

PLANNING COMMISSION MINUTES

AUGUST 9, 2021

MEMBERS PRESENT

Mr. Khan
Mr. Garrison
Mr. Bolton
Mr. Petrick
Mr. Dodson
Ms. Evans
Mr. Craft

MEMBERS ABSENT

STAFF

Doug Plachcinski
Lisa Jones
Clarke Whitfield

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

ITEMS FOR PUBLIC HEARING

1. *Rezoning Application PLRZ2021-246, filed by D&R Jones, requests to rezone 180 American Legion Boulevard (Parcel ID# 73227) from TR Threshold Residential to M-R, MULTIFAMILY RESIDENTIAL DISTRICT. The applicant intends to develop a multifamily housing complex.*

Mr. Craft arrived at 3:03 pm.

Mr. Garrison opened the Public Hearing.

Mr. Mark Johnson stated I am with LED Professionals here in Danville. We have had several multi-family developers interested in this property and of course we needed proper zoning so that we can move forward. It is not the intent of D&R Jones to develop it, they just want to get it so they can market it so these folks can try to get a positive response. We will not impact American Legion load. We will have one single entrance on the East Franklin. Which the designed to accommodate a cross over with a full interchange to access the property across Franklin which is another fifty plus acres for itself. I do have Mr. Jones here if any of you have any questions that he or I can answer.

Mr. Baldwin stated the American Legion I know that you are not going that route but is that road closed already anyway?

Mr. Johnson stated it is a cul-de-sac. It terminates right before you get to Franklin Turnpike. It was intended to go across, but you know when Franklin Turnpike was constructed it was much lower. It just terminates at the cul-de-sac now.

Ms. Evans stated my question is how close will these apartments be to the cul-de-sac?

Mr. Johnson stated we are above it, but elevation wise we will be much lower, just because the grading required made this property work.

Mr. Khan stated how many acres?

Mr. Johnson stated eighteen acres.

Mr. Khan stated you say there is going to be a road leading to that and how will it affect the American Legion?

Mr. Johnson stated no, there will be a new road connected to Franklin Turnpike.

Mr. Khan stated from Franklin?

Mr. Johnson stated it will not be connected to the American Legion road.

Mr. Petrick so this is still a specula true endeavor and of course you don't have any plans or things like that?

Mr. Johnson stated we did a layout which we shared with you guys to try to get an idea of how many units we think we could reasonably get on there considering the grading area and the parking requirements. Whoever buys it will provide full development of open drawings for the city ordinance as well as TIA traffic studies or any of that stuff.

Mr. Bolton stated that needs us to disapprove or say a recommendation of approval before they even do all those plans.

Mr. Johnson stated we will need all the city approvals. This is just to get it to a point where we can market it. Instead of these guys looking at it to find the zoning and then walk away at least we will say, okay, it's zoned as multifamily, go at it.

Mr. Kahn stated how many acres?

Mr. Johnson stated eighteen acres.

Mr. Kahn stated you said that it will be a road leading to that and it's not going to affect the American Legion?

Mr. Johnson stated there will be a new road connecting to Franklin Turnpike.

Mr. Craft stated isn't there a small stream connected to that property?

Mr. Johnson stated there is a stream down below us.

Mr. Craft stated do you have to have EPA to look and get approval of that. Are there any plans for that?

Mr. Johnson stated I did a little quick grading plan and we're just staying away from it. It doesn't work and there is such a steep drop off down there. When you get next to the creek it doesn't gain any good areas.

Mr. Craft stated has there been a study yet of how much runoff is going to go into the stream?

Mr. Johnson stated no, that will come with the full development drawings. We'll have stormwater management devices to control it. That's all part of the final approval.

Mr. Garrison closed the Public Hearing.

Mr. Garrison stated one of the things that we need to understand is that we are not approving the development of this today. We are only approving the zoning change. Anything that is developed on that property will have to meet all city's requirements prior to being built. I don't think that would come back to us; it shouldn't once it is properly zoned. Then the city's building requirements would take effect. Before you make a motion, I want to ask you to do one thing, because I can't make the motion. Just to elevate any concerns with the people on American Legion Boulevard would you be willing to put in there a condition that the back gate to the entrance to the American Legion Boulevard must be locked and only used for emergency purposes, so there will not be any confusion about the ingress and egress on American Legion Boulevard.

Mr. Bolton stated but it's like that already.

Mr. Garrison stated I'm not sure that it is locked. I was over there less than an hour ago and it looked like to me that it was easily opened. I would like to make sure that it's locked so that we won't have traffic coming in and out on American Legion Boulevard.

Mr. Bolton stated is that a big deal process to close a road?

Mr. Plachcinski stated no, our emergency services have lock boxes and keys like that in many places. It is pretty standard that we may want a secondary Egress to American Legion should the development proceed, but we don't want to generate traffic there. So, it would be for emergency access only.

Mr. Clark Whitfield stated much like they have over at the railroad crossing near the country club. There is a little-known emergency exit so emergency vehicles can get in and so that residents can get out in case there is an emergency in there.

Mr. Garrison stated and that is locked unless it is being blocked by a train.

Mr. Whitfield stated that is correct and it's being controlled by the closest fire department to the gate.

The applicant agreed to the condition.

Mr. Bolton made a motion for recommendation of approval for Rezoning Application PLSUP 2021-246 with the condition that the cul-de-sac on the American Legion Boulevard be locked except for emergency purpose use as submitted. Ms. Evans seconded the motion. The motion was approved by a 7-0 vote.

2. *Rezoning Application PLRZ2021-255, initiated by the City Planning Director, requests to rezone 924 Arnett Boulevard (Parcel ID# 00319) from OTR Old Town Residential to HR-C Highway Retail Commercial. The owner intends to operate commercial uses on the site as it was when developed in 1950.*

Mr. Garrison opened the Public Hearing.

Ms. Phyllis Inge stated, my husband and I are the owners of 916 Arnett Boulevard. We are right beside the property of 924 Arnett Boulevard. Mr. Holbrook is trying to rezone it to commercial. My husband and me have lived there for twenty-four years and we have put a lot into our property. We oppose this rezoning because we keep his property up. My husband mows the grass and we everything over there. This past year I retired, and I want to sit out on my porch and enjoy my home. I can't because of the renters that he has there,

the violent language, and men are coming out of there house and using the bathroom. I am standing in the kitchen and I see all of this and it is unnecessary. We have said something to him, and he says okay, but nothing changes. We would prefer to let it stay as Old Town Residential. I have talked to the owners of A-1 Traveler's service, the other day and he said how do you stand it? I told him that I had the police over here, but nothing was done. Before he rented it to the tattoo place it was a computer place, and we had no problem at all. We cut the grass and we would pick up trash. Since they put that Walmart behind us on Nor-Dan Drive and most of the traffic on Piney Forest they come from the backway of Dalton and Arnett. Some days we can't get out of the driveway because the traffic that is backed up. If you want to put a car wash or something there, it's not going to work because traffic is backed up. I wish you could come over there and look at it in the evenings because every week is like that. I would appreciate if you would consider not to rezone it and leave it as residential.

Mr. Bolton stated what did you say is there now?

Ms. Inge stated it is an empty building there but next to him he owns all that property from 924 Arnett all the way down. Beside the empty building is a tattoo parlor.

Mr. Craft stated you don't think you would rather have commercial than what you have there now?

Ms. Inge stated there is nothing there.

Mr. Craft stated you have all these people coming in and out using the property.

Ms. Inge stated there is one way in and one way out. When we bought our home the homeowners before us said that we had access to that driveway to go to our back shed. We have that but the tattoo parlor and the hairdressers are blocking the driveway. We asked Holbrook to put signs saying don't block the driveway, but he won't do it. Like I said for twenty-four years my husband has been cutting their grass and has gotten no thank you or anything. We do it out of the goodness of our heart. We want our property to look nice because I work hard and my husband did thirty-eight years at Goodyear, and I did thirty some years at Health-Tex, and I worked eight years at Mohawk, and now I am retired. I am seventy-one years old I shouldn't be subjected to all that abuse over there.

Mr. Craft stated that was my question wouldn't you think that you would be better off commercial there rather than what you have now?

Ms. Inge stated no because we don't know what he will put there. If you had property wouldn't you check on your property that you had renters in. You don't see him over there checking on his property. I don't want my property to go down because his is going down. I pay taxes just like he does.

Mr. Garrison closed the Public Hearing.

Mr. Doug Plachcinski stated I would respectfully ask the Planning Commission to table this item until the next meeting so perhaps I can talk to Mr. Holbrook and provide him the feedback and maybe connect with Ms. Inge and try to straighten out the situation to see if there is some resolution that they can agree on like a conditional rezoning or something before we take action.

Mr. Garrison stated before we make a motion is there anyone living in that building now? It is not suitable for a residence. It was brought into the city in 1951 in the annexation. I believe that building was there as a business in 1951 when it was brought in, but I'm not positive.

Mr. Craft made a motion to postpone Rezoning Application PLSUP 2021-255 until the next meeting. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

- 3. Rezoning Application PLRZ2021-259, initiated by the City Planning Director, requests to rezone 212 Jefferson Avenue (Parcel ID# 24689) from OTR Old Town Residential to M-R, MULTIFAMILY RESIDENTIAL DISTRICT. The owner is rehabilitating the historic Old West End multifamily dwellings.*

Mr. Garrison opened the Public Hearing.

Mr. Steven Staats stated this was a single-family home back in the late 1800's and for some reason they disappeared. They built this six-plex and it operated as an apartment since then. I think it has been vacant for about eight years. I bought six apartments and refurbished it into six apartments and was notified that it is still zoned as single-family. So, that's why I want to make it multi-family since it has been used has a multi-family for about sixty, seventy to eighty years.

Mr. Dodson stated so how many units do you think that you will have?

Mr. Staats stated It is the original six and I'm not adding or subtracting.

Mr. Petrick stated I heard some conversation about condominiums. Do you plan to change or switch these?

Mr. Staats stated I don't think so. It was up in the air.

Mr. Craft stated will you have six different meters?

Mr. Staats stated it will be separate water meters, gas meters, and separate electricals.

Mr. Garrison closed the Public Hearing.

Mr. Garrison stated Mr. Attorney your favorite legal nonconforming words.

Mr. Whitfield stated that is correct.

Mr. Petrick made a motion for recommendation of approval for Rezoning Application PLRZ2021-258 as submitted. Mr. Craft seconded the motion. The motion was approved by a 7-0 vote.

- 4. Rezoning Application PLRZ2021-260, initiated by the City of Danville Planning Director requests to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended. Specifically, to amend Article 2. Section Y. Short Term rentals to update the City's short-term rental provisions and consolidate the zoning regulations regarding such into this section.*

Mr. Garrison opened the Public Hearing.

Then Mr. Plachcinski summarize those changes please see below:

BACKGROUND AND SUMMARY

The City recently received an influx of short-term rental requests and noticed many non-complaint short-term rentals. Further, there was a police incident at one of the unpermitted short-term rentals. The incident prompted a review of the short-term rental regulations. A summary of the changes are as follows:

- Remove definitions for boardinghouse, homestay, and 'short-term rental, entire furnished home'. These definitions are unused elsewhere in the ordinance and add to confusion.
- Revise the short-term rental definition to remove regulations.

- Remove the subsection addressing short-term rentals in the home occupation section.
- Remove the requirements for a registration and replace them with the business license process that the Planning Division uses for other zoning approvals.
- Establish a specific regulation subsection that addresses zoning districts, emergency contact, parking, building code, rental inspection districts, and rental period.

Article 15 Definitions

Short-term rental. Any furnished residential-property that provides sleeping accommodations for monetary compensation for thirty (30) or fewer consecutive days. This definition specifically excludes establishments otherwise licensed as businesses with the City or State like bed and breakfast establishments, hotels, and motels.

Article 2.T. Home Occupations.17. (DELETED)

Article 2.Y. Short Term Rentals

1. Short-term rental approval
 - a. Short-term rentals must obtain a business license clearance from the Zoning Administrator and register with the Commissioner of Revenue prior to operating or advertising the property for short-term rental.
 - b. A short-term owner/operator must apply for a receive a business license clearance prior to registering with the Commissioner of Revenue
 - c. The short-term rental must register with the Commissioner of Revenue to collect and remit the City's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation".
2. Short-term rental standards
 - a. A short-term rental may only provide short-term occupancy services for compensation for guests including lodging, packaged food and beverages, and other incidental items typically found within a residence. The short-term rental must not prepare food or beverages, provide event services, or provide unrelated services for compensation.
 - b. Short term rentals are permissible accessory uses to permitted dwellings in the SR-R, T-R, S-R, NT-R, OT-R, A-R, MHP-R, TO-C, CB-C, and TW-C zoning districts.
 - c. If the owner of a short-term rental does not live within 60 miles of the City, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance.
 - d. Short-term rentals must comply with applicable provisions of the Virginia Uniform Statewide Building Code (Danville City Code sections 9-81 through 9-88).
 - e. If a short-term rental is within a City Rental Housing Inspection Division, then the property must register as a rental property and maintain a certificate of compliance (City Code sections 9-204 through 9-207).
 - f. The minimum short-term rental contract rental period is 18 hours.
 - g. Short-term rentals are allowed the same signage as their associated dwellings under Article 10.

- h. Short-term rental parking must be on the associated property or on street immediately adjacent to it unless the short-term rental is in the CB-C or TW-C zoning districts.

Mr. Doug Plachcinski, Director of Planning with the City of Danville stated the city recently received an influx of short-term rental requests and noticed a lot of non-compliant short-term rentals. You know when we, the Commission of Revenue checks the websites, you know, often. There was a police incident at one of the short-term rentals and some of the neighbors expressed some concern. We decided to review the short-term rental regulations because we have them in different places in the ordinance. The goal here is to put them all in one place and to make sure they are consistent and make sure they align with the processes that we use for all our other functions in the department.

Mr. Bolton stated is there any way that it could be regulated? I guess they would have the normal rules if there was noise would the remedy be to call the police?

Mr. Plachcinski stated right, typically if there is a problem caused by renters then those are typically police issues. We want to make sure there is sufficient parking or that we have emergency contacts. The other big regulation that this clarifies is that when you register to get your business license you have to go to the commissioner of revenue, because our lodging taxes are a big source of revenue for the community. If we have a lot of folks that are operating transient lodging and are not paying their taxes then that is not a good example for collecting that revenue. This just helps us cement that step.

Mr. Bolton stated the regulation where the homeowner had to, I guess live in the property is that be removed, or do they have to live in the city or be in the state or does that matter?

Mr. Plachcinski stated there was never actually a requirement that said that. It didn't say for someone to operate an Airbnb that they had to live there. If the owner doesn't live within sixty miles, we are just asking for them to register an emergency contact so there is someone that we can contact that will be here. The incident where we had a shooting the owners were in Raleigh and they had not provided an address or contact information where anyone could get a hold of them. It was upsetting for the emergency responders and neighbors. We want to alleviate that potential problem.

Mr. Bolton stated what is the cost do you know that? Do you know yet of the license that they would pay?

Mr. Plachcinski stated the clearance is eleven dollars. I think if the commissioner of revenue wants them to register as a business then I believe it is a fifty-dollar annual fee. For example, the home that we had an incident at rents for three hundred a night. So, the fees that we are asking is very minimal for the regulation side. We're not trying to make revenue or cover costs on that. We are just saying that they can pay their transient lodging fees and get the revenue that way based on their success.

Mr. Bolton stated that will work.

Mr. Petrick stated did you say that you found a lot of people without licenses?

Mr. Plachcinski stated if you pull up AIRBNB or VRBO nearly all of them in Danville are not registered.

Mr. Petrick stated is the commissioner taking this under advisement?

Mr. Plachcinski stated we are trying to work together again, but part of that will be cleaning this up. So that we can get together a very short concise handout explaining the rules and make sure that you understand that it is not a hurdle, but a step.

Mr. Bolton stated what do you need from us? I don't see a motion of any sorts, like choices.

Mr. Plachcinski stated I just need a recommendation to City Council approving the zoning ordinance amendment.

Mr. Garrison stated we will still need a motion to change in the code.

Mr. Bolton made a motion to recommend approval of Rezoning Application PLSUP 2021-260 as submitted. Ms. Evans seconded the motion. The motion was approved by a 7-0 vote.

VI. PLANNING DIRECTOR'S REPORT

VII. APPROVE MINUTES FROM JULY 12, 2021

The July 12, 2021 minutes were approved by unanimous vote.

VIII. ADJOURNMENT

With no further business, the meeting adjourned at 3:38 p.m.

APPROVED _____