



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

City Planning Commission

APRIL 14, 2020
3:00 P.M.
CITY COUNCIL CHAMBERS

AGENDA

Time and Place of Meeting

The Planning Commission meets in the City Hall, Fourth Floor, Council Chambers at 3:00 p.m., the Monday after the first Tuesday. Due to ongoing health concerns related to COVID- 19, the City of Danville is modifying the structure of Planning Commission meetings allowing for “virtual” meetings. Council chambers will be modified to allow for proper social distancing and some Commission members may participate remotely.

Public Hearing

The Public Hearing is an opportunity for citizens to address Planning Commission on matters on the agenda. Though the municipal building is closed to the public, accommodations have been made to still allow public comments by encouraging citizens to provide comments for Public Hearings on agenda items ahead of time. There will be two options for submissions: online at www.danvilleva.gov/PC or by phone using this number: (434) 857-3358.

Comments submitted via these formats will be collected and distributed to all Planning Commission members, read during the public hearing on the individual item which it applies and published with the minutes of the April 14, 2020 meeting. Comments will be collected through April 14, 2020 at 10:00 a.m. either in writing, or by the dedicated phone line.

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING
 1. *Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*
 2. *Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of*

City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

3. Rezoning Application PLRZ2020000029, filed by Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, & 70046), otherwise known as Grid 1916, Block 011, Parcel ID's 000039, 000040 &, 000041 of the City of Danville, Zoning District Map. The applicant is proposing to build mini-storage warehouses on the property.
4. Rezoning Application PLRZ2020000058, filed by Dana Peters, requesting to rezone from OT-R Old Town Residential District to "Conditional" HR-C Highway Retail Commercial District, 215 Ash Street (Parcel ID# 73005), otherwise known as Grid 1807, Block 003, Parcel ID# 000049, of the City of Danville, Zoning District Map. The applicant is proposing to rezone to allow for a discontinued non-conforming use (commercial kennel) to reused.
5. Special Use Permit Application PLSUP2020000059, filed by Dana Peters, requesting a Special Use Permit for a waiver to yard setbacks in accordance with Article 3.M, Section C, Item 7 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 215 Ash Street (Parcel ID# 73005), otherwise known as Grid 1807, Block 003, Parcel ID# 000049, of the City of Danville, Zoning District Map. The applicant is requesting a Special Use Permit to allow for a discontinued commercial kennel to reused.
6. Special Use Permit Application PLSUP20200000081, filed by National Restaurant Designers requesting a Special Use Permit to allow 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.
7. Special Use Permit Application PLSUP2020000083, filed by Arketa Washington, requesting a Special Use Permit operate a Family day care home in accordance with Article 3.E, Section C, Item 24 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 180 Franklin Ct, otherwise known as Grid 2805, Block 024, Parcel ID# 000002, of the City of Danville, Zoning District Map. The applicant is requesting a Special Use Permit to allow for a Family day care home for providing day care for up to 12 children.

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES FROM MARCH 9, 2020

VI. ADJOURNMENT



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City Planning Commission

City Planning Commission

Meeting of April 14, 2020

Subject:

Special Use Permit application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

Staff Analysis and Recommendation:

Both the House and Senate voted to outlaw these types of games. The approved bill is on the Governor's desk and he has until April 11th to take action. Staff will have more information at the meeting of April 14.

Recommendation:

Based on both the House and Senate votes, the staff would recommend denial of the request.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000386 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000386 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000386 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000386 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000386 by Planning Commission.

Attachments:

- A. Application
- B. Property Ownership/Zoning Map
- C. Data Sheet
- D. Existing Land Use Map (2019 Aerial)
- E. Existing Certificate of Occupancy

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:

See typed document (Explanation of Request)
Amusement Parlor

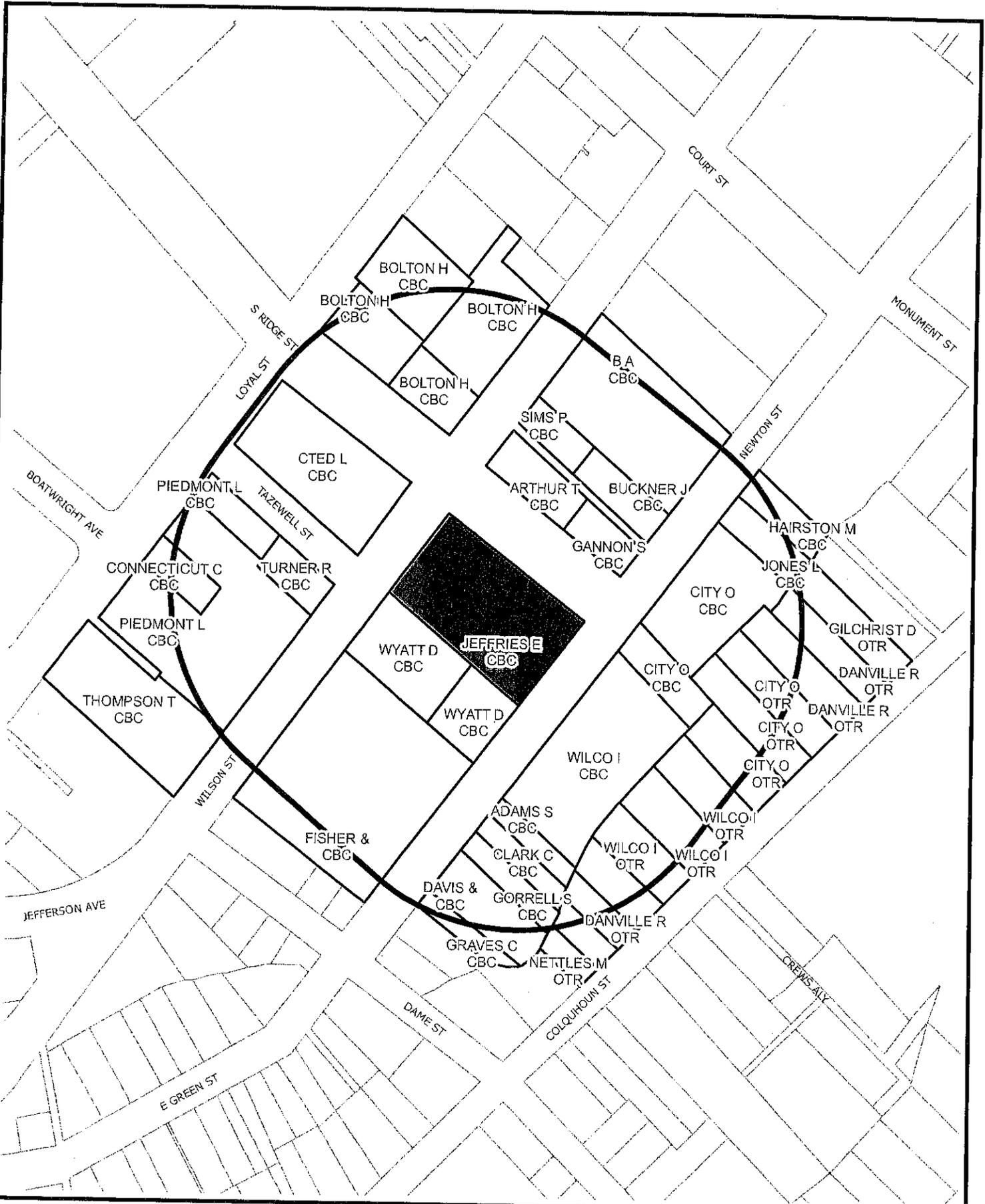
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Joseph Jackson TELEPHONE: 203 650-3041
MAILING ADDRESS: 401 South Ridge Street Danville VA 24541
SIGNATURE: [Signature] DATE: 9-13-2019
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: Joeaction @ SBC Global.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: Justin Williams + Michelle Adkins TELEPHONE: 434-248-4517 + 434-709-2601
MAILING ADDRESS: 724 South Main St / Danville, VA 24541
EMAIL ADDRESS: broadstpromo@gmail.com / j.williams@broadstholdings.com
SIGNATURE: [Signatures] DATE: 13 Sept 2019



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 10/28/2019

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.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
10/28/2019

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City Planning Commission

City Planning Commission

Meeting of April 14, 2020

Subject:

Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

Staff Analysis and Recommendation:

Both the House and Senate voted to outlaw these types of games. The approved bill is on the Governor's desk and he has until April 11th to take action. Staff will have more information at the meeting of April 14.

If the Planning Commission does not wish to continue this item, staff would recommend denial of the request.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP202000004 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP202000004 subject to the condition per staff.
3. Recommend approval of Special Use Permit Application PLSUP202000004 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP202000004 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 Aerial)
Year 2030 Land Use Map

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: SKILLS GAMES

CASE NUMBER: _____

EXISTING ZONING: _____

PROPOSED ZONING: _____

TAX MAP NUMBER: _____

RECEIVED BY: _____

DATE FILED: _____

PLANNING COMMISSION DATE: _____

CITY COUNCIL DATE: _____

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

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

Gross Area/Net Area: 500 sq Feet Property Address: 2980 w. Main St Danville, VA
24541

Property Location: N S E W Side of: WEST

Between: OLD Mayfield Rd and WITHERS Rd

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:

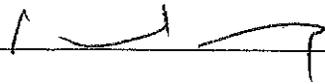
- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number 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:

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

1. NAME: SHAZAD TAHSEEN TELEPHONE: 434 713 8559

MAILING ADDRESS: 2980 WEST MAIN ST DANVILLE VA 24541

SIGNATURE:  DATE: 12-22-19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: Shazad233@gmail.com

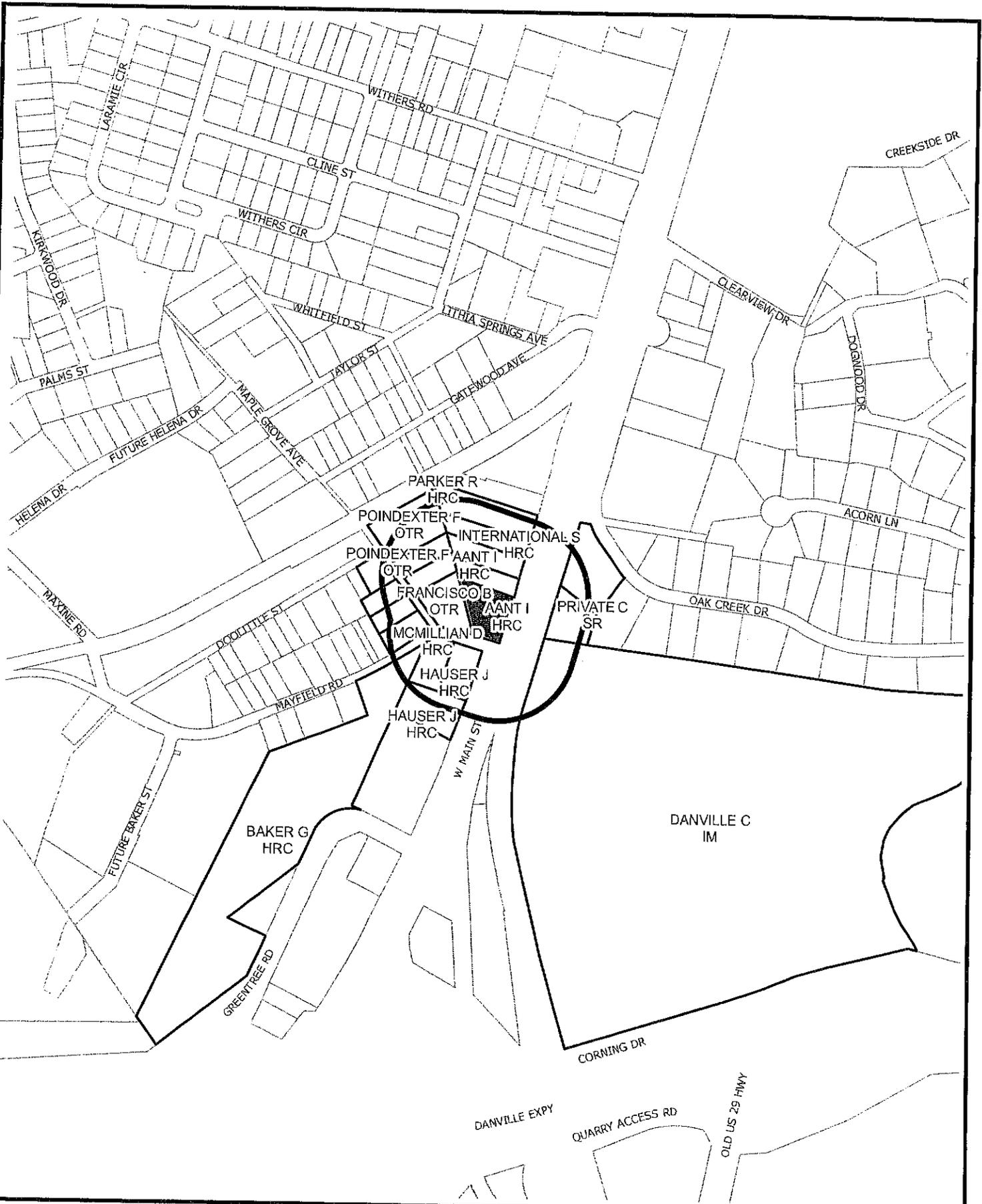
APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 1/22/2020

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SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on February 10, 2020

LOCATION OF PROPERTY: 2980 W. Main St

PRESENT ZONE: HR-C Highway Retail Commercial District

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial indoor recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Convenience store with gaming machines

FUTURE LAND USE DESIGNATION: Commercial

PROPERTY OWNER (S): AANT Inc.

NAME OF APPLICANT (S): Shazad Tahseen

PROPERTY BORDERED BY: Residential and industrial to the east, commercial and industrial to the south, residential and industrial to the west, commercial and mixed residential to the north

ACREAGE: .81 acres

CHARACTER OF VICINITY: Mixed

INGRESS AND EGRESS: W. Main St. & Mayfield Road

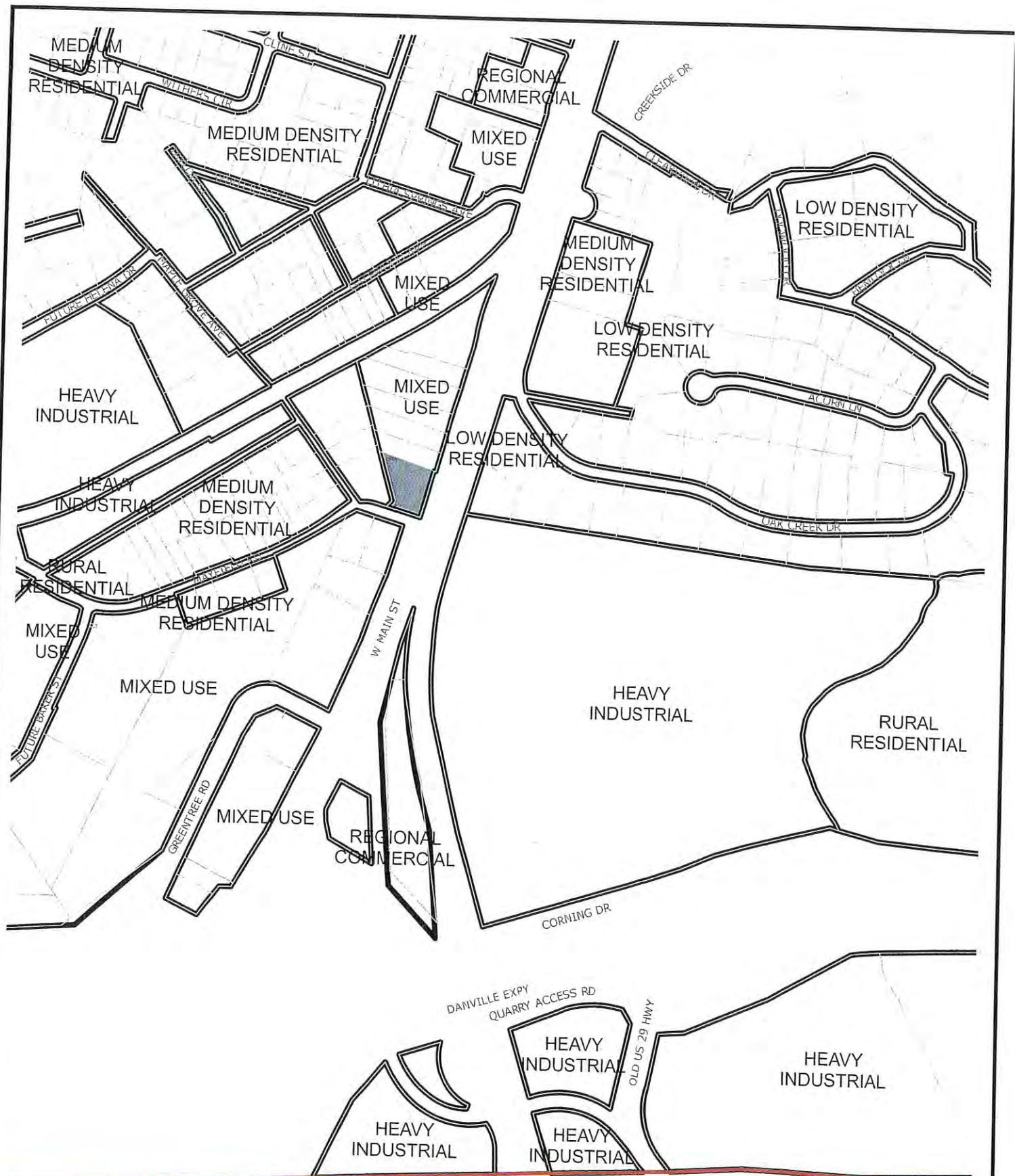
TRAFFIC VOLUME: High and Moderate



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/22/2020

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 1/22/2020

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427 Patton Street, Suite 208
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Phone: (434) 799-5260

City Planning Commission

City Planning Commission

Meeting of April 14, 2020

Subject:

Rezoning Application PLRZ2020000029, filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, & 70046), otherwise known as Grid 1916, Block 011, Parcel ID's 000039, 000040 &, 000041 of the City of Danville, Zoning District Map. The applicant is proposing to build mini-storage warehouses on the property.

Background:

A rezoning application has been filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, & 70046).

The site is served by all City utilities. The applicant is requesting to rezone to allow for the addition of mini-storage warehouses. Currently that use is not permitted in the N-C District. The applicant has requested to change the Zoning to "Conditional" HR-C to allow for this use. The applicant has proffered out all uses that differ between the HR-C and N-C district, except for ministorage warehouses. Thus, the only use not currently permitted would be the addition of mini-warehouses.

The surrounding area is developed with a mixture of single-family dwellings, church automobile service station, hair salon, and offices. The site is located on a 5 lane commercial roadway.

At the meeting of March 9, 2020, the Planning Commission voted to continue this request after substantial neighborhood opposition. This was to give the applicant and neighboring property owner's sufficient time to meet to address neighborhood concerns. This meeting has not taken place due to the COVID-19 outbreak.

Staff Analysis and Recommendation:

Staff would recommend this item be continued to allow for the applicant and neighboring property owners an opportunity to try to resolve issues that surfaced at the March meeting. At this time, such a meeting cannot occur.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLSUP202000029 as submitted.
2. Recommend approval of Rezoning Application PLSUP202000029 subject to conditions by the Planning Commission.
3. Recommend denial of Rezoning Application PLSUP202000029 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2019 Aerial)
Year 2020 Land Use Map

CITY OF DANVILLE

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: _____
PROPOSED ZONING: _____ TAX MAP NUMBER: _____
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 3 Acres Property Address: 1113 Franklin Turn Pike
Property Location: N SE W Side of: Franklin Turnpike
Between: Annhurst Dr and Vicar Pl
Proffered Conditions (if any, please attach): N/A

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

1. NAME: Trilor TELEPHONE: (434) 770-2276
MAILING ADDRESS: 1000 Mountain Valley Rd, Axton VA 24054
SIGNATURE: Gerald W Kelly DATE: 1-28-20
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: geraldwkelly@hotmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Gerald W Kelly ^{Owner} _{Manager} TELEPHONE: (434) 251-5796
MAILING ADDRESS: 137 Dakota Dr Danville, VA 24540
EMAIL ADDRESS: geraldwkelly@hotmail.com
SIGNATURE: Gerald W Kelly DATE: 1-28-20

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:

Request of rezoning for Mini Storage Buildings at
1113 Franklin Turnpike.

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

10. In addition to landscaping and screening requirements, there shall be a minimum landscaped buffer strip of feet in depth along all N-C District property frontage. This buffer area may include the yard setbacks described in subsection E. Bulk Regulations of this district. No parking is permitted within the buffer strip.
11. Where a lot is contiguous to property located in a residential district, fencing may be required in addition to landscape buffers in such cases deemed necessary by the Planning Commission with fence material and heights subject to final plan approval.
12. Gasoline pump islands, canopies and structural elements shall be governed by the same regulations as applied to a principal structure.
13. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the City. All recorded plats for lots containing shrink/swell soils shall bear the following note: "This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."
14. All retail-sales-related business services, storage, and display shall be conducted within the principal structure which is to [be] completely enclosed.

(Ord. No. 2004-02.04, Art. 3.J, § H, 2-17-04; Ord. No. 2011-10.05, 10-18-11)

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

A. - Purpose and Intent.

The HR-C District is established to provide suitable locations in Danville's heavily traveled collector streets and arterial highways for those commercial and business uses which are oriented to the automobile and which require regional access characteristics independent of the marketplace attributable to adjoining neighborhoods or pedestrian trade. The application of the HR-C District should be to those areas of the City where individual uses can be grouped into planned concentrations which limit the "strip" development effect on newly developing areas as well as on redevelopment areas where retail and business uses currently exist. In addition, the Corridor Overlay District may impact the regulation of uses in this district.

Adequate transportation and site planning of uses within the HR-C District should have the goal of minimizing conflicts with through-traffic movements along the entrance City's corridors and major arterial streets. The HR-C District is not intended to be applied to shopping centers. Given the implications of traffic, pedestrian access, landscaping, and inter-parcel connections, large-scale individual retailers in excess of 60,000 per establishment (typically referred to as "big boxes" or "superstores") shall require a special use permit.

Minimum site improvements for uses within the HR-C District shall include adequate on-site parking, public water and sewer service, public street frontage and safe access, pedestrian improvements, storm drainage, stormwater management facilities, and outdoor lighting for parking areas.

(Ord. No. 2004-02.04, Art. 3.M, § A, 2-17-04)

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).~~
24. ~~Restaurants.~~ Restaurant
26. Retail sales and leasing establishments, with screened outdoor sales or display of products limited to no greater than 15% of the net developable lot area. (See Additional Regulations.)
27. Schools, colleges and universities (public and private).

28. Seasonal retail uses.
29. Temporary retail sales.
30. Exterminator.
31. Bicycle shop.
32. Adult day support services.
33. Child therapeutic day support services.

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

C. - Uses Permitted by Special Use Permit.

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

1. Auction establishments.
2. Bed and breakfast, inn or tourist home (as defined).
3. ~~Bus stations.~~
4. Commercial recreation facilities (indoor and outdoor).
5. Conference centers.
6. Day care centers (adult and child).
7. Kennels, commercial.
8. Light warehousing uses related to an adjunct retail use permitted either by-right or special permit, provided that warehousing space does not exceed 50% of the gross floor area.
9. ~~Drive-in movie theaters.~~
10. Parking garages and structures.
11. Pet clinics.
12. Plant nurseries.
13. Public utilities.
14. ~~Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. All assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.~~
15. Schools, colleges and universities (public or private).
16. Taxidermists.
17. ~~Uses with lot frontage on the Dan River.~~
18. ~~Vehicle sale, rental and ancillary service establishments, including mobile homes.~~
19. Veterinary clinics.
20. Waiver for increase in building heights to over 50 feet.

21. Waiver of yard requirements, subject to the prohibition of parking in front yards.
22. Caretaker's residence.
23. Homeless shelter.
24. ~~Microbrewery or micro-winery.~~
25. Wholesale sales.
26. ~~Indoor shooting facilities.~~
27. ~~Distillery.~~
28. Urban agriculture.

(Ord. No. 2004-02.04, Art. 3.M, § C, 2-17-04; Ord. No. 2008-07.04, Art. 3.M, § C, 7-15-08; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2012-09.09, 9-18-12; Ord. No. 2015-01.04, 1-20-15; Ord. No. 2016-04.03, 4-5-16; Ord. No. 2017-08.01, 8-3-17; Ord. No. 2018-09.08, 9-4-18)

D. - Lot Size Requirements.

1. Minimum district size: Not regulated, provided that districts should be located, sized and spaced to limit potential "strip" development impacts.
2. Minimum lot areas:
 - (1) Interior lot: 13,500 square feet.
 - (2) Corner lot: 15,000 square feet.
3. Minimum lot width:
 - (1) Interior lot: 90 feet.
 - (2) Corner lot: 150 feet.
4. No HR-C District lot shall be designed or employed for use in which an area more than 25% of the prescribed minimum lot area is comprised of either of the following physical land units: (a) wetlands or (b) water features.

(Ord. No. 2004-02.04, Art. 3.M, § D, 2-17-04)

E. - Bulk Regulations.

1. Maximum building height: 50 feet.
2. Minimum yard requirements:
 - a. Front yard: 30 feet, provided that a 20 foot setback is required for the outdoor display of items within the front yard. For a corner lot, the front yard shall be 20 feet if access is not provided onto a non-arterial or collector street.
 - b. Side yard: 20 feet, provided, where side yard abuts a residential district, the side yard shall be 30 feet.
 - c. Rear yard: 20 feet, provided, where rear yard abuts a residential district, the rear yard shall be 30 feet.
 - d. In addition to the above regulations, buffer yard provisions shall apply in accordance with landscape and screening regulations.

REZONING REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on March 9, 2020

LOCATION OF PROPERTY: 1113 Franklin Turnpike and two adjacent parcels
(#70167 & 70046)

PRESENT ZONE: N-C Neighborhood Commercial

PROPOSED ZONE: "Conditional" HR-C Highway Retail Commercial

ACTION REQUESTED: Rezone to construct mini-warehouses

PRESENT USE OF PROPERTY: Vacant Single Family Dwelling

PROPOSED USE OF PROPERTY: Mini storage warehouses

FUTURE LAND USE DESIGNATION: Residential

PROPERTY OWNER (S): TriCor Properties

NAME OF APPLICANT (S): Gerald Kelly on behalf of TriCor Properties

PROPERTY BORDERED BY: Mixed commercial and residential to the north, east,
south and west

ACREAGE: 2.97 acres (approximately)

CHARACTER OF VICINITY: Mixed commercial and residential

INGRESS AND EGRESS: Franklin Turnpike.

TRAFFIC VOLUME: High

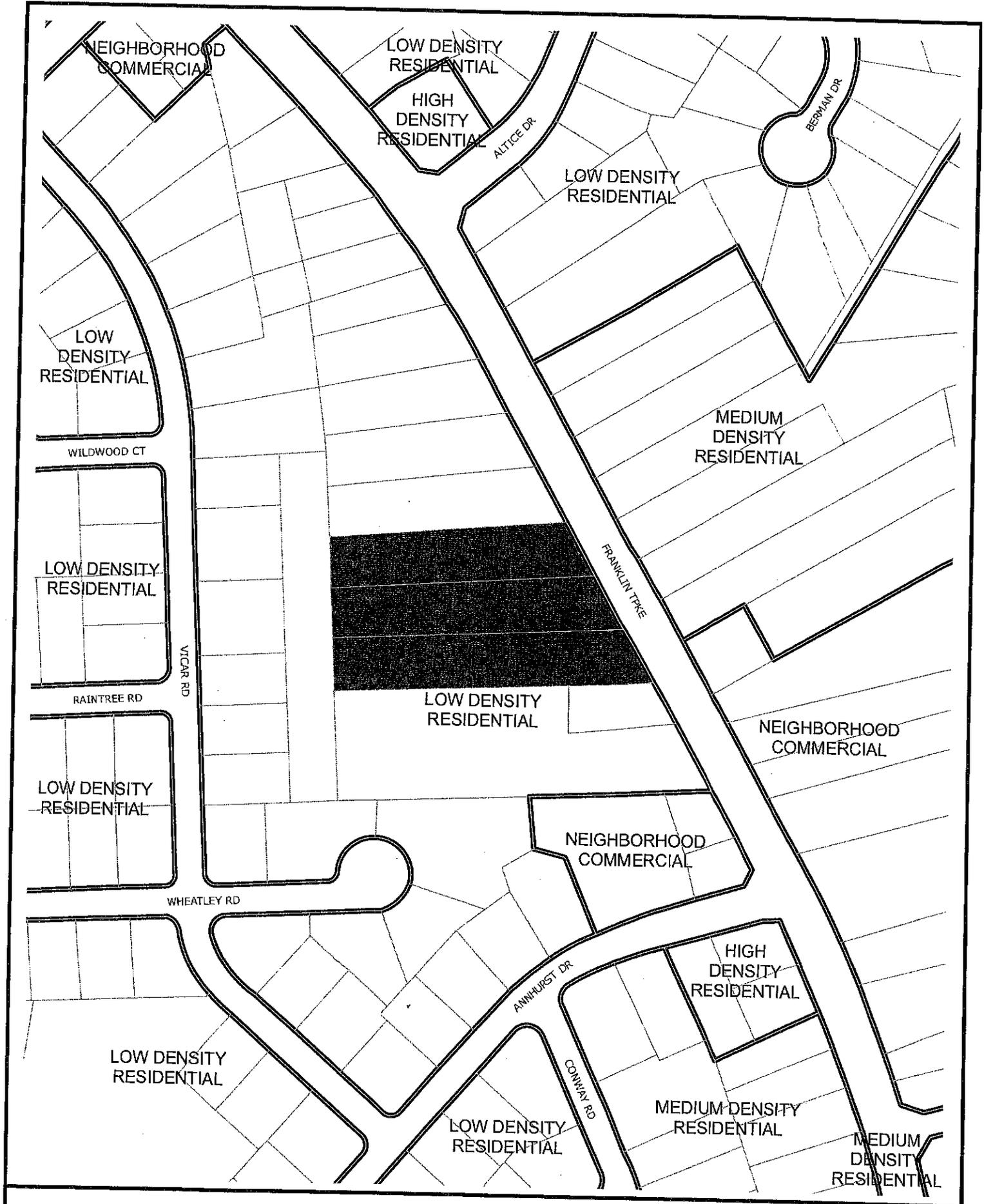


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
2/19/2020

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.



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 2/19/2020

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3. Maximum floor area ratio: 0.50.

(Ord. No. 2004-02.04, Art. 3.M, § E, 2-17-04)

F. - Open Space and Landscaping.

1. Stormwater management basins and structures and BMP facilities may be counted towards the minimum open space requirement provided that these basins, structures, and facilities include the appropriate landscaping and maintenance in accordance with the Landscape and Screening Regulations.

(Ord. No. 2004-02.04, Art. 3.M, § F, 2-17-04)

G. - Net Developable Area Calculation.

1. Notwithstanding governing lot size and yard regulations, the maximum number of lots for any conventional or cluster subdivision shall be calculated based on existing land conditions. The yield of a subdivision shall be based on its net developable area, with adjustment factors for physical land units as specified in the chart in the following section.
2. The subdivision plat and/or site plan for a project shall graphically depict the location and area for the physical land units as outlined herein below. A calculation of the net developable area shall be required for all subdivision and site plan submissions.

Physical Land Unit	Percent Credited Toward Net Acreage
Soils with high shrink/swell characteristics, as defined:	80%
Wetlands, existing water features and streams:	0%
Stormwater management basins and structures:	0%
Above-ground 69 KV or greater transmission lines:	0%
Public rights-of-way:	0%

(Ord. No. 2004-02.04, Art. 3.M, § G, 2-17-04)

H. - Additional Regulations.

1. All uses shall be subject to site plan approval.
2. All refuse shall be contained in completely enclosed facilities. Refuse containers and refuse storage shall be located in a paved area and screened from public view by means of fences, wall or landscaping.
3. On a corner lot, no curb cut shall be located closer than 75 feet to the right-of-way line extended from the intersecting street.

4. No curb cut shall be located closer than 20 feet to a side or rear lot line, unless a common curb cut serves a uses, and in no instance shall the distance between separate curb cuts serving adjacent uses be less than 60 feet.
5. A freestanding use shall have no more than two curb cuts on any single right-of-way, and such curb cuts shall have a minimum distance of 100 feet between them.
6. In addition to landscaping and screening requirements, there shall be a minimum landscaped buffer strip of 5 feet in depth along all HR-C District property frontage. No parking is permitted within the buffer strip.
7. The outdoor area devoted to storage, loading and display of retail goods shall be limited to a maximum 15% of the net developable lot area and shall provide screening as indicated on an approved site plan. Subject to special use permit approval, outdoor storage, loading and display areas of retail goods in excess of 15% of net developable lot area may be approved under special circumstances when the applicant can provide expanded and enhanced screening, buffers and landscaping. Screening of outdoor display and product sales areas only may be waived by administrative action of the Director of Planning/Zoning Administrator, provided that loading and storage areas not related to displays shall be screened.
8. Where a lot is contiguous to property located in a residential district, all buildings shall have a minimum setback of 30 feet from common property lines. A landscaped buffer strip shall be provided in accord with the transitional buffer yard requirements for commercial/residential properties (see Appendix), with landscape materials and placement subject to site plan approval.
9. Gasoline pump islands, canopies and structural elements shall be governed by the same regulations as applied to a principal structure.
10. Refer to the Floodplain Zoning Overlay District, where applicable.
11. Refer to Landscaping and Screening Regulations for parking lot landscaping, rear lot screening, buffer yards, and related landscape architecture provisions.
12. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a registered professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the City. All recorded plats for lots containing shrink/swell soils shall bear the following note: "This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."
13. Refer to Sign Regulations for signage regulations.

(Ord. No. 2004-02.04, Art. 3.M, § H, 2-17-04)



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

City Planning Commission

City Planning Commission

Meeting of April 14, 2020

Subject:

Rezoning Application PLRZ2020000058, filed by Dana Peters, requesting to rezone from OT-R Old Town Residential District to "Conditional" HR-C Highway Retail Commercial District, 215 Ash Street (Parcel ID# 73005), otherwise known as Grid 1807, Block 003, Parcel ID# 000049, of the City of Danville, Zoning District Map. The applicant is proposing to rezone to allow for a discontinued non-conforming use (commercial kennel) to reused.

Special Use Permit Application PLSUP2020000059, filed by Dana Peters, requesting a Special Use Permit for a waiver to yard setbacks in accordance with Article 3.M, Section C, Item 7 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 215 Ash Street (Parcel ID# 73005), otherwise known as Grid 1807, Block 003, Parcel ID# 000049, of the City of Danville, Zoning District Map. The applicant is requesting a Special Use Permit to allow for a discontinued commercial kennel to reused.

Background:

A request has been filed by Dana Peters requesting to rezone and obtain a Special Use Permit to allow for a discontinued non-conforming use (commercial kennel) to reused at 215 Ash Street.

This property is developed with a structure that was built within Pittsylvania County as a pet kennel. According to City records, the facility was operated until December 2016, but maintained a business license until December 31, 2017. The property is zoned OT-R Old Town Residential district, thus the facility was a legal non-conforming use. City Zoning Code Article 7, Section B Item 3 regulates non-conforming uses. It reads as follows:

3. Discontinuation of nonconforming use. If a nonconforming use is discontinued or abandoned for a continuous period of more than two (2) years, including any period of discontinuation before the effective date of this ordinance, then that use shall not be renewed or reestablished and any subsequent use of the lot or structure shall conform to the regulations of this ordinance. When any nonconforming use is replaced by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed.

The applicant has requested to rezone this property to a "Conditional" HR-C district, eliminating all uses except for a commercial kennel. In order to have a commercial kennel in the HR-C district, a Special Use Permit is also required.

Ten (10) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on April 14, 2020.

Staff Analysis and Recommendation:

This request clearly amounts to spot zoning. This will create one parcel zoned commercial in the middle of a residential district. The applicant has proffered out all uses except for the operation of a kennel. As our Attorney states, not all spot zoning is illegal if it serves a legitimate public purpose. Whether the location of a kennel in a residential district meets a legitimate public purpose is not a question for staff. This is a question to be answered by City Council with Planning Commission input. Thusly, staff makes no recommendation on this.

If Planning Commission deems that this request does not meet a public purpose, then staff would recommend that they vote for denial of both requests.

If Planning Commission deems that this rezoning does meet a legitimate public purpose, then staff can agree with all uses being removed except for the commercial kennel in regards to the rezoning.

In regards to the Special Use Permit request if Planning Commission recommends approval, staff would recommend that the hours of operation be limited to 7 am – 7 pm Monday through Sunday.

City Planning Commission Alternatives:

1. Recommend continuation of Rezoning Application PLRZ2020000058 to a future meeting.
 2. Recommend approval of Rezoning Application PLRZ2020000058 as submitted.
 3. Recommend approval of Rezoning Application PLRZ2020000058 with conditions per Planning Commission.
 4. Recommend denial of Rezoning Application PLRZ2020000058.
-
1. Recommend continuation of Special Use Permit Application PLSUP2020000059 to a future meeting.
 2. Recommend approval of Special Use Permit Application PLSUP2020000059 as submitted.
 3. Recommend approval of Special Use Permit Application PLSUP2020000059 with conditions per Planning Commission.
 4. Recommend denial of Special Use Permit Application PLSUP2020000059.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2019 Aerial)
Year 2030 Land Use Map

Dana Nielsen (Peters)
Owner
434-770-9597
40 E. 760 N.
American Fork, Utah 84003

Property for Rezoning/Special Use Permit
Danville Pet Resort Inc
215 C Ash Street
Danville, VA 24540

February 22, 2020

Danville Pet Resort, Inc. has operated as a boarding/grooming facility since 2012. Prior to 2012, the facility was engaged in the same type of operation. It was originally designed and built to be a full-time boarding/grooming kennel. As such, the physical facility itself is limited in scope to such an operation.

I have enclosed documentation showing the physical layout and measurements of the property. I am seeking a rezone and special use permit in order to continue to operate this business for the purpose it was constructed many years ago.

It was grandfathered in when the city expanded and changed the zoning. It was sold to me in 2012 and I operated it until 2017, when I sold the business. That sale fell through and I repossessed the property in 2018. Unbeknownst to me, the purchaser did not acquire a business license. When I attempted to renew this year, I was told it would need to be rezoned due to it not being in operation for over two years, even though he had continued to operate it. Unfortunately, I was unaware of this situation and did not respond before the two years expired.

My hope is to quickly rezone and obtain the special use so that I may reopen for business. This kennel has been in operation for 30+ years and we have many customers who have supported us over the years.

The physical location has limited to no effects on the surrounding neighborhood as they have coexisted for many years. It is a dead-end street with no foreseeable future development in the immediate area.

I appreciate the complexities of maintaining order through zoning and special use requirements. It is my hope to resolve this and resume business.

Thank you for your time. I am available if there are any questions.

Dana Nielsen

Gillie, Kenny

From: Dana Nielsen <danarnielsen@gmail.com>
Sent: Wednesday, March 11, 2020 11:59 AM
To: Gillie, Kenny
Subject: Re: 215 Ash St

CAUTION: This email originated outside the City of Danville's email system.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

I only want it to be a kennel. Can you just strike through everything else please?

On Wed, Mar 11, 2020, 9:51 AM Gillie, Kenny <GilliKC@danvilleva.gov> wrote:

Dear Ms. Nielsen,

Are you proffering any conditions to the rezoning request for 215 Ash Street? Your request to change from OT-R Old Town Residential to HR-C Highway Retail Commercial and allow for a dog kennel would open this site up to a host of other commercial uses that have never been present in that neighborhood. If you wish to limit that property to only the dog kennel, please strike through those uses on the attached HR-C Code section that you would not allow.

If it is your intention to allow for all these use, please let me know so that I can advertise accordingly, as well as let adjacent property owners know when we send out letters regarding this case.

Sincerely,

Kenneth C. Gillie Jr., CFM

Director of Community Development

Zoning Administrator

City of Danville, Virginia

(434) 799-5260 ext. 2501

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: _____ EXISTING ZONING: _____
 PROPOSED ZONING: _____ TAX MAP NUMBER: _____
 RECEIVED BY: _____ DATE FILED: _____
 PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Exact legal description of property (Attach if insufficient space). See attached
 Gross Area/Net Area: _____ Property Address: _____
 Property Location: N S E W Side of: _____
 Between: _____ and _____
 Proffered Conditions (if any, please attach): _____

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

1. NAME: Dana Peters (Nielsen) TELEPHONE: 434-770-9597
 MAILING ADDRESS: 40 E. 760 N. American Fork, UT 84003
 SIGNATURE: [Signature] DATE: 2-22-2020
 SIGNATURE: _____ DATE: _____
 EMAIL ADDRESS: danarnielsen@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Dana Nielsen TELEPHONE: 434-770-9597
 MAILING ADDRESS: 40 E. 760 N. American Fork UT 84003
 EMAIL ADDRESS: danarnielsen@gmail.com
 SIGNATURE: [Signature] DATE: 2-22-2020

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

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

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

Please provide a brief description of the proposed development:

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

3. RESIDENTIAL REZONING:

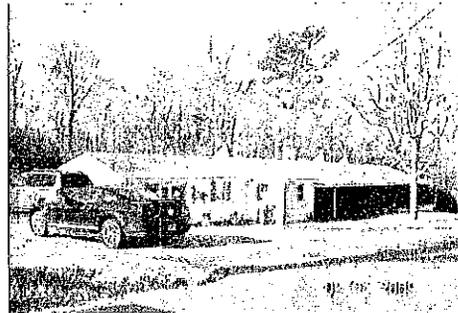
Please provide a brief description of the request:

Rezone property to H R-C, Highway Retail Commercial
Special Use permit is being applied for as well

Parcel ID: 73005
 Address: 215 ASH ST

Owner: DANVILLE PET RESORT INC
 5844 US HWY 29
 BLAIRS, VA 24527

Mail-To: DANVILLE PET RESORT INC
 5844 US HWY 29
 BLAIRS, VA 24527



Value Information	
Land / Use:	\$7,500
Improvement:	\$96,400
Total:	\$103,900.00

Building Information	
Year Built:	0
Total Rooms:	0
Bedrooms:	0
Full Bathrooms:	0
Half Bathrooms:	0
Finished Square Feet:	2,018

Additional Information			
State Code:	4621 Misc Business Svcs	Approx Acres:	0
Land Use:	Commercial	Legal Description:	.49 AC ASH ST (DANVILLE PET LODGE)
Tax Map:	1807-003-000049.000	Zone:	OTR Old Town Residential
Notes: Danville Pet Lodge (Map P164 A 12)			

Building

Building Information - 1			
Property Class:	Commercial	Finished Square Feet:	2,018
Style:	No Data	Basement Square Feet:	0
Year Built:	0	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:	
Concrete Block		100 %	
Forced Air Unit		100 %	

Improvements

Bldg #:	Improvement:	Size:
1	Asphalt Paving	1,500
1	Fence 6 ft	225
1	Patio (Brick or Stone)	280
1	Porch Open (Raised)	616

Land

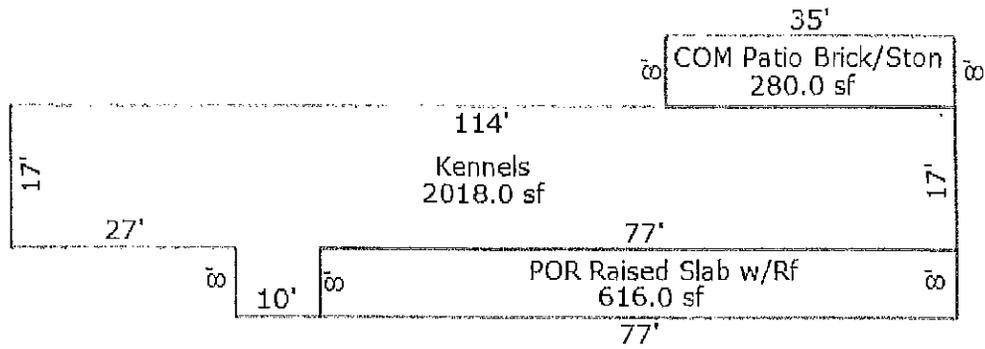
Land Code:	R00 Res Lots FV	Rate:	\$7,500
Acres:	0	Adj. Rate:	\$7,500
Sq. Ft.:	0	Base Value:	\$7,500
Front:	0	Adj. Amount:	\$0
Effective Front:	1	Value:	\$7,500
Depth:	0		

Transfers

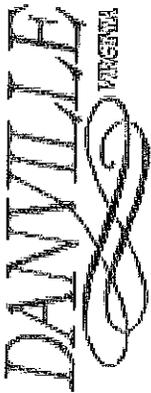
Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 12	2444	\$60,000	7/20/2012	WARDLE MARION ANN	DANVILLE PET RESORT INC
D 12	2313	\$72,378	7/10/2012	D & D PROPERTIES	WARDLE MARION ANN
D 03	2807	\$100,600	5/22/2003	WARDLE MARION ANN	D & D PROPERTIES
D 98	5087	\$160,000	9/22/1998	<i>No Data</i>	<i>No Data</i>
DP730	42	\$0	9/7/1983	<i>No Data</i>	<i>No Data</i>

Assessments

Year	Land	Use	Improvements	Total
2013	\$7,500	\$0	\$96,400	\$103,900
2012	\$7,500	\$0	\$96,400	\$103,900
2011	\$7,500	\$0	\$92,500	\$100,000
2010	\$7,500	\$0	\$92,500	\$100,000
2009	\$7,500	\$0	\$93,800	\$101,300
2008	\$7,500	\$0	\$93,800	\$101,300
2007	\$7,500	\$0	\$88,000	\$95,500
2006	\$7,500	\$0	\$88,000	\$95,500
2005	\$3,800	\$0	\$101,500	\$105,300
2004	\$3,800	\$0	\$101,500	\$105,300
2003	\$3,800	\$0	\$96,800	\$100,600
2002	\$3,800	\$0	\$96,800	\$100,600
2001	\$3,800	\$0	\$73,000	\$76,800
2000	\$3,800	\$0	\$73,000	\$76,800

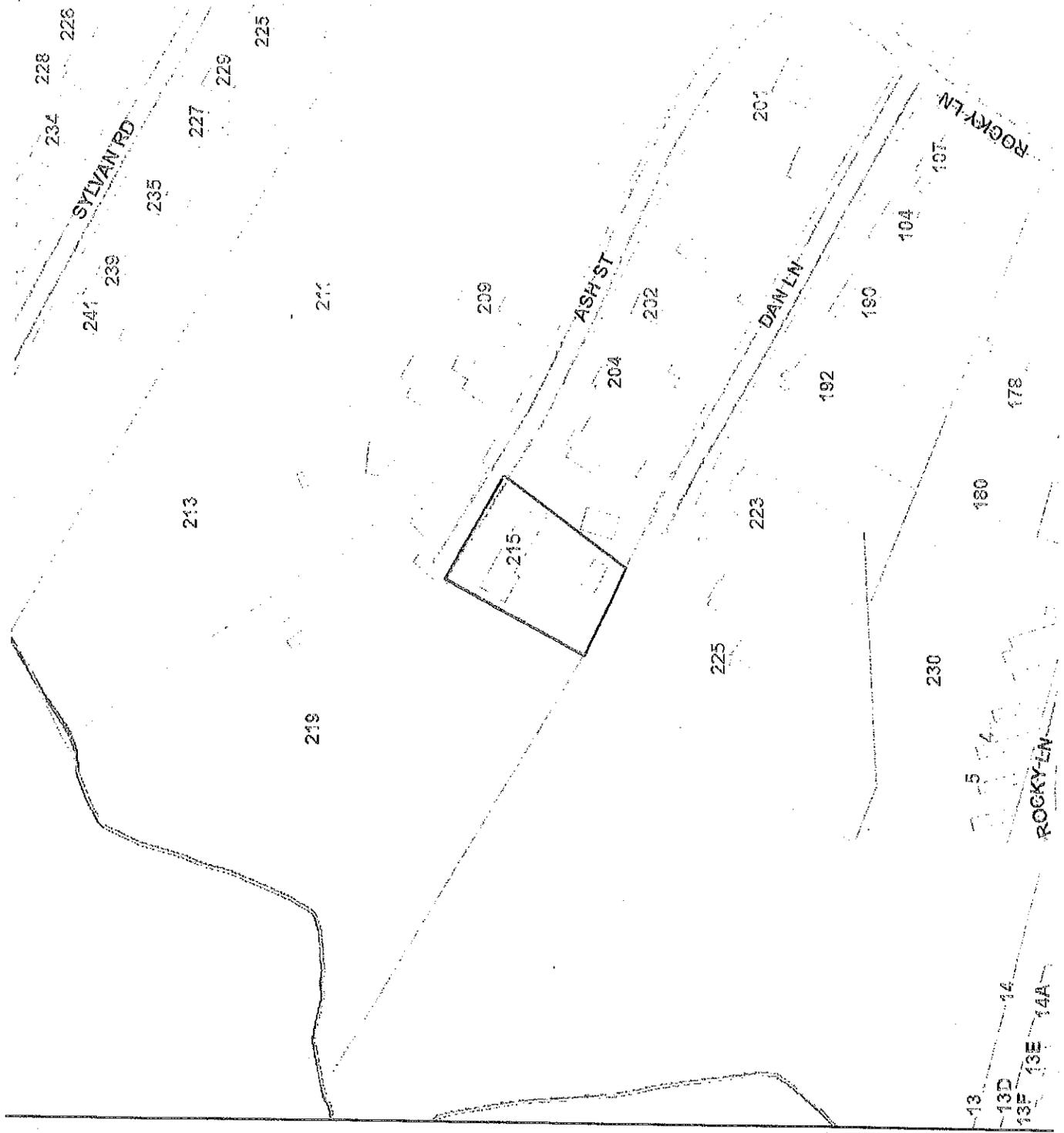


Sketch by Apex Medina™



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

Parcel ID: 73005



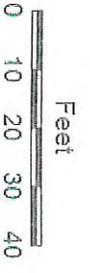
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Date: 1/7/2014

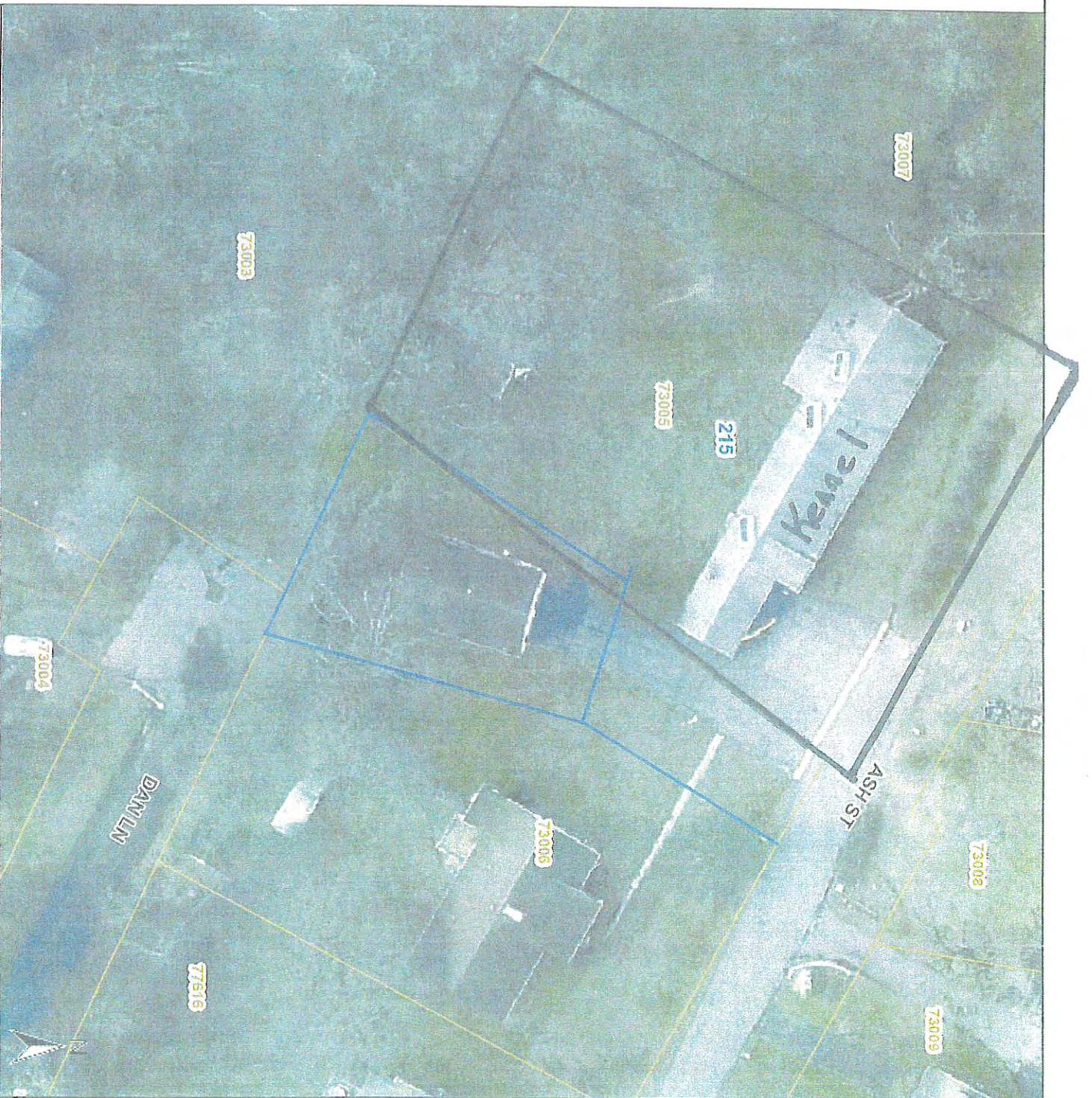
City of Danville

Legend

- Parcels
- Street Names
- House Numbers
- Parcel Numbers



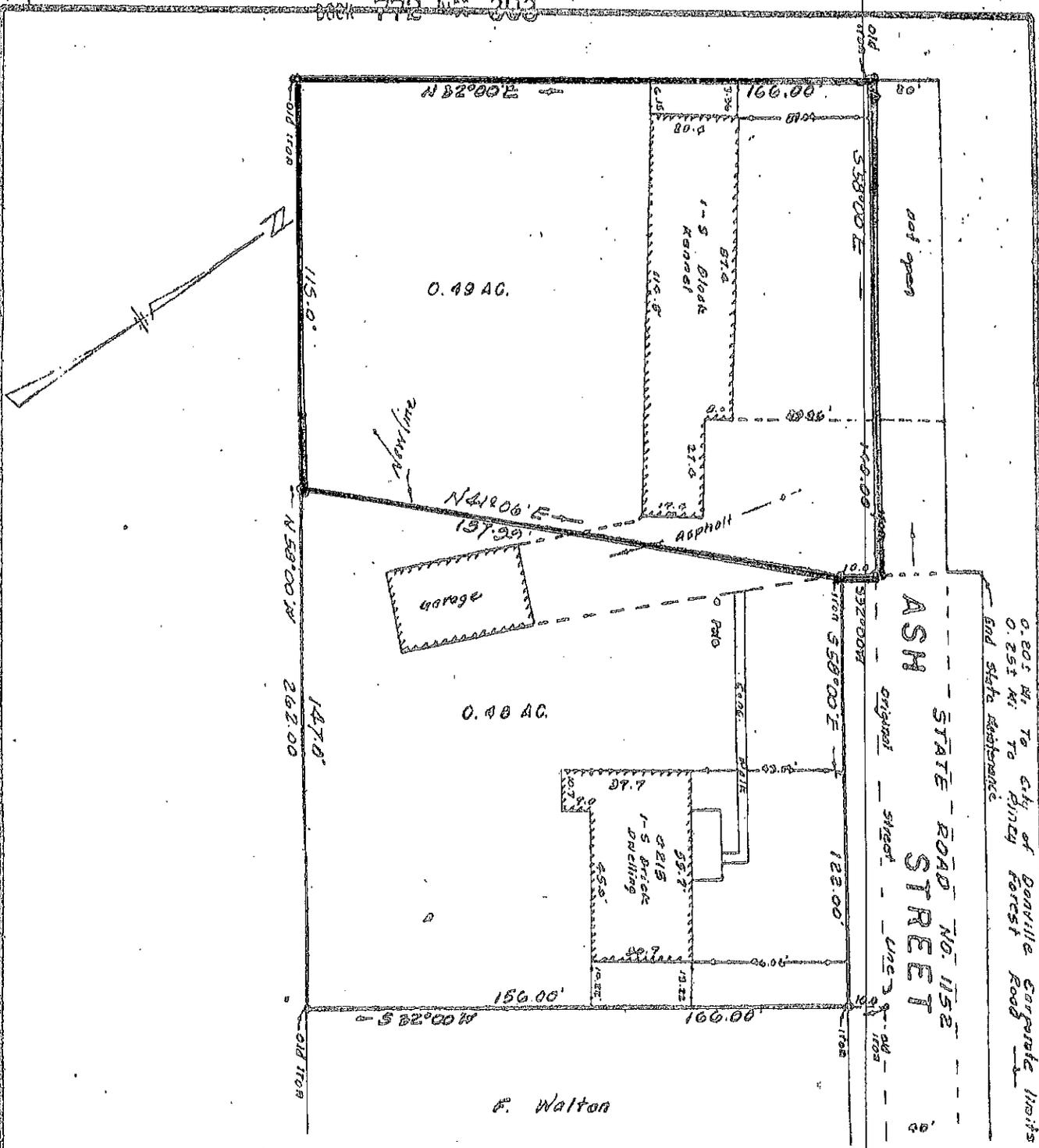
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Title:

Date: 10/30/2014

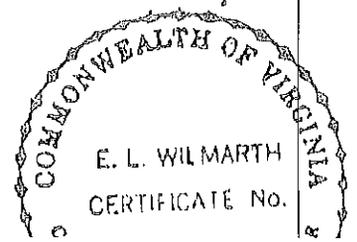
303



I certify that this is an accurate map of a survey made under my supervision.

E. L. Wilmarth
 Certified Land Surveyor No. 470

PLAT OF SURVEY
 FOR
MARY ANNE ZUBLER
 SITUATE
 TUNSTALL DIST., PITTSYLVANIA CO., VA.
 SCALE 1" = 40' SEPT 1, 1983
 REVISED MAR. 26, 1985 (NEW LINE)



REZONING AND SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on April 14, 2020

LOCATION OF PROPERTY: 215 Ash Street (Parcel #73005)

PRESENT ZONE: OT-R Old Town Residential

PROPOSED ZONE: "Conditional" HR-C Highway Retail Commercial

ACTION REQUESTED: Rezone and a Special Use Permit to allow for reopening of a non-conforming use that lost its vested right due to being closed for more than two years.

PRESENT USE OF PROPERTY: Vacant Commercial Kennel

PROPOSED USE OF PROPERTY: Commercial Kennel

FUTURE LAND USE DESIGNATION: Residential

PROPERTY OWNER (S): Danville Pet Resort Inc. c/o Dana Peters (Nielsen)

NAME OF APPLICANT (S): Dana Nielsen (Peters)

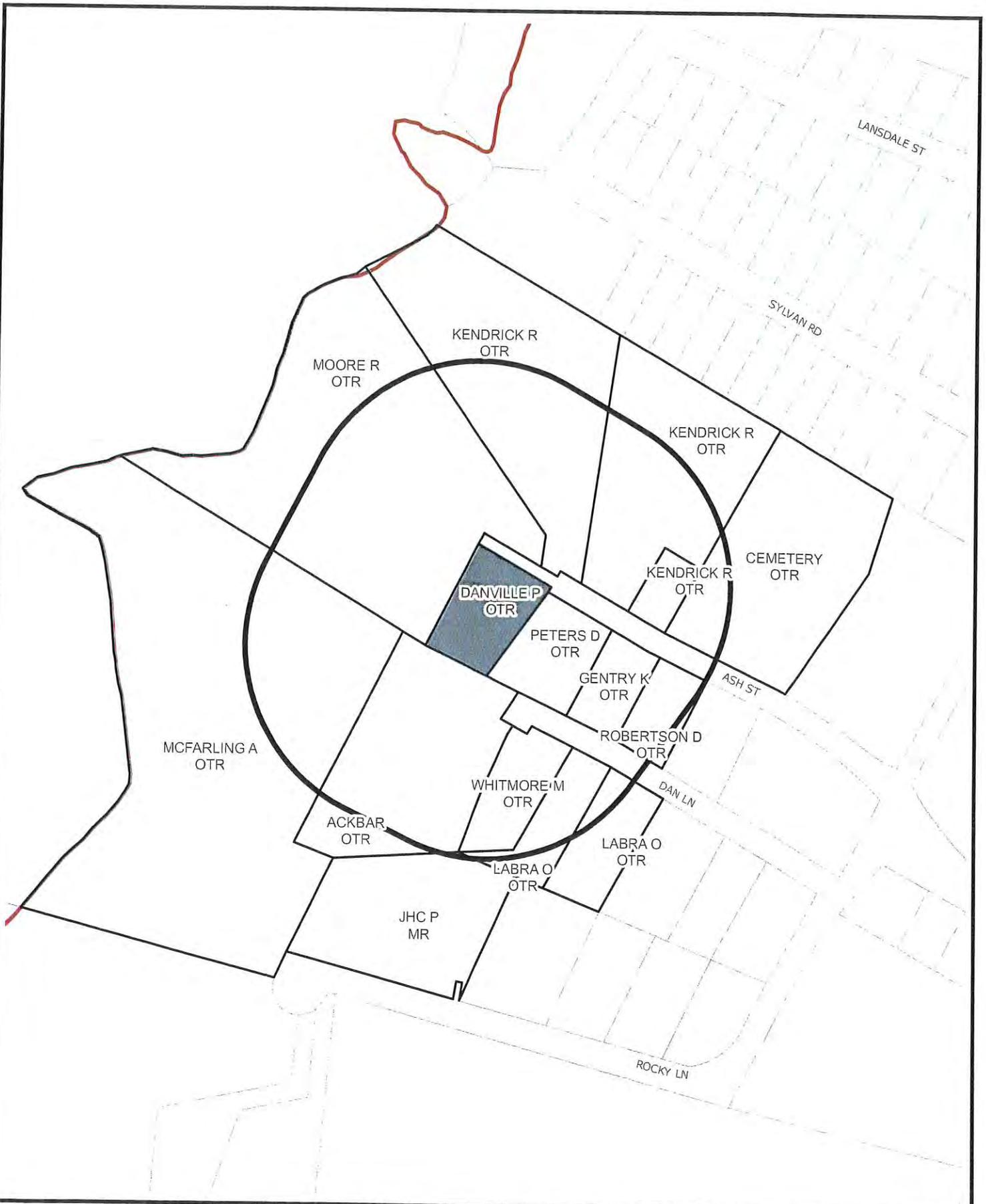
PROPERTY BORDERED BY: Residential to the north, east, south and vacant land to the west

ACREAGE: .49 acres (approximately)

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: Ash Street

TRAFFIC VOLUME: Low



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 3/11/2020

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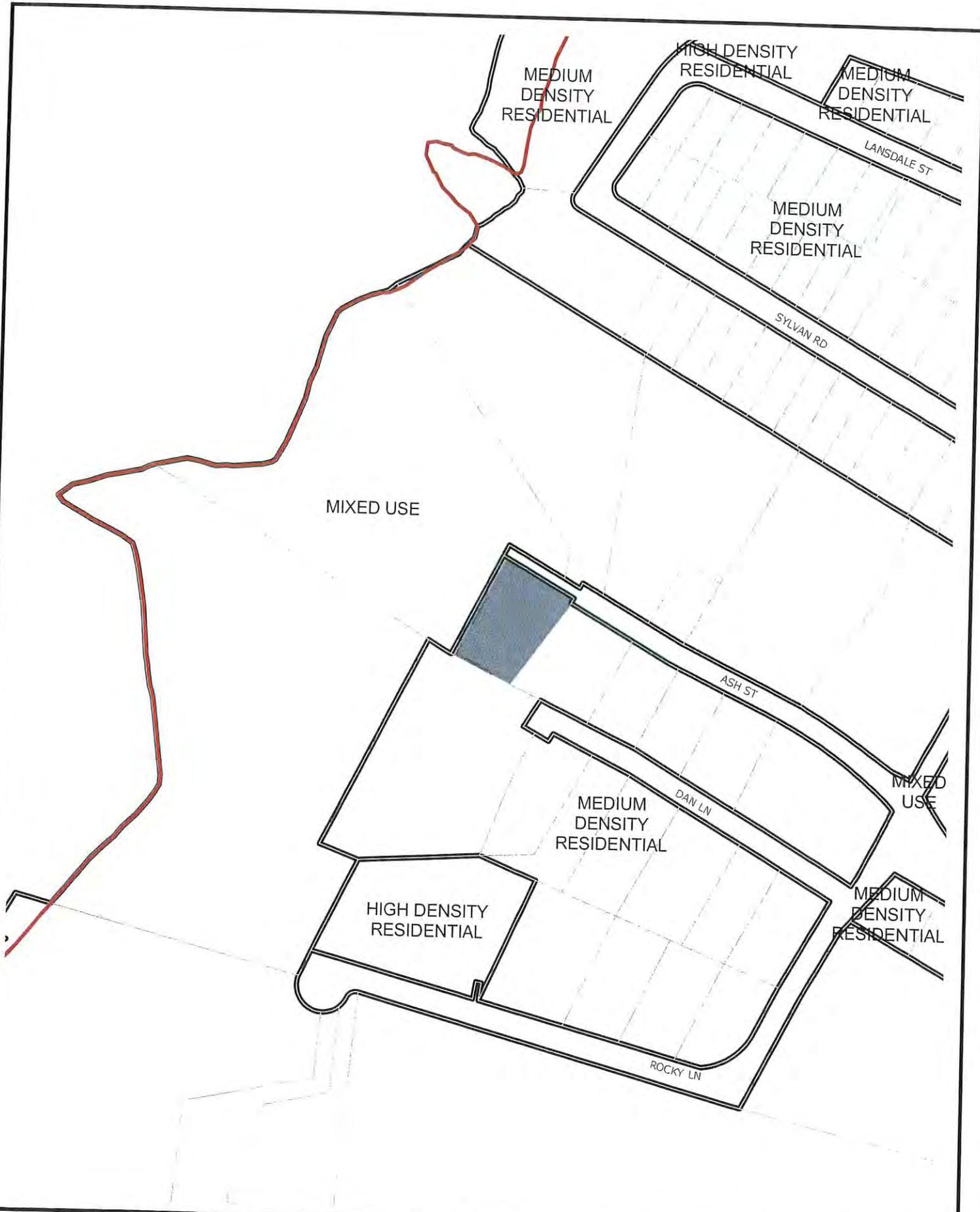


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/11/2020

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 3/11/2020

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.





City of Danville

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

City Planning Commission

City Planning Commission

Meeting of April 14, 2020

Subject:

Special Use Permit Applicati, filed by National Restaurant Designers requesting a Special Use Permit to allow 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

Background:

A request has been filed by National Restaurant Designers for a Special Use Permit to allow 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

This property is currently developed with a Biscuitville restaurant and accompanying off street parking spaces. The applicants plan to remodel the interior of the store, as well as add an addition to the front. This addition will allow for internal access to bathrooms as well as reconfigure the dining area. The addition will be approximately 8'10" x 28'3" with an additional 3'6" overhang around the addition. This will make the setback approximately six (6) foot where thirty (30) feet is required.

The new addition will actually reduce the number of seat from 56 to 52 due to the construction of internal bathroom facilities. This addition will result in the loss of one (1) parking space, but due to the reduction in seating capacity, no issue is created since the existing parking lot has sufficient spaces to meet the seating needs.

This same request was approved in 2015, but the company decided to postpone construction. The Special Use Permit expired due to lack of activity so they have reapplied.

Eight (8) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on April 14, 2020.

Staff Analysis and Recommendation:

Staff believes the expansion will be in keeping with the character of surrounding properties and will not impact traffic along Piney Forest Road and Ash Street. Due to the substantial right-of-way at the intersection of these two (2) roads, the addition will still be approximately twenty-seven (27) feet from the back of the curb on Piney Forest Road, twenty-five (25) feet from the stop bar exiting Ash Street onto Piney Forest. The setback proposed of six (6) feet will be on the Ash Street frontage.

Based on the above analysis, staff recommends approval of Special Use Permit Application PLSUP2020000081, filed by National Restaurant Designers requesting a Special Use Permit to allow 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. Staff recommends approval with the following conditions:

1. The front yard setback shall not be less than six (6) feet along the Ash Street (south) side of the property.
2. The front yard setback shall not be less than twenty (20) feet along the Piney Forest (east) side of the property.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP2020000081 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP2020000081 with conditions per Staff.
3. Recommend approval of Special Use Permit Application PLSUP2020000081 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP2020000081.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2019 Aerial)
Year 2030 Land Use Map

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: _____

CASE NUMBER: _____ EXISTING ZONING: _____
PROPOSED ZONING: _____ TAX MAP NUMBER: _____
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

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

Gross Area/Net Area: 1,969 sq. ft. Property Address: 1041 Piney Forest Rd., Danville, VA 24540

Property Location: N S E W Side of: Piney Forest Rd. at the corner of Ash St. and Piney Forest Rd.

Between: Golden Skillet and Skate Town

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

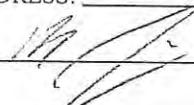
Please provide a site plan with the following information:

- 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:

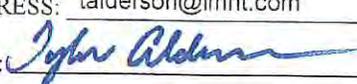
Provide an approximately 12' dining room addition to the front of the existing Biscuitville building at
1041 Piney Forest Rd, in Danville. Existing Building is +/- 1,716 sq. ft. and addition proposed is
+/- 253 sq. ft.

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

1. NAME: Biscuitville TELEPHONE: 336-553-3746
MAILING ADDRESS: 1414 Yanceyville St., Suite 300 Greensboro, NC 27405
SIGNATURE:  DATE: 3/9/20
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: blake.jennings@biscuitville.com

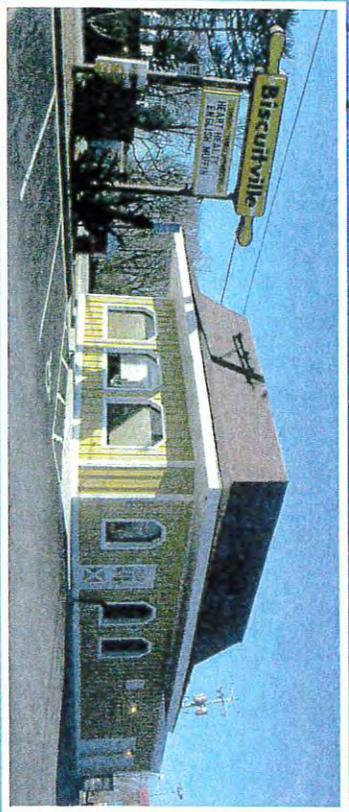
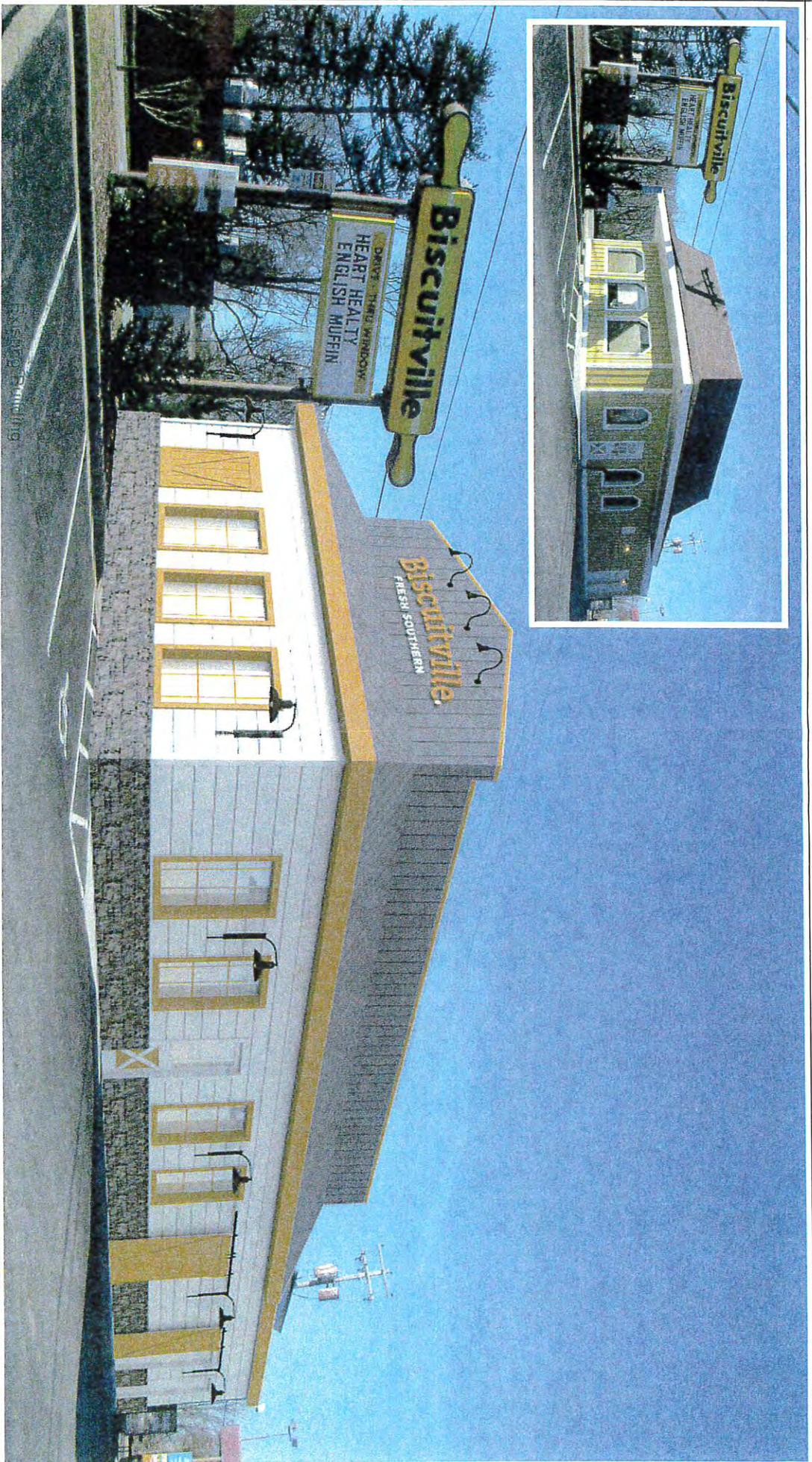
APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: National Restaurant Designers (Tyler Alderson) TELEPHONE: 919-544-7251 x 173
MAILING ADDRESS: 3005 Carrington Mill Blvd, Suite 150, Morrisville, NC 27560
EMAIL ADDRESS: talderson@lmht.com
SIGNATURE:  DATE: 3/15/20

SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	April 14, 2020
LOCATION OF PROPERTY:	1041 Piney Forest Rd
PRESENT ZONE:	HR-C Highway Retail Commercial
LAND USE PLAN DESIGNATION:	Community Service
ACTION REQUESTED:	The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.
PRESENT USE OF PROPERTY:	Biscuitville Restaurant.
PROPOSED USE OF PROPERTY:	Expanded Biscuitville Restaurant.
PROPERTY OWNER (S):	RFK Family Limited
NAME OF APPLICANT (S):	National Restaurant Designers
PROPERTY BORDERED BY:	Commercial to the north, east and south, residential to the west.
ACREAGE/SQUARE FOOTAGE:	0.62 acres
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Piney Forest Road and Ash St.
TRAFFIC VOLUME:	High and Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 14, 2020.

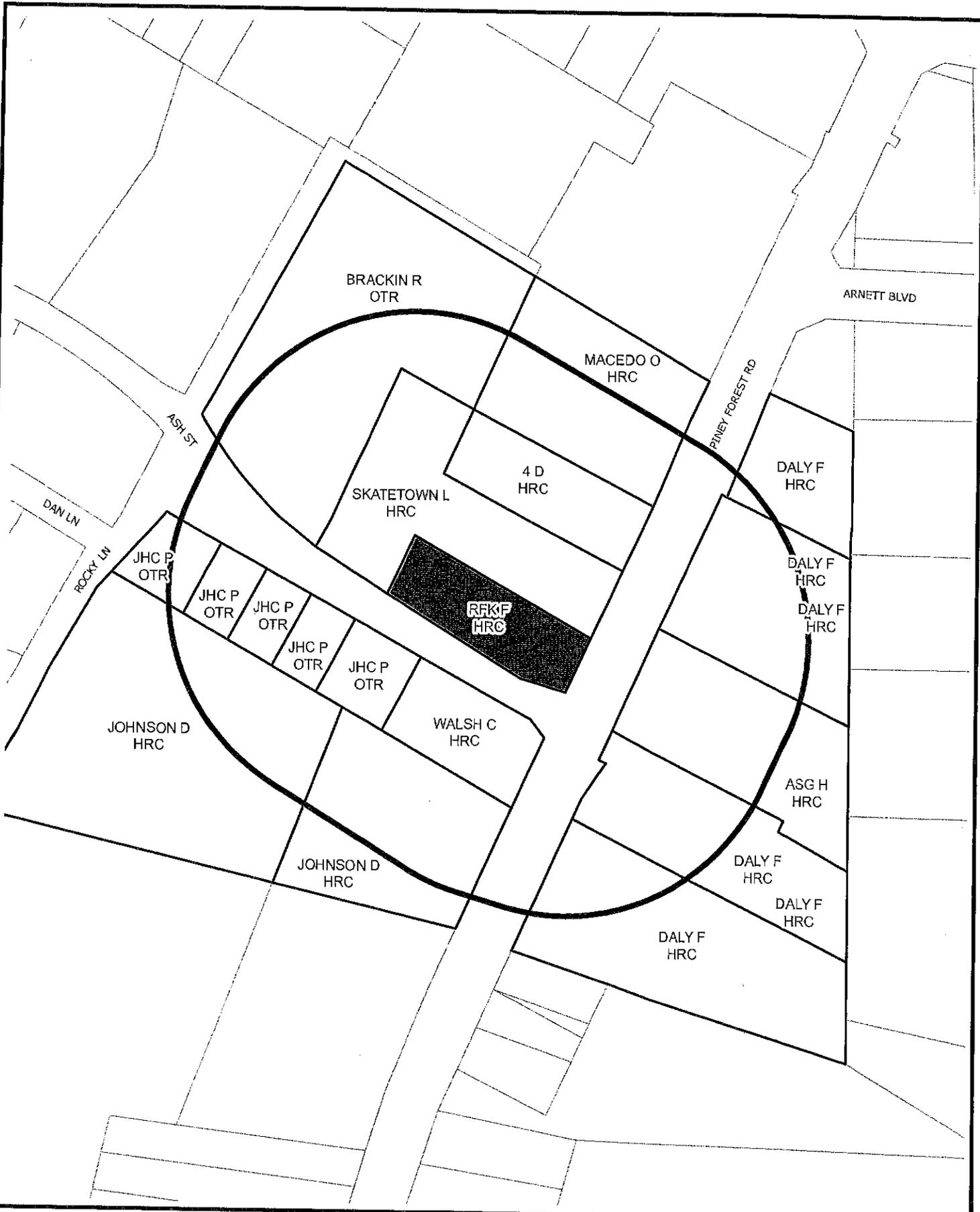


Biscuitville
FRESH SOUTHERN

BV118 Danville, VA, Piney Forest Rd.

Rev. 2: 7-10-15

Restroom Addition



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 3/18/2020

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SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE: April 14, 2020

LOCATION OF PROPERTY: 1041 Piney Forest Rd

PRESENT ZONE: HR-C Highway Retail Commercial

LAND USE PLAN DESIGNATION: Community Service

ACTION REQUESTED: The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

PRESENT USE OF PROPERTY: Biscuitville Restaurant.

PROPOSED USE OF PROPERTY: Expanded Biscuitville Restaurant.

PROPERTY OWNER (S): RFK Family Limited

NAME OF APPLICANT (S): National Restaurant Designers

PROPERTY BORDERED BY: Commercial to the north, east and south, residential to the west.

ACREAGE/SQUARE FOOTAGE: 0.62 acres

CHARACTER OF VICINITY: Commercial

INGRESS AND EGRESS: Piney Forest Road and Ash St.

TRAFFIC VOLUME: High and Low

NEIGHBORHOOD REACTION: To be reported at the Planning Commission meeting of April 14, 2020.

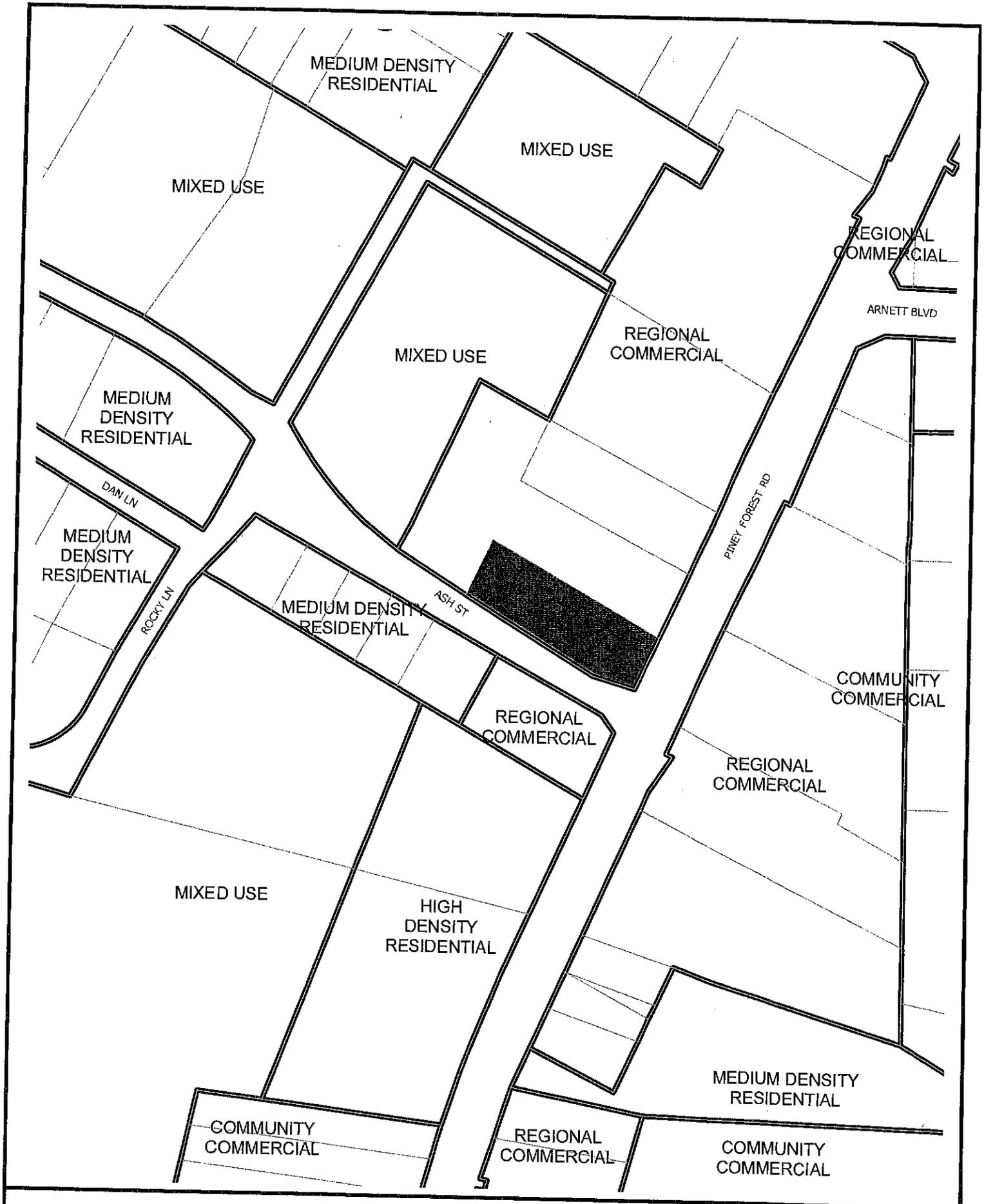


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/18/2020

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 3/18/2020

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City of Danville

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

City Planning Commission

City Planning Commission

Meeting of April 14, 2020

Subject:

Special Use Permit Application PLSUP202000083, filed by Arketa Washington, requesting a Special Use Permit operate a Family day care home in accordance with Article 3.E, Section C, Item 24 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 180 Franklin Ct, otherwise known as Grid 2805, Block 024, Parcel ID# 00002, of the City of Danville, Zoning District Map. The applicant is requesting a Special Use Permit to allow for a Family day care home for providing day care for up to 12 children.

Background:

A request has been filed by Arketa Washington to operate a Family day care home in accordance with Article 3.E, Section C, Item 24 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 180 Franklin Ct, otherwise known as Grid 2805, Block 024, Parcel ID# 00002, of the City of Danville, Zoning District Map. The applicant is requesting a Special Use Permit to allow for a Family day care home for providing day care for up to 12 children.

This property is currently developed with a single family home. The applicant has not had the facility inspected by the Inspections Division nor Fire Marshall to determine compliance issues. At this time, staff cannot say whether the facility is able to handle the number of children requested and be considered safe for usage.

Thirty-three (3) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on April 14, 2020. As of the drafting of this report, staff had received eleven (11) opposed to this request out of the thirteen (13) received. This is a substantial increase over the usual response rate.

Staff Analysis and Recommendation:

Staff recommends that this item be continued to a future agenda until the Inspections Division as well as the Fire Marshall can determine if the proposed number of twelve (12) children can be adequately cared for according to code. Staff would also recommend that the applicant reach out to the substantial number of property owners

that have responded that they are opposed to this request to attempt to alleviate their concerns.

City Planning Commission Alternatives:

1. Recommend continuation of Special Use Permit Application PLSUP202000083 to a future meeting.
2. Recommend approval of Special Use Permit Application PLSUP202000083 as submitted.
3. Recommend approval of Special Use Permit Application PLSUP202000083 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP202000083.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2019 Aerial)
Year 2030 Land Use Map

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:

CASE NUMBER: _____ EXISTING ZONING: _____
PROPOSED ZONING: _____ TAX MAP NUMBER: _____
RECEIVED BY: _____ DATE FILED: _____
PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

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



Gross Area/Net Area: .19 acres Property Address: 180 Franklin Ct 24540
Property Location: N S E W Side of: West Franklin Court
Between: Cherry drive and Wesley Drive
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:

Family Day Home for 12 Children and from 6A-11pm
5 days a week. 11:00 PM

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

1. NAME: Thien Quang Nguyen TELEPHONE: (434) 799-8848

MAILING ADDRESS: 1510 N Main St Danville VA 24540

SIGNATURE: [Signature] DATE: 3-17-2020

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: nguyentim136@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

ArKeta NAME: Arketa Washington TELEPHONE: 434-857-8609

MAILING ADDRESS: 180 Franklin Court

EMAIL ADDRESS: awashington6544@gmail.com

SIGNATURE: [Signature] DATE: 3-17-2020

REZONING AND SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on April 14, 2020

LOCATION OF PROPERTY: 180 Franklin Court (Parcel 55336)

PRESENT ZONE: OT-R Old Town Residential

PROPOSED ZONE: Same

ACTION REQUESTED: Special Use Permit to allow for a Family day care home for up to 12 children.

PRESENT USE OF PROPERTY: Single Family home

PROPOSED USE OF PROPERTY: Single Family home with a Family day care home

FUTURE LAND USE DESIGNATION: Residential

PROPERTY OWNER (S): Thien Quang Nguyen

NAME OF APPLICANT (S): Arketa Washington

PROPERTY BORDERED BY: Residential to the north, east, south and west

ACREAGE: .19 acres (approximately)

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: Franklin Ct

TRAFFIC VOLUME: Low

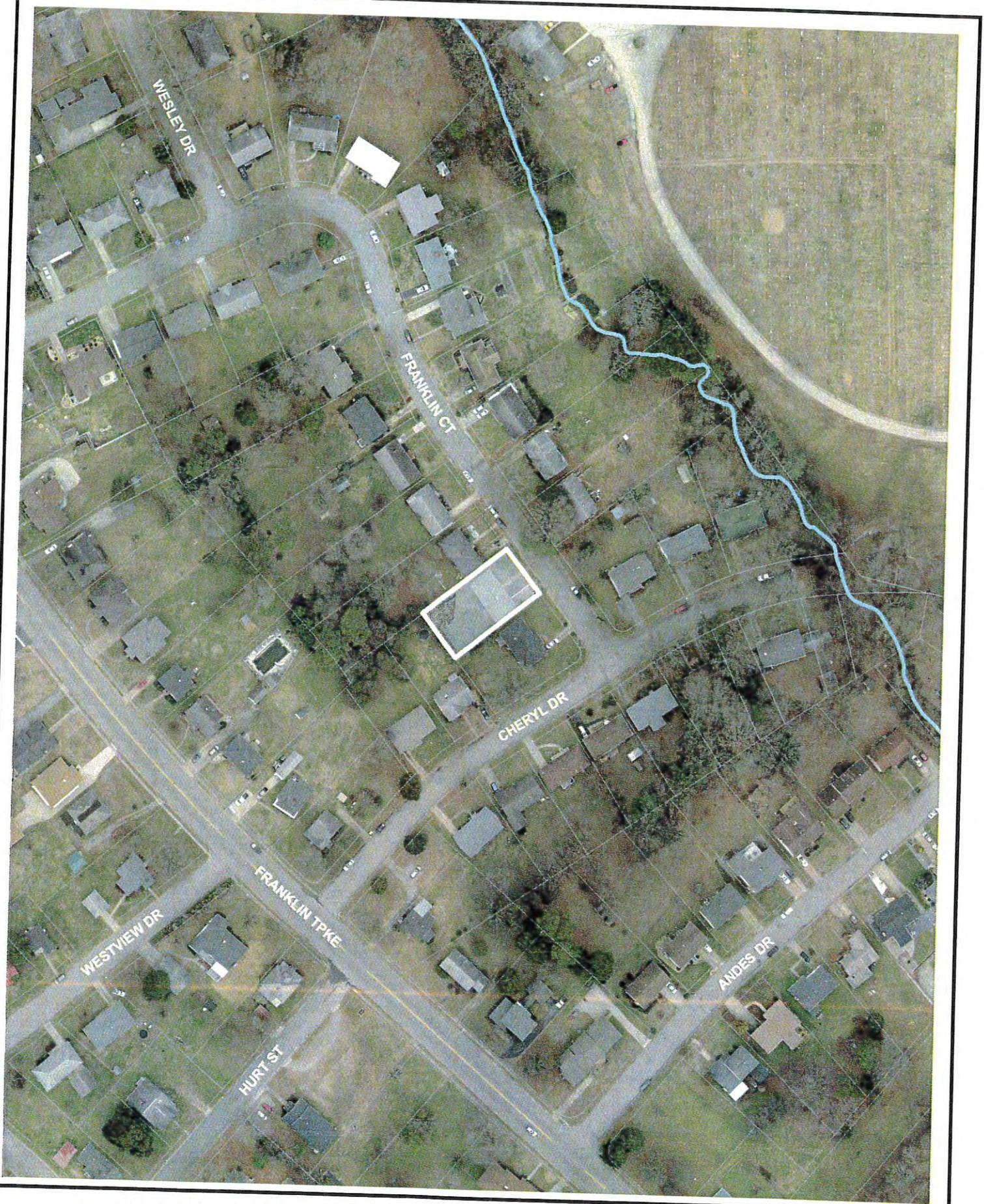


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 3/18/2020

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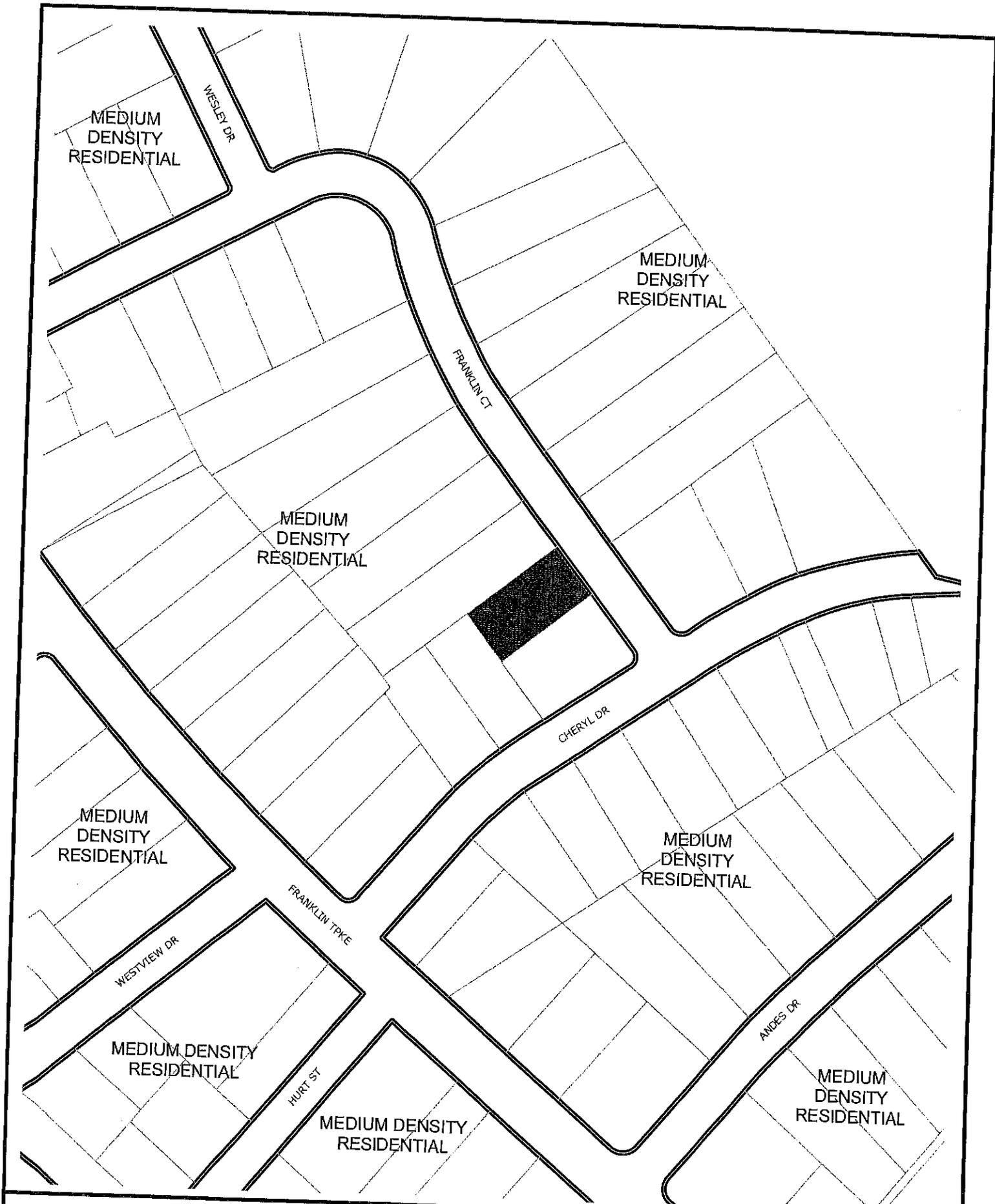


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/18/2020

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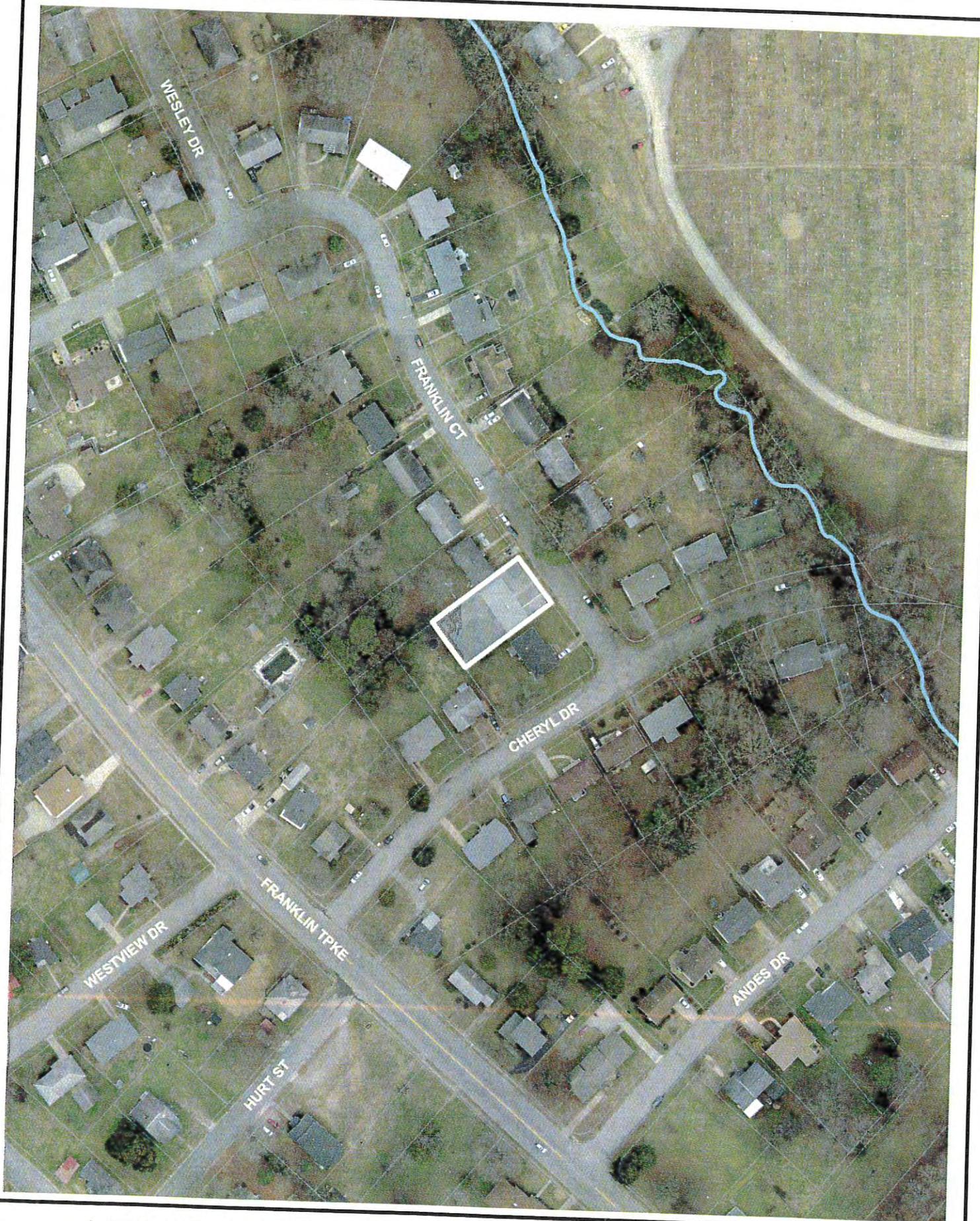


YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
 Planning Division
 3/18/2020

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2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/18/2020

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PLANNING COMMISSION MINUTES

March 9, 2020

MEMBERS PRESENT

Mr. Wilson
Mr. Garrison
Mr. Bolton
Mr. Petrick
Mr. Dodson
Mrs. Evans

MEMBERS ABSENT

Mr. Craft

STAFF

Lisa Jones
Ken Gillie
Clarke Whitfield

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

ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Garrison opened the Public Hearing.

Ms. Stephanie Mendez stated we would like to postpone this again.

Mr. Garrison closed the Public Hearing.

Mr. Wilson made a motion to postpone this special use permit PLSUP20190000386. Mr. Dodson seconded the motion. The motion was approved by a 5-1 vote.

2. *Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Garrison opened the Public Hearing.

Mr. Garrison closed the Public Hearing.

Mr. Wilson made a motion to postpone this special use permit PLSUP20190000449. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

3. *Special Use Permit Application PLSUP202000039, filed by Danville Regional Industrial Authority on behalf of Mid Atlantic Broadband Communities Corporation, requesting a Special Use Permit for a waiver to yard setbacks in accordance with Article 3.O, Section C, Item 25 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended On Parcel ID #78380 on Cain Street, otherwise known as Grid 4717, Block 005, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to build a structure closer to the property line than permitted by Code.*

Mr. Garrison opened the Public Hearing.

Ms. Linda Burns, I live and own property on Cain Street. Some of the questions that I have, why build this structure so close to Cain Street? It is right on the edge of Cain Street according to the map that was mailed. There is a lot of vacant land available just beside and not only that, it is right on the parkway entrance that makes a double lane road there in and out of the parcel of land next to Cain Street which is not residential and they want to build this as close as they can into Cain Street and it is not a little bit over the line in fact that line goes all the way back of the property that I own on Cain Street. I'm also speaking for my mother Edith Burns and I am her Power of Attorney and she owns property on Cain Street and also across 58 which is Mt. Hill Mini Market on South Boston Road. It's my feeling that something else is going to go on this site at some point. If they are allowed to build this particular structure that is proposed, we would be in fact agreeing to anything else built on this lot down the road. That is one of my big concerns, is what else could go there on that lot. Also, I have rental property there and several income properties for low income families that could be one that they wipe out. I spent Saturday looking in the Piedmont Shopper for rental property and I think I saw eight and four of them were rooms to rent. There is virtually no low income properties available in Danville and it is scary and it is going to be a problem. I am concerned about lower property values and I'm here to oppose this item.

Mr. Robert Haley, I own a piece of vacant land in that community. My interest is someday there will be a drive-in residential section. It certainly will not benefit me because I am pushing 90 so I am not worried about that. I don't think we need to make this undesirable by letting the ordinance have an exception there. I don't think we need that building facing Cain Street there is more decent property that is available in that area.

Mr. Petrick stated I just want to clarification from staff that might clear up a few things we are not discussing whether or not this is allowed this is allowed under current zoning. We are just discussing whether or not we are going to give him a variance on setback lines. Is that correct?

Mr. Gillie stated waiver on setback is correct. It has nothing to do with the structure that is built on there. They just want to put the structure closer than what is required in the code because they are supposed to be fifty feet from the property lines from South Boston Road and Cain Street but they are requesting to go closer than what is permitted.

Mr. Petrick stated there is room on the side for them to locate this under the present regulation?

Mr. Gillie stated yes.

Mr. Mark Petty stated, I am the Vice President of Mid Atlantic Broadband Communities Corporation. You are correct in what you are saying we have already obtained the easement area there and we can build what we need back fifty feet from the roadway there. What we have asked for is a consideration to bring that closer to the road and to maximize the space area. We plan to install a 6 foot privacy fence around the perimeter of this. We want to work with the community and want to work with those around the area to make this as attractive piece of property as we can. We are doing this to enhance the broadband activity locally in the region and in the area. We ran out of space and needed additional space in the area so we have worked with the town and the county to identify this parcel here. We didn't want to encumber the future development of the parks that would be acceptable and carve out a piece of the area that we can build communications facility there and we will have network and capability to bring broadband in from greater areas North toward Lynchburg and East towards South Boston and West towards Martinsville. That is the intent of the facility and I would be happy to answer any questions that you may have.

Mr. Wilson stated what is the fence going to be made out of and what is the look?

Mr. Petty stated we haven't finalized it yet and I believe that we were looking into a PVC fence.

Mr. Wilson stated one of the concerns brought up by a former speaker was other things going into that space. Are there any long terms plans for that space?

Mr. Petty stated we are planning to place a 14x20 7 foot prefab structure building in the facility and we do have plans if needed to place another facility like it on the back side of that away from the road. The space would enable us to place another structure if we outgrow at that point. I don't know that we will grow to that point but we wanted to make sure that we have plenty of land area in the event that we do need to. We will be able to house about 25 to 28 brass equipment in that initial building and that by far is the larger building that we have but we do have a lot broadband activity comes through the area east and west as well as north out of Danville.

Mr. Wilson stated can you meet your goals by moving back these items? What you are really asking us to me did you have a community meeting with the neighbors?

Mr. Petty stated I don't think we had one at the time we worked with the Aretha team. We meet with the city and county.

Mr. Wilson stated did you know there is significantly a number of people opposed to this?

Mr. Petty stated no I was not aware of this. Can we do it with not doing the setback, yes but we can work with what we have if it is not granted.

Mr. Bolton stated someone mentioned about noise. What kind of noise does that generator make?

Mr. Petty stated I'm not sure what the noise level would be, that is something that we can find out. We will run a generator maintenance on Monday's for about 15 to 20 minutes to make sure that they don't have any problems. We need to do preventive maintenance and make sure that they have power.

Mr. Bolton stated if you moved it back so you wouldn't have this issue would people on Cain Street still be able to hear it?

Mr. Petty stated the generator does have an enclosure to knock down a lot of the noise. It is not a generator running constant and it is enclosed with sound proof material.

Mr. Petrick stated there was mentioned about the issue with the noise level and this is going to be a test site once a week?

Mr. Petty stated it won't be running on generator full-time as long. As we maintain commercial power it will be on commercial power. It is there for power outage.

Mr. Garrison stated is this a diesel generator?

Mr. Petty stated yes.

Mr. Garrison stated will there be a tower?

Mr. Petty stated no there will not be any towers.

Mr. Garrison stated it is a relay station for broadband.

Mr. Petty stated correct.

Ms. Evans stated in addition to your fencing, I know the area is wooded. Do you anticipate planting trees to help absorb the noise?

Mr. Petty stated if that is helpful for the community we can put a tree as a barrier, but that was not our intent at this point. We were probably going to clear the lot and gravel it out to minimize our maintenance cost on that. We are not opposed necessarily to putting some barriers in there to help the community.

Ms. Evans stated I'm trying to comprehend what a PVC fence looks like? I was hoping to have drawings when you come to us.

Mr. Wilson stated I want to add to that I think even some of the questions that we have asked you there is no real clarity on the detail of where things are going to be and what kind of fencing. Because it is in a residential place and you have significant people in that area that are asking questions and our job is trying to figure this stuff out and we always like it a little better if there has been conversation and things worked out. That you were going to take down the trees and do gravel, that is significant information to us. These are people's homes and it is their life and they have to live in it.

Mr. Petty stated we are happy to come back with some more details if you like, so we can table this conversation or you can vote on it as it is. We are happy to work with the community.

Ms. Burns stated I like your suggestion about planting trees but it is just too close and there is no room. According to this map that generator is 12 foot from the road. I grew up on this street the street is only about 24 foot wide and the mobile homes that you see and the houses are not more than 20 feet from the street. They are literally putting this in front yards.

There is not room for a tree and a PVC pipe, it looks like an industrial white pipe and how that beautifies the community is beyond me at this point. In 1986 they passed an ordinance to have 300 feet from residences. Why have the ordinance in the first place if you are going to give them 200 feet over what the ordinance says the amount is. I was given that this line goes all the way to the very back of my property so it takes the whole property in within that 300 feet. I understand and I don't blame anyone that wants to save their money and property to build as close as they can if they are allowed to, but you are not giving them 30 feet you are giving them 300 feet.

Mr. Garrison stated that 300 feet from the property line everyone around them has to be notified. 300 feet is not 300 feet from the property line it is just the notification. If you have property within 300 feet of this particular parcel then we have to notify you, so you will know what is going on. 300 feet is not that he has to be 300 feet away from every house. I think you are looking at that 300 feet away from all the houses and that is not what that says. The attorney can correct me if I am wrong.

Mr. Whitfield stated yes sir and you are correct.

Mr. Petty I can clarify some dimensions if you would like?

Ms. Burns stated nope and I'm sorry I can read and I see all the clarifications. One more question would there ever be a tower there?

Mr. Petty stated no. I would say that our setback that we are asking for is 25 feet. Our drawing is 26 feet back from the edge of the right of way. The generator is not considered a building or structure, is 12 feet off of the right of way and that is the suggested layout that we have. We can move the building back 50 feet.

Mr. Bolton stated I have a question for staff. The opposition from RIFA itself, is that a mistake or what? How can someone apply and be against it?

Mr. Whitfield stated they are not the same.

Mr. Gillie stated they are not the same. My assumption the person that signed that is not a member of the Industrial facilities Authority and that may have went and got mixed up in an envelope. The person that signed it is James Brown and that may be the adjacent property owner and when the copies ran they got put in the wrong spot. I just saw opposed and went with that.

Mr. Bolton stated whether we table it or deny it they could still move back a little bit and all is well.

Mr. Gillie stated they could move it to the 50 feet the generator and the structure. Both would be outside the 50 foot setback from 58 and Cain Street and build the structure correctly. We are just asking for a waiver to be closer.

Mr. Garrison closed the Public Hearing.

Mr. Wilson made a motion to postpone this Rezoning Application PLRZ2020000024. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

4. *Rezoning Application PLRZ2020000029, filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, & 70046), otherwise known as Grid 1916, Block 011, Parcel ID's 000039, 000040 &, 000041 of the City of Danville, Zoning District Map. The applicant is proposing to build mini-storage warehouses on the property.*

Mr. Garrison open the Public Hearing.

Mr. Gerald Kelly, Owner and Manager spoke on behalf of this request.

Ms. Evans stated how to you plan to put these mini-storage warehouses on this property?

Mr. Kelly stated the two story brick house is right in front of and the center lot and it is going to be our real estate office. It is three acres there and we are going to go into the back where that railroad bed is and come back up in kind of a square. So, basically when you come into the property for the real estate office there will be a circular drive around the real estate office and there will be a fenced in area in back where there are mini-storage buildings.

Mr. Bolton stated how close are they to these properties to the neighbors?

Mr. Kelly stated I don't know how many feet to tell you but there is a railroad bed that used to be there. If you stand back there you can see a couple of the houses backed up to it.

Mr. Bolton stated and you are going to fence it?

Mr. Kelly stated yes.

Mr. Bolton stated what kind of fence?

Mr. Kelly stated we are going with the chain link fence with the wiring on top. We do have a neighbor on the right and she would be able to see it.

Ms. Evans stated and you have met with all the neighbors?

Mr. Kelly stated no, I don't really know any of the neighbors.

Mr. Wilson stated are you aware that you have significant opposition?

Mr. Kelly stated no, I'm not really aware of any.

Mr. Wilson stated we received fifteen notices and six were unopposed and nine were opposed. Do we have a site plan that is going to show what this is going to look like? It always helps us if we can see something and this is a significant project.

Mr. Kelly stated we don't have the prints yet from the company out of Raleigh. This is not something that we were going to build in the next six months. We were looking at the process of moving the office and before we get it paved we wanted to get it approved first. I

didn't think about doing that because there are alot homes there but from that property you would have to go across that railroad bed and go on back to where you see those houses. Mr. Petrick stated I rode by the lot and I saw where you cleared around the house. Are you going to keep the house?

Mr. Kelly stated yes sir that is going to be our office.

Mr. Garrison stated will there be lights?

Mr. Kelly stated yes there will be lights.

Mr. Petrick stated I didn't get a chance to do much research as I wanted to on this particular site. These free lots are the only lots on that side of Franklin Turnpike that are NC - Neighborhood Commercial. I'm just curious why those three had that?

Mr. Gillie stated we changed zoning a few years ago to go to Neighborhood Commercial, it says in the staff report and Franklin Turnpike is a five lane road and it is basically converting over a heavier intensity Commercial use. We set those up to be Neighborhood Commercials because you do have such a mixture of Commercial-Residential uses. When the applicant came and discussed the option of going to a mini-storage warehouse from a Planning stand point, that is one of the least intense uses that you can have. It can generate traffic 24/7 and it is very unlikely that it will generate traffic 24/7. If it does then you don't go there every day. It has very little traffic and very little noise. We felt this would be one of the easiest uses for that area and does not increase traffic.

Mr. Bolton stated you mentioned lighting, will that be down low?

Mr. Kelly stated as far as I know yes it will be facing in and we have looked at quite a few of them in Danville and we like the ones that shine directly down on the outside.

Ms. Evans stated so you plan to have hours?

Mr. Kelly stated yes.

Ms. Evans stated what are your hours?

Mr. Kelly stated they will be real estate hours and hopefully we can get away from that.

Ms. Evans stated can you define your hours?

Mr. Kelly stated probably 7:00 pm.

Ms. Evans stated starting at?

Mr. Kelly stated from 9:00 am to 7:00 pm.

Mr. Gillie stated a lot of times lighting is put there for security reasons and a lot of mini-storage warehouses are 24/7 and you have a key code to get in and out.

Mr. Wilson stated are you consolidating these three properties?

Mr. Gillie stated they are not consolidated but it would be required to be.

Mr. Michael Duncan stated as you look at the three lots the ones furthest to the north is my property. I am the guy in the community that gets the people that come into your living room. There is some substantial concerns among our community, including my wife. There really are several issues. Lightning is one and the fence is another. For me the lightning solution is a concern but I also think there needs to be substantial screening. The existing trees are important; that berm is not part of this property. I will open my house and you are welcome to come and talk to the neighbors.

Mr. Wilson stated you're not sounding like you are opposed to it. I think you would like a little more information about it.

Mr. Duncan stated I am one of those people that like to have conversations with people and I don't like to tell them what to do with their own land. I'm not opposed to it but I'm not happy about it right now because I don't have enough data. I really think it is important that we kind of work through this. There are neighbors in my neighborhood that are opposed to it. I think we can work it out but that remains to be seen. This process there is not enough data from this developer.

Mr. Garrison stated that is why I asked Mr. Kelly to come first, because he might have answered some of the questions that you had.

Ms. Cathy Hunt Millner stated my address is 308 Vicar Road. Ms. Millner stated I heard Mr. Kelly say that his property runs to the railroad bed. There is a gutter behind there and I try to keep it clean and right now and I don't know who is cleaning off their property and put the trees and limbs over there, but that is where it is right now. That is what I am afraid of, I am afraid of my property value going down. The back of my property goes up the hill and now this is a recreation area for my family and my grandkids and to go out there and look right square at mini-storage warehouses. A warehouse city is not going to look right there. What is going to happen to my property value back there? Right now the majority of the trees have already been cut down and it is ready for redevelopment. Whatever development is coming in there, I am definitely oppose and I have talked to a lot of my neighbors that are opposed and we don't like it. We are not in the Neighborhood Commercial and the back of the property goes there. What is it going to look like with mini-storage buildings back there no buffers and the lightning is going to disturb our houses back there. I'm a real estate agent in this town and I have been for thirty some years and I know what this will do to properties and Mr. Kelly probably knows too. I stand to lose and he stands to gain and I am definitely opposed. I am opposed.

Ms. Linda LaPrade stated my address is 1119 Franklin Turnpike. Ms. LaPrade stated I'm probably the most affected with this proposal. I am opposed to the rezoning of the property at 1113 Franklin Turnpike and my property is adjacent to this property. It is already very difficult to enter into or exit from our driveways at certain times of the day and night. This rezoning will certainly add to the congestion of traffic on 41 since the renters of these units will be coming and going at any time. Our real estate property will decrease in value and who is going to want to buy a house with storage warehouses fenced in next to their property, would you? The only thing we are going to see from our back decks are these storage units. I would hope that the planning commission would vote note to this proposal and allow us to keep our neighborhood environment as is.

Mr. Garrison closed the Public Hearing.

Mr. Wilson made a motion to postpone this Rezoning Application PLRZ20200000026. Mr. Petrick seconded the motion. The motion was approved by a 6-0 vote.

IV. ITEM NOT FOR PUBLIC HEARING

1. Request to review a Final Major Subdivision plat for the dedication of right-of-way for Airport Road.

Mr. Bolton made a motion to approve the request for a Final Major Subdivision plat for the dedication of right-of-way for Airport Road. Mr. Petrick seconded the motion. The motion was approved by a 6-0 vote.

2. *Request a waiver to the requirements to provide paved parking in accordance with Article 8 Parking and Loading Requirements, Section 6, paragraph (b) for 301 Trade St*

Mr. Mark Johnson with LE&D Professionals spoke on behalf of this request. Mr. Johnson stated basically what it is we want to use gravel road and asphalt for a couple of reasons and number one it is a lot easier to maintain. These are going to be used by pickup trucks bringing products to the building. I would be glad to answer any questions that you might have.

Mr. Bolton stated I thought what I saw that he put down 50 feet not 40 feet?

Mr. Gillie stated if you want 50 that is fine it is just 10 more feet of stuff that they have to pour but we are not opposed to the 40 feet on this one.

Mr. Dodson made a motion to approve the request a waiver to the requirements to provide paved parking in accordance with Article 8 Parking and Loading Requirements, Section 6, paragraph (b) for 301 Trade Street. Mr. Bolton seconded the motion with conditions by staff. The motion was approved by a 6-0 vote.

V. OTHER BUSINESS

Mr. Gillie stated the General Assembly has passed with both House and Senate the bill that makes gaming related to recent skilled gaming SUP requests illegal in Virginia.

The Planning Commission meeting next month will be on Tuesday, April 14 at 3:00 pm.

VI. Minutes

The February 10, 2020 minutes were approved by unanimous vote.

With no further business, the meeting adjourned at 4:20 p.m.

APPROVED