



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

City Planning Commission

JUNE 11, 2020
3:00 P.M.
CITY COUNCIL CHAMBERS

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING
 1. *Rezoning Application 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.*
 2. *Special Use Permit Application PLSUP202000059, 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.*
- IV. OTHER BUSINESS
- V. APPROVAL OF MINUTES FROM APRIL 14, 2020
- VI. ADJOURNMENT



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

City Planning Commission

City Planning Commission
Meeting of June 11, 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. Five (5) responses were received. Three (4) were not opposed (Peters, Danville Pet Resort Inc, Kendrick and JHC Properties LLC). One (1) was opposed (Ackbar).

COMMENTS RECEIVED:

“I moved to this area of Danville for peace and quiet.” Ackbar

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

MEMORANDUM

DATE: April 14, 2020

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS.

REQUEST:

1. *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.*
2. *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.*

RESPONSES:

Twelve (12) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received. Three (4) were not opposed (Peters, Danville Pet Resort Inc, Kendrick and JHC Properties LLC). One (1) was opposed (Ackbar).

COMMENTS:

I moved to this area of Danville for peace and quiet. Ackbar

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:

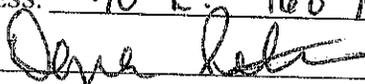
INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

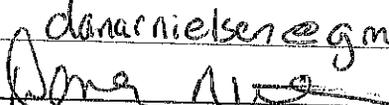
Exact legal description of property (Attach if insufficient space). See attached
Gross Area/Net Area: _____ Property Address: _____
Property Location: N S E W Side of: _____
Between: _____ and _____
Proffered Conditions (if any, please attach): _____

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:  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:  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

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:

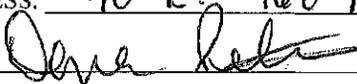
INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

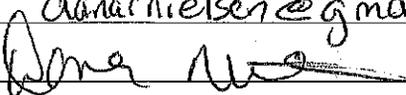
Exact legal description of property (Attach if insufficient space). See attached
Gross Area/Net Area: _____ Property Address: _____
Property Location: N S E W Side of: _____
Between: _____ and _____
Proffered Conditions (if any, please attach): _____

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

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

APPLICANT (PLEASE TYPE OR PRINT):

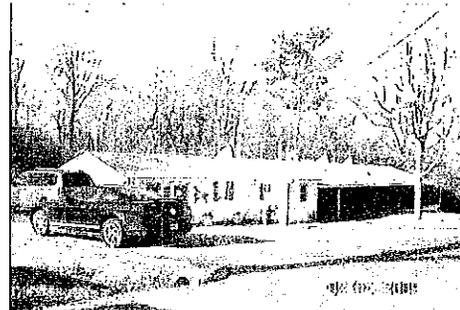
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

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

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	* Bathrooms are not included in total room count.	
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

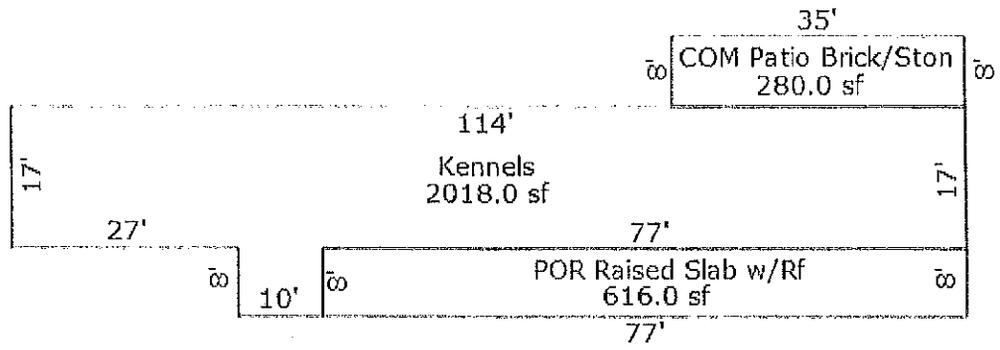
Land Code:	R00 Res Lots FV	Rate:	\$7,500
Acres:	0	Adj. Rate:	\$7,500
Sq. Ft.:	0	Base Value:	\$7,500
Front:	0	Adj. Amount:	\$0
Effective Front:	1	Value:	\$7,500
Depth:	0		

Transfers

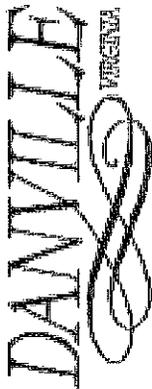
Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 12	2444	\$60,000	7/20/2012	WARDLE MARION ANN	DANVILLE PET RESORT INC
D 12	2313	\$72,378	7/10/2012	D & D PROPERTIES	WARDLE MARION ANN
D 03	2807	\$100,600	5/22/2003	WARDLE MARION ANN	D & D PROPERTIES
D 98	5087	\$160,000	9/22/1998	<i>No Data</i>	<i>No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

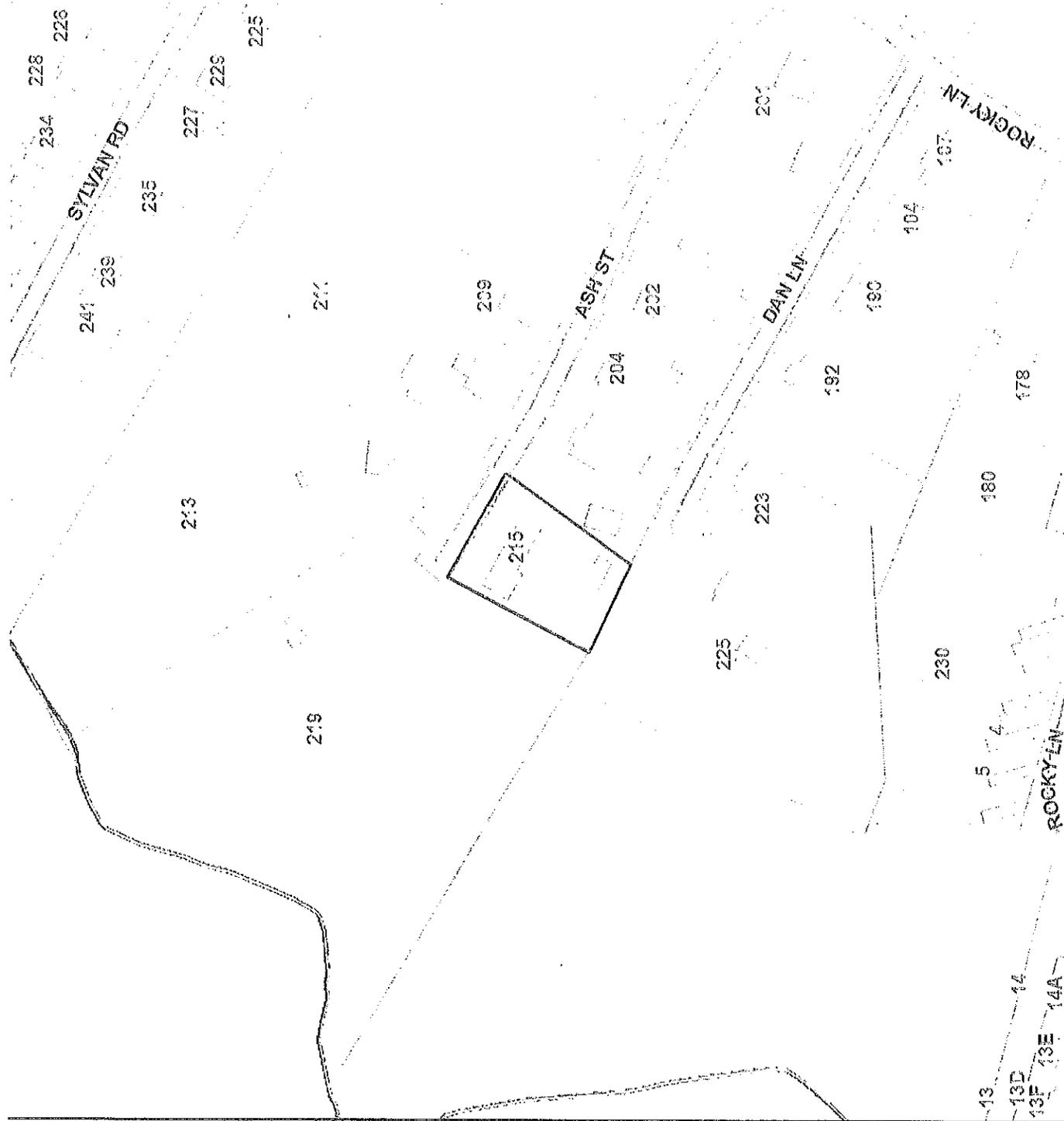


Sketch by Apex Media™



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

Parcel ID: 73005



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

Date: 1/7/2014

City of Danville

Legend

- Parcels
- Street Names
- House Numbers
- Parcel Numbers

Feet



1:500 / 1"=42 Feet

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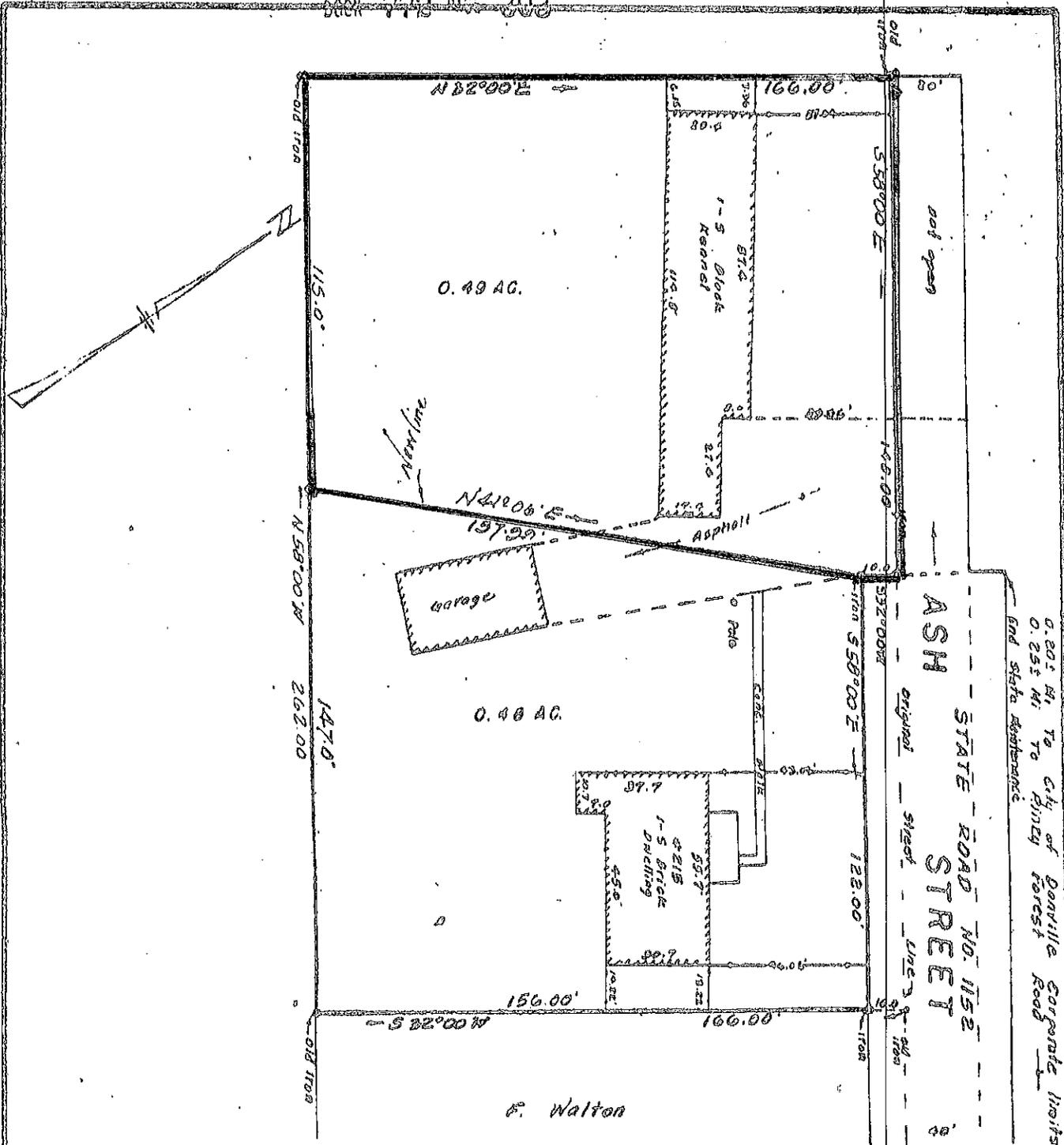


Title:

Date: 10/30/2014

303

770 112 200



0.202 Mi. To City of Danville Corporate limits
 0.251 Mi. To Pinney Forest Road
 End state right-of-way

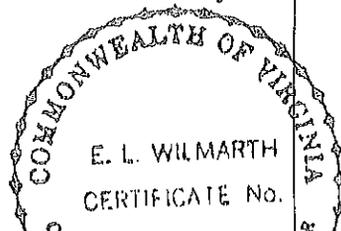
F. Walton

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)

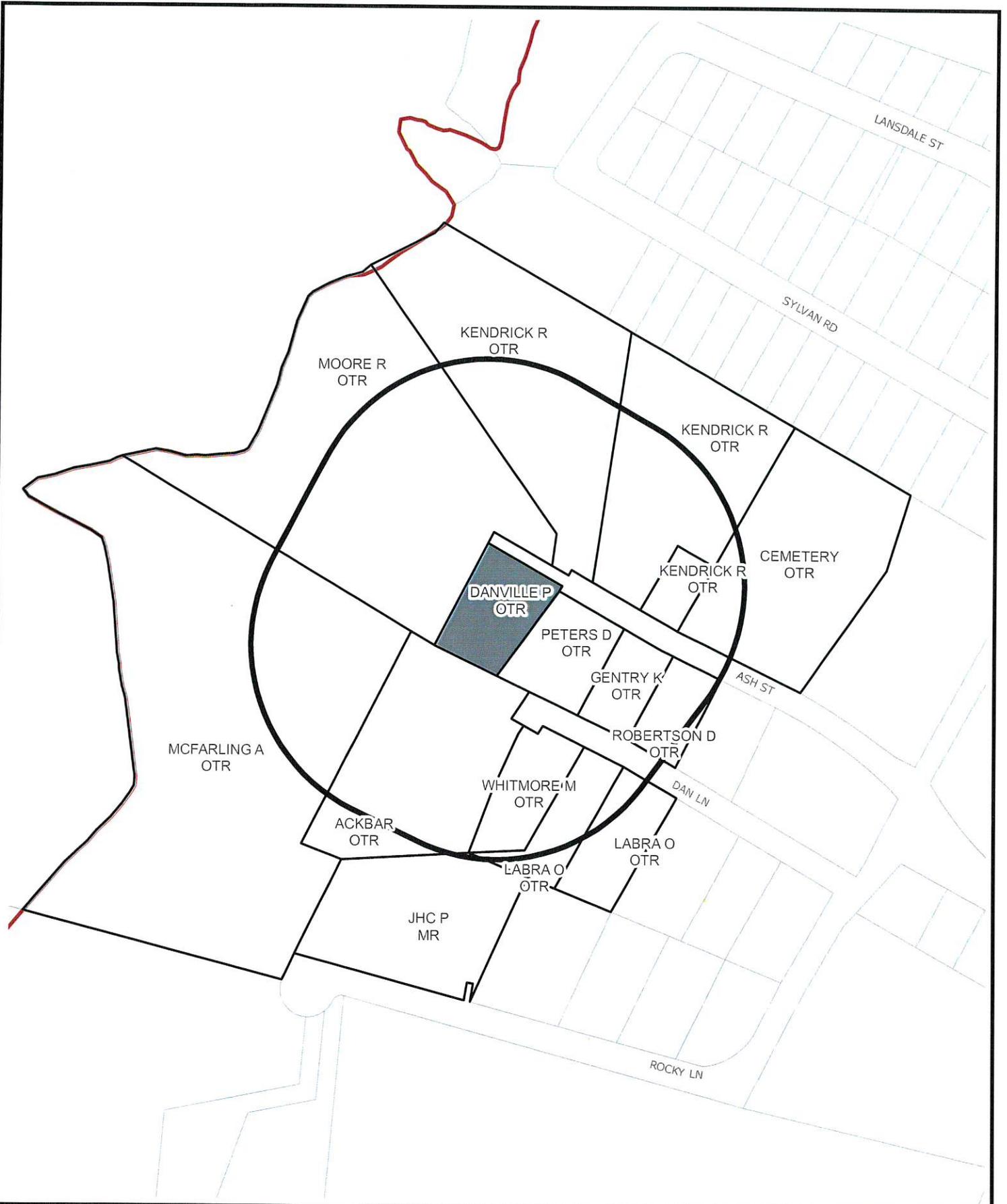
PROPERTY BORDERED BY: Residential to the north, east, south and vacant land to the west

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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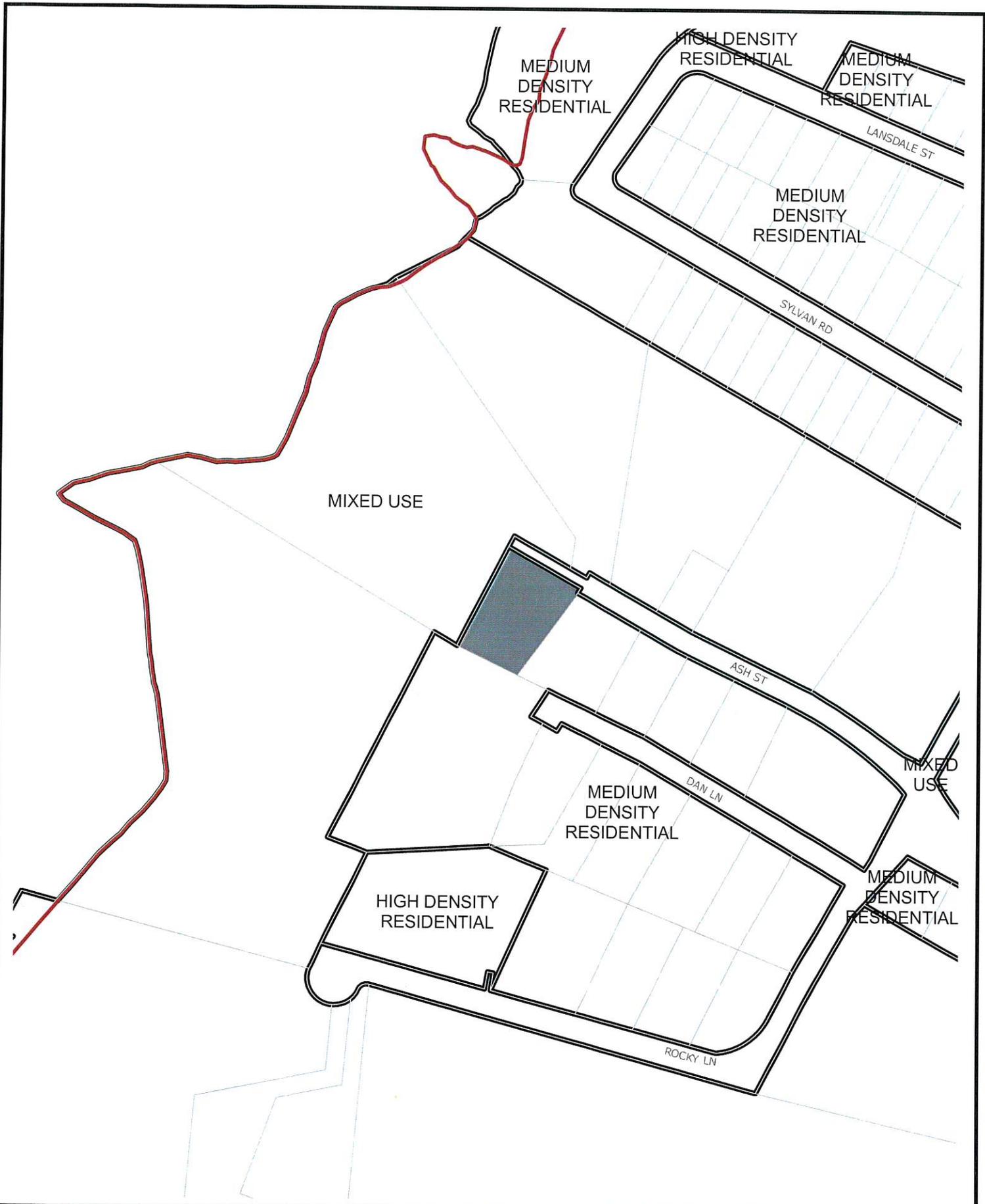


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/11/2020

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
 3/11/2020

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PLANNING COMMISSION MINUTES

April 14, 2020

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Lisa Jones
Ken Gillie
Clarke Whitfield

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

Mr. Gillie stated as everyone knows, City Hall has been closed to protect the citizens as well as the staff. We are doing this public hearing, which is an opportunity for everyone to speak through electronic means. We sent out both forms that people could fill out and send back in or go online with their comments. The comments that have been received at this point have been forwarded to Planning Commission. With the phone line, we received one comment that is for a case that we will talk about later.

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.

Mr. Gillie stated the House and Senate voted to outlaw these games. The Governor has proposed an amendment that would allow them for 1 year and 1 year only and to be taxed at a certain rate. At this point I do not have any idea how the House and Senate will look at this proposal. There is also no layout for how they would be taxed and who would be doing the taxing. There is no set up for if this actually occurs. I don't know if this can be done within the year that the Governor is proposing. So at this point I don't know if the House and Senate will agree to that or will overturn or vote on that request. I will still stick with my recommendation which is based on the House and Senate vote and staff recommends denial on this.

Mr. Garrison stated have you heard anything from Mr. Williams about postponing this again?

Mr. Gillie stated I have not. That is one of the reasons that staff is recommending for denial because without him requesting this to be continued it has to be denied. Staff received no

additional comments during this period. They received the same notification and could have went on the website or called in and we did not receive any information regarding this case.

Mr. Garrison closed the Public Hearing.

Mr. Petrick made a motion to deny special use permit PLSUP20190000386. Mr. Dodson seconded the motion. The motion was denied by a 7-0 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. Gillie stated staff would recommend denial for this. I was hoping that the applicant would send something in and we have not received any comments for the applicant requesting that this item be tabled. Staff is recommending denial for this request as well. We have received no comments either through phone line or internet.

Mr. Garrison stated am I correct that this person has never been here for any of the times that this has been on the agenda?

Mr. Gillie stated I don't remember them being here so I would agree with you.

Mr. Garrison closed the Public Hearing.

Mr. Wilson made a motion to deny special use permit PLSUP20200000004. Mr. Petrick seconded the motion. The motion was denied by a 7-0 vote.

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.*

Mr. Gillie stated that Mr. Kelly sent in a request this morning for a continuation. (Please see attached letter from Mr. Kelly).

Mr. Wilson made a motion to postpone this Rezoning Application PLRZ20200000029. Ms. Evans seconded the motion. The motion was approved by a 7-0 vote.

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*

4/11/2020

**Tricor Properties LLC
1000 mountain Valley Rd,
Axton Va 24540**

**CITY OF DANVILLE PLANNING COMMISSION
REQUEST FOR CONTINUATION**

In light of the current COVID19 crisis and disruption to our business, we respectfully ask the commission to consider postponing our hearing for April 14 and reschedule at a later date.
Thank you for your understanding in this matter.

SINCERELY,

GERALD KELLY

applicant is proposing to rezone to allow for a discontinued non-conforming use (commercial kennel) to be used.

5. *Special Use Permit Application PLSUP202000059, 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 be used.*

Mr. Garrison open the Public Hearing.

Mr. Gillie stated we received one comment which said I moved to this area of Danville for peace and quiet. (Ackbar) We received a comment from the owner, Dana Peters. (*Please see attached letter*). The owner did have a flight scheduled to come here and I had talked to her previously and told her that the building would not be open, so she did not come. I know that some of you have concern if the applicant doesn't come, but her plan was to attend the entire time, so she is not here because she is not allowed in the building.

Mr. Garrison closed the Public Hearing.

Mr. Dodson stated does she own the house right beside the kennel?

Mr. Gillie stated Ms. Peters owns the house next door.

Mr. Wilson stated is it in the public interest? I have always been fascinated by that whole thing. I'm not sure how I understand, how a kennel at the end of a street is a public interest. Is that the right question to ask about the spot zoning thing?

Mr. Whitfield stated not all spot zoning is illegal but if it is not of the public interest then it could be considered spot zoning.

Mr. Wilson stated I'm a little confused about the applicant. The applicant doesn't live here from the address on the letter. Who is going to run this kennel or be the manager of this operation?

Mr. Petrick stated is this going to be leased, in other words?

Mr. Wilson stated we don't have any kind of plan or anything. This is a pretty good example for me of why we should kick this down the road, so we can have a public hearing on it. We have spot zoning issues and we have to decide if it is in the public's interest. I don't know what that means and we need to determine what that is.

Mr. Petrick stated it is a shortage of similar properties that are properly zoned that could be used for the same purpose. I think that would probably be more compelling, but a legitimate public purpose is going to be hard to defend. Don't you think?

Mr. Gillie stated from staff's perspective this is a decision that you as a board may recommend Council on: whether you make that determination on this being a public interest. From staff's perspective, it is a structure, and this piece of property has not been

MEMORANDUM

DATE: April 14, 2020

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS.

REQUEST:

- 1. 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.*
- 2. 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.*

RESPONSES:

Twelve (12) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received. Three (4) were not opposed (Peters, Danville Pet Resort Inc, Kendrick and JHC Properties LLC). One (1) was opposed (Ackbar).

COMMENTS:

I moved to this area of Danville for peace and quiet. Ackbar

Jones, Lisa K.

From: noreply@civicplus.com
Sent: Thursday, April 09, 2020 8:43 PM
To: Jones, Lisa K.; Gillie, Kenny
Subject: Online Form Submittal: Citizen Comments for Planning Commission

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Citizen Comments for Planning Commission

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Remaining consistent with traditional in-person meetings, each citizen has the opportunity to provide a comment during a public hearing for an agenda item.

Public hearing remarks should not exceed 400 words, which is comparable to 3 minutes speaking.

Comments submitted via this format will be collected and distributed to all commission members and published with the minutes of the April 14, 2020 City Planning Commission Meeting. Comments will be collected through April 14 at 10am.

First Name	Dana
Last Name	Nielsen
Address	40 E 760 N,
City	Danville
State	VA
Zip	84003

Additional Information	<u>Planning Commission - Agendas and Minutes</u>
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The following items are slated for public hearing on April 14, 2020
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.

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 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. 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# 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.

Please select which item your comment pertains to: 4. Rezoning Application PLRZ2020000058

Comments

I purchased this property in 2012 from Marion Wardle who purchased it back in the 1980's from the original builder and owner of the business. I never met her but her son, Richard Kendrick lives across the street from the property I am seeking to rezone.

The property itself sits on the dead end side of Ash Street. It is basically a destination point. The surrounding properties do not appear to have potential to build new homes or other structures. I have had good relations with all my neighbors.

I seek this rezoning and the special use designation to comply with the regulations governing such usages. I would like to bring to the discussion, however, that this property has never had a different use. It's use was grandfathered in when the city

At the moment I have closed it until I can get the zoning needed to operate the business legally. I still have customers calling and asking when we will reopen. I've had great customer support through the years and look forward to being able to service my customers once more.

I had planned to come to the meeting in person but with the current virus situation, being there in person isn't even allowed. My hope is to resolve this quickly and get back to a functioning business. I thank you for your time and am available should any questions arise.

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used for two years and loses its vested rights. They are trying to fix it, and I wish the applicant could be here to explain the situation and I can't really testify on her behalf, but because the situation that we are under, we are doing the best that we can to get the information to you. If this is being recommended to be tabled I don't think the applicant would be upset. It has already lost its grandfathered status and it's not like we are pushed for a time limitation on this.

Mr. Garrison stated right now we are under a stay at home order until June 12. The next meeting that we can have a true public hearing is in July.

Mr. Gillie stated at the moment that is what the order is, but it could be changed. We are doing the best that we can with the information that we have at the moment. We are also hoping that maybe technology can change to allow us to have some outside interaction and our IT department is working on this. We don't have the ability and that is why we don't have it set up right now.

Mr. Garrison stated I understand that, but to have a public hearing where she can actually be here will probably be July, unless you can set up some kind of video conferencing where they can come and be in another room.

Mr. Gillie stated we are trying to work on a way that will be safe for everyone.

Mr. Wilson stated I think even with that, I am very concerned about a really pretty serious initial HRC Highway Retail District that has clearly plopped them in the middle of a residential area. It is very hard for us to make decisions when we don't have the public's input and that just seems so critical to our role in Planning Commission to hear comments of people and get a feel for neighbors. There may be more neighbor concerns established that we never get. I am strongly inclined to kick this down the road.

Mr. Dodson stated didn't he say of the stuff that he sent out, only one person out of the whole street was opposed to it. They have been there for thirty years.

Mr. Gillie stated we annexed in 1988, and it was there. I don't know when it operated beforehand.

Ms. Evans stated would it be helpful to contact Mary Wardle since she operated it before to see if there were any concerns or complaints?

Mr. Whitfield stated I think it would be up to the applicant if they felt it was necessary to bring her in.

Mr. Bolton stated I would like to hear from her. If she has good plans for the building. Then it is either going to be something like that or sit there vacant. What else are you going to do with a block building on a dead end street? I have no problem with putting this off until a later date.

Ms. Evans stated if we approve it and then two years down the road nothing happens, what happens then? Is it still conditional home retail?

Mr. Gillie stated if you recommend approval and Council agrees to do the additional zoning that is the only thing that it could be. With a special use permit, you have a one year time

limit before something starts. If she doesn't operate within a year, she would lose the special use permit, but the zoning itself would not change. It would be zoned as a commercial parcel but only by special use. A subsequent owner or applicant would have to come back and do things within a certain period to ask for another special use permit. It is kind of a double safety on something that could be detrimental to a neighborhood. The applicant had every intention of being here, this is not one that they did not want to come. Up until last week we were still back and forth on them coming to this meeting. In their defense, they did everything possible to try to be here to answer these questions for you.

Mr. Garrison stated if this was approved for the zoning change and special use permit, would it still then if she didn't start the work for a year and lost the special use permit, would the zoning just be for a kennel?

Mr. Gillie stated correct. The zoning would be just for a kennel.

Mr. Bolton stated to answer Steve's question about public need, if she has a business plan and shows a big demand that would be helpful.

Mr. Petrick stated the crux of the issue is spot zoning and you have said as such and our only recourse is to make a decision as to whether it serves as a legitimate public purpose and frankly I don't know of anything that could be said about public or the neighbors or owner that is going to change any of that. I think we are setting a dangerous precedent here.

Mr. Wilson stated what is a dangerous precedent?

Mr. Petrick stated by spot zoning, and this is clearly a situation where you have a residential area and you are surrounded by residential properties and you are zoning commercial.

Mr. Wilson stated I feel like if we can't hear the arguments, because we have done spot zoning in the past where we have approved in the recommendations that was considered spot zoning. Once they came in and talked about it and we saw the major issues we were able to go forward with it with confidence. We don't know why seven people didn't respond.

Mr. Dodson stated probably because they don't care. If it was upsetting to me, I would have sent it in.

Mr. Garrison stated looking at the map that street dead ends there and the property that it dead ends to is zoned by Moore. There is no way that we would ever extend that street to the County, am I correct?

Mr. Gillie stated it is highly unlikely.

Mr. Garrison stated the City and County would have to agree to extend that into the County, am I correct?

Mr. Gillie stated that is correct and we have not in the past in other situations that would be similar.

Mr. Wilson stated I guess I'm a little bit confused where we are going?

Mr. Petrick stated at this point I don't see approval as an option. A postponement is our only option other than denial.

Mr. Wilson stated I would lean that way because I think the role of the Planning Commission is to be that bridge between City Council and the public and if that is not there it is very hard for us to make a decision.

Ms. Evans stated is there no other option than Highway Retail Commercial?

Mr. Gillie stated for a kennel, no.

Ms. Evans stated do you know what her plans are for the house?

Mr. Gillie stated no the house was not part of this request.

Mr. Wilson made a motion to postpone this Rezoning Application PLRZ20200000058 till we can have a public hearing. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

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.*

Mr. Gillie stated we did receive one comment from JHC Properties LLC (See attached letter).

Mr. Garrison opened the Public Hearing.

Mr. Gillie read a letter from Nation Restaurant Designers. (See attached letter).

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated I just noticed the person that wrote in said they were opposed at this time due to the landscaping blocking the view and if something could be done with that they wouldn't be opposed. Is there anything that we need to consider about the current landscaping?

Mr. Gillie stated we haven't received any plans about the existing landscaping. My assumption is that it will probably be removed during construction. If you look at their drawings that they submitted, there is no landscaping being done after construction. I assume what is there now will be torn out during construction.

Mr. Petrick made a motion to approve Special Use Permit Application PLSUP20200000081 per conditions by staff. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.



A Division of LMHT Associates

Special Use Permit Application – Biscuitville Introduction

Biscuitville is requesting the setback variance allowance to improve the existing facility and better serve our patrons.

Expansion of the front of the building shall allow renovation of the existing building to include new customer restrooms on the interior of the building. Currently, restrooms are located on rear of building with exterior access only. Proposed renovation shall be in line with current Brand Image to include dining room updates and exterior design modifications as shown in provided rendering. Existing seat count shall not be increased. It is understood that this variance will not impede traffic or neighboring properties negatively and will only increase overall aesthetic and functionality of the building and street.

This Special Use permit application was reviewed and approved by this Commission in 2015. Expansion was postponed while Biscuitville explored other real estate options before committing to updating this site. Biscuitville is asking for the same approval to now proceed with the remodel now.

7. *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.*

Mr. Garrison opened the Public Hearing.

Mr. Gillie read neighborhood comments. *(Please see attached letters).*

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated was there a special use permit approved on this property?

Mr. Gillie stated not on this property.

Mr. Bolton stated we did one in a similar area didn't we?

Mr. Gillie stated we have done a few daycares in the past but not on Franklin Court. We did one kind of in the south central section of the City. We have had two of these similar but not at this location.

Mr. Bolton stated do you remember the amount that children were allowed or up to?

Mr. Gillie stated we allow up to twelve because that is what the code permits, but that is after they have been inspected by the fire marshal and building inspector to make sure what the facility can handle and that bath rooms were sufficient size, play area, windows for escape, doors, and smoke detectors. This facility has not been inspected so I can't say whether it can handle this or not at this time.

Mr. Dodson stated is there a reason that it has not been inspected yet?

Mr. Gillie stated no, not that I am aware of. I thought that I advised the applicant but it could have been miscommunication. When we met I told her that we needed a special use permit and the facility also had to be inspected. With the state as well as local she might have thought that one inspection took care of both. I don't know because I haven't talked to her since we sent the reports out. Because I haven't had any contact with her, I just don't know what the next step for her would be. I want to give her the opportunity to try to address those. That is why staff did not recommend denial. We feel that moving this further down the road would give her a chance to meet with the neighbors and address any concerns about drop off and pick up and also make sure that the facility can actually handle the number of children that she has asked for.

Mr. Petrick stated children are in there now?

Mr. Gillie stated they can have up to five.

Ms. Evans stated without a special use permit?

Jones, Lisa K.

From: noreply@civicplus.com
Sent: Tuesday, April 14, 2020 9:57 AM
To: Jones, Lisa K.; Gillie, Kenny
Subject: Online Form Submittal: Citizen Comments for Planning Commission

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Citizen Comments for Planning Commission

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Comments submitted via this format will be collected and distributed to all commission members and published with the minutes of the April 14, 2020 City Planning Commission Meeting. Comments will be collected through April 14 at 10am.

First Name	Chris
Last Name	Daniel
Address	449 Vicar Rd.
City	Danville
State	VA Virginia
Zip	24540
Additional Information	<u>Planning Commission - Agendas and Minutes</u>

The following items are slated for public hearing on April 14, 2020

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...*

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 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. 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# 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.

Please select which item 3. Rezoning Application PLRZ2020000029
your comment pertains to:

Comments

We oppose Rezoning Application PLRZ2020000029, which is being considered today. The current zoning category is sufficient to provide for a wide variety of uses for the identified property. These parcels are located in an area that is undergoing changes. However, these changes are gradual and should not proceed at such a pace that they engender undue hardship on the adjacent property owners. Adjacent property owners include those whose property backs up to 1113 Franklin Turnpike in Shadowwood. A number of homes along Vicar Rd. will be impacted by the proposed changes in the zoning for this property on Franklin Turnpike.

If this property is rezoned, provisions should be included that require appropriate "buffering" at the rear of this area where it abuts those properties along Vicar Rd.

Jones, Lisa K.

From: noreply@civicplus.com
Sent: Monday, April 13, 2020 10:27 AM
To: Jones, Lisa K.; Gillie, Kenny
Subject: Online Form Submittal: Citizen Comments for Planning Commission

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First Name	Carolyn
Last Name	Meyer
Address	160 Franklin Ct
City	Danville
State	VA
Zip	24540
Additional Information	<u>Planning Commission - Agendas and Minutes</u>

The following items are slated for public hearing on April 14, 2020
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Please select which item your comment pertains to: 7. Special Use Permit Application PLSUP2020000083

Comments

While the wording in the letter I received is vague, it appears that the permit requested is for a daycare of up to 12 children. Since there is already a daycare operating at this address, 180 Franklin Ct, Danville, VA, under the name Train up your Child, I have to think that this permit is for an increase of children, and not for a new daycare. I wish that information was given to us in the initial communication, as I had to do that research myself in order to offer legitimate comments for this matter.

My main concern is an increase in noise. Sometimes it is impossible for me to enjoy my backyard because of the noise coming from their backyard, or the street, where the kids often play. While I am grateful that an adult is not outside screaming at them all day, it does appear that there is a lot of unsupervised playtime. (I am no expert but I do know that an

What will be done to ensure that neighbors of the daycare are not inconvenienced by an increase in noise and disruptive traffic patterns? What can neighbors of the daycare expect in terms of hours of operation, are there scheduled drop off/pick up times, are there 'drop in' options? What about parking for any employees?

While I understand the process here is not to block or approve the daycare, I just hope my comments are taken into consideration from the business owner, so we can keep our neighborhood SAFE and peaceful.

I am by no means against anyone trying to make an honest living out of their home, but I do wish to be able to enjoy my home for what it is, my sanctuary.

Thank You

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NEIGHBORING PROPERTY OWNERS STATEMENT

According to the record of land ownership you own property that is located within 300 feet of property that is the subject of a public hearing. You are entitled to express an opinion as to whether you are opposed or not opposed to the request by completing the form below. Please check the appropriate box and return it by **April 10, 2020**, in the enclosed self-addressed, stamped envelope. You are not required to complete this form but may if you desire to express an opinion on this matter.

I (we) HUDSON MARGARET HODNETT (LIFE) & COOK CHRISTINA D & HAAR LEIGH A & MCNICHOLS KA

as owner(s) of Lot(s) 203 CHERYL DR

_____ AM OPPOSED

AM NOT OPPOSED

to the following request filed with the City of Danville:

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.

Signatures(s):

*Life Margaret Hodnett Hudson
Leigh Haar
Christy Cook Kathy McNichols (deceased)*

we do have traffic - the bus at times -

Comments:

*on my comment - Traffic - Parking spaces
for cars leaving child + picking up -
She has kept children in past - Has not been
Problem - But for 12 - that is question -
She is nice Neighbor - Have no problem with her -*

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I (we) DORMAN JAY F

as owner(s) of Lot(s) 202 CHERYL DR

 X AM OPPOSED

 AM NOT OPPOSED

to the following request filed with the City of Danville:

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.

Signatures(s):

 Jay F Dorman

Comments:

- ① I am opposed to increased traffic. There are already many children playing in the street.
- ② I am opposed to increased noise.

Thank you
J.F.

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I (we) HALL LARRY N & BETSY H

as owner(s) of Lot(s) 207 CHERYL DR

AM OPPOSED

AM NOT OPPOSED.

to the following request filed with the City of Danville:

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.

Signatures(s):

Larry N. Hall.

Betsy H. Hall

Comments:

Traffic volume is more than low and speeding is common. Cars do not stop at the corner of Franklin & Cheryl. Twelve children in a house this size is too many and how can one person watch over this many children at one time? With Covid 19, how can this even be considered?

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I (we) HAWKINS BRENDA J

as owner(s) of Lot(s) 136 CHERYL DR

 X AM OPPOSED

 AM NOT OPPOSED

to the following request filed with the City of Danville:

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.

Signatures(s):

Brenda J Hawkins

Comments:

I think it will create more traffic in the area with cars and school buses.

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I (we) JOHNS STEVEN A & KAREN E

as owner(s) of Lot(s) 219 CHERYL DR

AM OPPOSED

AM NOT OPPOSED

to the following request filed with the City of Danville:

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.

Signatures(s):

Steven A Johns

Karen E Johns

Comments:

Amount of traffic and parking has been more of an issue over the past couple of years, been a few times I've tried to get out or leave but have individuals parking in the middle of the road to go in to pick up their kids.

Mr. Gillie stated correct.

Ms. Evans stated but you don't know how many.

Mr. Gillie stated I do not know. The zoning clearance that they have says it should not be more than five. Since it hasn't been inspected I can't determine whether they are in compliance with that. I haven't received any complaints about this facility until we received information from neighbors that it is traffic and everything else. At this point I had no reason to go out and inspect, because I had not heard anything about it.

Mr. Craft stated she wouldn't go ahead and get inspections and everything without knowing if she was going to get the zoning or not. Why would she pay for all the inspections? I would think that once you are approved then it would be mandatory that she get the inspections under state and local law.

Mr. Gillie stated the inspections are mandatory before you open and whether it is cost effective to go ahead and ask for this. I believe she had a state inspector out there, which is why I believe there might have been miscommunication on local inspections as well as state inspections. I don't have a copy of the state inspection so I don't know what they found. I know she is required to have local inspections done and by talking to my inspectors, and the fire inspectors, they have not been out to this facility to have it done yet.

Mr. Bolton stated would a good inspection change our mind on anything. I think we need to assume that she would pass inspection and if she does, do we want to allow this.

Mr. Dodson stated there is a lot of opposition.

Mr. Wilson stated a lot, and I lean towards what neighbors think. Is she aware of all of the opposition?

Mr. Gillie stated I believe she is aware and one of the suggestions was that this case be held over to allow her the chance to address some of the neighborhood concerns. If people are parking in the middle of the street, that is an adult issue and you need to talk to your clients and have that addressed. The screaming kids, well kids are just kids and maybe need a little more supervision. I think all the things that the neighbors brought up are things that can be addressed, but the question is will they be addressed? I would like to give the applicant a chance to at least address the concerns. The inspection is something that needs to be done. Staff was concerned based on the size of the house and the age of the facility so the inspection needs to be done before we make a recommendation, because that may limit the number of children. Right now it is asking for twelve, and if it goes forward with twelve and we say she can only have eight but your recommendation says twelve when we leave this meeting then we have a conflict later. I don't have the information at this point and I am recommending that this be sent down the road.

Ms. Evans stated do you know if it is just her taking care of these proposed twelve children or does she have employees? How many can one person take care of?

Mr. Gillie stated my understanding it was just her taking care of them. Under regulations, one person can take care of that number of children and still comply.

Mr. Craft stated so she can have five under precedent?

Mr. Gillie stated she can have five and have no need to have a special use permit or any inspections or anything else. That is just considered a family according to the City Zoning Code.

Mr. Craft stated so she can open tomorrow?

Mr. Gillie stated she is actually open now. She is currently open with that but to increase the number of children she would need approval.

Mr. Craft stated I would think if she is opened now then there were a number of inspections done already.

Mr. Gillie stated at five we don't have to inspect.

Mr. Bolton stated she is more than doubling the amount.

Mr. Gillie stated she is proposing to double the amount.

Ms. Evans stated with five you have complaints of parking.

Mr. Gillie stated these are the first complaints that I have received. I have not received any complaints prior to sending out these neighborhood letters. While there has been issues they have not notified staff of those. I have never investigated because I have not receive complaints prior to this. Now I have to do some discussions with Ms. Washington about the issues even with just five children.

Mr. Garrison stated we are assuming that she has just five because we don't know that.

Mr. Gillie stated correct.

Mr. Wilson makes a motion to postpone Special Use Permit PLSUP20200000083 for future meeting. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

IV. OTHER BUSINESS

V. APPROVAL OF MINUTES FROM MARCH 9, 2020.

The March 9, 2020 minutes were approved by unanimous vote.

VI. ADJOURNMENT

With no further business, the meeting adjourned at 4:00 p.m.

APPROVED