

PLANNING COMMISSION MINUTES

January 11, 2021

MEMBERS PRESENT

Mr. Garrison
Mr. Petrick
Mr. Dodson
Mr. Craft
Mr. Kahn
Ms. Evans

MEMBERS ABSENT

Mr. Bolton

STAFF

Lisa Jones
Doug Plachcinski
Clark Whitfield

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

The meeting was turned over to Mr. Whitfield for the election of officers.

I. ELECTION OF OFFICERS

Mr. Whitfield called for nominations for Chairman.

Mr. Petrick nominated Mr. Garrison as Chairman. The nomination was approved by a 6-0 vote.

Mr. Whitfield called for nominations for Vice Chairman.

Mr. Dodson nominated Mr. Petrick as Vice Chairman. The nomination was approved by a 6-0 vote.

Mr. Whitfield called for nominations for Secretary.

Ms. Evans nominated Mr. Bolton for Secretary. The nomination was approved by a 6-0 vote.

II. ITEMS FOR PUBLIC HEARING

1. Rezoning Application PLRZ2020-252, filed by VADA DANVILLE MHP LLC, requests to rezone Parcel ID #56019, also known as Grid 816, Block 9, Parcel ID#58 of the City of Danville, Zoning District Map from S-R Suburban Residential to MHP-R Mobile Home Park Residential.

Mr. Garrison opened the Public Hearing.

Mr. Brad Arrowood, owner of VADA Danville MHP, LLC, stated the Danville area has grown tremendously since we have taken over the park in 2018. We have filled completely and we have improved the park and with the area growing we would like to have the opportunity to expand. We would like to make a home for the new residents that are coming. I know that the Cesar's Palace wherever it may be is coming soon and there is going to be a need for

homes for the construction teams that are coming in, as well as for the staff of the casino. We would like to be included in that and we want to be able to afford to give affordable housing to the new residents.

Mr. Petrick stated I'm just curious in the packet right here it is mentioned that you have no existing plans of developing the subject property.

Mr. Arrowood stated we don't have existing plans only because this is a new purchase. We purchased this property due to the fact that we were approached. There was some homes that were grandfathered in when the homes moved out. We ran into encroaching issues so from investigating we found out that the entire property was for sale and we purchased the property to solve the encroaching issues as well as having the possibility of expanding the property as well. We do have plans to have an Engineer out once we get approval for this; have an Engineer out quickly so we can set some plans in place.

Mr. Petrick stated can you give us some idea what you possibly plan to put there.

Mr. Arrowood stated with a five-acre plot of land where you're looking somewhere between 35 to 50 homes, just depending on the placement of the homes. I know there are some Valley areas that go on that property, so of course on the valley areas, we wouldn't be able to place homes, but on the flat lands of that area, we would like to be able to put homes and we're looking at somewhere between 35 and 50 homes.

Mr. Petrick stated are these single wide homes?

Mr. Arrowood stated yes, single wide homes.

Ms. Evans stated do you have any idea how these 35 homes would encroach on the setbacks?

Mr. Arrowood stated we should be able to fix any encroachment issues with this property, so we should be able to come into the city expectations and the setback requirements. We should be able to meet those requirements once the expansion comes through, Again, we have already solved the encroachment issues that were initially there with the purchase of the five acres of land we would like to again put the homes in place. Then we would hope to be able to follow all the guidelines, of course, and we should be able to meet this the setbacks that are required.

Ms. Evans stated we have received a number of letters of people opposing, residents opposing this so we're very concerned. I'm very concerned.

Mr. Arrowood stated I understand.

Ms. Evans stated that we make everyone happy.

Mr. Arrowood stated right of course, we're going to meet all guidelines. That is our plan of course to always meet the guidelines with the expansion of the Danville area, I think it is important that we offer affordable housing and again the quality of the community and of our existing community is not comparable to any other home community in the area, these would be brand new homes on the property as well. The quality would remain, if not improved.

Ms. Evans stated recently, a tree was cut down in your neighborhood for no reason. To my understanding, it was cut down to make room for a truck to get through.

Mr. Arrowood stated the tree that is being questioned, and a lot of people have come to us with, on the backside of that tree there used to be two trees that backed up to each other. We removed one because it was dying because of the length of time that the tree was leaned up against the other tree the backside of that tree was dying as well. We had tried for over a year to refurbish the tree to make it alive again and we were not successful, due to the damage that was there before.

Ms. Evans stated are there any plans to replant that tree?

Mr. Arrowood stated I'm not going to say that there's not any plan to replace that tree. It definitely was for a developmental purchase and it was literally just because of where it was at. We had just installed a mailbox center for all the residents. They use to have the gold mailbox on this metal post throughout the community as an improving plan we had put in a mailbox kiosk for the residents. This tree was very close by to there. We have put in a couple of plants around that. We do beautification projects throughout the year and that is in plant.

Mr. Craft stated how close will the homes be to the existing overhead power lines?

Mr. Arrowood stated I'm not exactly sure we have not gone to the next step of having the engineer come out to the property just yet because this just happened recently that we purchased this property. We plan to follow all guidelines, expectations and setback requirements for each of these homes.

Mr. Craft stated who handles the expense for the roads and the sewage?

Mr. Arrowood stated we would incur those cost.

Mr. Garrison stated how many homes do you currently have now?

Mr. Arrowood stated we have 80 homes that are not inclusive of the offices that are there which is also an apartment but there are currently 80 homes on this site.

Mr. Garrison stated currently have ten acres or slightly more.

Mr. Arrowood stated a little over ten acres.

Mr. Garrison stated so you have eighty on ten acres and you plan on putting 30 to 50 on five acres.

Mr. Arrowood stated that is correct.

Mr. John and Margaret Benz stated of concern first of all is the flow of traffic and I wrote down a couple of other things. Also, cutting down the trees I do not know if you people have seen this property, but if you go down our street on the cul-de-sac and look down, you will see a lot of trees that have been cut down but not removed and there's a stream back there where the trees are falling into or have fallen. One of the things that I think with this plan and

everything is a schematic of where these homes are going to go. Next question I have is are they going to be mobile homes or are they going to be trailers? Now, someone told me a few year ago that there was a clause that there was not supposed to be anymore trailers in the City of Danville. I don't know if this is true or not, but I would like you people to look into this. Also one other thing, is there going to be a road going from 3rd Avenue into this complex and if it is the amount of dirt that they will have to remove is unbelievable because the hill slants down that way to the stream. So, that means that they are going to be moving tons of earth to get this done. One more thing about the road you have a road that cuts up by the URW that goes up to Piney Forest Road and you got another exit to go out to get to Piney Forest or wherever you want to go if they build an access road to go all the way across to the back part of this property out to Piney Forest Road and 3rd Avenue we are going to have a track meet because when you go down to 3rd Avenue, it is a dead end. Then you go up to a cul-de-sac that's it on the right and on the left. We have lived here since 2002 and it is a quiet neighborhood and we have good neighbors. Everybody you know, you have no reason to be up there whatsoever. Thank you.

Mr. Walter Hargraves stated, I currently reside on Wendin Lane. Members of the City Planning Commission, Mr. Chairman, good afternoon. First, I strongly oppose this request to rezone this subject property from Suburban Residential to Mobile Home Park Residential. First, let me tell you a little bit about this area. It is very quiet, there is very little traffic except for the families who live in this area. It is virtually crime free. We would like to keep it that way. More importantly we are concerned about property values. I believe having a mobile home park in our neighborhood will lower our property values. I strongly suggest that this request for Rezoning not be approved. Thank you.

Ms. Kathy Skarbek stated my husband John and I have lived on Wendin Lane, in the Starmont neighborhood, for 21 years. We find this proposal to rezone the property directly behind our house from Suburban Residential to Mobile Home Park Residential to be distressing for many reasons. (Please see attached letter).

Mr. Garrison closed the public hearing.

Mr. Petrick stated I have a question for staff concerning and this has come up before. What requirements are there, for example here, that this be approved without a master plan? Can you address that? What is require and not required.

Mr. Plachcinski stated thank you and that is an excellent question. I will have to go back and research that. Typically Rezoning's are not required to submit plans because you are rezoning the property. I would like to ask both our existing staff and find out.

Mr. Petrick stated it is not a requirement but an instance like this, would be a help if there were a master plan?

Mr. Plachcinski stated I think at the very least a conceptual idea. We've heard a lot of numbers 35 to 50 connecting to different streets. A couple of speakers have pointed out there is a utility corridor. There's also a stream that runs through the property. Where yes a typical five acre plot may yield 35 to 50 mobile home sites. I don't know that's realistic given a fifty foot setback requirement in addition to the natural features and the utility corridor that are there. The applicant suggested they have just begun their due diligence in exploring what may be developable on the site and certainly you know the idea of moving a lot of earth and increasing a lot of expense is probably something they'll have to consider when

Good Afternoon,

I am Kathy Skarbek. My husband John and I have lived on Wendin Lane, in the Starmont neighborhood, for 21 years. We find this proposal to rezone the property directly behind our house from Suburban Residential to Mobile Home Park Residential to be distressing for many reasons.

1. Decreasing property values

- a. Unfortunately, there is a stigma attached to mobile home parks. Research suggests presence of Mobile Home communities significantly decreases the value of property in adjacent neighborhoods. Notice this refers to 'neighborhood' not just adjacent properties.
- b. Unfortunately, many of other property owners in the immediate neighborhood are unlikely to be aware of this proposed change. The city should consider expanding the radius of impacted properties that are notified of rezoning. Including only properties within 300 feet of the property for which rezoning is requested is inadequate. Most studies include a minimum of 600 feet up to a maximum of 1350 feet. The depth of our property on Wendin Lane is 287 feet effectively excluding property across the street from ours from being included in this discussion.
- c. ~~Property owners with more than one property impacted by such a change should be allowed one vote per owned property. My husband and I currently own three properties on Wendin Lane, two of which fall in the 300 foot radius. Only one ballot was provided to us.~~

2. Increased traffic on Third Ave W.

- a. Property owners were not provided a development plan for the five acres for which VADA is requesting rezoning. Therefore, we are left to speculate where ingress and egress to this MHP extension would be located. Extension of Third Ave W appears to be a feasible option and

would create an exponential increase in traffic and noise in the neighborhood.

b. Per City Zoning Ordinance

i. **I. – Additional Regulations**

ii. Section 7: Zoning and Site Plan Requirements:

1. The rezoning of any project under the MHP-R District zoning provisions shall require the submission of a Master Development Plan which is intended to depict the master plan for the specific development proposal. Where is the development plan?

3. Disruption of the peace and serenity of the neighborhood

- a. In the time we've lived in Starmont, we've had many people comment on how quiet our neighborhood is. We would love to keep it that way. Increased housing, traffic, people and pets would increase the noise in the immediate neighborhood and surrounding area.

4. Disruption of wildlife

- a. We love the wildlife that five acres provides. Deer, hawks, woodpeckers, rabbits, frogs, turtles all inhabit the area being discussed today. Much of that wildlife would be displaced with the development of a Mobile Home Park.

5. Increased lighting

- a. Based on the city ordinance related to the MHP, section D, Maximum Density #1: six dwelling units per acre area allowed ((Ord. No. 2004-02.04, Art. 3.H, § D, 2-17-04). If VADA is able to develop all five acres, that means the potential of 30 mobile homes in that area. More mobile homes equals an increase in lighting in the area for street lights, home lights, etc.

For all these reasons, please recommend that City Council deny this request for rezoning.

Thank you.

developing that plan. Also, resolving whether they would request to access any other streets like 3rd Avenue West would probably be a good idea to resolve.

Mr. Petrick stated just riding through there over the weekend, I didn't see any viable access from a public thoroughfare into that property other than Piney Forest Road.

Mr. Plachcinski stated no and I don't believe there is I think that just on the map 3rd Avenue sort of dead ends into the subject property.

Mr. Petrick stated as to the question, I think that Mr. Benz had said, are there any limitations on what type of structures we're looking at here; single wide mobile homes the developer has stated. That's what it's going to be, we are assuming they are all going to be permanent foundations or what?

Mr. Plachcinski stated it is my understanding, no, that trailer homes or mobile homes that are titled in that manner are allowable in the zoning district. Now one thing the City of Danville did do at some point in time was remove the ability to place a mobile home or trailer home on a single family zoning lot and that maybe part of the confusion. I believe that there were part of this were broader parts of the city where there were existing trailer homes, that were completely legal and they're still legal today but then at some point we changed our zoning rules to say it has to be as you said on a permanent foundation and unable to be moved again and to go from being personal property to real property.

Mr. Craft stated doesn't that rule also applied to these?

Mr. Plachcinski stated no, not in the zoning district that would be the distinction.

Mr. Craft stated has the City done any environmental factor of whether the streams will be affected.

Mr. Plachcinski stated no.

Mr. Craft stated any erosion problems, nobody has done any studies?

Mr. Plachcinski stated not that I'm aware of for this property.

Mr. Craft stated there is a stream that runs parallel with that property all the way down and you're talking about a lot of grading, and cutting down trees and you are going to have a serious environmental problem there.

Mr. Plachcinski stated potentially and we do have construction guidelines that they will have to meet or exceed in order to develop any of the property that the engineering department will go through with them and monitor and inspect during their construction.

Mr. Petrick stated you know a lot of these concerns, I think will be addressed if and when a plan is submitted.

Mr. Plachcinski stated it does seem that way.

Mr. Garrison stated a requirement for a plan to be submitted, am I correct, before they could actually do any construction?

Mr. Plachcinski stated right, you would definitely, and I'd have to check to see if the planning commission would have to review that, and definitely there would be a plan submitted and potentially a public review or certainly our review of that plan to make sure it meets standards and again under the existing configuration of the property it is completely nonconforming for setbacks and buffers to residential property. There just happens to be this odd five-acre leftover piece of property that doesn't really have access to anything that in between the neighborhood and the long standing mobile home park.

Mr. Khan stated I'm concerned of so many people, so many tenants around this area opposed to it. I heard your concern. I'm thinking about that as I go through the pages here. I see various reasons I would like more study or more analysis before we can or I can say anything. I think there is definitely some more work to be done.

Mr. Garrison stated I don't think any of us can go back to the history of when that part of the code was written because it was written prior to 1986, which is when that code was enacted. Having been a person that was living in the county and annexed into the city in 1988, and going back and going back and looking at this particular section of the code that deals with mobile home parks, I believe that sometime in the past, it was probably written to keep any mobile home parks out of the city because prior to 1988, there were I don't think any pieces of land that were larger enough with all city services to become mobile home parks. Since the annexation and most of the mobile home parks that exist now inside the city limits, were annexed in and grandfathered. I'm just curious as to why this hasn't been addressed prior to now. The other question that I have is this mobile home park has been in the city for a long time. It was here prior to 1988 because it was here when I first came here in the late 70's. Mr. Attorney are they grandfathered in to continue to add land and put trailers in?

Mr. Whitfield stated like Mr. Plachcinski stated I need to research this because I was in high school when this portion of the code was passed.

Mr. Garrison stated I may have been also, I don't know.

Mr. Craft stated I recommend that they have an environmental study on the stream. Our streams are very important and that's something that should be definitely considered before anything is done.

Ms. Evans stated I have a question, does that mean we are making a recommendation to table or?

Mr. Garrison stated the thing that we probably should do is postpone this until a further meeting until we have had time for both the attorney and Mr. Plachcinski to do some research and give us better guidance as to what needs to be done prior to having this on our agenda. I can't make a motion.

Mr. Petrick made a motion to postpone this Rezoning Application PLRZ2020-252 until we have further research and guidance from the City Attorney and the Planning Commission as to the intended use of this property. Mr. Kahn seconded the motion. The motion was approved by a 6-0 vote.

During the roll call Mr. Craft stated that he would like to see environmental study on that stream added to that.

Mr. Garrison stated if the Attorney and Mr. Plachcinski discover that should be added in I'm sure that will be added in.

Mr. Craft stated it is definitely environmental issue.

Mr. Garrison stated I would agree with you the fact that we are talking about slope that range anywhere from 14% to 20% on that land. How much fill is going to have to be done and how much cutting is going to be done and where the streets are going. I think that would all be addressed before its being brought back to us again.

Mr. Whitfield stated Mr. Chairman just as a note since that property does not belong to the city and the city is not the applicant that would probably be the responsibility of the applicant if that was determined that was needed or if that study was needed.

Mr. Garrison stated I agree, but I think between yourself and the Planning Office that decision needs to be made and brought back to us. I agree with you that I think the applicant would have to have that study done.

Mr. Whitfield stated I just want to make sure that everyone was aware of that before somebody thought that the city was going to pay for it.

Mr. Garrison stated we're not putting the city on the hook to pay for environmental impact study.

Mr. Plachcinski stated I can certainly discuss with the city engineer what kind of protections would need to be in place with soil erosion, grading, etc. They can provide a more definitive answer to what those requirements would be.

Mr. Garrison stated I'm sure the engineering department will have to be involved in taking a look at this also and give us more guidance as to what we should consider.

2. Rezoning Application PLRZ2020-283, filed by Justin and Stephanie Hylton, requests to rezone 255 Ranch Drive, Parcel ID #70900, also known as Grid 9813, Block 1, Parcel ID#1 of the City of Danville, Zoning District Map from T-R Threshold Residential to SR-R Sandy River Residential.

Mr. Garrison stated item 2 has been pulled am I correct?

Mr. Plachcinski stated yes, Mr. Chairman the applicant informed us they have a positive covid test in their household and that they would not be able to attend the meeting. Please postpone the item.

Mr. Garrison stated we appreciate them.

Ms. Evans made a motion to postpone this Rezoning Application PLRZ2020-283. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

3. Special Use Permit Application PLSUP2020-284 filed by Sekiv Solutions on behalf of REALTY INCOME PROPERTIES 21 LLC, requests a Special Use Permit for a waiver of yard requirement in accordance with Article 3.M Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1208 Piney

Forest Road (Parcel ID#54171), otherwise known as Grid 1808, Block 4, Parcel ID#75, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for a waiver of yard requirements in the HR-C Highway Retail Commercial Zoning District.

Mr. Garrison opened the Public Hearing.

Mr. Stuart Little stated and I am with Sekiv Solutions. We are the developers of the property. Just in a matter of keeping up with current corporate themes and store looks, they found it to be more economical for them to raise this site and reconstruct rather than just keep putting lipstick on it, so to speak. So, that is why we are here to get a special use permit to reconstruct the facility in its current location.

Mr. Garrison stated any questions?

Ms. Evans stated do you plan to increase the size of the sign?

Mr. Little stated I can't answer that question. I don't know. I don't know what the sign regulations are. I'm the civil engineer for the site and they said we could only bring one person in so I came. I don't know what the current size is or what the conditions are, and how they are manufactured and how they were manufactured then compared to now, if they are slightly bigger or slightly smaller. I don't know. The best answer to say they would be in true conformance with the city ordinance

Ms. Evans stated that would be a good answer.

Mr. Dodson stated how long will it take to knock the building down and rebuild it?

Mr. Little stated I have worked on about thirty different sites with Taco Bell. I'm from the Richmond area. When they do a raise and reconstruct you're talking about five months and that is the total time that it will be out of commission.

Mr. Dodson state so I will have to find somewhere else to go for Sunday lunch?

Mr. Little stated I think there is another taco bell in the area.

Ms. Evans stated so, you're not going to do both?

Mr. Little stated not right now only the Piney Forest site.

Mr. Garrison closed the Public Hearing.

Mr. Dodson made a motion to approve Special Use Permit Application PLSUP2020-284 as submitted. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

III. MINUTES

The December 7, 2020 minutes were approved by unanimous vote.

With no further business, the meeting adjourned at 3:45 p.m.

APPROVED