VIRGINIA LLC
 PO BOX 10309
 DANVILLE, VA 24543

Mail-To: PIEDMONT LANDS OF VIRGINIA LLC
 PO BOX 10309
 DANVILLE, VA 24543



Value Information	
Land / Use:	\$41,000
Improvement:	\$313,700
Total:	\$354,700.00

Additional Information			
State Code:	4621 Misc Business Svcs	Approx Acres:	1.1
Land Use:	Commercial	Legal Description:	111.5 FT MAIN ST
Tax Map:	1716-006-000035.000	Zone:	NC Neighborhood Retail Commercial
Notes: Avg Lot: 112.0 X 429.0 DB 17-2862: Pty sold & trfd to Taxable. YWCA of Danville (formerly-now vacant)(Map 72-2-36)			

Building

Building Information - 1			
Property Class:	Commercial	Finished Square Feet:	15,654
Style:	No Data	Basement Square Feet:	0
Year Built:	1972	Total Rooms:	0
Condition:	No Data	<i>* Bathrooms are not included in total room count</i>	
Story Height:	No Data		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Brick with Block Back-up		100 %	
Warmed and Cooled Air		100 %	

Building Information - 2			
Property Class:	Commercial	Finished Square Feet:	15,654
Style:	No Data	Basement Square Feet:	0
Year Built:	1972	Total Rooms:	0
Condition:	No Data	<i>* Bathrooms are not included in total room count</i>	
Story Height:	No Data		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		

Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Brick with Block Back-up		100 %	
Warmed and Cooled Air		100 %	

Building Information - 3

Property Class:	Commercial	Finished Square Feet:	15,654
Style:	<i>No Data</i>	Basement Square Feet:	0
Year Built:	1972	Total Rooms:	0
Condition:	<i>No Data</i>	<i>* Bathrooms are not included in total room count</i>	
Story Height:	<i>No Data</i>		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Brick with Block Back-up		100 %	
Warmed and Cooled Air		100 %	

Building Information - 4

Property Class:	Commercial	Finished Square Feet:	15,654
Style:	<i>No Data</i>	Basement Square Feet:	0
Year Built:	1972	Total Rooms:	0
Condition:	<i>No Data</i>	<i>* Bathrooms are not included in total room count</i>	
Story Height:	<i>No Data</i>		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Warmed and Cooled Air		100 %	
Brick with Block Back-up		100 %	

Improvements

Bldg #:	Improvement:	Size:
1	Asphalt Paving	15,500

Land

Land Code:	C13 Comm FF (300)	Rate:	\$300
Acres:	1.1	Adj. Rate:	\$366
Sq. Ft.:	48,048	Base Value:	\$40,990
Front:	112	Adj. Amount:	\$10
Effective Front:	112	Value:	\$41,000
Depth:	429		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 17	2862	\$50,000	8/23/2017	YOUNG WOMENS CHRISTIAN ASSOCIATION OF DANVILLE & PITTSYLVANIA COUNTY VA	PIEDMONT LANDS OF VIRGINIA LLC
C 30	10	\$0	10/8/1981	<i>No Data</i>	<i>No Data</i>
D 401	363	\$0	5/22/1964	<i>No Data</i>	<i>No Data</i>

Assessments

Year	Land	Use	Improvements	Total
2018	\$41,000	\$0	\$313,700	\$354,700
2017	\$41,000	\$0	\$315,700	\$356,700
2016	\$41,000	\$0	\$315,700	\$356,700
2015	\$41,000	\$0	\$385,000	\$426,000
2014	\$41,000	\$0	\$385,000	\$426,000
2013	\$41,000	\$0	\$1,123,800	\$1,164,800
2012	\$41,000	\$0	\$1,123,800	\$1,164,800
2011	\$41,000	\$0	\$1,123,800	\$1,164,800
2010	\$41,000	\$0	\$1,123,800	\$1,164,800
2009	\$41,000	\$0	\$1,377,800	\$1,418,800
2008	\$41,000	\$0	\$1,377,800	\$1,418,800
2007	\$41,000	\$0	\$1,375,000	\$1,416,000
2006	\$41,000	\$0	\$1,375,000	\$1,416,000
2005	\$41,000	\$0	\$1,232,300	\$1,273,300
2004	\$41,000	\$0	\$1,232,300	\$1,273,300
2003	\$41,000	\$0	\$1,120,100	\$1,161,100
2002	\$41,000	\$0	\$1,120,100	\$1,161,100
2001	\$41,000	\$0	\$1,073,400	\$1,114,400
2000	\$41,000	\$0	\$958,100	\$999,100



Sketch by Apex Medina™

Parcel ID: 26402

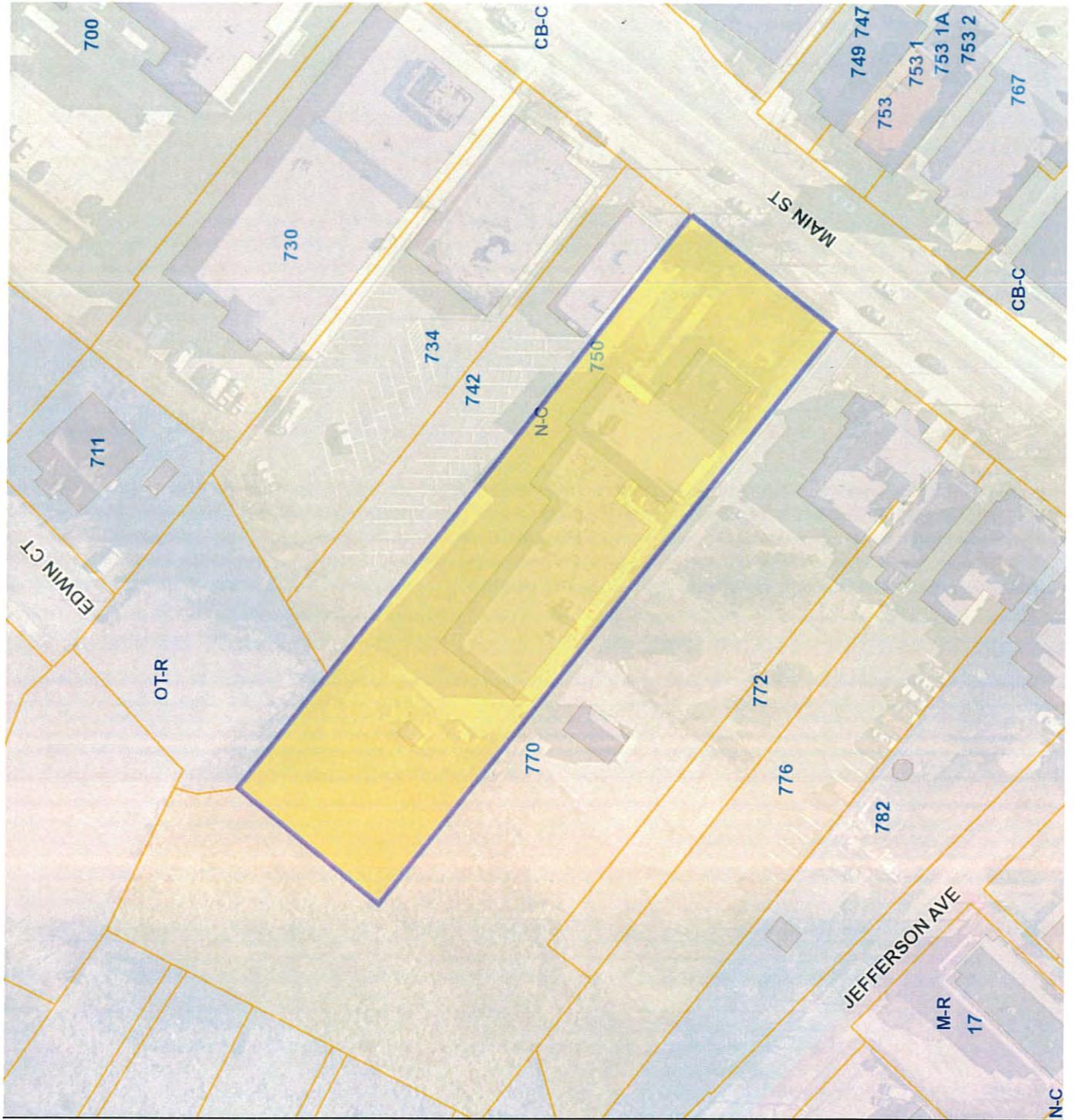


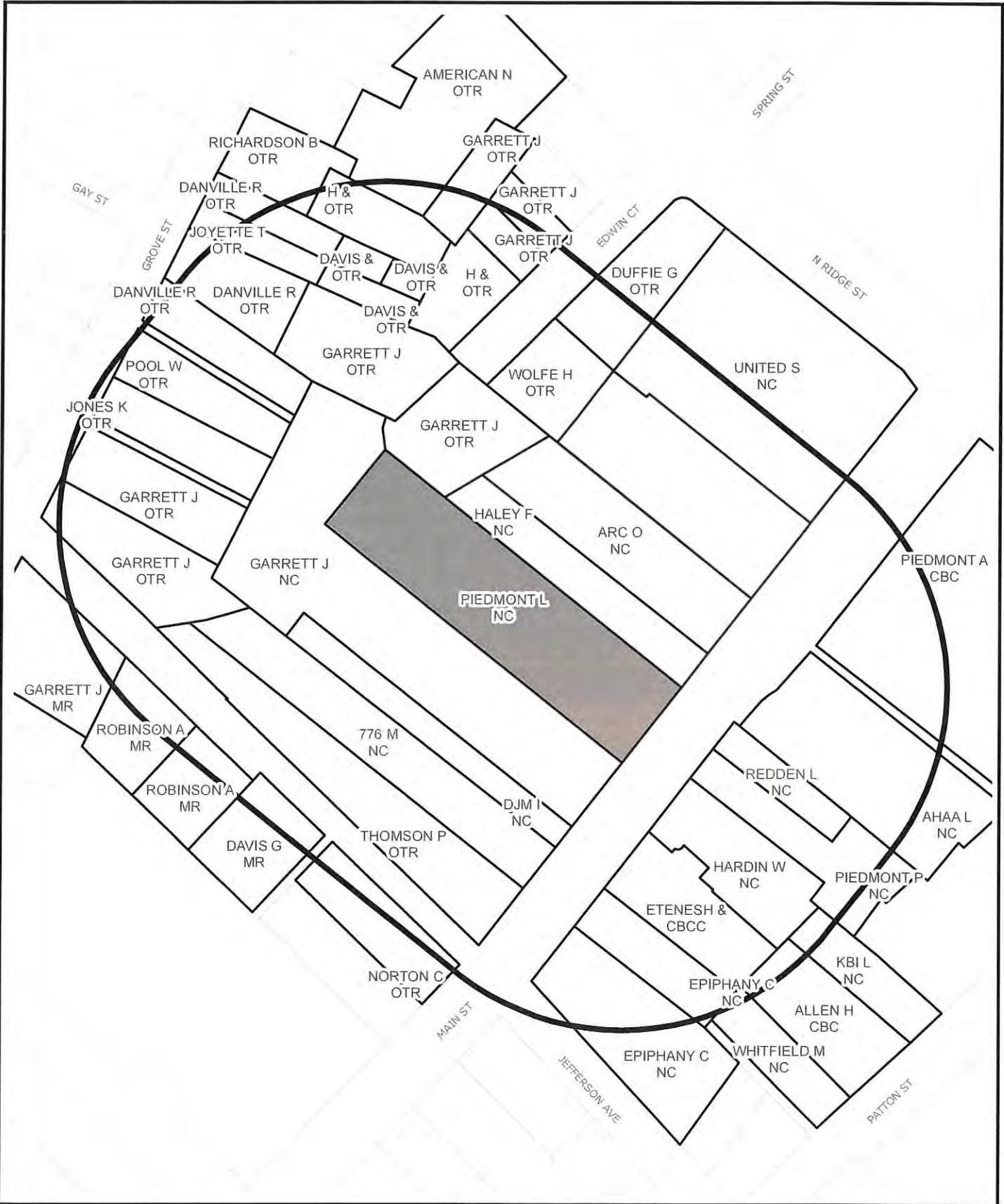
-  Buildings
-  Parcels
- Zoning**
-  A-R Attached Residential District
-  CB-C Central(Downtown) Business Commercial District
-  CP-1 Cyber Park One District
-  HR-C Highway Retail Commercial District
-  I-M Manufacturing District
-  LED-I Light Economic Development District
-  M-R Multi-Family Residential District
-  MHP-R Manufactured Home Park District
-  N-C Neighborhood Retail Commercial District
-  OT-R Old Town Residential District
-  PS-C Planned Shopping Center Commercial District
-  PSC-O Planned Shopping Center Commercial District
-  S-R Suburban Residential District
-  SR-R Sandy River Residential District
-  T-R Threshold Residential District
-  TO-C Transitional Office District
-  TW-C Tobacco Warehouse District

Street Names
House Numbers

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, it's accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Date: 4/11/2019





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 4/11/2019

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

REZONING AND SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on May 13, 2019
City Council (tentative) at 7pm on June 4, 2019

LOCATION OF PROPERTY: 750 Main St.

PRESENT ZONE: N-C, Neighborhood Commercial

PROPOSED ZONE: CB-C, Central Business Commercial

ACTION REQUESTED: Rezone from N-C to CB-C (see above)
Special Use Permit for indoor recreation

PRESENT USE OF PROPERTY: Vacant building

PROPOSED USE OF PROPERTY: Restaurant, commercial kitchen, indoor recreational space involving axe-throwing and event space

PROPERTY OWNER (S): Piedmont Lands of Virginia, LLC

NAME OF APPLICANT (S): John Grothe

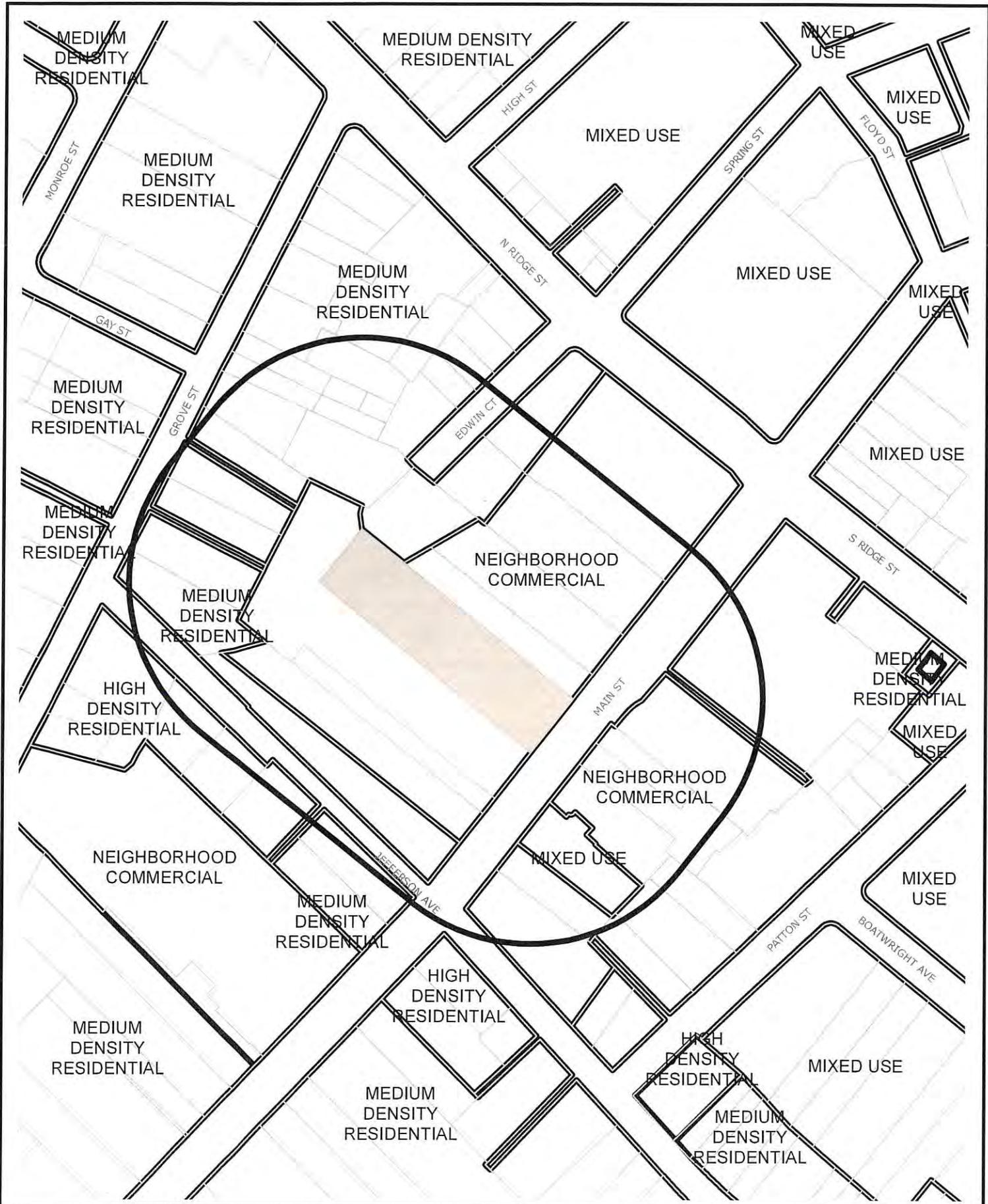
PROPERTY BORDERED BY: Commercial to the East; mixture of commercial and residential to the North, South, and West

ACREAGE: 1.1 acres (47,916 sq. ft.)

CHARACTER OF VICINITY: Medium-high to high density (buildings are relatively close to one another) commercial and residential

INGRESS AND EGRESS: Main St.

TRAFFIC VOLUME: Medium



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 4/19/2019

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.





2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/11/2019

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.

CB-C, Central Business Commercial

B. Permitted Uses

1. Banks and financial institutions (without drive-thru facilities).
2. Bed and breakfast, inn or tourist home (as defined).
3. Business service and office supply establishments.
4. ~~Call center.~~
5. Churches and places of worship.
6. Day-care facilities (adult or child).
7. Data storage and data process center.
8. Health club, spa and fitness center.
9. ~~Home occupations (in detached residential dwellings).~~
10. Hospitals and health care facilities with inpatient services.
11. ~~Hotels and motels.~~
12. ~~Microbrewery.~~
13. ~~Movie theaters.~~
14. Museum and art gallery.
15. Offices (general and professional).
16. Patio dining.
17. ~~Parking garages and parking lots (private or public, as a principal use).~~
18. Personal service establishments.
19. Public uses.
20. ~~Radio and television station (exclusive of towers and antennae).~~
21. ~~Repair service establishments, provided that any given repair service does not employ more than ten (10) persons on the premises during a single shift and that all repair services are performed indoors. No outdoor use, storage or display is permitted.~~
22. Residential dwellings, as an ancillary use in structures with commercial uses on the first floor and subject to Additional Regulations pertaining to this district.
23. Restaurants.
24. Retail sales establishments (exclusive of automobile dealerships and sales establishments, lumber and millwork retail sales and storage yards and other uses which require outdoor storage of retail goods).
25. ~~Single family, duplex and two family residential dwellings, as a principal use, subject to the OT-R District regulations.~~
26. Studios for artist, designer, writer, photographer, sculptor or musician.
27. Temporary retail uses.

C. Uses Permitted by Special Use Permit

1. ~~Any by right use for which the establishment's storage or display is conducted outside of an enclosed building.~~

2. Any individual use otherwise permitted hereinabove as a by-right use in the CB-C District, but which exceeds 20,000 square feet in lot coverage or a floor area ratio (FAR) of 3.0, or any of the following uses:
- ~~3. Any use incorporating drive thru facilities.~~
- ~~4. Bus and railroad terminals.~~
5. Commercial recreation establishments (limited to indoor uses).
- ~~6. Convenience stores (with or without gasoline services).~~
- ~~7. Farmer's markets.~~
- ~~8. Fast food restaurant.~~
- ~~9. Laundromats/Dry cleaners.~~
10. Multifamily and attached residential dwellings, as a principal use, subject to the residential density regulations of the CB-C District and, otherwise, to MF-R and A-R District regulations.
11. Private clubs and lodges.
12. Private post office and delivery services.
13. Public utilities.
- ~~14. Repair service establishments, for any given repair service which employs more than ten (10) persons on the premises in a single shift and that all repair services are performed indoors.~~
15. Schools, colleges and universities (public and private).
16. Seasonal retail uses.
- ~~17. Uses permitted by right or by special use permit with lot frontage on the Dan River.~~
- ~~18. Visitor centers and public restroom facilities.~~
19. Waiver of maximum floor area ratio.
20. Waiver of minimum yard requirements.
21. Waiver of maximum density for elderly housing.



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

City Planning Commission

City Planning Commission
Meeting of May 13, 2019

Subject:

Rezoning application PLRZ20190000157, filed by Driftwood LLC requesting to rezone from HR-C Highway Retail Commercial to LED-I Light Economic Development Industrial, 201 Eastwood Dr., otherwise known as Grid 2716, Block 005, Parcel 000013 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone from a commercial to a light industrial use district.

and

Special Use Permit application PLSUP20190000177, filed by Driftwood LLC requesting a Special Use Permit for a waiver of district and yard setback requirements in accordance with Article 3.0, Section C, Items 19 and 25 of the Code of the City of Danville, Virginia 1986 as amended at 201 Eastwood Dr., otherwise known as Grid 2716, Block 005, Parcel 000013 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to waive requirements for the change in minimum district size and yard setbacks when rezoning the property to the LED-I Light Economic Development Industrial District.

Background:

Driftwood LLC, the applicant, is requesting to rezone 201 Eastwood Dr. from the HR-C, Highway Retail Commercial District to the LED-I, Light Economic Development Industrial District. The property does not meet the minimum district size and yard setback requirements. A Special Use Permit is required to waive these requirements in order to approve the rezoning. The requests are being considered together because neither can be approved without the other. The purpose for the rezoning is to allow for product manufacturing involving hemp processing.

As of December 20, 2018, hemp processing was legalized at the national level. On March 21, 2019, Virginia likewise legalized this process to match federal regulations. Hemp products are permitted to contain no more than 0.3% THC, which is a psychoactive chemical found in hemp and marijuana. The applicant is not proposing to manufacture or sell illegal drugs.

The property is currently not in use, although a gym facility was most recently located here. A children's consignment shop, furniture rent-to-own businesses, and a truck distribution business have also operated on the property in the past.

The property was originally zoned for residential use before being rezoned for commercial use in 1997 (203 Eastwood Dr. only). A later conditional rezoning in 1998 consolidated 203 and 205 Eastwood Dr. for commercial use. The conditions/proffers of the 1998 rezoning were offered by the applicant to address concerns about the impact of commercial development on residential properties to the south on Eastwood Dr. However, the conditions/proffers no longer apply after a City-wide rezoning in 2004.

When reviewing a rezoning a request, the Commission should generally consider three components: (1) the *Danville: 2030 Comprehensive Plan*¹, (2) the relationship between the property and surrounding land, and (3) any proffers (voluntary land use restrictions).

Consideration of the *Comprehensive Plan*: the proposed rezoning partially aligns with the *Comprehensive Plan*. The proposed use itself contributes to the City's goals related to economic development by supporting use of US 58 (South Boston Rd.) and US 29 (Danville Expressway), reuse of an existing building, and the development of new products. However, the Future Land Use Plan and Map² designate this property for continued regional commercial use, as applied under the current zoning.

Consideration of the relationship between the property and surrounding land: The property is located in an area which is primarily characterized by low density residential and commercial properties. Rezoning 201 Eastwood Dr. to the LED-I district would introduce the only legal conforming industrial use in the immediate area. However, there are nearby legal nonconforming light industrial uses.

Consideration of proffers: No proffers have been offered at this time.

Twenty-four (24) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on May 13, 2019.

Recommendation:

The planning staff recommends the City Planning Commission recommend denial as submitted. Staff have concerns about possible illegal spot zoning, and the compatibility of this district at this location. However, staff could possibly support a conditional rezoning which limits the permitted uses to be more aligned with the current zoning district. An attachment shows the permitted uses for both the HR-C and LED-I districts.

Without a rezoning, planning staff cannot recommend approval of Special Use Permit application PLSUP20190000177. However, if a Special Use Permit at 210 East Wood

¹ Comprehensive Plan webpage: <https://www.danville-va.gov/485/Comprehensive-Plan>

² Future Land Use Plan (page 47, or page 27/42 if using pdf navigation): <https://www.danville-va.gov/DocumentCenter/View/18985/5--Future-Land-Use-Plan-Section-revised?bidId=>

Dr. for a waiver of minimum district size and yard requirements were recommended for approval, staff recommend the following conditions:

- 1) The hours of operation are to be limited between 7:30 a.m. and 10:00 p.m.
- 2) No commercial vehicles, delivery trucks, or similar heavy work vehicles shall enter or leave the property between the hours of 11:00 P.M. and 6:00 A.M.
- 3) The waiver of yard setbacks shall only apply to the existing buildings. Any future construction or building additions shall adhere to the fifty (50) ft. front, side, and rear yard setbacks. Any required yard setback shall reduce to thirty (30) ft. when adjacent to another industrial district.
- 4) There shall be a minimum thirty (30) ft. buffer yard along any property line which is adjacent to a residential property, as required under Article 9, Section E, Item 1 and Article 19 of the Zoning Ordinance. This required buffer yard shall reduce to a minimum twenty (20) ft. buffer yard when adjacent to another industrial district.
- 5) There shall be a minimum ten (10) ft. buffer yard along any property line which is adjacent to public right-of-way. This may exclude the frontage along Kent St. and adjacent commercial or industrial districts, in order to maintain some visibility from South Boston Rd.

The rezoning cannot be approved unless both the Rezoning and Special Use Permit applications are approved. Doing so would rezone 201 Eastwood Dr. to a light industrial district and allow light intensity manufacturing. The associated conditions for the Special Use Permit are intended to limit any adverse impact on neighboring properties. However as presented, staff have concerns that this could constitute illegal spot zoning.

City Planning Commission Options:

1. Recommend approval of Rezoning application PLRZ20190000157 and Special Use Permit application PLSUP20190000177 as submitted.
2. Recommend approval of Rezoning application PLRZ20190000157 and Special Use Permit application PLSUP20190000177 subject to conditions by staff.
3. Recommend approval of Rezoning application PLRZ20190000157 and Special Use Permit application PLSUP20190000177 subject to conditions by the Planning Commission.
4. Recommend denial of Rezoning application PLRZ20190000157 and Special Use Permit application PLSUP20190000177 as submitted.
5. Tabling of Rezoning application PLRZ20190000157 and Special Use Permit application PLSUP20190000177 by Planning Commission.

Attachments:

- A. Application
- B. Property Ownership/Zoning Map
- C. Data Sheet
- D. Future Land Use Map
- E. Existing Land Use Map (2015 Aerial)
- F. Permitted Uses in the HR-C and LED-I Districts

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: PLRZ201900000157 EXISTING ZONING: HR-C, Highway Retail
PROPOSED ZONING: LED-1, Light Economic Dev. TAX MAP NUMBER: 1D # 74544 or 2766-005-000013
RECEIVED BY: Bryce Johnson DATE FILED: April 10, 2019
PLANNING COMMISSION DATE: May 13, 2019 CITY COUNCIL DATE: June 10, 2019

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 3.9 acres Property Address: 201 Eastwood Dr.

Property Location: N S (E) W Side of: Eastwood Dr.

Between: Kent St. and U.S. 58 Highway East

Proffered Conditions (if any, please attach): _____

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

1. NAME: Driftwood LLC TELEPHONE: 434-203-0518
MAILING ADDRESS: 8615 Robert Jessup Dr. Greensboro, NC 27455
SIGNATURE: _____ DATE: _____
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: bobbie floyd 0825 @ att.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: Driftwood, LLC TELEPHONE: 434-203-0518
MAILING ADDRESS: 8615 Robert Jessup Dr. Greensboro, NC 27455
EMAIL ADDRESS: bobbie floyd 0825 @ att.net
SIGNATURE: Bobbie Floyd DATE: 4-2-19

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:

Change the zoning from ARC to LED-I

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

Parcel ID: 74544
Address: 201 EASTWOOD DR. &205
Owner: DRIFTWOOD LLC
8615 ROBERT JESSUP DR
GREENSBORO, NC 27455
Mail-To: DRIFTWOOD LLC
8615 ROBERT JESSUP DR
GREENSBORO, NC 27455



Value Information	
Land / Use:	\$144,400
Improvement:	\$850,200
Total:	\$994,600.00

Additional Information			
State Code:	4701 Distrib Whse Wholesale	Approx Acres:	3.9
Land Use:	Commercial	Legal Description:	3.901 AC NO 23A EASTWOOD DR & KENT ST
Tax Map:	2716-005-000013.000	Zone:	HRC Highway Retail Comm
Notes: Kelley Rentals #201 & House #205 Additional interest in land by Inst#97-2868 & 02-7084, WB 01-317; Nellie died 11/17/01, 2 lists incl acct#76564 & 74551 & 2 owners have pty equally. WB 01-230; Marshall died 7/5/57. (Map P165C 14 A)			

Building

Building Information - 1

Property Class:	Commercial	Finished Square Feet:	6,000
Style:	No Data	Basement Square Feet:	0
Year Built:	1989	Total Rooms:	0
Condition:	No Data	<i>* Bathrooms are not included in total room count.</i>	
Story Height:	No Data		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Single -Metal on Steel Frame		67 %	
Warmed and Cooled Air		100 %	
Stud -Brick Veneer		33 %	

Building Information - 2

Property Class:	Commercial	Finished Square Feet:	20,000
Style:	No Data	Basement Square Feet:	0
Year Built:	1989	Total Rooms:	0
Condition:	No Data	<i>* Bathrooms are not included in total room count.</i>	
Story Height:	No Data		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Single -Metal on Steel Frame		100 %	
Warmed and Cooled Air		100 %	

Building Information - 3

Property Class:	Residential	Finished Square Feet:	1,001
Style:	No Data	Basement Square Feet:	0
Year Built:	1910	Total Rooms:	1
Condition:	No Data	<i>* Bathrooms are not included in total room count.</i>	
Story Height:	One Story		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	1		
Half Bath:	0		
Features:		Size:	
Frame, Siding, Metal		100 %	
Enclosed Porch , Solid Walls		35 SF	
Wood Deck		64 SF	
Warmed & Cooled Air		100 %	
Foundation - Cinder Block		0	
Composition Shingle		100 %	
Slab Porch with Roof		219 SF	

Improvements

Bldg #:	Improvement:	Size:
1	Asphalt Paving	25,096
1	Concrete Paving	21,140
2	Loading Dock/Covered	990

Land

Land Code:	CS01 Com Per Sq Ft	Rate:	\$1
Acres:	3.9	Adj. Rate:	\$1
Sq. Ft.:	169,928	Base Value:	\$169,930
Front:	0	Adj. Amount:	-\$25,530
Effective Front:	0	Value:	\$144,400
Depth:	0		

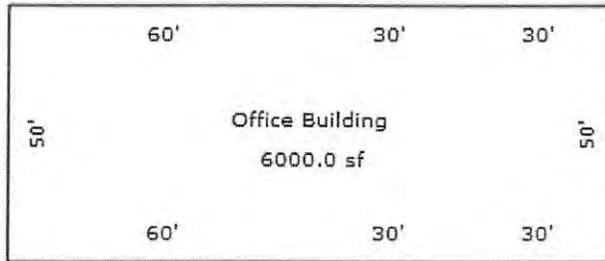
Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 07	4199	\$0	8/29/2007	MITCHELL BOBBIE H	DRIFTWOOD LLC
W 82	61	\$0	4/7/1995	<i>No Data</i>	<i>No Data</i>
D 807	257	\$0	5/31/1989	<i>No Data</i>	<i>No Data</i>

Assessments

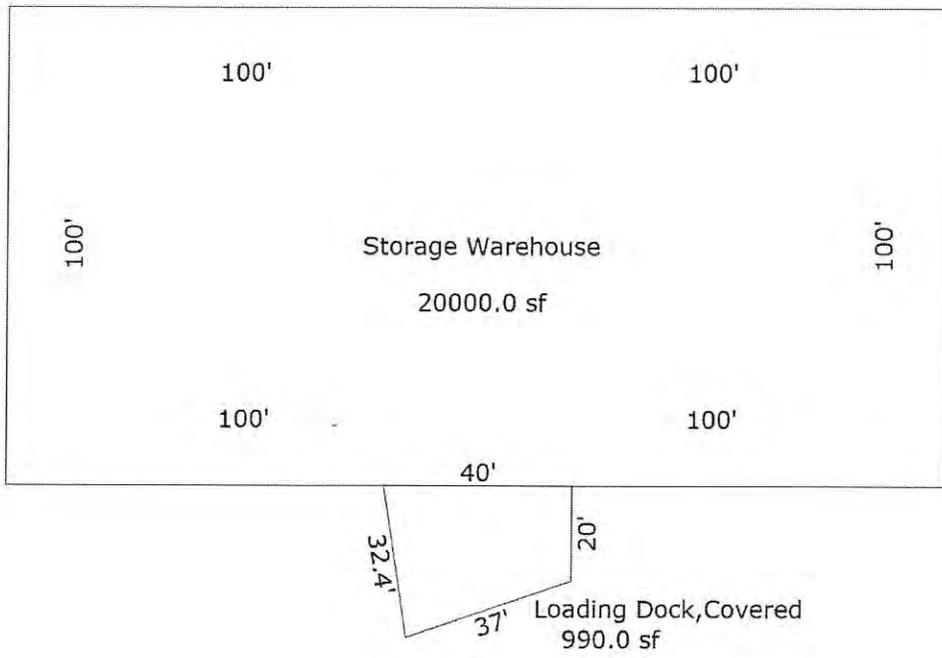
Year	Land	Use	Improvements	Total
2018	\$144,400	\$0	\$850,200	\$994,600
2017	\$144,400	\$0	\$869,200	\$1,013,600
2016	\$144,400	\$0	\$865,200	\$1,009,600
2015	\$144,400	\$0	\$863,200	\$1,007,600
2014	\$144,400	\$0	\$863,200	\$1,007,600
2013	\$144,400	\$0	\$909,300	\$1,053,700
2012	\$144,400	\$0	\$909,300	\$1,053,700
2011	\$144,400	\$0	\$916,500	\$1,060,900
2010	\$144,400	\$0	\$916,500	\$1,060,900
2009	\$144,400	\$0	\$933,400	\$1,077,800
2008	\$144,400	\$0	\$933,400	\$1,077,800
2007	\$144,400	\$0	\$837,200	\$981,600
2006	\$144,400	\$0	\$837,200	\$981,600
2005	\$144,400	\$0	\$722,000	\$866,400
2004	\$122,200	\$0	\$700,300	\$822,500
2003	\$122,200	\$0	\$638,500	\$760,700
2002	\$122,200	\$0	\$638,500	\$760,700
2001	\$122,200	\$0	\$609,900	\$732,100
2000	\$122,200	\$0	\$571,100	\$693,300

DISCLAIMER: This data is provided without warranty of any kind, either expressed or implied of the enclosed information assumes all risk.



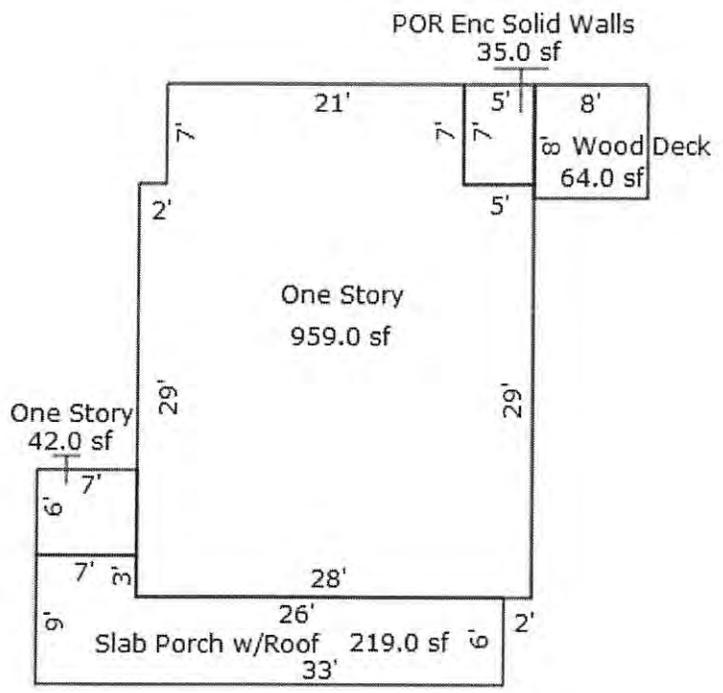
201

Sketch by Apex Medina™



Sketch by Aes Helmer

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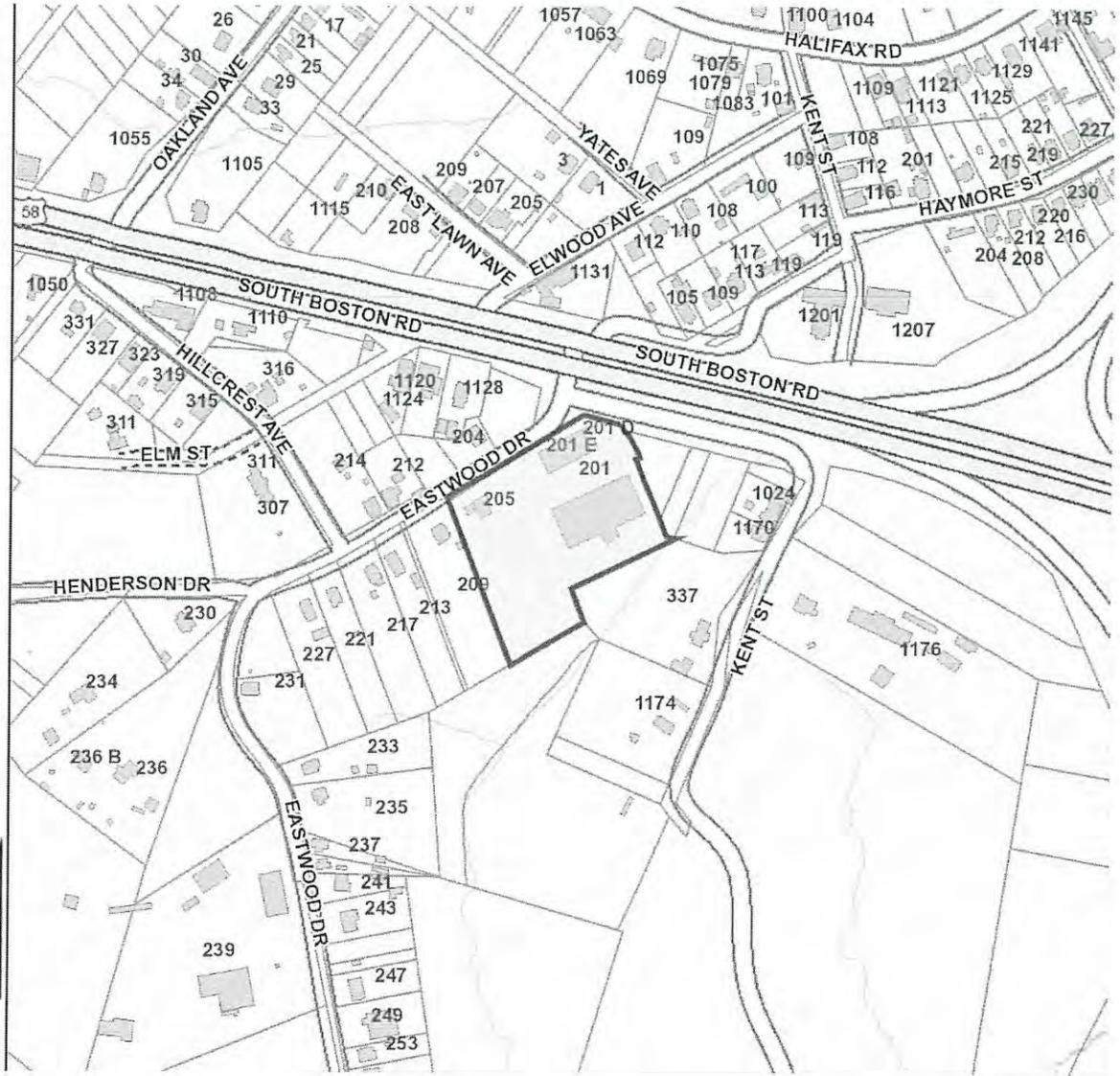
#205

Sketch by Apex Medina™

DANVILLE VIRGINIA

- Buildings
- Parcels
- Street Names
- House Numbers

Parcel ID: 74544



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. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Date: 3/15/2019

REZONING AND SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on May 13, 2019
City Council (tentative) at 7pm on June 4, 2019

LOCATION OF PROPERTY: 201 Eastwood Dr.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: LED-I, Light Economic Development Industrial

ACTION REQUESTED: Rezone from commercial to light industrial (see above) and Special Use Permit to waive minimum district size and yard setback requirements

PRESENT USE OF PROPERTY: Vacant building, previously a gym

PROPOSED USE OF PROPERTY: Drug manufacturing

PROPERTY OWNER (S): Driftwood LLC

NAME OF APPLICANT (S): Driftwood LLC

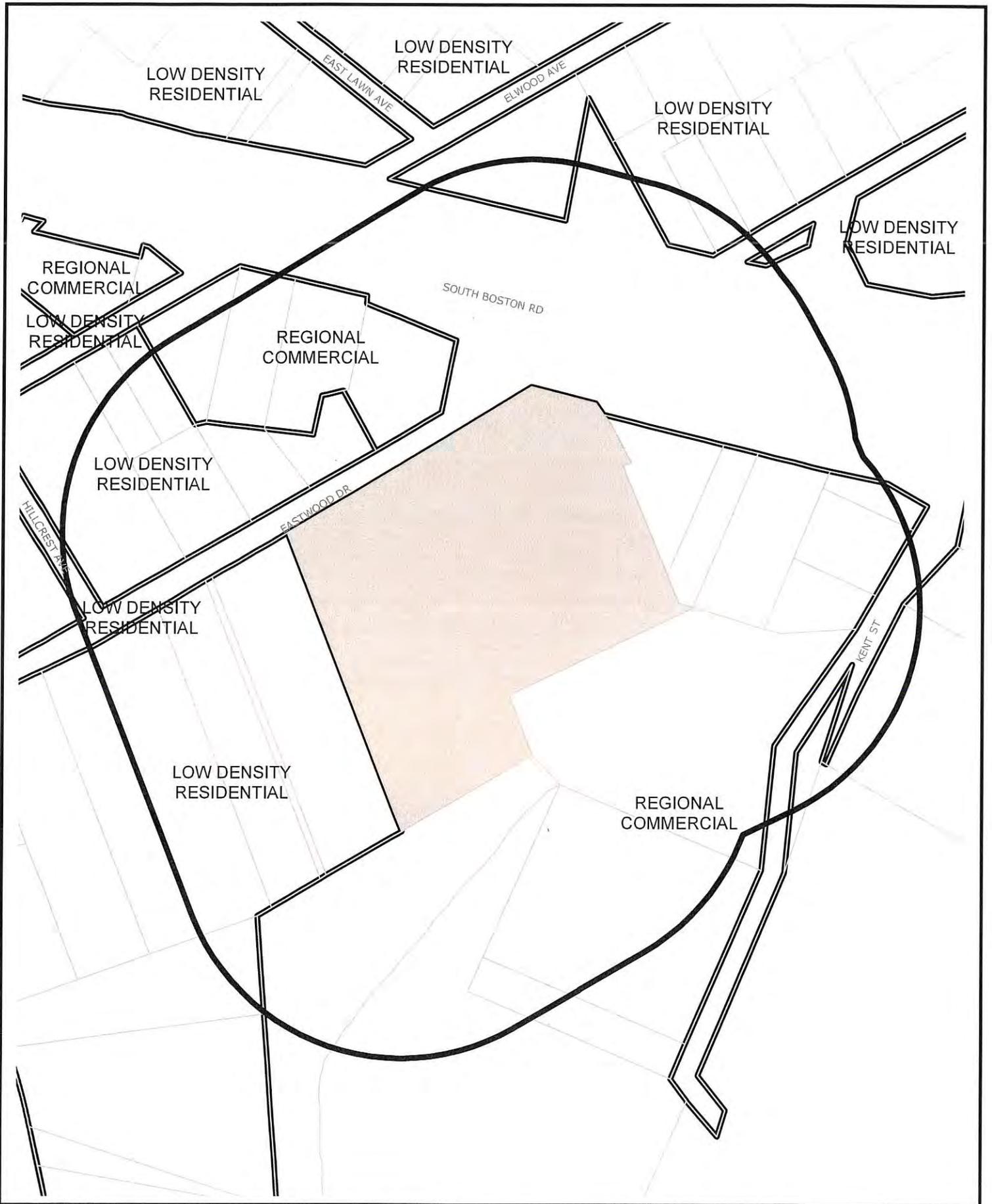
PROPERTY BORDERED BY: Residential and commercial to the North and East; residential to the South and Southwest; commercial to the West.

ACREAGE: 3.9 acres (169,884 sq. ft.)

CHARACTER OF VICINITY: Mix of low-density residential and commercial

INGRESS AND EGRESS: Eastwood Dr. and South Boston Rd. (immediately connected to Eastwood Dr.)

TRAFFIC VOLUME: Low traffic volume on Eastwood Dr.
High traffic volume on South Boston Rd. (immediately connected to Eastwood Dr.)



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
 Planning Division
 4/18/2019

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.



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/18/2019

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.

ARTICLE 3.M: - HR-C, HIGHWAY RETAIL COMMERCIAL (Highway Retail Commercial District)

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.

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.
27. Distillery.
28. Urban agriculture.

ARTICLE 3.O: - LED-I, INDUSTRIAL DISTRICT (Light Economic Development District).

A. - Purpose and Intent.

The LED-I, Light Economic Development District is established to provide locations within master planned "business park" environments for research technology, development and training, corporate employment offices, and light manufacturing and warehousing operating under high environmental performance standards.

While the main purpose of the district is to encourage the future location and consolidation of light industrial and economic development activities within a master planned and clustered setting, this district may be applied to discrete economic development establishments in the City as well as to existing light industry which is conforming as of the date of adoption of this ordinance.

From a design standpoint, this district is intended promote the development of light intensity land uses in planned business park settings, with an emphasis on low density, well landscaped, and screened development which would be compatible with all types of adjoining urban land uses, including residential, and which would afford maximum protection to surrounding properties. No use should be permitted which might be harmful to the adjoining land uses and the residential ambiance of the adjacent neighborhoods. Outdoor storage and outdoor industrial uses are to be discouraged but may be permitted by special use permit with appropriate design by special permit. Minimum site improvements shall include adequate on-site parking, public water and sewer service, public street frontage and safe access, pedestrian improvements, adequate storm drainage, stormwater management facilities, and outdoor lighting for parking areas.

B. - Permitted Uses.

1. Airport.
2. Aircraft-related industry (subject to additional regulations per Section I).
3. Artisan/craftsman manufacturing.
4. Banks and financial institutions.
5. Telephone call center.
6. Community facilities and uses.
7. Corporate offices and other offices, which support permitted and special permit uses.
8. Data storage and data processing center.
9. Establishments for scientific, biological and chemical scientific research, development and training.
10. Establishments for manufacturing production, processing, assembly, compounding, cleaning, servicing, storage, testing, repair and distribution of materials, goods or products which conform to federal, state and local environmental performance standards (excepting those uses which are specifically prohibited by this article).
11. Gasoline sales establishments (with no repair services and no outdoor vehicle storage).
12. Health club, spa, or fitness center.

13. Light manufacturing, fabrication, testing or repair establishments which are incidental to the primary use of research, development and training or corporate offices (with no outdoor storage, loading, or displays).
14. Light warehousing establishments, (without outdoor storage).
15. Light wholesale trade establishments, (without outdoor storage).
16. Mini-storage warehouses, with no exterior storage.
17. Private post offices and delivery service establishments.
18. Private training facilities and vocational schools.
19. Public utilities and facilities.
20. Veterinary hospitals (with outdoor kennel facilities).
21. Exterminator.

C. - Uses Permitted by Special Use Permit.

1. Auto and light vehicle service establishments (with screened outdoor service and storage areas).
2. Automobile salvage or other salvage yards.
3. Bus and railroad terminals.
4. Communication towers and antennae.
5. Contractor's office, shops and storage yards.
6. Gasoline sales establishments (with indoor repair services and no outdoor vehicle storage).
7. Heliports and helipads, ancillary to a district use.
8. Heavy equipment sales and servicing (with screened service and storage areas).
9. Light manufacturing, fabrication, testing or repair establishments (with screened outdoor storage limited to 50% of the area of building coverage).
10. Light warehousing establishments, with screened outdoor storage limited to 50% of the area of building coverage.
11. Light wholesale trade and sales establishments, with screened outdoor storage limited to 50% of the area of building coverage.
12. Retail sales in a warehouse, wholesale or manufacturing establishment, wherein at least 60% of the gross floor area is devoted to non-retail use and the for-sale products are manufactured on the premises or by the same corporate ownership.
13. Restaurant.
14. Bus and railroad terminals.
15. Uses permitted by right and by special use permit in the HR-C District.
16. Uses requiring outdoor storage, loading, or display.
17. Uses with lot frontage on the Dan River.
18. Soap manufacture.
19. Waiver of minimum district size.
20. Waiver of minimum lot size.
21. Waiver of floor area ratio and building coverage.
22. Waiver of maximum building height requirement for smokestacks associated with permitted manufacturing use.
23. Regional brewery.

24. Commercial recreation facilities (indoor and outdoor).
25. Waiver of yard requirements.

D. - Prohibited Uses.

The specific uses which follow shall not be permitted in the LED-I District.

1. Acid manufacture.
2. Animal slaughterhouse.
3. Ammonia and chlorine manufacturing.
4. Asphalt mixing plant.
5. Blast furnace.
6. Boiler works.
7. Bulk storage of flammable materials.
8. Concrete mixing and batching products.
9. Coal, wood or wood distillation.
10. Extraction and mining of rocks and minerals.
11. Fertilizer, lime or cement manufacturing.
12. Fireworks or explosives manufacturing.
13. Herbicide manufacturing.
14. Insecticide manufacturing.
15. Metal foundries, smelting, processing, fabrication and storage.
16. Private garbage incineration.
17. Pesticide manufacturing.
18. Petroleum, asphalt or related product refining.
19. Private landfills.
20. Rendering plants.
21. Residential uses.
22. Stockyards.
23. Tanning and curing of skins.
24. All nonconforming uses shall not be allowed to expand facilities.
25. Any other similar use which in the opinion of the City Council might be injurious or noxious by reason of odor, fumes, dust, smoke, vibration, noise or other cause if not subject to other regulations in either the City Code or other provisions of Section I.



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

City Planning Commission

City Planning Commission
Meeting of May 13, 2019

Subject:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, VA 1986, more specifically Article 2 entitled "General Regulations", various sub-articles and sections of Article 3 entitled "Zoning Districts", and Article 15 entitled "Definitions", Section B entitled "Definitions". The purpose is to allow for short-term rentals of an entire home within residential districts.

Background:

An application has been filed by Barry Davis seeking a Zoning Code Amendment to allow for short-term rentals of an entire home within residential districts. Mr. Davis has also submitted a Special Use Permit application for this use at 500 Plum St. The Special Use Permit application is presented for separate consideration.

A similar request came from City Council, who had discussed short-term rentals at their work session on March 5, 2019. The Planning Commission considered this request on April 9, and voted to recommend approval of defining homestay. On May 7, City Council voted to approve the recommended Code Amendment.

As part of Planning Commission's discussion on April 9, the Commission voted to postpone consideration regarding short-term home rental items for separate discussion at a later date. These items included a definition for short-term home rental (renting an entire home on a short-term basis) and short-term rental (broad category for all residential short-term rentals, including safety requirements). Staff now present these issues again, based on their essential relation to the request from Mr. Davis. However, staff recognize that the Planning Commission may wish to postpone or table the request for consideration during a work session or other later date.

Short-term rental is a term generally used to describe the use of a building to host visitors from out of town, typically no longer than a week or two. This use may occur in either a residential or commercial building. Visitors who choose to stay in a home are typically no different than those who might use a hotel. They are simply choosing a different venue for temporary lodging. These visitors could include families on vacation, parents visiting children in college, people on business trips, a potential employee in town for a job interview, and other short-term guests. A thirty (30) day limit is often used to describe the difference between a short-term rental and a regular residential rental,

which may include a period as short as a month. For zoning purposes, the specific time limit is not as important as the fact that a short-term rental be categorized separately from an ordinary residential rental. The use and its impact is different than an ordinary residential rental.

Across the country, short-term rentals have become an issue due to the prevalent use of online rental platforms which allow residential properties to be used for temporary lodging. This has allowed travelers to opt to stay in residential properties, similar to hotels and motels while traveling. As a result, short term rental uses typically now fall into one of five categories staff classify as: (1) homestay, (2) whole home rental, (3) bed and breakfast, (4) hotel/motel, and (5) boarding house. The table below very briefly summarizes typical zoning regulations of these uses, when a locality addresses them.

*Table 1: Typical Types of Short-Term Rentals and Related Restrictions
(Note that definitions and terminology widely varies for homestays and whole home rentals)*

Classification	Primary Residence of Host?	Food Provided?	Permitted in Residential Districts?	Addressed in Danville Zoning Code?
Homestay	Yes	No	By Right	Recommended for approval on April 8
Whole Home Rental	No	No	Special Use Permit (if at all) or By Right, subject to limited frequency of visits and other restrictions (if at all)	No
Bed and Breakfast	Yes	Yes	Special Use Permit in specific districts (if at all)	Yes
Hotel/Motel	No	Yes/Optional	No	Yes
Boarding House	Yes	No	Special Use Permit in specific districts (if at all)	Yes

The following issues should be considered when discussing short-term rentals:

- 1) **Taxation:** Danville currently imposes a lodging tax which applies to all short-term rentals.
- 2) **Presence of a Host:** Like most localities, Danville currently requires a host be present for residential short-term rentals. Most localities still require an on-site host. When a host is not present, the short-term rental is likely in violation of local zoning regulations, is located in a specific zoning district, or is limited to a specific number of guest visits each year.
- 3) **Enforcement:** Regulations regarding short-term rentals can be difficult to enforce. This specifically applies to limitations on the number of guests, and the frequency of visits.
- 4) **Registration:** Virginia law permits localities to require an annual registration of short-term rentals. This registration may require a fee in order to maintain and enforce the registry. However, registration excludes short-term rentals which are otherwise licensed as a business, such as hotels.
- 5) **Terminology:** There is not yet much consistency in the names used for new types of short-term rentals. Some localities have begun to use a single term for all short-term rentals in residential districts, and number the types as "Type 1, Type 2, etc..." Other localities still use different terms, such as presented in this report.

Consideration of the Comprehensive Plan: When addressing a Zoning Code Amendment, the Planning Commission should refer to the *Danville: 2030 Comprehensive Plan*¹. The Future Land Use Plan², Housing Revitalization Plan³ Historic and Cultural Resource Plan⁴ recommend the City support housing rehabilitation, specifically in distressed and historic neighborhoods.

Recommendation:

The Planning Staff recognize that the Planning Commission previously voted to indefinitely postpone discussion of short-term rentals. If the Commission chooses to formally revisit this issue, it will need to vote to resume discussion. The Commission may instead choose to continue postponing or even recommend denial of any changes.

Staff recommend the Planning Commission end indefinite postponement of the issue, formally table this request, and schedule a work session to more thoroughly discuss short-term rentals. If the Commission chooses to hold a work session, staff recommend

¹ Comprehensive Plan webpage: <https://www.danville-va.gov/485/Comprehensive-Plan>

² Future Land Use Plan: <https://www.danville-va.gov/DocumentCenter/View/18985/5--Future-Land-Use-Plan-Section-revised?bidId=>

³ Neighborhood Revitalization Plan: https://www.danville-va.gov/DocumentCenter/View/12568/8--Neighborhood-Revitalization-Plan-Section_2030CompPlan_RevisedUpdated?bidId=

⁴ Historic and Cultural Resource Plan: https://www.danville-va.gov/DocumentCenter/View/12569/9--Historic_Cultural-Resources-Plan-Section_2030CompPlan_RevisedUpdated?bidId=

a code amendment which includes zoning definitions, safety standards, and a short-term rental registry. A potential Code Amendment is attached.

City Planning Commission Options:

1. Recommend approval of the requested code amendment (example provided as an attachment)
2. Recommend approval of the requested code amendment with modifications by City Planning Commission
3. Recommend denial of the requested code amendment
4. Table the requested code amendment
5. Choose to resume indefinite postponement

Attachments:

- A. Application
- B. Example Zoning Code Amendment
- C. Sample Short-Term Rental Application
- D. Chart Comparing Local Regulations to Other Virginia Cities

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: *PLCA20190000162* DATE FILED: *April 11, 2019*
RECEIVED FROM: ^{*TS*} *Bryce Johnson*
SECTION AFFECTED: *Article 3 - 29N + Article 15*
PLANNING COMMISSION DATE/ACTION: ~~*April*~~ *May 13, 2019*
CITY COUNCIL DATE/ACTION: *June 4, 2019*

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section: *article 3 - E + 15*

Purpose for proposed amendment: *short term rental*
Whole House

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

1. NAME (PLEASE PRINT OR TYPE): *BARRY DAVIS*
ADDRESS: *406 PLUM ST.*
DANVILLE, VA. 24540

EMAIL:

TELEPHONE:

SIGNATURE:

2. NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

TELEPHONE:

SIGNATURE:

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

NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

EMAIL:

TELEPHONE:

SIGNATURE:

Example Zoning Code Amendment

Article 2: - General Regulations

Y. – Specific Use Standards

1. Short-Term Rentals (as defined in Article 15, Section B of this Chapter)
 - a. No host shall operate or advertise a residential property for a short-term rental without first registering with the Zoning Administrator or their designee.
 - b. Registration shall include providing information regarding the host or responsible party, property owner, location of the short-term rental, and acknowledgement of the standards of this Section.
 - c. The host shall register with the Commissioner of Revenue to collect and remit the Town's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation". A business license shall not be required.
 - d. The registration shall be valid from January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year, and shall be renewed annually for operation and advertising to continue.
 - e. If operating a homestay, the property shall be the primary residence of the host. This shall be indicated through two (2) forms of documentation.
 - f. The owner or operator shall permit at least one (1) inspection each year by the Zoning Administrator, or other official(s) designated by the City to ensure compliance with City regulations.
 - g. On the property, the host shall only provide short-term occupancy services for compensation for guests including lodging, food, beverages, and other incidental items typically found within a residence. The host shall not prepare food or beverages for the guests, provide event services, or provide unrelated services for compensation.
 - h. The minimum contract rental period for guests shall be eighteen (18) hours.
 - i. There shall be no on-site outdoor signage as accessories to the short-term rental.
 - j. Parking shall be limited to the property containing the short-term rental, or the portion of the street right-of-way immediately adjacent to the property. This shall not apply to the CB-C, Central Business Commercial District.

- k. Every sleeping room shall have at least two (2) means of ingress/egress, including the primary entrance and windows.
- l. There shall be one (1) conspicuously posted placard or similar notice indicating means of ingress/egress posted in each sleeping room.
- m. There shall be one (1) working smoke detector in each sleeping room (for both guests and the operator/owner).
- n. There shall be one (1) one working smoke detector per floor.
- o. There shall be one (1) working carbon monoxide detector per floor.
- p. There shall be one (1) working fire extinguisher per floor, accessible for use by guests.
- q. There shall be a physical booklet or similar notice informing guests of the location of working fire extinguishers, the City requirements for the rental, contact information for the responsible party and Zoning Administrator, and proof of inspection.
- r. Proof of registration shall be indicated on any advertising of the short-term rental.
- s. The Zoning Administrator shall have the authority to revoke registration if there are three (3) or more substantiated complaints, zoning or building violations, or illegal activities within a twelve (12) month time period.

Article 3.A: - SR-R, SANDY RIVER RESIDENTIAL

C. – Uses Permitted by Special Use Permit

25. Short-Term Rental, Entire Home

Article 3.B: - T-R, THRESHOLD RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

25. Short-Term Rental, Entire Home

Article 3.C: - S-R, SUBURBAN RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

29. Short-Term Rental, Entire Home

Article 3.D: - NT-R, NEO-TRADITIONAL RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

18. Short-Term Rental, Entire Home

Article 3.E: - OT-R, OLD TOWN RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

29. Short-Term Rental, Entire Home

Article 3.F: - A-R, ATTACHED RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

22. Short-Term Rental, Entire Home

Article 3.G: - M-R, MULTIFAMILY RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

26. Short-Term Rental, Entire Home

Article 3.I: - TO-C, TRANSITIONAL OFFICE

B. – Permitted Uses

19. Short-Term Rental, Entire Home

Article 3.J: - N-C, NEIGHBORHOOD COMMERCIAL

B. – Permitted Uses

15. Short-Term Rental, Entire Home

Article 3.K: - CB-C, CENTRAL BUSINESS DISTRICT

B. – Permitted Uses

30. Short-Term Rental, Entire Home

Article 3.L: - TW-C, TOBACCO WAREHOUSE DISTRICT

B. – Permitted Uses

43. Short-Term Rental, Entire Home

Article 15. – DEFINITIONS

B. – Definitions

Primary Residence. The dwelling in which a resident occupies as their usual home. If a person maintains more than one residence, the primary residence shall be the dwelling where the resident lives for more than half the calendar year.

Short-Term Rental, Entire Home. A structure designed as a single-family dwelling, but used for temporary guest accommodations in exchange for payment. Such lodging shall allow no more than two (2) families or eight (8) guests at any time, whichever is more.

Short-Term Rental, Homestay. A single family dwelling, occupied by its owner or operator, containing sleeping accommodations as an accessory use to the principal use as a private residence. There shall be no more than two (2) room accommodations, nor more than five (5) guests at any time.

Short-Term Rental. Any residential-style property which provides sleeping accommodations on a daily, weekly, or similar short-term basis for monetary compensation. Such lodging shall have no food prepared for guests by the owner or operator, nor shall banquet/event facilities be provided. This definition specifically excludes establishments which are otherwise licensed as businesses with the City or State such as licensed bed and breakfast establishments, hotels, and motels.



Residential Short-Term Rental Application

City of Danville Planning Division • P.O. Box 3300 • Danville, VA

24543 434-799-5260 office • 434-797-8919 fax • johnsbw@danvilleva.gov

Site Information	
Property Owner	
Rental Type (Circle)	Homestay Whole Home Bed and Breakfast
Address	
City, State, Zip	
Phone	
Email	

Responsible Party	
An individual must be identified as the responsible party for emergencies or concerns related to the rental property.	
Name	
Address	
City, State, Zip	
Phone	
Email	

I have read the attached regulations regarding short-term rentals and understand that any City approvals or permits may be revoked if I fail to comply with the provisions of City Code. I give my consent to City Zoning Administrator, or their designee, to verify compliance with the requirements and grant a right of access to make necessary inspections to ensure compliance.

 Property Owner Signature

 Date

 Responsible Party (if different than property owner)

 Date



Short-Term Rental Requirement Checklist:

- Photo copy of two (2) forms of documentation indicating the property is the permanent residence of the owner or operator. Examples of acceptable documentation include Driver's License, Picture ID, US Passport, Voter's Registration Card, tax forms, utility bills, or other government issued forms.
- If required, a Special Use Permit has been obtained (Whole Home Rental or Bed and Breakfast in a residential district).
- The owner or operator shall permit at least one (1) inspection each year by the Zoning Administrator, or other official designated by the City to ensure compliance with City regulations.
- Proof of insurance covering potential damage from guests (recommended)
- Site Inspection:
 - Every sleeping room has at least two (2) means of ingress/egress, including the primary entrance.
 - One (1) conspicuously posted placard or similar notice indicating means of ingress/egress in each sleeping room.
 - One (1) working smoke detector in each sleeping room (for both guests and the operator/owner).
 - One (1) one working smoke detector per floor.
 - One (1) working carbon monoxide detector per floor.
 - One (1) working fire extinguisher per floor, accessible for use by guests.
 - A physical booklet or similar notice notifying guests of the location of working fire extinguishers, the City requirements for the rental, contact information for the responsible party and Zoning Administrator, and proof of inspection (copy of this signed form).

Certification:

To the best of my knowledge, this property has been inspected and meets the requirements for a short-term rental in the City of Danville, Virginia.

Property Address

Zoning Administrator

Date



Permitted Residential Short-Term Rentals:

Homestay	
Definition	A single family dwelling, occupied by its owner or operator, containing sleeping accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no food prepared for guests by the owner or operator, no more than two (2) room accommodations, no more than five (5) guests at any time, and a thirty (30) consecutive calendar day limit for any guests.
Requirements	Zoning inspection to ensure compliance with Zoning Ordinance (safety requirements listed on approval form, property remains primarily residential (see home occupation regulations).
Short-Term Home Rental	
Definition	A structure designed as a single-family dwelling, but primarily used for temporary guest accommodations in exchange for payment. Such lodging shall have no food prepared for guests by the owner or operator, shall provide space for guests to prepare their own food, shall allow no more than eight (8) guests at any time, and follow a thirty (30) consecutive calendar day limit for any guests. Banquet/event facilities are specifically prohibited as an accessory use. This use shall be treated similarly to a Bed and Breakfast, in terms of being a Permitted Use or Use Permitted by Special Use Permit.
Requirements	Zoning inspection, safety requirements listed on approval form, Special Use Permit if in a residential district <u>or</u> 51% of nearby property owners (within 300 ft.) do not oppose the use, property remains primarily residential (see home occupation regulations) if no Special Use Permit is obtained
Bed and Breakfast	
Definition	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. This use shall be considered a type of bed and breakfast.
Requirements	Zoning inspection, safety requirements listed on approval form, Special Use Permit if in a residential district.

Comparison of Local Regulations to Other Virginia Cities

Table 1: Brief Comparison to other cities in Virginia¹

City	Types	Permitted in Residential Districts?	Additional Comments
Bristol	Hotel	By Right: no residential districts Special Use: all residential districts	Specific uses by Special Use Permit are not listed or defined, but bed and breakfasts could feasibly be permitted if the City finds them to be compatible with the zoning district
	Motel	By Right: no residential districts Special Use: all residential districts	
Charlottesville	Homestay	By Right: most residential districts (excludes only the mobile home district) Special Use: no residential districts	Annual registration for all short-term rentals, with \$100 annual fee Additional regulations for short-term rentals in residential districts similar to regulations for home occupations to restrict observable commercial activity in residential districts, such as no visible nonresidential changes to the building (see attached regulations for more details) During annual registration, operators sign a form indicating they understand and agree to the standards regulations for short-term rentals in residential districts
	Bed and Breakfast	By Right: some medium and high density residential districts Special Use: no residential districts	
	Inn	By Right: no residential districts Special Use: some medium and high density residential districts	
	Boarding House	By Right: no residential districts Special Use: some medium and high density residential districts	
	Hotel/Motel	By Right or Special Use: no residential districts	

¹ For detailed information, please consult the related zoning regulations for each City.

Comparison of Local Regulations to Other Virginia Cities

City	Types	Permitted in Residential Districts?	Additional Comments
Colonial Heights	Bed and breakfast:	By Right: some medium and high density residential districts Special Use: no residential districts	Additional regulations for bed and breakfasts include the required presence of the owner or family, limitation of five (5) rooms for rental and sixteen (16) guests at a time, and similar restrictions to maintain the residential character of the neighborhood (see attached regulations for more details)
	Hotel/ Motel:	By Right: no residential districts Special Use: no residential districts	
Danville	Bed and Breakfast	By Right: no residential districts Special Use: all residential districts	
	Boarding House	By Right: no residential districts Special Use: one low density residential district (Sandy River)	
	Hotel/ Motel	By Right or Special Use: no residential districts	
Franklin	Bed and Breakfast	By Right: no residential districts Special Use: some low, medium, and high density residential districts	
	Hotel	By Right: no residential districts Special Use: one medium-high density residential district	
	Motel	By Right: no residential districts Special Use: one medium-high density residential district	

Comparison of Local Regulations to Other Virginia Cities

City	Types	Permitted in Residential Districts?	Additional Comments
Hopewell	Bed and Breakfast	By Right: some low, medium, and high density residential districts Special Use: no residential districts	
	Hotel	By Right or Special Use no residential districts	
	Motel	By Right or Special Use no residential districts	
Lynchburg	Bed and Breakfast	By Right: no residential districts Special Use: all residential districts	The City is currently considering revising its regulations to possibly allow some rentals by right, but also to address concerns by neighbors such as frequency of visits, on-site presence of the host, number of rooms being rented, and some arguments for an annual registration fee
	Rooming House	By Right: no residential districts Special use: some medium and high density residential districts	
	Hotel/Motel	By Right: no residential districts Special Use: no residential districts	
Manassas	Bed and Breakfast	By Right: no residential districts Special Use: some low and medium density residential districts	Additional regulations for bed and breakfasts include keeping a list of all guests (including dates), a thirty (30) consecutive day limit for any guest, that the building shall continue to be primarily a residential use, the operator/owner must primarily live on the property, and similar restrictions (see attached regulations for more details)
	Hotel	By Right or Special Use no residential districts	

Comparison of Local Regulations to Other Virginia Cities

City	Types	Permitted in Residential Districts?	Additional Comments
Martinsville	Bed and Breakfast Homestay	By Right: some medium-high residential districts Special Use: no residential districts	
	Bed and Breakfast Inn	By Right: one medium-high residential district Special Use: one medium-high residential district	
	Hotel	By Right or Special Use no residential districts	
	Motel	By Right or Special Use no residential districts	
Petersburg	Bed and Breakfast	By Right: No residential districts Special Use: some medium and high density residential districts	Additional regulations for bed and breakfasts include a maximum of two (2) guests per room and twenty (20) per structure, on-site operator, and other limitations deemed necessary by the City (see attached regulations for more information)
	Hotel	By Right: no residential districts Special Use: no residential districts	
Richmond	Tourist Home on Highway	By Right: some high density residential districts Special Use: no residential districts	Annual registration for all short-term rentals, and a \$50 annual fee
	Tourist Home Off Highway	By Right or Special Use no residential districts	
	Hotel	By Right or Special Use no residential districts	

Comparison of Local Regulations to Other Virginia Cities

City	Types	Permitted in Residential Districts?	Comments
Roanoke	Bed and Breakfast	By Right: one agricultural residential district Special Use: some low, medium, and high density residential districts	Additional regulations for bed and breakfasts in residential districts that the owner live on the property, maximum of six (6) rooms for rental and twelve (12) guests at a time, maximum of fourteen (14) days of visitation for any person, and similar restrictions Additional regulations for homestays include on-site presence of the operator, maximum of two (2) rooms for rent and four (4) guests, maximum of fourteen (14) days of visitation for any person, and similar restrictions (see attached for more information)
	Boarding House	By Right: no residential districts Special Use: one high density residential district	
	Homestay	By Right: no residential districts Special Use: all residential districts	
	Short-Term Rental	By Right: no residential districts Special Use: no residential districts	
Staunton	Bed and Breakfast	By Right or Special Use: no residential districts	Annual registration with a \$50 annual fee Additional regulations for homestays, such as maximum of two (2) guests per room, and prohibited from operation after three (3) or more related violations (see attached for more information)
	Homestay	By Right: all residential districts as an accessory use Special Use: no residential districts	
	Hotel	By Right or Special Use: no residential districts	
Waynesboro	Bed and Breakfast	By Right: some medium and high density residential districts Special Use: some medium and low density residential districts	Additional regulations for bed and breakfasts such as a required on-site operator, and maximum of five (5) rooms for rent (see attached for more information) Additional regulations for inns such as a required on-site operator, and maximum of twenty (20) rental rooms (see attached for more information)
	Hotel	By Right or Special Use: no residential districts	
	Inn	By Right: one high density residential district Special Use: no residential districts	



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

City Planning Commission

City Planning Commission
Meeting of May 13, 2019

Subject:

Special Use Permit application PLSUP 20190000161, filed by Barry Davis requesting a Special Use Permit for a short-term home rental in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986 as amended at 500 Plum St., otherwise known as Grid 2710, Block 006, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop a house to rent on Airbnb.

Background:

Barry Davis, the applicant, is requesting to operate use an entire home as a short-term rental without an on-site host at 500 Plum St. This property is located in the OT-R, Old Town Residential District. The only permitted short-term rentals in this district require a host to live on the property. The applicant has also requested a code amendment to allow an entire home to be rented for temporary lodging, without the presence of an on-site host. That code amendment is presented separately.

The property includes two parcels (Parcel ID#s 00708 and 03466) which were consolidated on March 27, but do not yet reflect on the tax map. The site is currently vacant. A house was previously located on the property, but was demolished earlier this year. The applicant now has a building permit to build a new single-family dwelling. He is waiting to start construction until he has approval to use the new structure as a short-term rental without a host.

On September 4, 2018, the applicant was granted a Special Use Permit for a bed and breakfast at 418 Plum St., about fifty (50) ft. northwest of 500 Plum St. Since that time, the issue of short-term rentals, including bed and breakfast establishments, has been a major topic of consideration by both Planning Commission and City Council. Part of that discussion should address the term used to classify this type of use.

Forty (40) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on May 13, 2019.

Recommendation:

The Planning staff's recommendation depends on the Planning Commission's action regarding the related Zoning Code Amendment request. Staff suggest that the Special Use Permit request receive the same or similar treatment as the Zoning Code Amendment request. If recommended for approval, conditions are not necessary if safety requirements are recommended for all short-term rentals.

Staff recommends the City Planning Commission recommend approval or denial of, or table Special Use Permit application PLSUP 20190000161, filed by Barry Davis requesting a Special Use Permit for a short-term home rental (or other designated term for short-term rental of an entire home) in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986 as amended at 500 Plum St., otherwise known as Grid 2710, Block 006, Parcel 000008 of the City of Danville, Virginia Zoning District Map.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP 20190000161 as submitted.
2. Recommend approval of Special Use Permit application PLSUP 20190000161 subject to conditions by the Planning Commission.
3. Recommend denial of Special Use Permit application PLSUP 20190000161 as submitted.
4. Tabling of Special Use Permit application PLSUP 20190000161 by Planning Commission.

Attachments:

- A. Application
- B. Property Ownership/Zoning Map
- C. Data Sheet
- D. 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

APPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING
USE: whole home short-term rental

CASE NUMBER: PLSOP20190000161

EXISTING ZONING: OT-R, Old Town Residential

PROPOSED ZONING: NO change

TAX MAP NUMBER: ID# 03466 or 276-006-00008

RECEIVED BY: Bryce Johnson

DATE FILED: April 11, 2019

PLANNING COMMISSION DATE: May 13, 2019

CITY COUNCIL DATE: June 4, 2019

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

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

Gross Area/Net Area: _____ Property Address: 500 PLUM ST

Property Location: N S E W Side of: _____

Between: _____ and _____

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:

AIR B&B
Whole Home

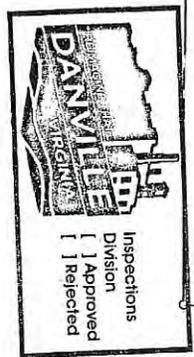
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: BARRY DAVIS TELEPHONE: 434 797 1422
MAILING ADDRESS: 406 PLUM ST. DANVILLE, VA. 24540
SIGNATURE:  DATE: 4-11-19
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: barry davis fx @ comcast.net

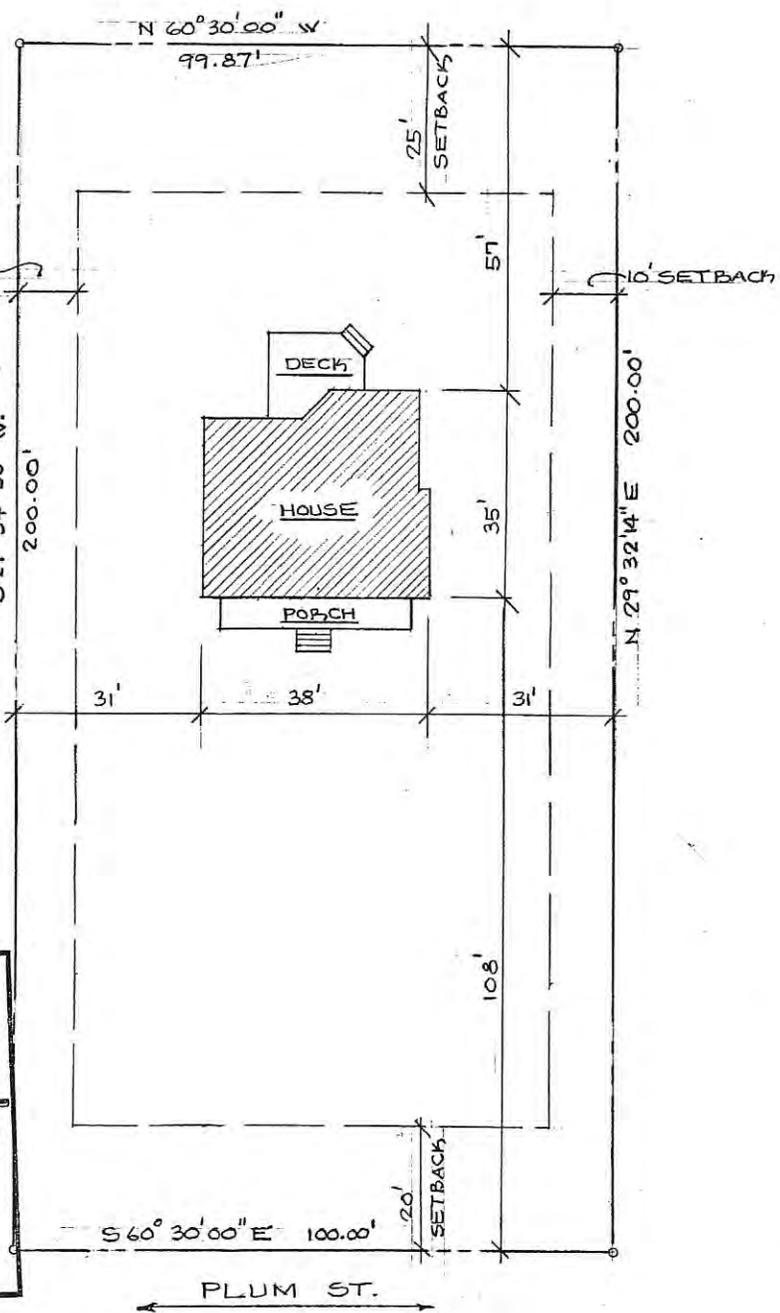
APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: _____ TELEPHONE: _____
MAILING ADDRESS: _____
EMAIL ADDRESS: _____
SIGNATURE: _____ DATE: _____



DANVILLE
 INSPECTIONS
 APR 02 2019
 Answered

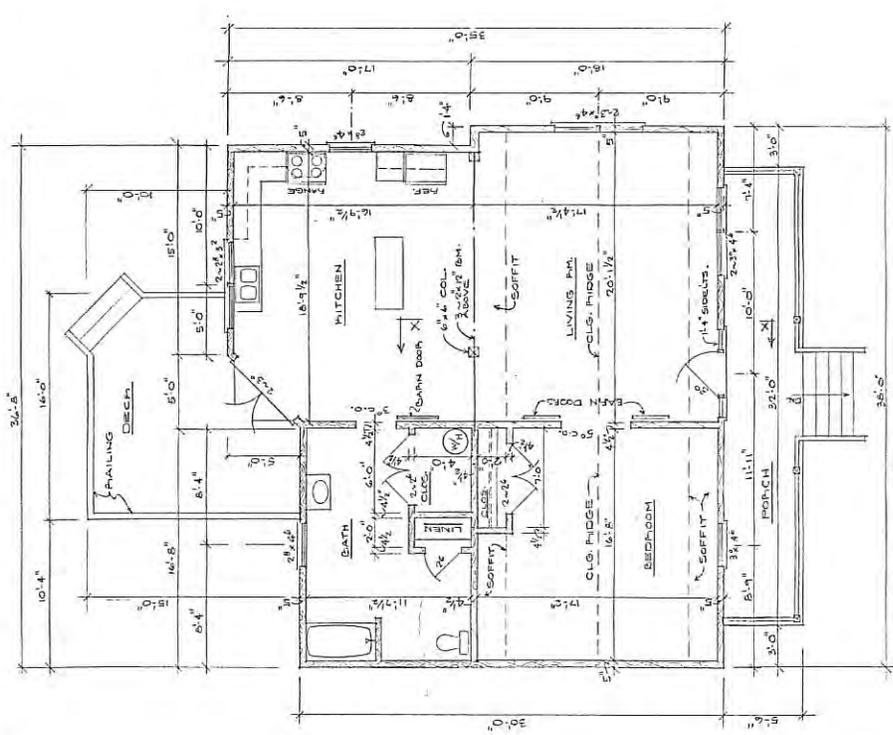


SITE PLAN

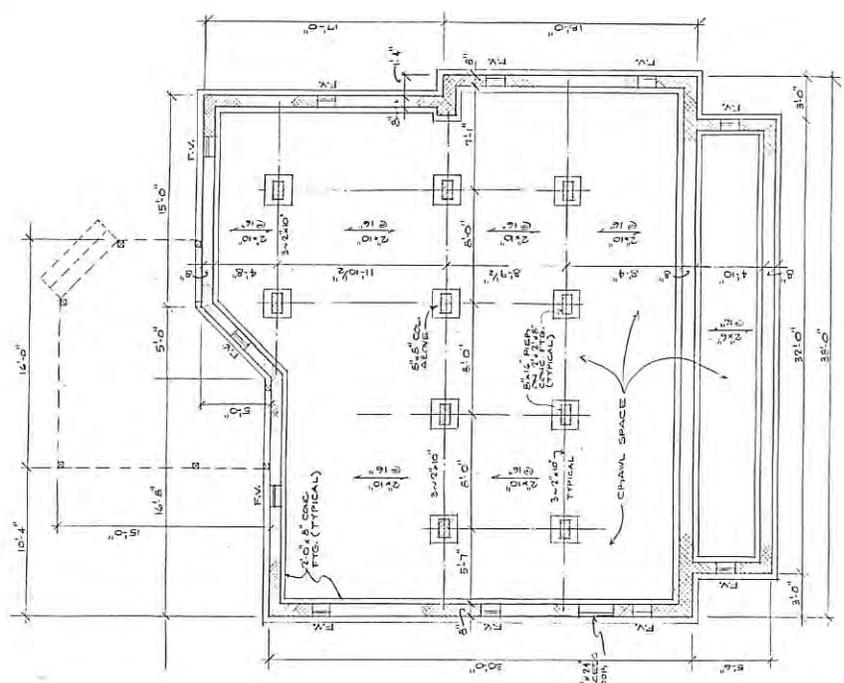
1" = 20'-0"

WESTERN BANCH HOUSE
BARRY DAVIS
 PLUM ST. DANVILLE, VA.

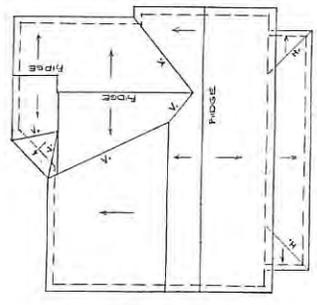




FLOOR PLAN
1/4" = 1'-0"



FOUNDATION PLAN
1/4" = 1'-0"

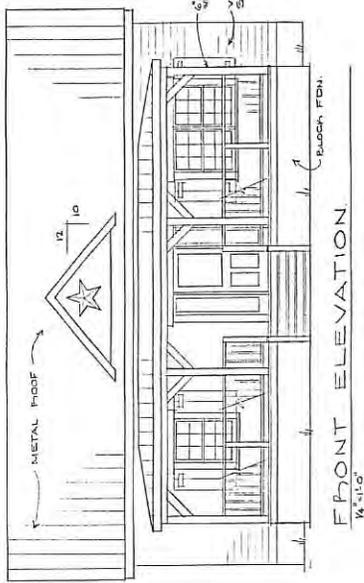


ROOF PLAN
1/8" = 1'-0"

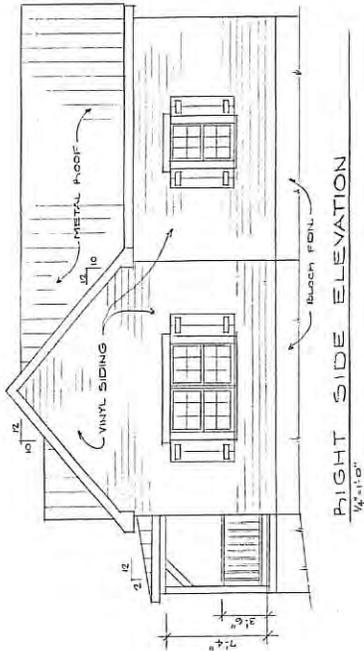
BARRY DAVIS (AIA, B & B)
 WESTEPN PLANCH HOUSE
 PLUM ST. DANNVILLE, VA.



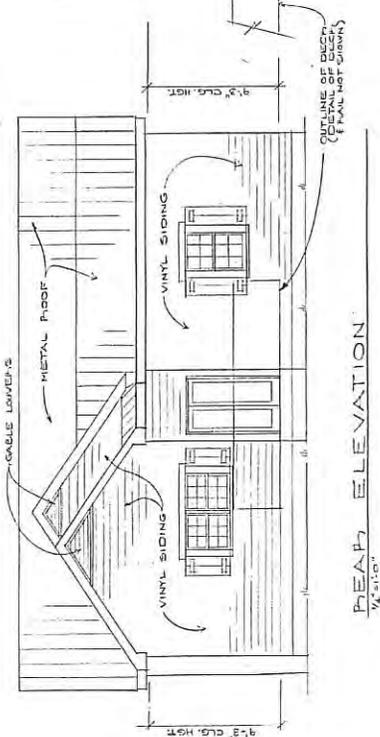
INSPECTIONS
 APR 02 2018
 ANNVILLE
 Approved



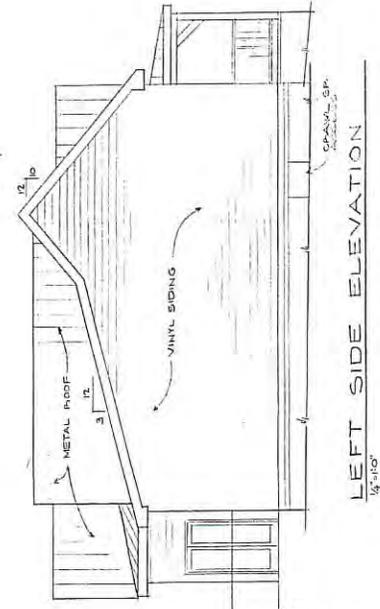
FRONT ELEVATION
1/4" = 1'-0"



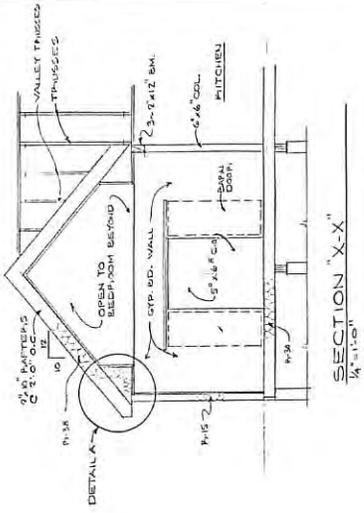
RIGHT SIDE ELEVATION
1/4" = 1'-0"



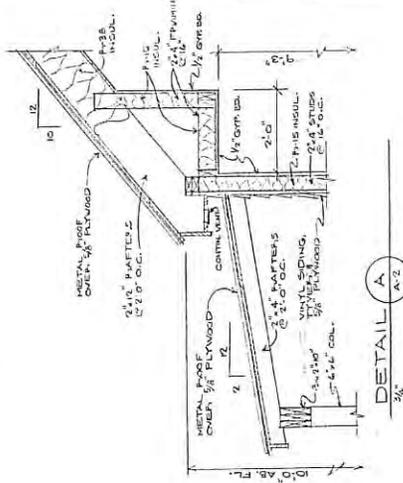
REAR ELEVATION
1/4" = 1'-0"



LEFT SIDE ELEVATION
1/4" = 1'-0"



SECTION "X-X"
1/4" = 1'-0"



DETAIL A
3/8" = 1'-0"

BARRY DAVIS (AIP, B.A.B.)
WESTERN PANCH HOUSE
PLUM ST. DANVILLE, VA.

Parcel ID: 03466
Address: PLUM ST

Owner: SPOTLIGHT EXPRESS LLC

Mail-To: DAVIS BARRY G
 406 PLUM ST
 DANVILLE, VA 24540

Value Information	
Land / Use:	\$1,400
Improvement:	\$7,700
Total:	\$9,100.00

Building Information	
Year Built:	1910
Total Rooms:	3
Bedrooms:	2
Full Bathrooms:	1
Half Bathrooms:	0
Finished Square Feet:	1,005

Additional Information			
State Code:	1091 Vac Res Lot Buildable - 1	Approx Acres:	0.23
Land Use:	Residential	Legal Description:	50 FT NO 25 SEC 5 PLUM ST
Tax Map:	2710-006-000008.000	Zone:	OTR Old Town Residential
Notes:	Avg Lot: 50.0 X 200.0DB 18-4757: 2 lists incl acct#03466 & 00708. (Map 111-5-25)		

Building

Building Information - 1			
Property Class:	Residential	Finished Square Feet:	1,005
Style:	No Data	Basement Square Feet:	0
Year Built:	1910	Total Rooms:	3
Condition:	No Data	<i>* Bathrooms are not included in total room count.</i>	
Story Height:	One Story		
Bedrooms:	2		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	1		
Half Bath:	0		
Features:		Size:	
Metal, Formed Seams		100 %	
Slab Porch with Roof		161 SF	
Floor Furnace		100 %	
Frame, Siding, Metal		100 %	
Foundation - Cinder Block		0	

Improvements

There are no improvements.

Land

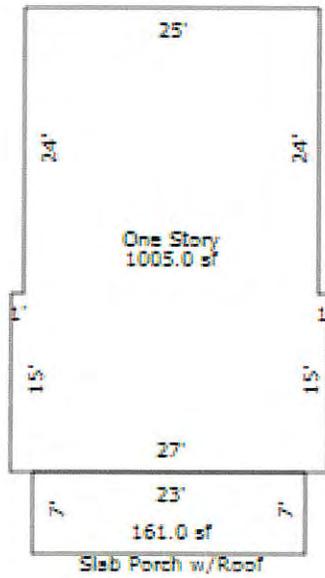
Land Code:	R02 Res FF (25)	Rate:	\$25
Acres:	0.23	Adj. Rate:	\$28
Sq. Ft.:	10,000	Base Value:	\$1,390
Front:	50	Adj. Amount:	\$10
Effective Front:	50	Value:	\$1,400
Depth:	200		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 18	4757	\$10,500	12/20/2018	DAVIS RENTAL REAL ESTATE	SPOTLIGHT EXPRESS LLC
D 98	245	\$0	1/20/1998	<i>No Data</i>	<i>No Data</i>

Assessments

Year	Land	Use	Improvements	Total
2018	\$1,400	\$0	\$7,700	\$9,100
2017	\$2,800	\$0	\$8,300	\$11,100
2016	\$2,800	\$0	\$8,300	\$11,100
2015	\$2,800	\$0	\$8,700	\$11,500
2014	\$2,800	\$0	\$8,700	\$11,500
2013	\$2,800	\$0	\$9,600	\$12,400
2012	\$2,800	\$0	\$9,600	\$12,400
2011	\$2,800	\$0	\$10,500	\$13,300
2010	\$2,800	\$0	\$10,500	\$13,300
2009	\$2,800	\$0	\$10,800	\$13,600
2008	\$2,800	\$0	\$10,800	\$13,600
2007	\$2,800	\$0	\$10,600	\$13,400
2006	\$2,800	\$0	\$10,600	\$13,400
2005	\$2,800	\$0	\$10,600	\$13,400
2004	\$2,800	\$0	\$10,600	\$13,400
2003	\$2,800	\$0	\$10,300	\$13,100
2002	\$2,800	\$0	\$10,300	\$13,100
2001	\$2,800	\$0	\$10,000	\$12,800
2000	\$2,800	\$0	\$10,000	\$12,800

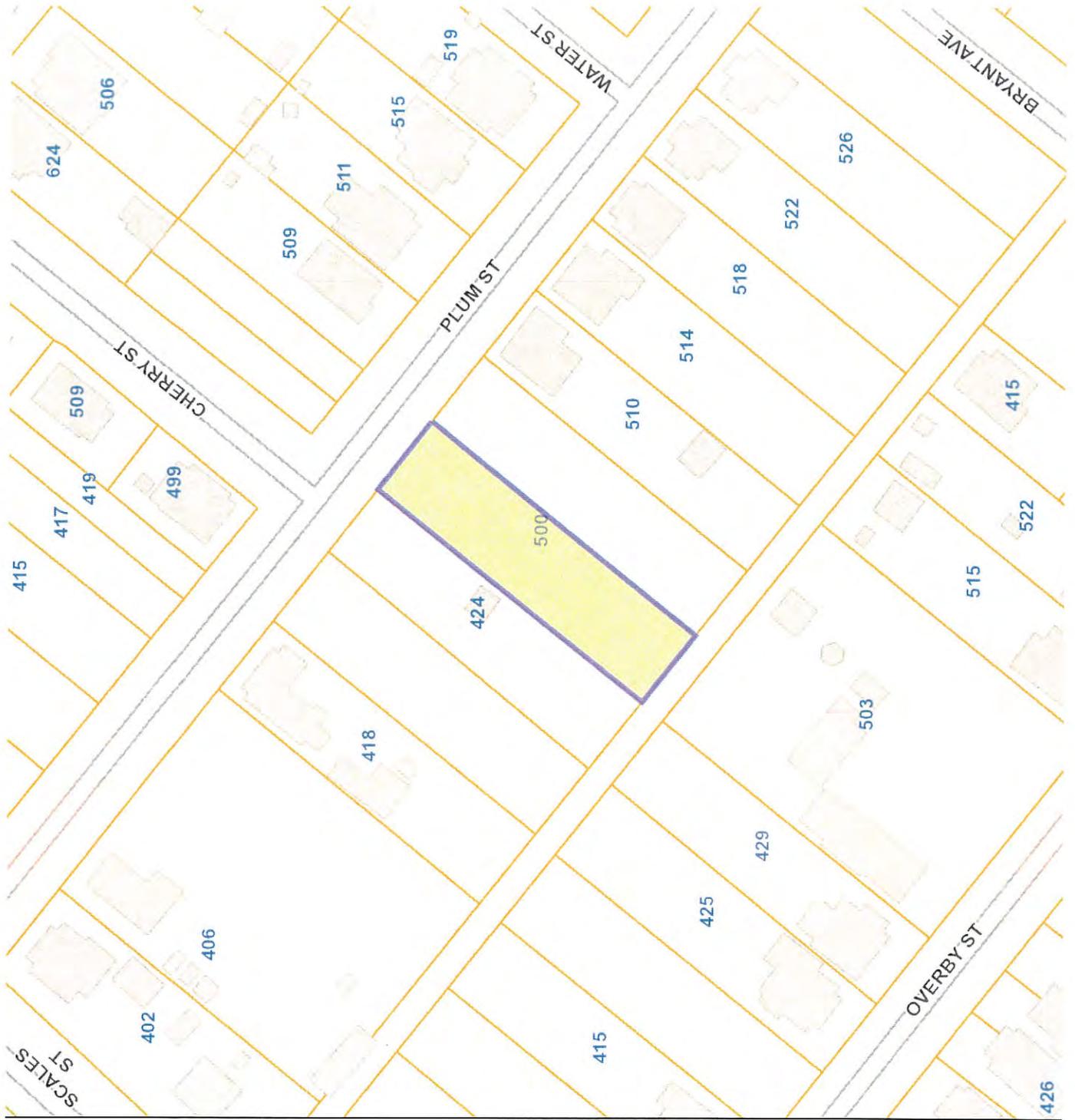


Sketch by Apex Medina™



-  Buildings
-  Parcels
- Street Names
- House Numbers

Parcel ID: 03466



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, it's accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Date: 4/11/2019



SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on May 13, 2019
City Council (tentative) at 7pm on June 4, 2019

LOCATION OF PROPERTY: 500 Plum St.

PRESENT ZONE: OT-R, Old Town Residential

PROPOSED ZONE: Unchanged

ACTION REQUESTED: Special Use Permit to rent an entire home to guests on a short-term basis via Airbnb

PRESENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Short-term home rental (after construction of a new house)

PROPERTY OWNER (S): Spotlight Express LLC

NAME OF APPLICANT (S): Barry Davis

PROPERTY BORDERED BY: Residential on all sides

ACREAGE: 0.46 acres (20,037.6 sq. ft.)

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: Plum St.

TRAFFIC VOLUME: Low



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/11/2019

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 May 13, 2019

Subject:

Request to allow compact parking spaces in place of regular parking spaces at 119 Cane Creek Blvd. The applicant wishes to provide compact spaces in order to maximize on-site parking.

Background:

A request has been filed to permit compact parking spaces at 119 Cane Creek Blvd. Traditional perpendicular parking spaces must measure eighteen by nine (18 x 9) ft. Compact spaces may measure sixteen by eight-and-one-half (16 x 8.5) ft. According to Article 8, Section C, Item B of the Zoning Ordinance, the Planning Commission may allow the replacement of required parking spaces with compact spaces for long-term use, such as for a full day work shift.

The parking is planned to support a new office use at 119 Cane Creek Blvd. Staff find no concerns with the use of compact parking.

Recommendation:

Staff recommends that Planning Commission adopt a resolution to approve the request to permit compact parking spaces in place of regular parking spaces at 119 Cane Creek Blvd.

City Planning Commission Options:

- Adopt a resolution to grant approval.
- Deny approval.
- Table discussion for another time.

Attachments:

- Parking Plan
- Resolution



U.S. HIGHWAY 56 - SOUTH BOSTON ROAD
(VARIABLE WIDTH PUBLIC R/W)



CITY OF DANVILLE (2018)
GROUND CONTROL NETWORK

CANE CREEK BOULEVARD
(80' PUBLIC R/W)

LOT 2A2
9.761 ACRES
(TOTAL)
50,600 SQ. FT. CONCRETE PAVEMENT
1-STY PRE-CAST CONCRETE SECOND STORY
BUILDING W/ REZELANNE

AREA SUMMARY
LOT 1 0.843 AC 78174
LOT 2 0.918 AC 77014
TOTAL 1.761 AC *
*INCLUDES ROUND OFF

TOTAL ADDITIONAL PARKING SPACES:
PARKING LOT ADDITION: 36
STREET ADDITION: 11
LANDSCAPE BUFFER RECONFIGURATION:
RESTRICTION ONLY: 10
TOTAL: 57

CURRENT OWNER: RESIDENTIAL DEVELOPMENT
AUTHORITY OF DANVILLE, VIRGINIA
REFERENCE: D.B. 211, PG. 137 (P.C.C.C.C.C.)
PST. NO. 04-000888 (DANVILLE)

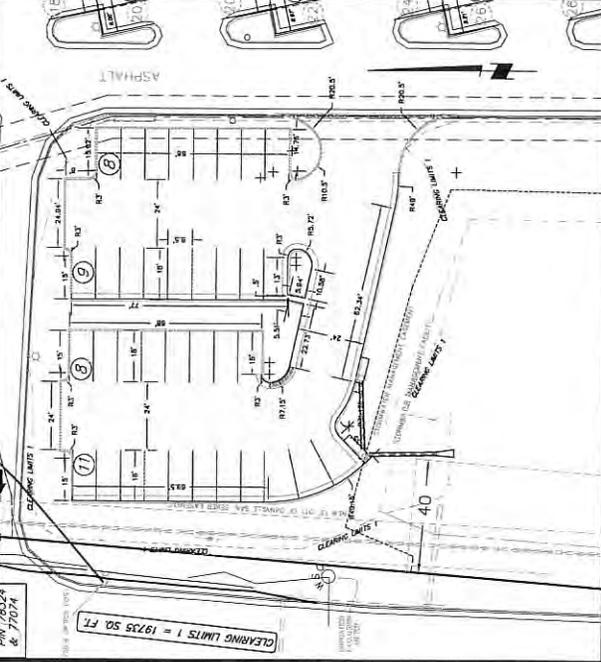
GRAPHIC SCALE
1" = 60'

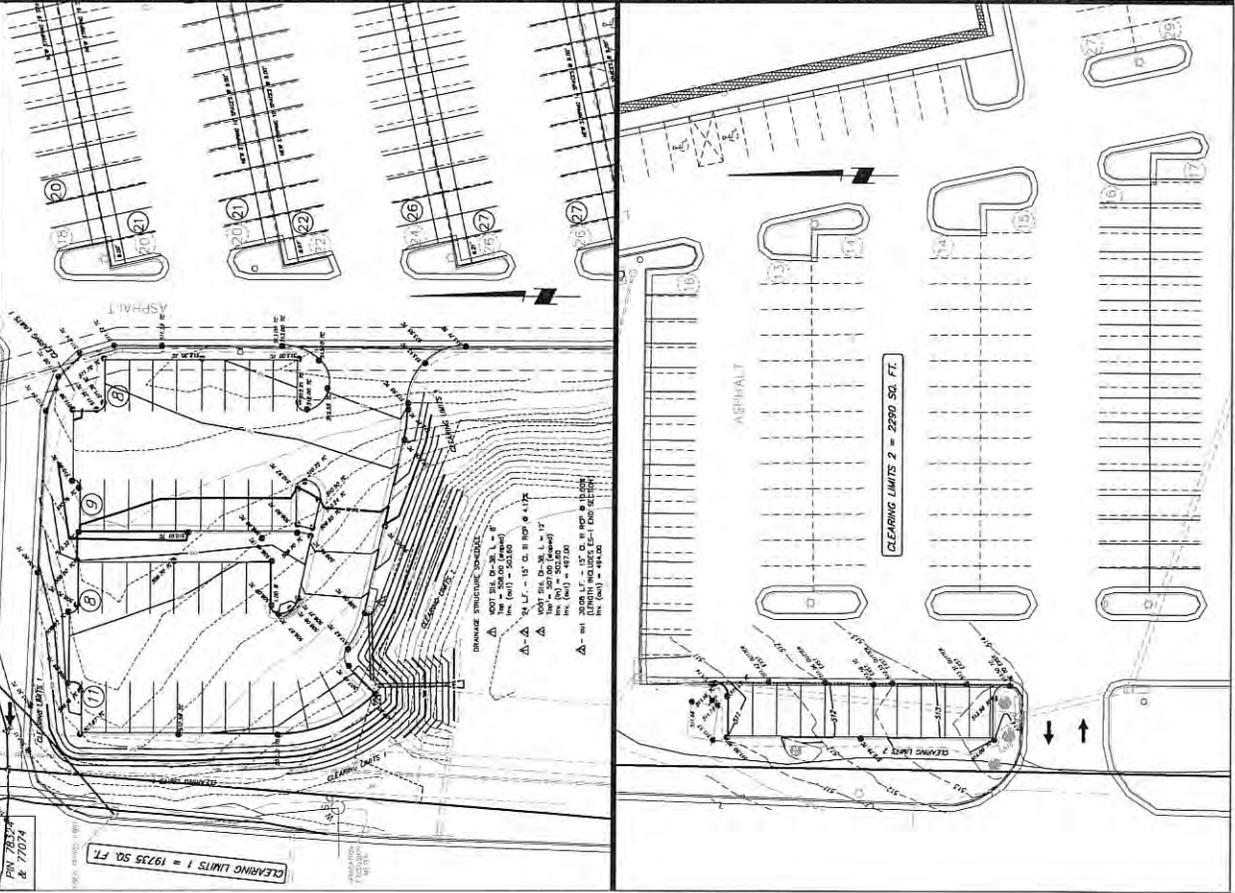
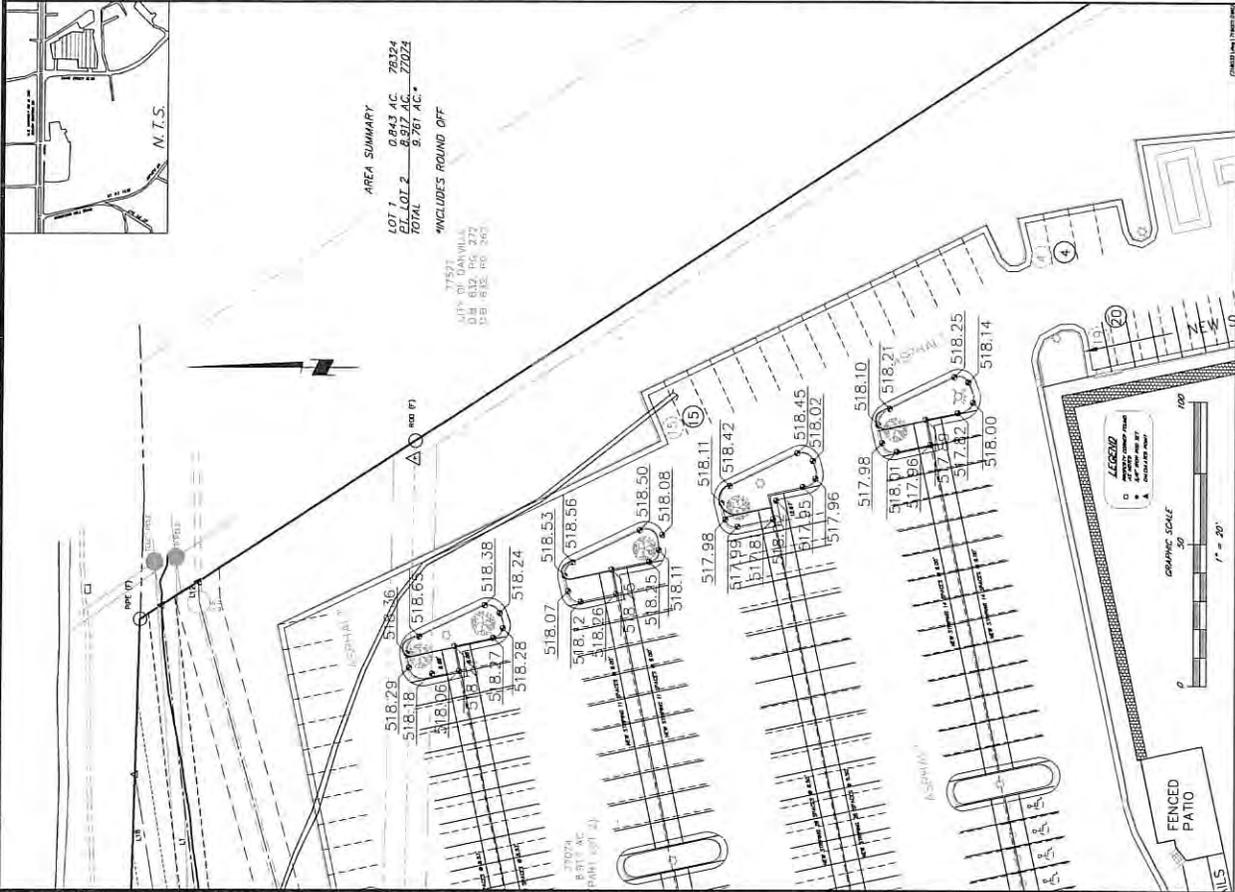
LEGEND
○ EXISTING CURB
○ EXISTING DRIVE
○ EXISTING SIDEWALK
○ EXISTING STREET

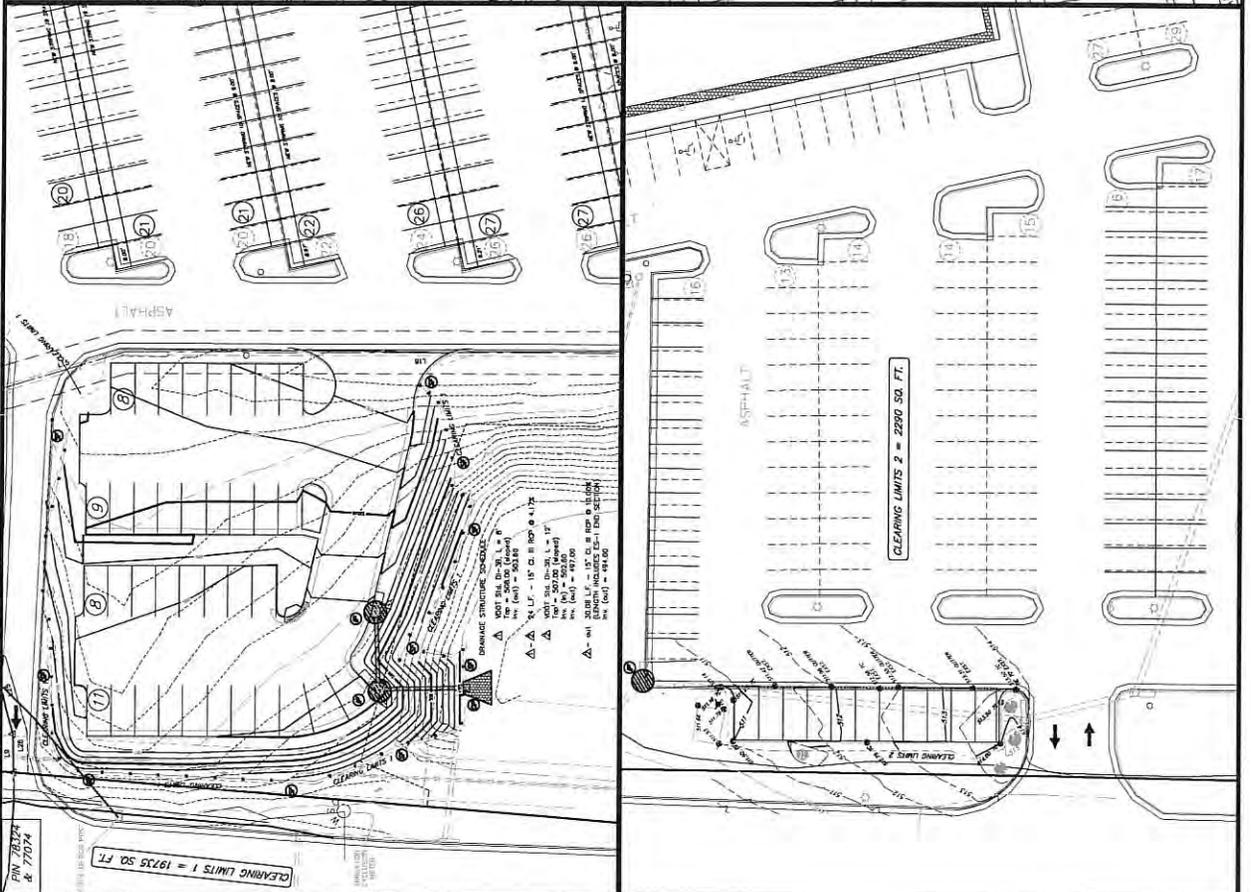
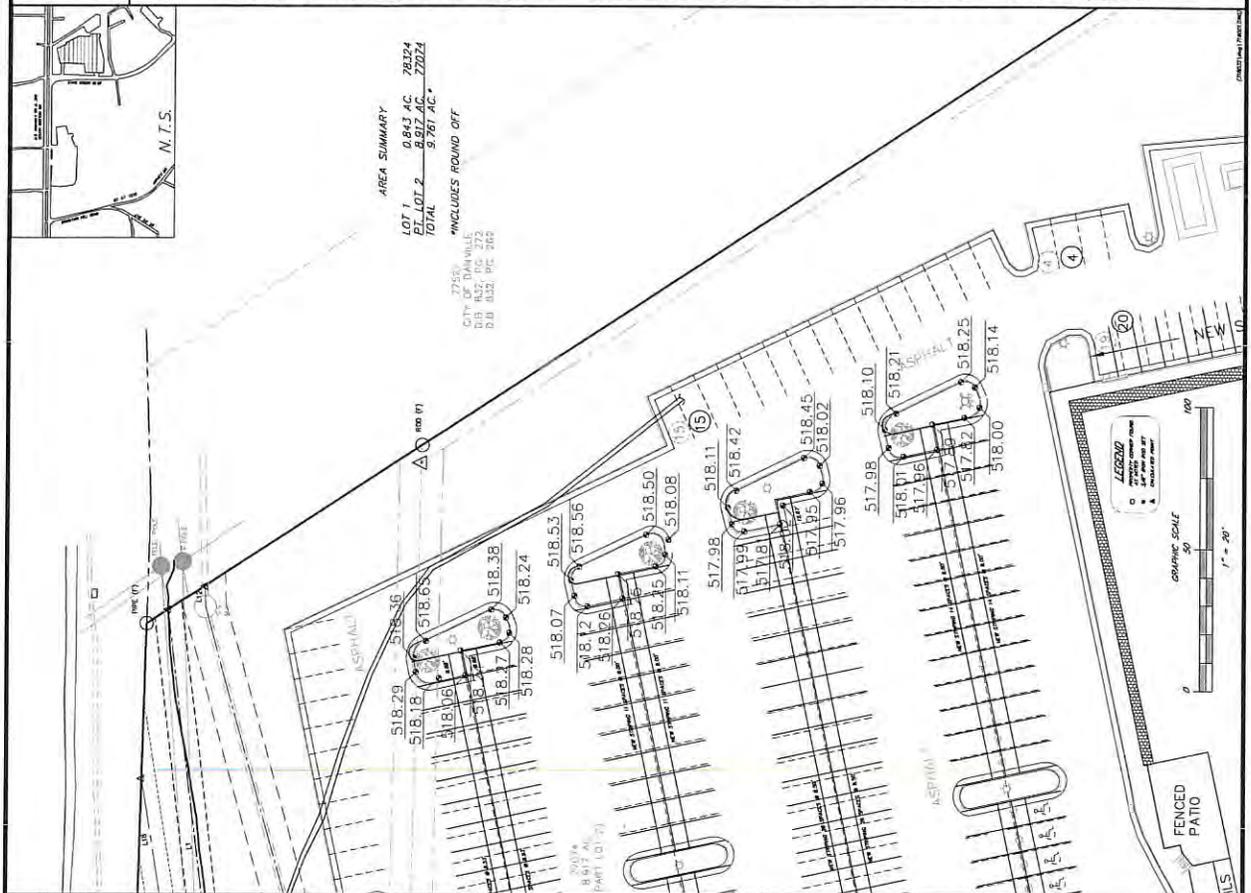
SHANKS ASSOCIATES, P.C. - ENGINEERS - SURVEYORS - PLANNERS
509 LOYAL STREET, DANVILLE VIRGINIA 24541
TEL: (434) 797-5448
PRA GROUP - 119 SOUTH BOSTON ROAD
OVER ALL LAYOUT PLAN

SHEET NUMBER
2 OF 6
JOB NUMBER
710007

58 - SOUTH BOSTON ROAD
(VARIABLE WIDTH R/W)







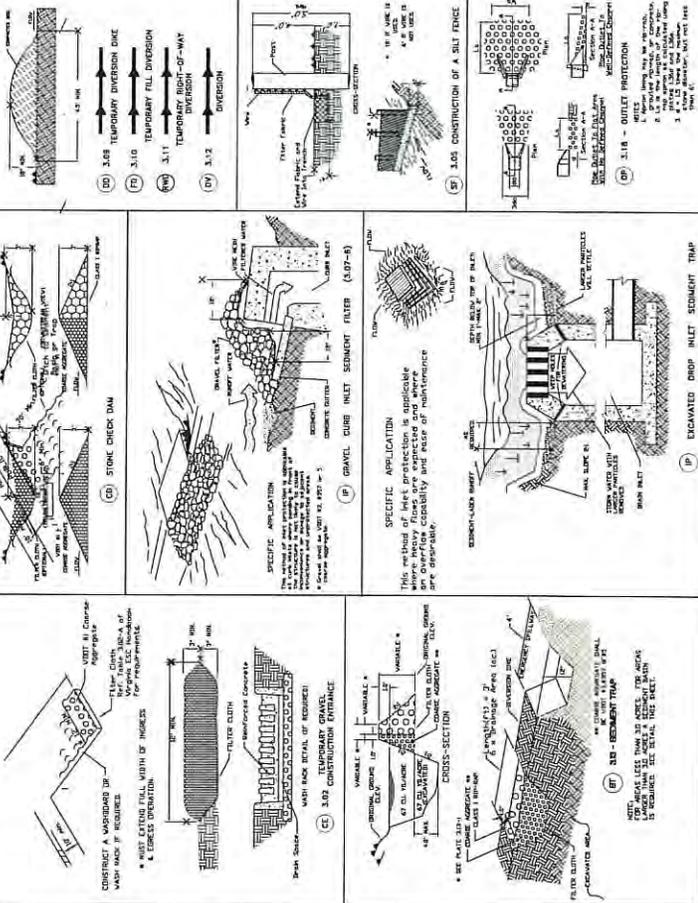
PARCEL IDENTIFICATION NUMBER:
53571

NO.	TITLE	KEY	SYMBOL	NO.	TITLE	KEY	SYMBOL
306	SAFETY FENCE	(S)		326	ROCK CHECK DAMS	(D)	
307	CONSTRUCTION ENTRANCE STABILIZATION	(C)		327	VEGETATIVE STREAMBANK STABILIZATION	(V)	
308	STRAW BALE BARRIER	(B)		328	STRUCTURAL STREAMBANK STABILIZATION	(S)	
309	SILT FENCE	(F)		329	UTILITY STREAM CROSSING	(U)	
310	BRUSH BARRIER	(R)		330	DEWATERING STRUCTURE	(D)	
311	STORM DRAIN INLET PROTECTION	(I)		331	TURBIDITY CURTAIN	(T)	
312	CULVERT INLET PROTECTION	(C)		332	SUBSURFACE DRAIN	(S)	
313	TEMPORARY DIVERSION DIKE	(D)		333	SURFACE ROUGHENING	(R)	
314	TEMPORARY FILL DIVERSION DIVERSION	(F)		334	TOPSOILING	(T)	
315	TEMPORARY RIGHT-OF-WAY DIVERSION	(R)		335	TEMPORARY SEEDING	(S)	
316	TEMPORARY SEDIMENT BASIN	(S)		336	PERMANENT SEEDING	(P)	
317	PAVED FILLING	(P)		337	SEEDING	(SE)	
318	STORMWATER DIVERSION CHANNEL	(D)		338	BERMUDA GRASS AND ESTABLISHMENT	(B)	
319	OUTLET PROTECTION	(O)		339	INCHING	(I)	
320	RIPRAP	(R)		340	TRUCKS, SHEDS, VINES AND MATTING	(T)	
				341	TEMPORARY PRESERVATION AND PROTECTION	(P)	
				342	DUST CONTROL	(DC)	

3.3.2 PERMANENT SEEDING MIXTURE

SEE 3.3.2.1 FOR SEEDING MIXTURES
 1. SEEDING MIXTURES SHALL BE AS FOLLOWS:
 a. 100% TURF GRASS SEED (100%)
 b. 100% PERennial GRASS SEED (100%)
 c. 100% LEGUMINOUS GRASS SEED (100%)
 d. 100% BROAD LEAFED HERB SEED (100%)
 e. 100% BROAD LEAFED FORB SEED (100%)
 f. 100% BROAD LEAFED WEEED SEED (100%)
 g. 100% BROAD LEAFED WEEED SEED (100%)
 h. 100% BROAD LEAFED WEEED SEED (100%)
 i. 100% BROAD LEAFED WEEED SEED (100%)
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 r. 100% BROAD LEAFED WEEED SEED (100%)
 s. 100% BROAD LEAFED WEEED SEED (100%)
 t. 100% BROAD LEAFED WEEED SEED (100%)
 u. 100% BROAD LEAFED WEEED SEED (100%)
 v. 100% BROAD LEAFED WEEED SEED (100%)
 w. 100% BROAD LEAFED WEEED SEED (100%)
 x. 100% BROAD LEAFED WEEED SEED (100%)
 y. 100% BROAD LEAFED WEEED SEED (100%)
 z. 100% BROAD LEAFED WEEED SEED (100%)

GENERAL EROSION AND SEDIMENT CONTROL NOTES
 1. ALL EROSION & SEDIMENT CONTROL MEASURES SHALL BE ACCORDING TO THE LATEST EDITION OF THE NATIONAL SEDIMENTATION MANUAL IN THE APPLICABLE SECTION AND TO THE LATEST EDITION OF THE NATIONAL CONSTRUCTION EROSION & SEDIMENT CONTROL MANUAL IN THE APPLICABLE SECTION.
 2. THE EROSION & SEDIMENT CONTROL MEASURES SHALL BE ACCORDING TO THE LATEST EDITION OF THE NATIONAL CONSTRUCTION EROSION & SEDIMENT CONTROL MANUAL IN THE APPLICABLE SECTION.
 3. THE EROSION & SEDIMENT CONTROL MEASURES SHALL BE ACCORDING TO THE LATEST EDITION OF THE NATIONAL CONSTRUCTION EROSION & SEDIMENT CONTROL MANUAL IN THE APPLICABLE SECTION.
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 7. THE EROSION & SEDIMENT CONTROL MEASURES SHALL BE ACCORDING TO THE LATEST EDITION OF THE NATIONAL CONSTRUCTION EROSION & SEDIMENT CONTROL MANUAL IN THE APPLICABLE SECTION.
 8. THE EROSION & SEDIMENT CONTROL MEASURES SHALL BE ACCORDING TO THE LATEST EDITION OF THE NATIONAL CONSTRUCTION EROSION & SEDIMENT CONTROL MANUAL IN THE APPLICABLE SECTION.
 9. THE EROSION & SEDIMENT CONTROL MEASURES SHALL BE ACCORDING TO THE LATEST EDITION OF THE NATIONAL CONSTRUCTION EROSION & SEDIMENT CONTROL MANUAL IN THE APPLICABLE SECTION.
 10. THE EROSION & SEDIMENT CONTROL MEASURES SHALL BE ACCORDING TO THE LATEST EDITION OF THE NATIONAL CONSTRUCTION EROSION & SEDIMENT CONTROL MANUAL IN THE APPLICABLE SECTION.



SHANKS ASSOCIATES, P.C. - ENGINEERS - SURVEYORS - PLANNERS
 509 LOYAL STREET, DANVILLE VIRGINIA 24541
 TEL: (434) 797-5445
 PRA GROUP - 119 SOUTH BOSTON ROAD
 EROSION & SEDIMENT CONTROL DETAILS

SHEET NUMBER
6 OF 6
JOB NUMBER
710007

DATE: 8/10/18
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: 1" = 20'
 CALC. CHK: [Name]

CITY REVIEW COMMENTS: [Text]

PRESENTED: MAY 13, 2019

ADOPTED: MAY 13, 2019

RESOLUTION NO. 2019-05.1

A RESOLUTION APPROVING A REQUEST TO ALLOW COMPACT PARKING SPACES IN PLACE OF REGULAR PARKING SPACES AT 119 CANE CREEK BLVD UNDER THE ZONING ORDINANCE OF THE CITY OF DANVILLE, VIRGINIA.

BE IT RESOLVED by the Planning Commission of the City of Danville, Virginia that a request to allow compact parking spaces in place of normal parking spaces for long-term (full day shift) parking at 119 Cane Creek Blvd, otherwise known as Grid 4718, Block 002, Parcel 000004 of the City of Danville, Virginia Zoning District Map is approved under the provision of Article, 8, Section C, Item B of the Zoning Ordinance of the City of Danville, Virginia, 1986 as amended.

APPROVED

Chairman, City Planning Commission

PLANNING COMMISSION MINUTES

April 8, 2019

MEMBERS PRESENT

Mr. Searce
Mr. Garrison
Mr. Petrick
Mr. Wilson
Mr. Jones

MEMBERS ABSENT

Mr. Dodson
Mr. Bolton

STAFF

Ken Gillie
Bryce Johnson
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit application PLSUP20180000105, filed by Robert L. Hogue, Jr., requesting a Special Use Permit for a daycare center in accordance Article 3:E, Section C, Item 7 of the Code of the City of Danville, Virginia 1986, as amended at 801 Kemper Rd, otherwise known as Grid 1610, Block 020, Parcels 000027, 000028 and 000029 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have a daycare center for children.*

Mr. Searce opened the Public Hearing.

Mr. Robert L Hogue Jr., asked do you have any questions for me?

Mr. Jones stated when do you anticipate opening up?

Mr. Hogue stated as soon as possible.

Mr. Jones stated how many children do you expect to have?

Mr. Hogue stated we should have about fifteen.

Mr. Wilson stated are you in full agreement with all of the requirements by staff?

Mr. Hogue stated I have one question about the parking spaces. Do we have to have all these parking spaces for different people since it's for the church?

Mr. Johnson stated it could serve for both if they are not used at the same time.

Mr. Searce closed the Public Hearing.

Mr. Wilson stated all we are really doing is recommending it to City Council that the perimeters around the building are established. Are there other steps that they have to go through to be a legal overseeing day care? I would think there are some regulations that come with opening up a day care.

Mr. Johnson stated Department of Social Services handles licensing for day cares and they do work with institutions and this would follow under provisions for Religious Day Care.

Mr. Whitfield stated and they also have to get a business license.

Mr. Wilson stated does this kind of need to be done first and those things will come later or has it already been received?

Mr. Johnson stated my understanding is they will need this first before the actual business license will be issued.

Mr. Petrick made a motion for approval for Special Use Permit application PLSUP20180000105 subjected to conditions by staff. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

2. *Special Use Permit application PLSUP20190000109, filed by Full Moon Rising LLC, requesting a Special Use Permit for a waiver of minimum lot size and yard requirements in accordance with Article 3.O, Section C, Items 20 and 25 of the Code of the City of Danville, Virginia 1986, as amended at Parcel ID#s 20833, 20834, 20835, and 20837 on Cahill Ct. otherwise known as Grid 1711, Block 006, Parcels 000012, 000011, 000010, and 000009 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to waive the lot size and yard requirements in order to adjust the property lines.*

Mr. Scarce opened the Public Hearing.

Mr. Fred Shanks, stated I'm here to represent Full Moon Rising LLC. With me is Earl Vippen, he is the owner. If you were to look at the plat you will see several gas lines that come from the River. Those non-perpendicular lines are one of the issues and the other issue is the building setbacks and acreage requirements. There is presently two buildings, and one would be on 1A and the other on 1B. The current subdivision plat both of the buildings would be on one lot. We are trying to get one building on each lot. We are proposing to divide the parking lot between the buildings and make that exactly half way between the two buildings. The remainder lot 133A would fill in the use of parking requirement and that is what the plat is trying to achieve. The ordinance of 2004 happened to address that for the purpose of the M-I Zoning. They suggested bringing this light industry which is conforming as of today of the ordinance into compliance. We are here to request a waiver of properties and setback requirements and find that the terms proposed by staff we agree to everything, except the front yard setback of zero like every other lot that has improvements on that street.

Mr. Johnson stated the other properties are basically right on top of the right away.

Mr. Scarce stated we can see by the map that you are very limited on what you can do on the property.

Mr. Shanks stated I will mention not to complicate issues, talking about the ordinance in 2004 allows for this special use permit for nonconforming lots. This particular situation here, that lot that now has two buildings on it, was created in 1949 so obviously nonconforming at the time of the 2004 Ordinance.

Mr. Petrick stated I have a question for staff do you see any issues with maintaining zero setbacks?

Mr. Johnson stated not really we were just trying to have some kind of setback since it is zoned differently across the street and to maintain consistency.

Mr. Jones stated does this property ever have any problem with flooding?

Mr. Shanks stated no.

Mr. Jones stated do you have further use for this property in the future?

Mr. Shanks stated right now it is being used for home school and a gym. Types of uses that allow that, we don't expect anything other than that, if so we will have to come back.

Mr. Searce closed the Public Hearing.

Mr. Garrison made a motion for approval for Special Use Permit application PLSUP20190000109 as submitted subject to conditions recommended by staff with one change to Item 2 zero setback from the front. Mr. Petrick seconded the motion. The motion was approved by a 5-0 vote.

3. Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia 1986 more specifically Article 2 entitled "General Regulations", Section T entitled "Home Occupations", and Article 15 entitled "Definitions", Section B entitled "Definitions". The purpose is to amend regulations regarding Home Occupations, Bed and Breakfast and Home Share facilities.

Mr. Searce opened the Public Hearing.

Mr. Paul Liepe stated, I live on Main St. in the Old West End and I wish to speak on the issue of short-term rentals. First I would like to tell you about an online survey taken on Nextdoor for the Old West End neighborhood. On the general question of short-term rentals, there were 22 people who responded, and 21 of them responded favorably. I did not find anyone who responded negatively to homestays, or room rentals, or whatever you would like to call them. But folks were very cautious about whole house rentals. There would need to be some way to limit the number of homes available this way. I do not think anyone wants to create blocks of houses which are all rentals of some kind, particularly whole house short-term rentals. I think this is particularly important with the possibility of a casino on the horizon. I can imagine a party street developing, and we certainly want to prevent that.

Mr. Liepe stated, I think the whole homestay issue is important to the strategy of growing Danville. Before people can decide to become residents, they first need to stay here. Travelers and families often prefer short-term rentals over hotels. It is actually less expensive and easier to keep your family organized. And those who come for our history would certainly like the opportunity to stay in one of our historic homes in a homestay. I think homestays should be allowed by right in the Old West End Historic District and perhaps the North Danville Historic District, and by Special Use in other residential areas. These historic districts are adjacent to the River District, which includes many of our attractions. These

districts also include the museum and theatre and other attractions. Both are served by our mainline trolley, along with the River District. With the revitalization efforts going on in the Old West End, allowing homestays might even encourage more rehabs of the historic homes.

Mr. Liepe continued, now I encourage you to support homestays by right in those districts as soon as possible. I realize there are a lot of considerations in these issues. I also suggest that further study of the whole house rentals may be in order. Our experience with homestays, if that is approved now, might lead us to better conclusions in regards to the whole house rentals. Get a little experience first. Thank you.

Mr. Scarce closed the public hearing.

Mr. Scarce asked, in regard to what the gentleman just said, that is what you are recommending that it be by right?

Mr. Johnson stated, for homestay we are recommending it be by right for the entire city. My understanding is he was recommending it be by right for two historic districts only.

Mr. Scarce state, I think he was just trying to ensure he got it in by right.

Mr. Wilson asked, what was the reasoning for the difference between the whole City versus those neighborhoods?

Mr. Scarce stated, that is just he suggested. Staff is recommending it be by right for the whole city.

Mr. Wilson asked, what is the advantage to having it be by right for the whole city?

Mr. Johnson answered, for homestay if someone wanted to rent out a room or two on a short-term basis, it would be treated essentially as a home occupation. They would not have to go through the Special Use Permit request. They would still need to get a business license. If a short-term rental registry, that would be used instead. It would make it a little bit smoother.

Mr. Wilson asked, what if we started running into difficulties with that? What position would that put us in to maybe backtrack?

Mr. Johnson stated, if we start permitting them, we would not be able to stop the ones we permitted. However, staff do not see any issue with permitting the homestays because it is just a room or two.

Mr. Garrison asked, so that would make them grandfathered in if City Council were to require a Special Use Permit again?

Mr. Johnson stated, correct.

Mr. Petrick stated, back in November we recommended approval for a gentleman for what was essentially a homestay situation. From what I recall, there was considerable neighborhood opposition. I know Mr. Liepe stated his survey showed 95% favorable, but to grant this with a blanket right could have considerable opposition, I would think.

Mr. Johnson stated, that is something to consider. The case with the property on W. Main, we considered as a bed and breakfast because that was the only definition we had that would allow him to rent anything in his home, even though what he is doing is essentially a homestay. My understanding is that a lot of the opposition stemmed from the definition of bed and breakfast. It is possible that having a separate definition from bed and breakfast could alleviate those concerns.

Mr. Searce stated, I think they came around in the end and were for it once we stipulated no banquets and stuff like that.

Mr. Petrick stated, there was something to do with parking.

Mr. Wilson stated, yeah, parking was the major issue. There was an overabundance of parking in the driveway and out to the street. And City Council limited the number of rooms. Those limitations are what changed the mind of neighbors.

Mr. Garrison asked, but that limitation would already be in this definition for homestay?

Mr. Searce stated, yeah they are spelling it out.

Mr. Petrick stated, but granted as by right you are going to run into issues of density. If you have several of these, a majority of homes in an area that allow this, you are creating an issue in an area that may already have issues with parking, even if there is just one per house.

Mr. Johnson stated, that is true.

Mr. Petrick stated, it is changing the character of the neighborhood.

Mr. Johnson stated, it is similar to having a guest over.

Mr. Petrick asked, if we allow it by Special Use Permit, do we consider density? Do we say there can only be so many per block?

Mr. Johnson stated, you could when looking at it case-by-case. If someone is requesting a Special Use Permit you could say there are already three on this block, and we do not think it is appropriate here.

Mr. Wilson asked, is there a way in which this arrangement, particularly the short-term rental, could be open for abuse, in that people could stay a place a month, then stay another place a month, and another place to stay month? What I am imagining is if I go to Boston for a month, and get a short-term rental for my family, I see an ability to stay in a home. Is there a way people could just go from property to property?

Mr. Johnson asked, are you talking about the homestay or the entire home?

Mr. Wilson stated, the short-term rental.

Mr. Johnson stated, it could. There was a news article a couple weeks ago in which a person was renting out the entire home, and the family actually stayed long enough that

they needed to go through an eviction process to kick the people out. It is potentially opening up a can of worms.

Mr. Scarce stated, I am still trying to figure out a way to differentiate between a short-term rental and a regular rental property.

Mr. Petrick stated, one could argue it is already granted by right.

Mr. Scarce stated, yes you could live in your house on a month to month basis. A lot of people do a year lease, but then sometimes at the end of the year it converts to month to month.

Mr. Petrick stated, we are considering short-term rentals as a Special Use. Then again we have to consider, as far as density is concerned, that this is something that can change the character of the neighborhood.

Mr. Johnson stated, we could come back with a recommendation where it is allowed by right with specific conditions limiting the density. Or you could recommend it be by Special Use Permit.

Mr. Scarce stated, we could also tweak the definitions.

Mr. Johnson stated, you could also have a work session to further tweak it out.

Mr. Garrison stated, I was in the City Council work session on March 5 and there was a consensus that they want a way to collect tax, they want something less than a bed and breakfast so that we can have these homestays, and they want some kind of application process so that the City knows a house is renting out rooms on a short-term basis. There is no consensus on a Special Use Permit. Some want it by Special Use Permit. Others do not, they want it by right. I am talking about the homestay. They were not talking about any 30 day rentals of the whole house, and they wanted the homeowner in the house for the homestay.

Mr. Garrison stated, I could see more people doing this in the historic districts than in the rest of the City. I do not have a problem with by right. If we find out later it is a problem, we can change it and have those people grandfathered in.

Mr. Scarce stated, I have no problem with the homestay.

Mr. Garrison stated, I do not either.

Mr. Scarce asked, why does the short-term rental need to be there?

Mr. Garrison stated, people are renting houses now, sometimes for 30 days and sometimes for 5 years. It is a rental. I am not sure we need that designation.

Mr. Scarce asked, what is your thinking with this use? Are you thinking someone is coming in for some event?

Mr. Johnson stated, that is what we are thinking with the whole home being rented out. People come to rent a whole home for a weekend or a week. We are not talking about

people who are leasing it monthly. The 30 day limit is to differentiate between the two. Based on the people we have talked to, and looking at Airbnb and similar sites, when these residences are being rented out it is often as a whole home. It is a vacation house of sorts.

Mr. Scarce asked, for homestay the homeowner is there?

Mr. Johnson stated, correct.

Mr. Scarce asked, can we do a homestay 1 and 2, with an owner and without an owner? I am concerned that someone will find themselves in this category when they do not intend to be.

Mr. Garrison stated, yes because we do not require a Special Use Permit for someone to rent out a home. Why should we require them to get a Special Use Permit for renting for 30 days or 14 days? If someone wants to rent out a house for 14 days, then to someone else for another 14 days, it is no different than renting it out for a long period of time. I just do not see the need for that particular section.

Mr. Wilson stated, except that the Special Use idea allows neighbors to know what is being changed in their neighborhood. If it is by right, there is none of that.

Mr. Garrison stated, but if I owned 3 houses and want to rent 2 of them, I do not need a Special Use Permit now. Why should I need a Special Use Permit to rent them for 30 days? It is not changing the neighborhood.

Mr. Jones stated, I noticed the Commissioner of Revenue is sitting in the back. I wonder if he might comment. You suggested a \$250 registration fee. Who would have to pay that? All these people?

Mr. Johnson stated, if they do not have a business license and they are not paying taxes.

Mr. Jones asked, so anyone who wants to rent their home for a weekend better have their registration on file with the Commissioner of Revenue?

Mr. Johnson stated, that or they could have a business license. It is the same with hotels. They are required to have a business license.

Mr. Jones stated, I doubt these people doing this have a business license.

Mr. Johnson stated, we are talking about people renting out rooms or homes for a week or weekend at a time, like a hotel. This is what we are getting at when we say short-term rental.

Mr. Jones stated, so let us say there is a big race coming to VIR and NASCAR fans are coming in. Someone walks up to my house and says they will give me \$5,000 if we can live here for the week. Do I have to get a registration license?

Mr. Johnson stated, technically yes. It is a commercial operation.

Mr. Scarce stated, if this goes through. Or we can say I have a rental house which is vacant, then I rent it out for a month. Then someone else comes in and rents it out for a

month. I am not doing anything different than I normally would. It is just short-term. As an owner, I would not want to do that because of more wear and tear. But I could get caught up in this use unnecessarily.

Mr. Petrick stated, but these would ideally be furnished.

Mr. Garrison stated, since the Commissioner of Revenue is here, can we invited him to speak to us?

Mr. Searce stated, we could.

Mr. Garrison stated, he spoke to Council on March 5. I was going to reiterate what he said, but since he is here I think we should allow him to say it.

Mr. James Gillie stated, it can take a while if you give a politician a microphone but ok. Historically, the Commissioner of Revenue office does not dictate policy. That is for City Council as legislators. Anything I did with Bryce was to discuss what we are doing now. If someone comes up to you for VIR like that, I am not going to be involved in that. But if you advertise your home to be used to rent, then I am probably going to become involved. Let me remind the Commission, there is no business license issued until zoning is approved.

Mr. James Gillie stated, the feedback I got from the work session is that Council members want to expedite this homestay, Airbnb, whatever you want to refer to it, to waive the business license fee, to waive the tax that way. That is why Bryce and I together recommended a fee, similar to what has been done in other localities, in lieu of the tax. The consensus was that it is a burden for someone to be doing this thing if they have to be taxes, business license, zoning clearance, and stuff like that. That is the reason for that recommendation. The \$250 registration fee that was to cover any taxes they would have collected in any year. That is a yearly fee.

Mr. Searce asked, that is for a homestay property?

Mr. James Gillie stated, yes. Now let me touch on the rental property of someone's house or something like that. I am not going to be involved if someone comes to you want wants to rent your house for x number of days. But when you hold yourself out for advertisement and compensation that is when I am going to have to get involved. You are in a business. Whether you think you are a business or not, you are a business.

Mr. Jones asked, so if I have a sign in my yard that says for rent?

Mr. James Gillie stated, exactly.

Mr. Searce stated, any other questions for Mr. Gillie? Ok, thank you.

Mr. Wilson stated, I do not have any questions for Mr. Gillie. Just to come to a jumping off spot, it really strikes me that short-term home rental is the one where we have the most questions.

Mr. Searce stated, right.

Mr. Wilson asked, so for the bed and breakfast, hotel/motel, and boarding house, nothing really changes?

Mr. Johnson stated, correct.

Mr. Wilson asked, are there any major issues with homestay that are unresolved that we could not act on?

Mr. Johnson stated, I believe there was some discussion about that, about renting a room or two and density.

Mr. Petrick as far as granting that by right, I would have an objection to that.

Mr. Wilson stated, but that is what you are recommending? That is be by right?

Mr. Johnson stated, correct.

Mr. Wilson asked Mr. Liepe, and for you what was your position on that?

Mr. Liepe stated, I am for by right in the historic district. I am not sure it is appropriate for every neighborhood. I think in the historic districts it is appropriate for a homestay.

Mr. Searce stated, could you come back up?

Mr. Wilson asked, what is your distinction between the historic neighborhoods and everybody else, that you think it is not legitimate by right for the others?

Mr. Liepe stated, there is two things on my mind when I say that. One is that by doing just the historic districts, it gives you the flexibility to expand later. I am thinking about how to expand cautiously. The other thing is that the historic districts is where people come when they are not here for work. That is where the attractions are, and in the River District. I think it should be clustered around that. I would like to see more people come here for vacation, like it, and decide to move here.

Mr. Wilson asked, so your motivation is to encourage occupancy in those areas?

Mr. Liepe stated, yes that is an important part of it. The other thing is I wonder if people know the city in Virginia with the lowest property tax rate. That city is Williamsburg because of its tourism. They are paying the taxes. That is another reason I would like to find ways to encourage people to visit here.

Mr. Wilson stated, but by extending it to everybody, we are not necessarily limiting people from coming here. It just means we are not limiting people to just coming to those two areas, those historic districts.

Mr. Liepe stated, that is true.

Mr. Wilson stated, for example would the West Main area, not the Old West End, be included in that?

Mr. Liepe stated, then are you including Forest Hills, and on and on and on? There are a lot of areas with the City with smaller homes. The Old West End has larger homes for the most part, so they could make effective use of a homestay regulation.

Mr. Wilson stated, thank you. I just needed clarification.

Mr. Garrison stated, why are we going to discriminate against people who do not live in those historic districts?

Mr. Scarce stated, I do not see any problem with by right for homestay.

Mr. Wilson stated, are we ready to act on this? It seems that there are still a lot of questions about the short-term home rental. Is there any way to work that out of there so that we can move forward, since City Council is chomping at the bits?

Mr. Garrison stated, why cannot we just eliminate the short-term home rental? It is a new section anyway. I do not see a difference between 30 days and 365 days and 10 years. If you are renting you are renting. We are not requiring a Special Use Permit for rental housing. Why should we require it if it is short-term? I think we can just take that out. I do not think anyone has a problem with the homestay.

Mr. Scarce stated, you seem to think that City Council is really pushing for the homestay.

Mr. Garrison stated, absolutely. As far as I know, they were not asking for short-term rental of 30 day. You were there, too.

Mr. Gillie stated, two City Council members said they would prefer not to have someone residing in the house while they were there. So under our short-term rental, the person is not actually living there. They are out of it. But under the homestay portion, they are supposed to be there. So there is a question.

Mr. Garrison stated, so if this goes to City Council and there is a question about that, I would simply stand up at this microphone and say to them, why do we need the short-term situation? People are renting houses every day in this city, and no one knows how long those rentals are for except for the person that is renting them and the person that is renting it to them.

Mr. Gillie stated, we have given you what we think. We are not opposed to holding it a while longer. As Bryce covered earlier, this has been a very quickly changing thing throughout Virginia. There has been no consistency. I think the Commissioner of Revenue can back us on that. Every locality has been doing something different. Some have been going one way, then pulling back and going another way. If there is still confusion, you can make a recommendation to hold this and talk about it some more. But if you want proceed on and eliminate it, we will recommend whatever Planning Commission decides.

Mr. James Gillie stated, I want to remind the Commission that if someone rents something for 30 days, that is just like a hotel/motel rent. In the Commissioner of Revenue's eyes, they would have to get the zoning, business license, and collect the 7% tax. That is unless something has changed.

Mr. Petrick stated, but presently we do not have something on the books which restricts residential rental properties from terms.

Mr. Johnson stated, right now the closest definition we have for what people are doing is bed and breakfast. Even if they are renting an entire house for a weekend, the closest definition we have is bed and breakfast where technically a host is supposed to be present and serve breakfast. But if you are renting it for a weekend, that is really similar to a hotel. You are competing with a hotel and motel, rather than people leasing for long-term living.

Mr. Searce stated, I can see if someone says I have this nice home in the West End and I am going to furnish it and offer it for short-term rentals and designating it as such, I could maybe see it under that circumstance. But I do not think people are going to be standing up and doing that.

Mr. Petrick stated, it sounds like something we should not allow, not permit unless they have a Special Use Permit.

Mr. Johnson stated, that is staff's recommendation for the whole home.

Mr. Petrick stated, but we do not require that now. To make that illegal for these reasons, you cannot advertise it, cannot rent it as a monthly rental furnished without a Special Use Permit. How are you going to enforce that?

Mr. Johnson stated, right now we treat it as a bed and breakfast which requires a Special Use Permit.

Mr. Searce asked, if I had a house and it was fully furnished and I rented it, it would be a bed and breakfast?

Mr. Johnson stated, if you are renting it for the week or weekend. Let us say someone is coming to visit Averett, they are looking at different colleges and the family wants to get a feel, they are visiting. It is either that or perhaps a hotel.

Mr. James Gillie stated, under the hotel/motel ordinance you can rent it up to 90 days before you have to sign a contract. You are paying the hotel/motel tax up to 90 days. After that would be a contract you would sign just like any kind of lease.

Mr. Garrison asked, would anyone happen to know how many rental houses there are in the City of Danville? I am betting 30-40% are rentals. I know areas on Westover Dr. where whole blocks where homes are rented out.

Mr. Gillie stated, correct. Off the top of my head I do not know those numbers. I did not think that would come up so I did not pull that information.

Mr. Garrison stated, but we do not require them to get Special Use Permits and I am sure some of them are renting houses that are furnished.

Mr. Gillie stated, that is a long-term basis though. Usually it is a year. The standard year lease then it turns over. I am not aware of any short-term 30 day leases. That is one of the issues in that people who are coming here for six months ask how do I find a house. Mr. Searce as the realtor could probably defer better it is a year, then a lease can turn over

automatically to a month to month basis. When you sign a lease, you are locked into that place.

Mr. Gillie stated, these are different. You are coming in for a day, two days, three days, four days. Same thing if you are staying at a hotel, it is just that now you are using a house. That is why we look at it as a different animal. While it is a rental, it is a different type of rental. There is familiarity with a house you have long-term. You know where the doors are. You know where your exit windows are. You know where your smoke detectors are and stuff like that. When you come in to someone's house for a weekend, if there is a fire how do you get out? This is health, safety, and welfare of the guests. Hotels have sprinkler systems and stuff like that. These houses do not. There are a lot of finer details that get involved.

Mr. Petrick stated, there are a lot of finer details to look at here. You allow up to eight people. What if all eight have vehicles. Do we put restrictions on that? That is certainly going to be an issue.

Mr. Johnson stated, it could.

Mr. Petrick stated, if you have eight people, I doubt they are all from the same family.

Mr. Johnson stated, the reason we chose eight is it could either be one large family or a group traveling together, perhaps two families. But you are right that it could end up being eight separate cars. That is another reason to look at this on a case by case basis as a Special Use Permit.

Mr. Wilson stated, I do not see any major issues around the homestay. Am I correct on that?

Mr. Garrison stated, I have none.

Mr. Scearce stated, right.

Mr. Petrick stated, except for how it is initiated. Either by right or by Special Use Permit.

Mr. Garrison stated, my issue is by right.

Mr. Wilson stated, the only real thing I have heard back is restricting it to certain neighborhoods. Is there a big issue there? So the bed and breakfast, hotel/motel, and boarding house are already in place so we are not recommending any changes there.

Mr. Johnson stated, correct.

Mr. Wilson stated, so the only real issue is the short-term home rental. Any you even suggested things like we do not even like the name. Is it possible to go ahead and act on this, but eliminate that item to deal with at a later time? We can move forward in these other areas, but we can come back to clean up this short-term home rental. Or do we need to put everything on hold and have a work session?

Mr. Scearce stated, that was my thoughts. We can bring it back next month or anytime if we feel there is a need for it.

Mr. Wilson stated, I think some people on the Commission are more clarified on it than others. I am one of those that is not clarified. I would like to work on it some more, even for the minor thing like what are we calling this. But if everything else is in place, can we move forward?

Mr. Johnson stated, if you have consensus on the homestay portion, and do not forget there is also the home occupation area, you could move forward with that. You could table consideration of the short-term home rental for a work session or consideration at another business meeting.

Mr. Whitfield stated, actually you would not even have to table it. As long as it is not voted on you do not have to deal with it. That way there is no issue with bringing it back off the table. Like you have done in the past, where you agree with these things but not with this, so you just eliminate it for the time being. That way at any point in time you can bring it back and study it at a work session or one of these meetings.

Mr. Wilson stated, I am going to have to get much more comfortable with a lot of the questions around the short-term home rental before I can say let us move forward. But I think I am ok with everything else. Unless you see a reason why doing the homestay messes up all the other stuff. You will still be using the bed and breakfast as your designation for these other things, correct?

Mr. Johnson stated, correct.

Mr. Jones asked, can we recommend staff's recommendation on homestay, bed and breakfast, hotel/motel, and boarding house?

Mr. Garrison stated, we do not have to make any recommendation on bed and breakfast, hotel/motel, and boarding house. They are already in the code.

Mr. Searce stated, the best way to say it might be to recommend staff's recommendations, modified by removing the short-term home rental.

Mr. Whitfield stated, you might even say to be looked at at a future date. That way it could be next time. It could be two years from now.

Mr. Garrison stated, like when it becomes necessary?

Mr. Whitfield, right.

Mr. Petrick made a motion to postpone consideration regarding short-term home rentals and short-term rentals for separate discussion at a later date. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

Mr. Wilson made a motion to recommend approval of the Zoning Code Amendment for Article 2 entitled "General Regulations", Section T entitled "Home Occupations", and Article 15 entitled "Definitions", Section B entitled "Definitions" as presented by staff with the exception of the short-term home rental items. Mr. Garrison seconded the motion. The motion was approved by a 4-1 vote.

II. Minutes

The March 11, 2019 minutes were approved by unanimous vote.

III OTHER BUSINESS

With no further business, the meeting adjourned at 4:32 p.m.

APPROVED