



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

City Planning Commission

**OCTOBER 13, 2020
3:00 P.M.
CITY COUNCIL CHAMBERS**

AGENDA

I. WELCOME AND CALL TO ORDER
II. ROLL CALL
III. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20200000183, filed by Terry Owens of PN Restaurants Inc, requests a Special Use Permit for setback waivers in accordance with Article 3.N Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3230 Riverside Drive (Parcel ID#55466), otherwise known as Grid 1713, Block 0013, Parcel ID#000002, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to reduce the side setbacks for a proposed dumpster enclosure and existing drive-up ATM resulting from a proposed land subdivision.*
2. *Special Use Permit Application PLSUP20200000198, filed by Mary Davies, requests a Special Use Permit for Urban Agriculture in accordance with Article 3.E Section C.28 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 598 Elizabeth Street (Parcel ID#75710), otherwise known as Grid 0619, Block 002, Parcel ID#000014, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to keep chickens.*
3. *Rezoning Application PLRZ20200000203, filed by Vera and Mark Hopkins, requests to rezone from S-R Suburban Residential to OT-R Old Town Residential, a 0.3 acre portion of Parcel ID #75418 also known as Grid 0616, Block 001, Parcel ID#000016, of the City of Danville, Zoning District Map. The applicant proposes the rezoning in conjunction with a land subdivision that adds the subject property to the parcel at 647 Elizabeth Street, Parcel #75724.*
4. *Rezoning Application PLRZ20200000204, filed by the Daniel Group and Cherney Development Company, Inc. requests to rezone a ~4.157 acre portion of 3311 Riverside Drive, (Parcel ID #51741) from PS-C Planned Shopping Center to HRC Highway Retail Commercial, The subject parcel is also known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map. The applicant proposes subdividing the property and redeveloping the vacant principal building (former K-Mart) into a self-storage use.*
5. *Special Use Permit Application PLSUP20200000205, filed by the Daniel Group and Cherney Development Company, Inc. requests a Special Use Permit to waive certain yard requirements 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 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the*

City of Danville, Zoning District Map. The applicant requests a Special Use Permit to waive certain yard requirements in conjunction with a land subdivision and a redevelopment proposal that converts the vacant principal building (former K-Mart) into a self-storage use.

6. *Rezoning Application PLRZ202000000207, filed by ROE Enterprises LLC and Sterling Lighting LLC, requests to rezone 116 Maplewood Street (Parcel ID #60494) from HR-C Highway Retail Commercial to LED-I Light Economic Development District also known as Grid 1920 Block 002, Parcel ID#000001.001, of the City of Danville, Zoning District Map. The applicant proposes to warehouse, store, and manufacture lighting fixtures and accessories.*

IV. APPROVAL OF MINUTES FROM AUGUST 10, 2020

V. ADJOURNMENT



City of Danville

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

City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

RE: SPECIAL USE PERMIT APPLICATION - 3230 RIVERSIDE DRIVE

Special Use Permit Application PLSUP202000000183, filed by Terry Owens of PN Restaurants Inc, requests a Special Use Permit for setback waivers in accordance with Article 3.N Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3230 Riverside Drive (Parcel ID#55466), otherwise known as Grid 1713, Block 0013, Parcel ID#000002, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to reduce the side setbacks for a proposed dumpster enclosure and existing drive-up ATM resulting from a proposed land subdivision.

BACKGROUND

The subject property is a proposed subdivision of an out lot in the Riverside Centre shopping plaza. The proposed property subdivision is a step in developing a fast food restaurant.

The location of the fast food restaurant necessitates the Special Use Permit to preserve internal shopping center circulation for the existing drive-up ATM and the adjacent Planet Fitness parking field.

25 notices were sent to surrounding property owners within 300' feet of the subject property. The Planning Division will present a complete report at the October 13, 2020 Planning Commission meeting.

STAFF ANALYSIS AND RECOMMENDATION

The applicant, Terry Owens of PN restaurants Inc., applied to the Planning Division for a Special Use Permit to reduce the side setbacks for a proposed dumpster enclosure and existing drive-up ATM resulting from a proposed land subdivision. The proposed land subdivision carves approximately 0.65 acres from the 15.14 acre shopping center. The application is attached to this report.

Waiver of yard requirements is an outcome allowed with a Special Use Permit in the PS-C Planned Shopping Center zoning district. (Chapter 41 Zoning Ordinance, Article 3.N. §C.21.). Specifically, the applicant requests waivers to reduce the 20' and 40' side yard setbacks for the proposed dumpster and to reduce the 40' side yard setback from the proposed parcel line to the existing drive-up ATM. The City of Danville Zoning Ordinance provides Special Use Permit review standards (Chapter 41 Zoning Ordinance, Article 3.N. §C.21.).

The Comprehensive Plan puts the subject property in the Piedmont Drive/Mt. Cross Road planning area. The future land use designation for the subject parcel 'Regional Commercial'. The development outcomes of the Special Use Permit is in harmony with the Comprehensive Plan.

The intent and purpose of the Planned Shopping Center Commercial zoning district includes orderly commercial facility development, minimize vehicular traffic within the shopping complex, permit "one-stop" and comparison shopping "under one roof" and facilitate safe pedestrian movement among individual uses within the district. The development outcome of the Special Use Permit is in harmony with the intent and purpose of the PS-C zoning district.

The neighboring properties include the Riverside Centre shopping plaza and adjacent properties contain regional commercial uses typically found along arterial transportation corridors. The development outcome of the Special Use Permit is in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.

The development outcome of the Special Use Permit will be adequately serviced by streets, drainage, fire protection and public water + sewer.

The development outcome of the Special Use Permit will not negatively impact any ecological, scenic, or historic community assets.

The development outcome of the Special Use Permit will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

Danville City Code allows City Council impose any conditions necessary to assure that the proposed use will conform with the requirements of this section and will continue to do so. The Planning Division recommends the Planning Commission endorse Special Use Permit Application PLSUP20200000183 for City Council approval with the following condition:

1. The proposed dumpster must not be closer than 4.1' to a proposed property line. The existing ATM must not be closer than 6.4' to a proposed property line.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend approval of Special Use Permit Application PLSUP20200000183 as submitted;
2. Recommend approval of Special Use Permit Application PLSUP20200000183 with conditions per Staff;
3. Recommend approval of Special Use Permit Application PLSUP20200000183 with conditions per Planning Commission; or
4. Recommend denial of Special Use Permit Application PLSUP20200000183.

ATTACHMENTS

- ✓ Application
- ✓ Data Sheet
- ✓ Property Ownership/Zoning Map
- ✓ Existing Land Use Map
- ✓ Future Land Use Map

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the Special Use Permit as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: _____

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

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

Gross Area/Net Area: 658,032 SF Property Address: 3360 Riverside Drive

Property Location: N S E W Side of: NW corner of intersection Riverside Drive and Advance Street

Between: Advance Street and Riverview Drive

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

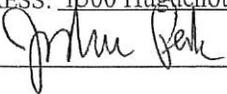
Please provide a brief description of the proposed development:

The proposed development requires a Special Use Permit, specifically a waiver to reduce the 20' and 40' side setbacks for the proposed dumpster as well as a waiver to reduce the 40' side setback from the proposed parcel line for the existing drive up ATM.

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

1. NAME: Danville Riverside Partners, LLC TELEPHONE: _____

MAILING ADDRESS: 1500 Huguenot Road, Suite 108, Midlothian, VA 23113

SIGNATURE:  DATE: 8/18/20

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: team@protectorpropertymanagement.com

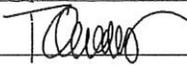
APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: PN Restaurants, Inc. - Terry Owens TELEPHONE: (252) 382-4000

MAILING ADDRESS: 100 Menlo Park Mall, Suite 500, Edison, NJ 08837

EMAIL ADDRESS: Terry.Owens@pnrestaurants.com

SIGNATURE:  DATE: 8-20-2020

SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP202000000183

PUBLIC HEARING DATES: PLANNING COMMISSION AT 3PM
OCTOBER 13, 2020

LOCATION OF PROPERTY: 3230 RIVERSIDE DRIVE

PRESENT ZONE: PSC, PLANNED SHOPPING CENTER

PROPOSED ZONE: NO CHANGE

ACTION REQUESTED: REDUCE THE SIDE SETBACKS FOR A PROPOSED DUMPSTER ENCLOSURE AND EXISTING DRIVE-UP ATM RESULTING FROM THE PROPOSED LAND SUBDIVISION.

PRESENT USE OF PROPERTY: VACANT

PROPOSED USE OF PROPERTY: FAST FOOD RESTAURANT

FUTURE LAND USE DESIGNATION: COMMERCIAL

PROPERTY OWNER (S): DANVILLE RIVERSIDE PARTNERS LLC

NAME OF APPLICANT (S): PN RESTAURANTS INC – TERRY OWENS

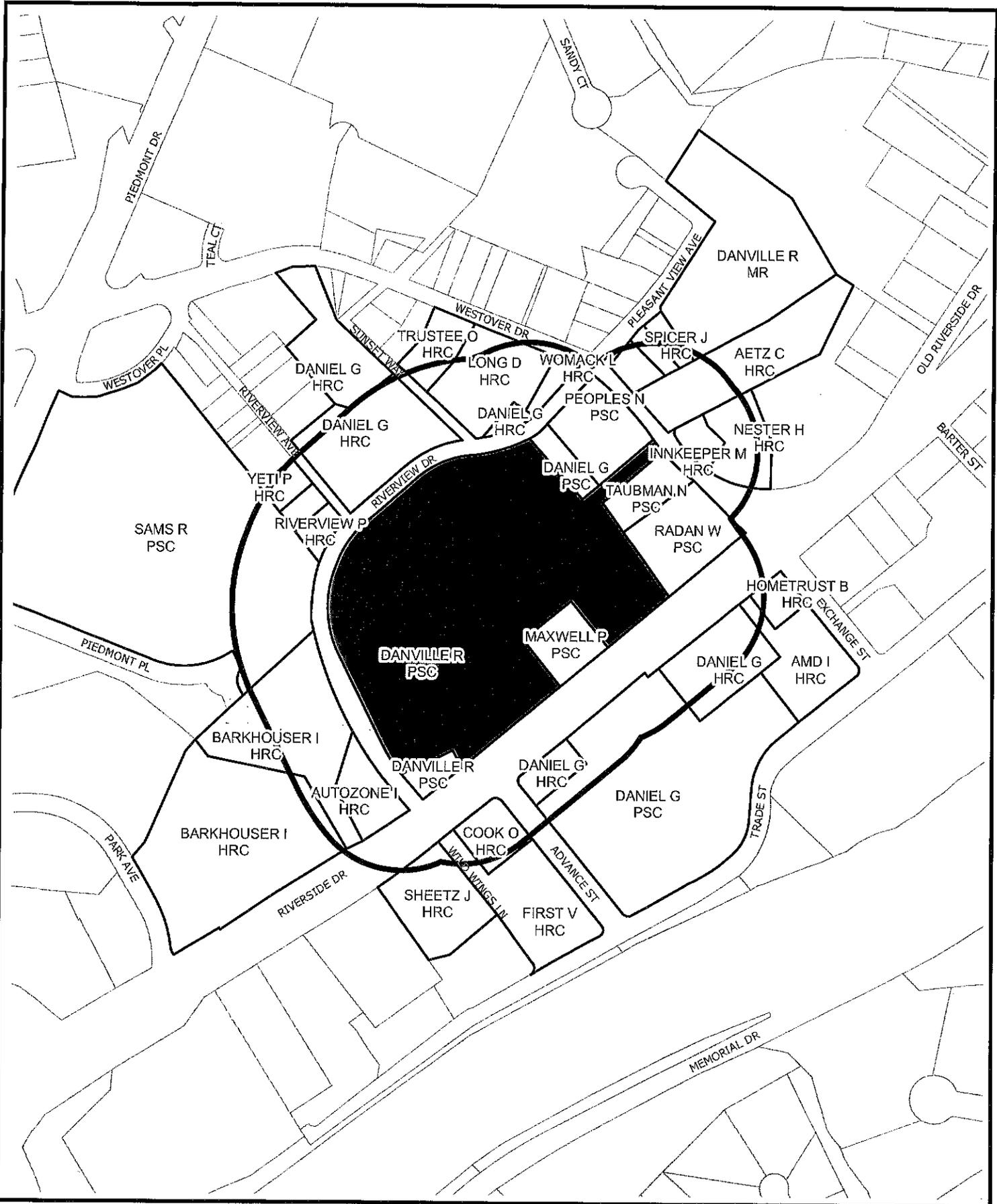
PROPERTY BORDERED BY: RIVERSIDE CENTER

ACREAGE: APPROXIMATELY 2/3 OF ONE (1) ACRE

CHARACTER OF VICINITY: COMMERCIAL SHOPPING CENTER

INGRESS AND EGRESS: RIVERSIDE DRIVE

TRAFFIC VOLUME: HIGH



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 9/22/2020

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.

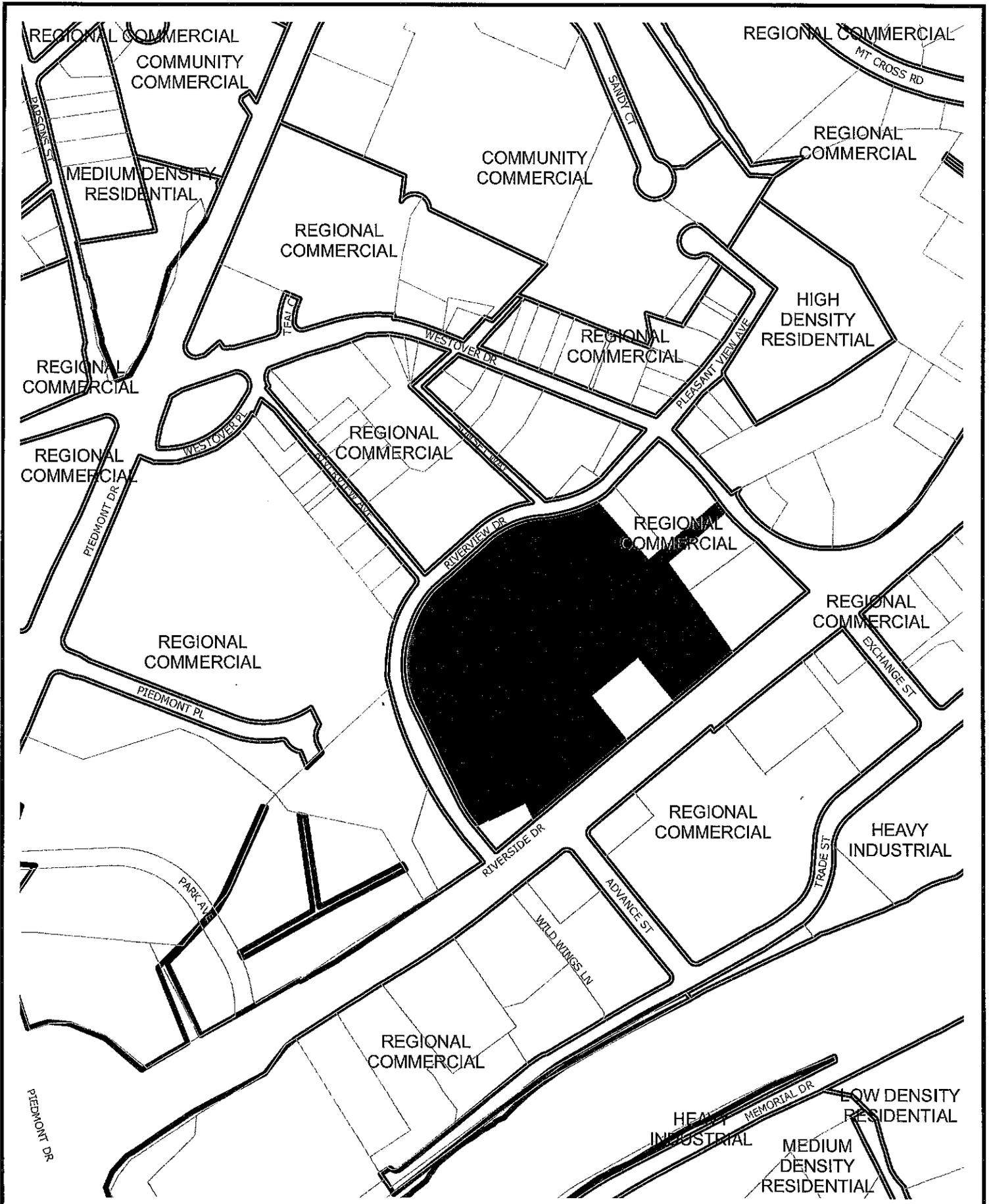


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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
 9/22/2020

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





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

City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

RE: SPECIAL USE PERMIT APPLICATION - 598 ELIZABETH STREET

Special Use Permit Application PLSUP20200000198, filed by Mary Davies, requests a Special Use Permit for Urban Agriculture in accordance with Article 3.E Section C.28 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 598 Elizabeth Street (Parcel ID#75710), otherwise known as Grid 0619, Block 002, Parcel ID#000014, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to keep chickens.

BACKGROUND

The subject property contains a single family residential dwelling with accessory buildings on approximately 0.48 acres. The dwelling was built in 1950. This portion of Elizabeth Street is generally residential although there is a mixed use parcel across the street that contains a dwelling and garages that operate as Massey Used Cars, according to city records.

The Planning Division directed the applicant to apply for a Special Use Permit.

18 notices were sent to surrounding property owners within 300' feet of the subject property. The Planning Division will present a complete report at the October 13, 2020 Planning Commission meeting.

STAFF ANALYSIS AND RECOMMENDATION

The applicant, Mary Davies, applied to the Planning Division for a Special Use Permit to keep family chickens. The application is attached to this report.

Urban Agriculture is a use permitted by Special Use Permit in the OT-R Old Town Residential zoning district. (Chapter 41 Zoning Ordinance, Article 3.E. §C.28.). The City of Danville Zoning Ordinance defines Urban Agriculture and includes the standards for area and animals in (Chapter 41 Zoning Ordinance, Article 3.E. §C.28.).

The maximum number of poultry on this property is up to five (5). The application did not include a number but did mention a rooster in the application.

The Planning Division recommends the Planning Commission endorse Special Use Permit Application PLSUP20200000198 approval to City Council with the following conditions:

1. Any and all accessory buildings meet the zoning setbacks and receive a zoning clearance.
2. All poultry being raised on the subject property comply with the standards in the definition of urban agriculture in the Zoning Code. The applicant is not allowed more than five (5) poultry at this property.

3. The applicant must keep the area properly cleaned meaning that carcasses, debris, food waste and excrement are removed in a reasonable amount of time. This waste must be kept in airtight containers until disposed of in accordance with the City's ordinances.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend approval of Special Use Permit Application PLSUP20200000198 as submitted;
2. Recommend approval of Special Use Permit Application PLSUP20200000198 with conditions per Staff;
3. Recommend approval of Special Use Permit Application PLSUP20200000198 with conditions per Planning Commission; or
4. Recommend denial of Special Use Permit Application PLSUP20200000198.

ATTACHMENTS

- ✓ Application
- ✓ Data Sheet
- ✓ Property Ownership/Zoning Map
- ✓ Existing Land Use Map
- ✓ Future Land Use Map

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

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

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

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

Gross Area/Net Area: 1.477 Property Address: 598 Elizabeth St.
Property Location: N S E W Side of: East
Between: Sunset Dr. and Lands End Rd.
Proffered Conditions (if any, please attach): NO roosters after this one I have die

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

I want to be able to keep my husband
father chickens

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

1. NAME: Mary Smith Dawes TELEPHONE: 434-228-7863
MAILING ADDRESS: 598 Elizabeth Street Danville, Va. 24541
SIGNATURE: Mary S. Dawes DATE: 9-9-2020
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: jackrebird44@comcast.net

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP20200000198

PUBLIC HEARING DATES: PLANNING COMMISSION AT 3PM
OCTOBER 13, 2020

LOCATION OF PROPERTY: 598 ELIZABETH STREET

PRESENT ZONE: OTR, OLD TOWN RESIDENTIAL

PROPOSED ZONE: NO CHANGE

ACTION REQUESTED: ESTABLISH URBAN AGRICULTURE – KEEP CHICKENS

PRESENT USE OF PROPERTY: RESIDENTIAL

PROPOSED USE OF PROPERTY: ACCESSORY URBAN AGRICULTURE – KEEPING CHICKENS

FUTURE LAND USE DESIGNATION: RESIDENTIAL

PROPERTY OWNER (S): MARY SMITH

NAME OF APPLICANT (S): MARY SMITH

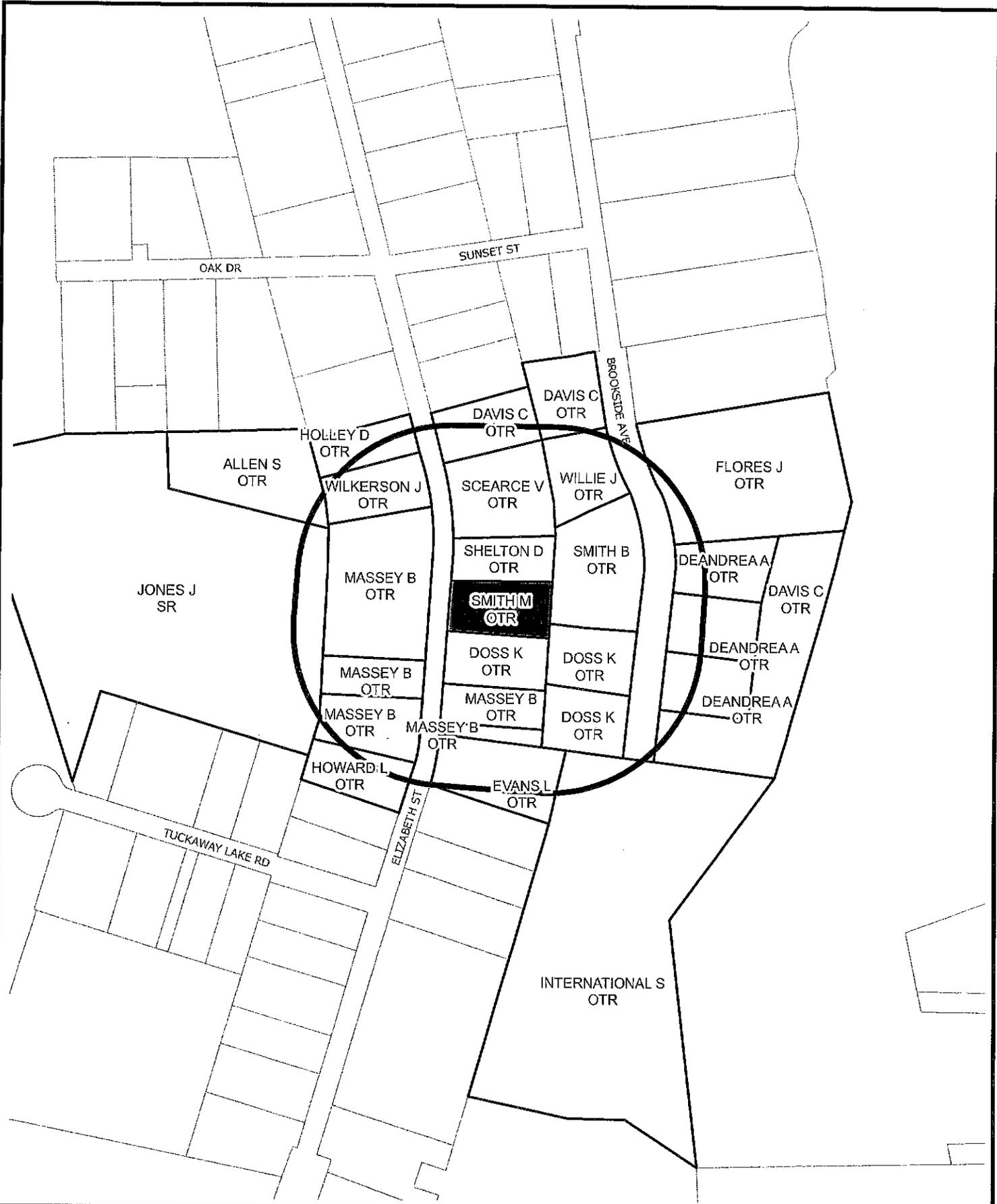
PROPERTY BORDERED BY: OTHER RESIDENTIAL SINGLE FAMILY DWELLINGS

ACREAGE: 0.477 ACRE

CHARACTER OF VICINITY: RESIDENTIAL NEIGHBORHOOD

INGRESS AND EGRESS: ELIZABETH STREET

TRAFFIC VOLUME: LOW (770 AADT - 2019)



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 9/22/2020

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.

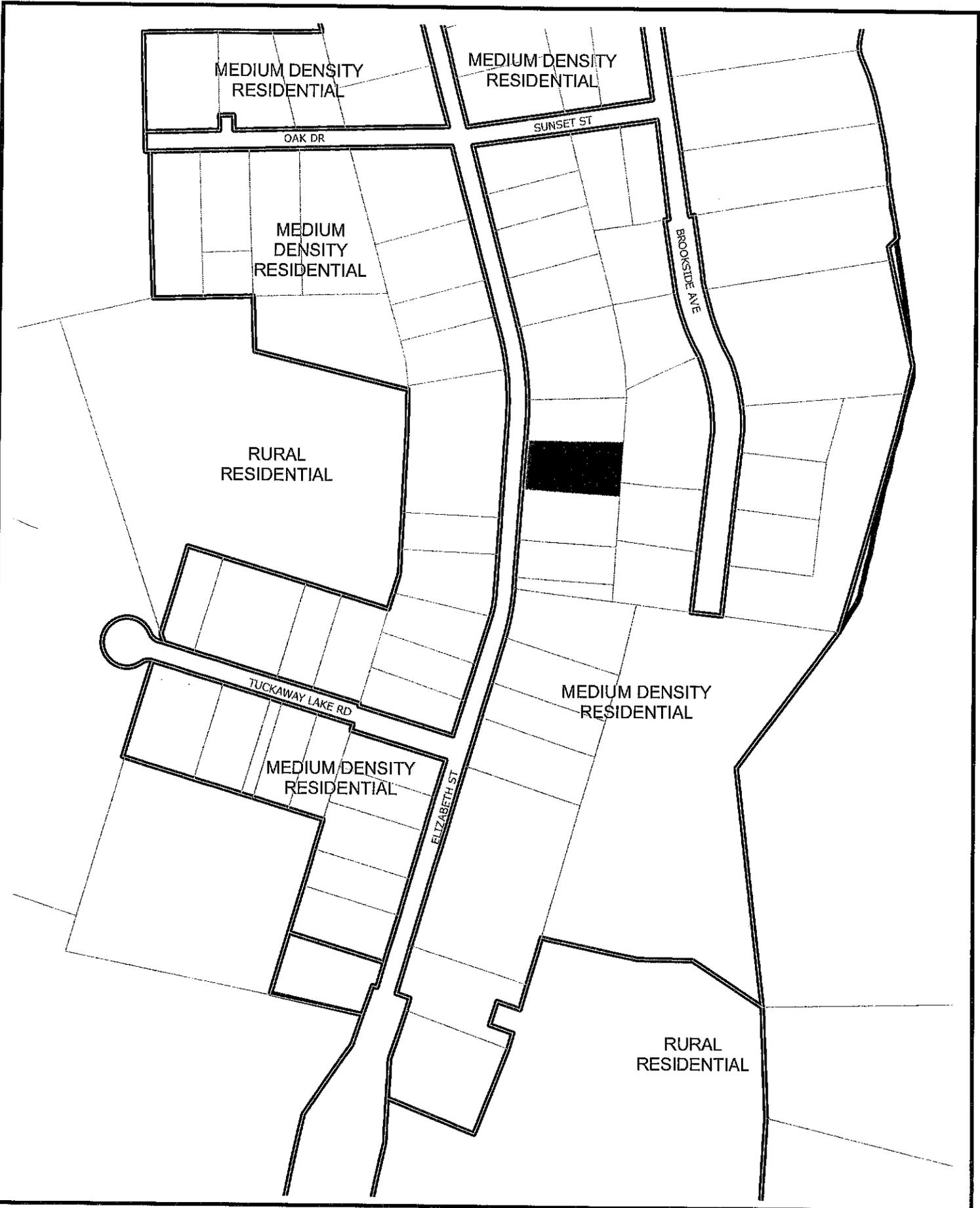


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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
 9/22/2020

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





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

City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

RE: REZONING APPLICATION - 647 ELIZABETH STREET

Rezoning Application PLRZ20200000203, filed by Vera and Mark Hopkins, requests to rezone from S-R Suburban Residential to OT-R Old Town Residential, a 0.3 acre portion of Parcel ID #75418 also known as Grid 0616, Block 001, Parcel ID#000016, of the City of Danville, Zoning District Map. The applicant proposes the rezoning in conjunction with a land subdivision that adds the subject property to the parcel at 647 Elizabeth Street, Parcel #75724.

BACKGROUND

The applicant proposes a land subdivision to take 0.3 acres from the adjacent Southern Hills golf course and add it to the property at 647 Elizabeth Street. The golf course is zoned S-R Suburban Residential and the land combination receiving property at 647 Elizabeth Street is zoned OT-R Old Town Residential. The 0.30 acre land proposed for transfer must be rezoned to OT-R because Danville's Zoning Code does not allow parcels with more than one (1) zoning designation.

STAFF ANALYSIS AND RECOMMENDATION

The proposed rezoning's future land use designation in the Comprehensive Plan is low-density residential, however, the adjacent receiving parcel's future designation is medium-density residential. There is negligible potential impact associated with a change this small.

The Planning Division recommends the Planning Commission endorse rezoning application PLRZ20200000203 for City Council approval as presented.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend continuation of Rezoning Application PLRZ20200000203 to a future meeting.
2. Recommend approval of Rezoning Application PLRZ20200000203 as submitted.
3. Recommend approval of Rezoning Application PLRZ20200000203 with conditions per Planning Commission.
4. Recommend denial of Rezoning Application PLRZ20200000203.

ATTACHMENTS

- ✓ Application
- ✓ Property Ownership/Zoning Map
- ✓ Data Sheet
- ✓ 2019 Aerial View
- ✓ Year 2020 Land Use Map

CITY OF DANVILLE }

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: .30 acres Property Address: 647 Elizabeth St.
Property Location: N S E W Side of: Elizabeth St
Between: Sunset and Pumpkin Creek
Proffered Conditions (if any, please attach): _____

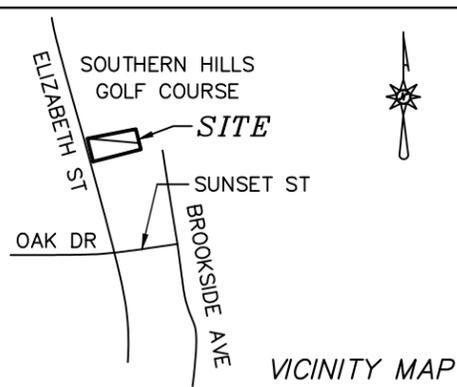
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Mark & Vera G. Hopkins TELEPHONE: 336-587-0616
Mariah Hopkins TELEPHONE: 336-587-3159
MAILING ADDRESS: 27 Still St. Danville VA 24541
SIGNATURE: Vera G Hopkins DATE: 9-3-20
SIGNATURE: C. Mariah Hopkins DATE: 9-3-20
EMAIL ADDRESS: 4stars20@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: Vera G & Mark Hopkins TELEPHONE: 336-587-0616
MAILING ADDRESS: 27 Still St. Danville VA 24541
EMAIL ADDRESS: 4stars20@gmail.com
SIGNATURE: Vera G Hopkins DATE: 9-30-20

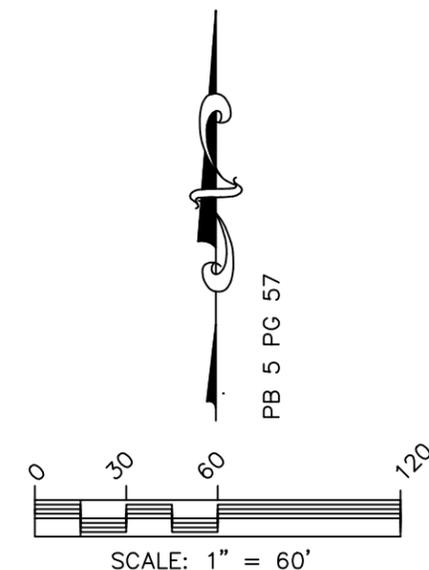


SETBACKS:
 Minimum yard requirements: Conventional single family lot:
 (1) Front yard: 20 feet, When there are buildings on the adjacent lots on both sides, the front yard shall not be required to be greater than the average of the front yards of the buildings on the adjacent lots. However, when one of the adjacent lots is vacant, the structure shall not be required to have a front yard greater than the average front yard of the existing buildings where forty (40%) or more of the frontage on one side of the street within the same block is improved with buildings. The side line of a building on a corner lot shall not be a factor in these calculations.
 (2) Side yard (interior lot): 10 feet, Except that the minimum side yard for any lot of record prior to the date of the adoption of this ordinance shall be 6 feet. Side yard (corner lot): 10 feet, except that the minimum side yard for any corner lot of record prior to the date of the adoption of this ordinance shall be 6 feet.
 (3) Rear yard: 25 feet (residences). 5 feet (accessory uses)

OWNERS OF RECORD:
 MARK W & VERA G HOPKINS
 GPIN: 75418
 DB 11 PG 2729
 DB 11 PG 2706

ORIGINAL: 106.25± ACRES
 THIS PLAT: -0.30 ACRES
 REMAINDER: 105.95± ACRES

SOUTHERN HILLS
 GOLF COURSE



Owner's Certificate:
 The Lot Line change of the property as shown on this plat is with the free consent and in accordance with the desires of the undersigned owners, proprietors, and trustees, if any.

 Carmen Mariah Hopkins

 Mark W. Hopkins

 Vera G. Hopkins

 Notary Public; Commonwealth of Virginia

 County of Pittsylvania
 Commonwealth of Virginia

The forgoing instrument was acknowledged before me this _____ day of _____, 20____ by

 Notary Public's signature

 Notary registration number:

 My commission expires:

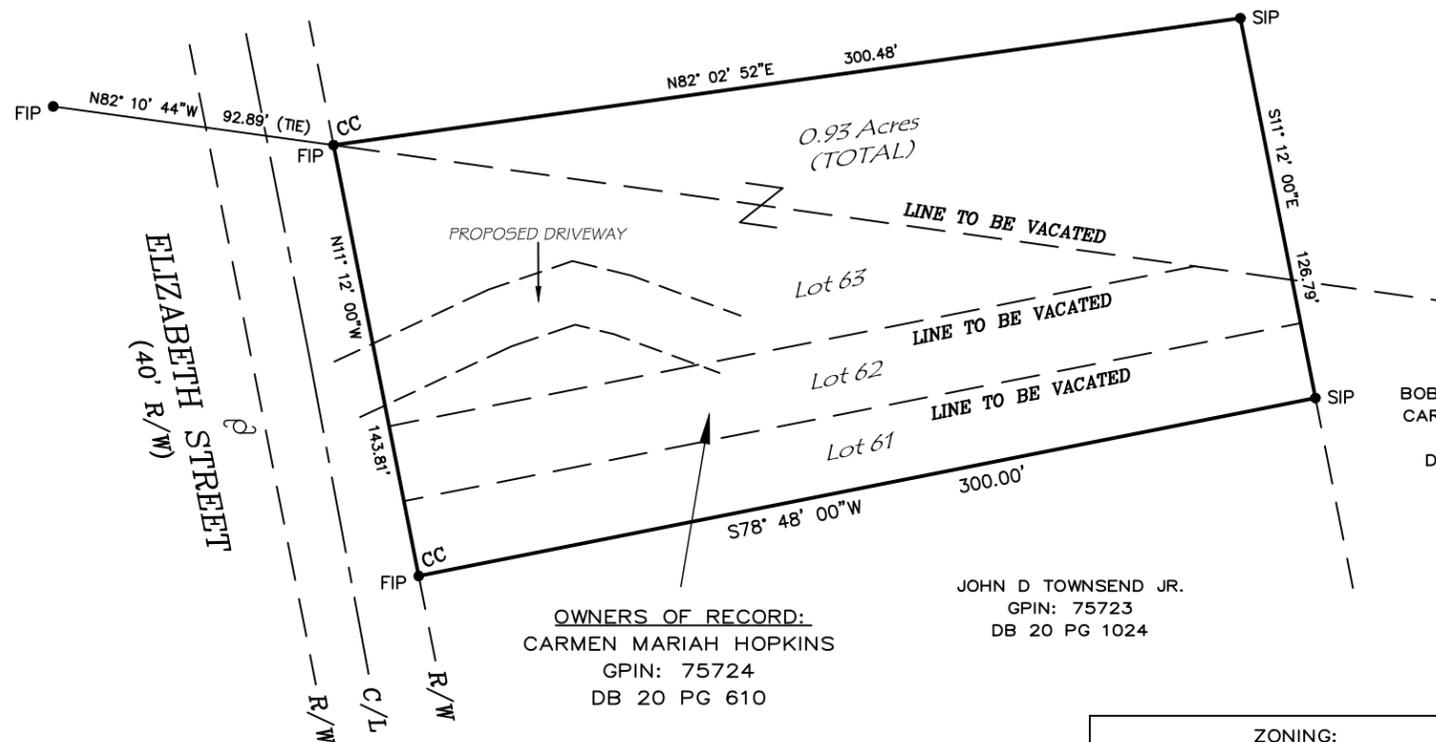
 CITY OF DANVILLE
 ZONING ADMINISTRATOR

 DATE

 CITY OF DANVILLE
 CITY ENGINEER

 DATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND COMPLIES WITH THE MINIMUM STANDARDS AND PROCEDURES ESTABLISHED BY THE VIRGINIA BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS, AND LANDSCAPE ARCHITECTS.



| ZONING: | |
|----------------|----------------------------|
| PARCEL 75418: | SR - SUBURBAN RESIDENTIAL |
| PARCEL: 75724: | OTR - OLD TOWN RESIDENTIAL |

| FLOOD CERTIFICATION | |
|--|--|
| PROPERTY LOCATED IN FLOOD ZONE "X" - AREA OF MINIMAL FLOOD HAZARD (FEMA PANEL 51143C0637E, EFFECTIVE 09/29/2010) | |

GENERAL NOTES:
 1) THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

| LEGEND | |
|--------|-------------------------|
| ● | FIP-FOUND IRON PIN/PIPE |
| ● | SIP-SET IRON PIN |
| △ | CALCULATED POINT |
| CC | CONTROL CORNER |
| GPIN | GRID PARCEL ID NUMBER |
| ⊕ | POWER POLE |

| | | | | | |
|----------------------|--|--|------------------------------|---|--------------------------|
| DRAFTSMAN: KLK | | DRAWN FOR: VERA HOPKINS (336)587-0616 | PROJECT NAME: | RECOMBINATION of the PROPERTY of CARMEN MARIAH HOPKINS AND MARK W. & VERA G. HOPKINS at 647 ELIZABETH STREET DANVILLE, VA 24541 in the CITY OF DANVILLE TOWNSHIP of PITTSYLVANIA COUNTY | PAGE 1 OF 1 |
| REVISION DATE(S): | | Quality Service. On Time. | HOPKINS RECOMBINATION | | |
| SURVEYED: 08/19/2020 | | DONALD B ABELE LICENSED SURVEYOR | RLS PROJECT No. 3198 | | |
| DRAWN: 08/28/2020 | | 1320 HAWTHORNE LANE BURLINGTON, NC 27215 434-250-4500 | | | |

REZONING REQUEST DATA SHEET PLRZ20200000203

PUBLIC HEARING DATES: PLANNING COMMISSION AT 3PM
OCTOBER 13, 2020

LOCATION OF PROPERTY: PORTION OF 188 STOKESLAND AVENUE ADJACENT
TO 647 ELIZABETH STREET

PRESENT ZONE: S-R, SUBURBAN RESIDENTIAL

PROPOSED ZONE: OT-R OLD TOWN RESIDENTIAL

ACTION REQUESTED: REZONE PROPERTY TO TAKE 0.3 ACRES FROM SOUTHERN
HILLS GOLD COURSE AND ADD IT TO VACANT ELIZABETH
STREET LOT

**PRESENT USE OF
PROPERTY:** PART OF GOLF COURSE LANDS & VACANT

**PROPOSED USE OF
PROPERTY:** SINGLE FAMILY RESIDENTIAL

**FUTURE LAND USE
DESIGNATION:** RESIDENTIAL

PROPERTY OWNER (S): MARK W & VERA G HOPKINS

NAME OF APPLICANT (S): MARIAH HOPKINS

PROPERTY BORDERED BY: OTHER RESIDENTIAL SINGLE FAMILY DWELLINGS

ACREAGE: 0.3 ACRES PLUS ADDITIONAL 0.6 ACRES RESULTS IN
0.9 ACRE BUILDING SITE

CHARACTER OF VICINITY: RESIDENTIAL NEIGHBORHOOD

INGRESS AND EGRESS: ELIZABETH STREET

TRAFFIC VOLUME: LOW (770 AADT - 2019)

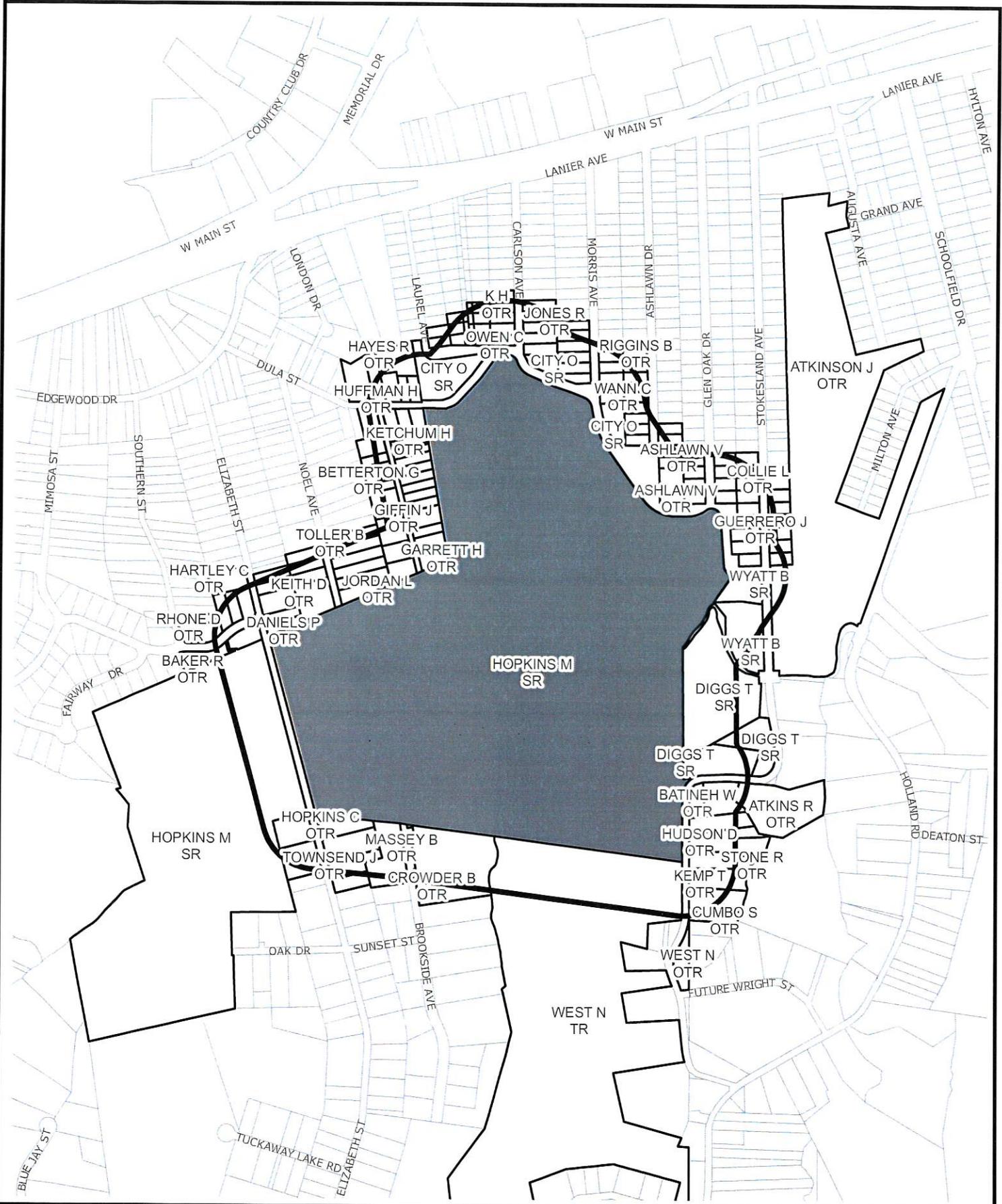


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
9/24/2020

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.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 9/24/2020

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



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

City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

**RE: REZONING APPLICATION - 3311 RIVERSIDE DRIVE
SPECIAL USE PERMIT APPLICATION - 3311 RIVERSIDE DRIVE**

Rezoning Application PLRZ20200000204, filed by the Daniel Group and Cherney Development Company, Inc. requests to rezone a ~4.157 acre portion of 3311 Riverside Drive, (Parcel ID #51741) from PS-C Planned Shopping Center to HRC Highway Retail Commercial, The subject parcel is also known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map. The applicant proposes subdividing the property and redeveloping the vacant principal building (former K-Mart) into a self-storage use.

Special Use Permit Application PLSUP202000000205, filed by the Daniel Group and Cherney Development Company, Inc. requests a Special Use Permit to waive certain yard requirements 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 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to waive certain yard requirements in conjunction with a land subdivision and a redevelopment proposal that converts the vacant principal building (former K-Mart) into a self-storage use.

BACKGROUND

The subject property is a proposed subdivision of the former Danville K-Mart development. The proposed property subdivision, rezoning, and Special Use Permit are steps in redeveloping the principal building into a self-storage use.

The zoning change, from PS-C Planned Shopping Center to HR-C Highway Retail Commercial, accommodates the self-storage use, which is not a permitted use in the PS-C zoning district.

The location of the self-storage use and the land rezoning in conjunction with the rezoning, necessitates the Special Use Permit to preserve development opportunities for future uses and developments in the remainder of the former K-Mart development.

12 notices were sent to surrounding property owners within 300' feet of the subject property. The Planning Division will present a complete report at the October 13, 2020 Planning Commission meeting.

STAFF ANALYSIS AND RECOMMENDATION

The property owner and the developer, the Daniel Group and Cherney Development Company, Inc., applied to the Planning Division for a rezoning and a Special Use Permit. The rezoning from PS-C Planned Shopping Center to HR-C Highway Retail Commercial, accommodates the self-storage use,

which is not a permitted use in the PS-C zoning district. The proposed land subdivision carves approximately 4.157 acres from the 8.19 acre shopping center, leaving a little over 4 acres remaining. The applications are attached to this report.

Waiver of yard requirements, subject to prohibition of parking in front yards, is an outcome allowed with a Special Use Permit in the HR-C Planned Shopping Center zoning district. The application specifically requests a Floor Area Ratio waiver from 0.50 to 0.529 and a waiver for yard setbacks for the existing building along Trade Street (Chapter 41 Zoning Ordinance, Article 3.M. §C.21.). The City of Danville Zoning Ordinance provides Special Use Permit review standards (Chapter 41 Zoning Ordinance, Article 3.N. §C.21.).

The Comprehensive Plan puts the subject property in the Piedmont Drive/Mt. Cross Road planning area. The future land use designation for the subject parcel 'Regional Commercial'. The development outcomes of the rezoning and Special Use Permit is in harmony with the Comprehensive Plan.

The intent and purpose of the Planned Shopping Center Commercial zoning district includes providing suitable locations in Danville's heavily traveled collector streets and arterial highways for those commercial and business uses which are oriented to the automobile and which require regional access characteristics independent of the marketplace attributable to adjoining neighborhoods or pedestrian trade. The application of the HR-C District should be to those areas of the City where individual uses can be grouped into planned concentrations which limit the "strip" development effect on newly developing areas as well as on redevelopment areas where retail and business uses currently exist. The development outcome of the rezoning and Special Use Permit is in harmony with the intent and purpose of the HR-C zoning district.

The neighboring properties are commercial, industrial, and adjacent properties contain regional commercial uses typically found along arterial transportation corridors. The development outcome of the rezoning and Special Use Permit is in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.

The development outcome of the rezoning and Special Use Permit will be adequately serviced by streets, drainage, fire protection and public water + sewer.

The development outcome of the rezoning and Special Use Permit will not negatively impact any ecological, scenic, or historic community assets.

The development outcome of the rezoning and Special Use Permit will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

The Planning Division recommends the Planning Commission endorse rezoning application PLRZ20200000204 as presented.

Danville City Code allows City Council impose any conditions necessary to assure that the proposed use will conform with the requirements of this section and will continue to do so. The Planning Division recommends the Planning Commission endorse Special Use Permit Application PLSUP20200000205 for City Council approval with the following condition:

1. Future development plans must match the Rezoning Exhibit submitted by LE&D for Cherney Development Company, dated September 9, 2020

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

Rezoning Application

1. Recommend continuation of Rezoning Application PLRZ20200000204 to a future meeting.
2. Recommend approval of Rezoning Application PLRZ20200000204 as submitted.

3. Recommend approval of Rezoning Application PLRZ20200000204 with conditions per Planning Commission.
4. Recommend denial of Rezoning Application PLRZ20200000204.

Special Land Use Permit Application

1. Recommend continuation of Special Use Permit Application PLRZ20200000205 to a future meeting.
2. Recommend approval of Special Use Permit Application PLRZ20200000205 as submitted.
3. Recommend approval of Special Use Permit Application PLRZ20200000205 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLRZ20200000205.

ATTACHMENTS

- ✓ Application
- ✓ Data Sheet
- ✓ Property Ownership/Zoning Map
- ✓ Aerial View
- ✓ Future Land Use Map

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

Exact legal description of property (Attach if insufficient space). a portion of PID #51741 see attached exhibit

Gross Area/Net Area: 95,815 SF Existing Building Property Address: 3311 Riverside Drive Danville, VA 24541

Property Location: N (S) E W Side of: Riverside Drive

Between: Advance Street and Exchange Street and Trade Street

Proffered Conditions (if any, please attach): N/A

EXPLANATION OF REQUEST:

1. **PROPOSED USE FOR THE SPECIAL USE PERMIT:**

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

Repurpose the former Kmart building for self storage use including a waiver for Floor Area Ratio from 0.50 to 0.529

to accommodate the existing building size and a waiver for yard setbacks to accommodate the existing building location relative to existing street right of way along Trade Street.

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

1. NAME: The Daniel Group Inc TELEPHONE: 434)791-8200

MAILING ADDRESS: 223 Riverview Drive, Suite A, Danville, VA 24541

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: hburnette@ldanielgroup.com

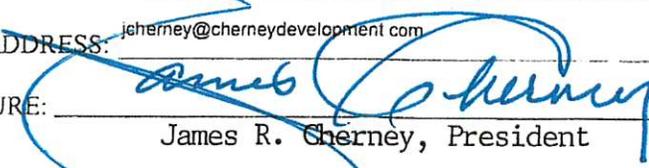
APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Cherney Development Company Inc-Jim Cherney TELEPHONE: 336)362-3003

MAILING ADDRESS: 2200 Silas Creek Pkwy, Suite 8B, Winston Salem, NC 27103

EMAIL ADDRESS: jcherney@cherneydevelopment.com

SIGNATURE:  DATE: 9.8.20
James R. Cherney, President



Commercial Real Estate and
Hotel / Lodging

- Development
- Management
- Leasing

September 8, 2020

The Daniel Group, Inc. hereby authorizes Cherney Development Company, Inc. to apply for Rezoning and Special Use Permit for 4.157 ac+/-, being a portion of City of Danville PID#51741.

The rezoning request will change the current zoning of PSC-Planned Shopping Center to HRC-Highway Retail Commercial.

The Special Use Permit is required for buildings greater than 60,000 sf in HRC Zoning District.



Howard Burnette, President



Date

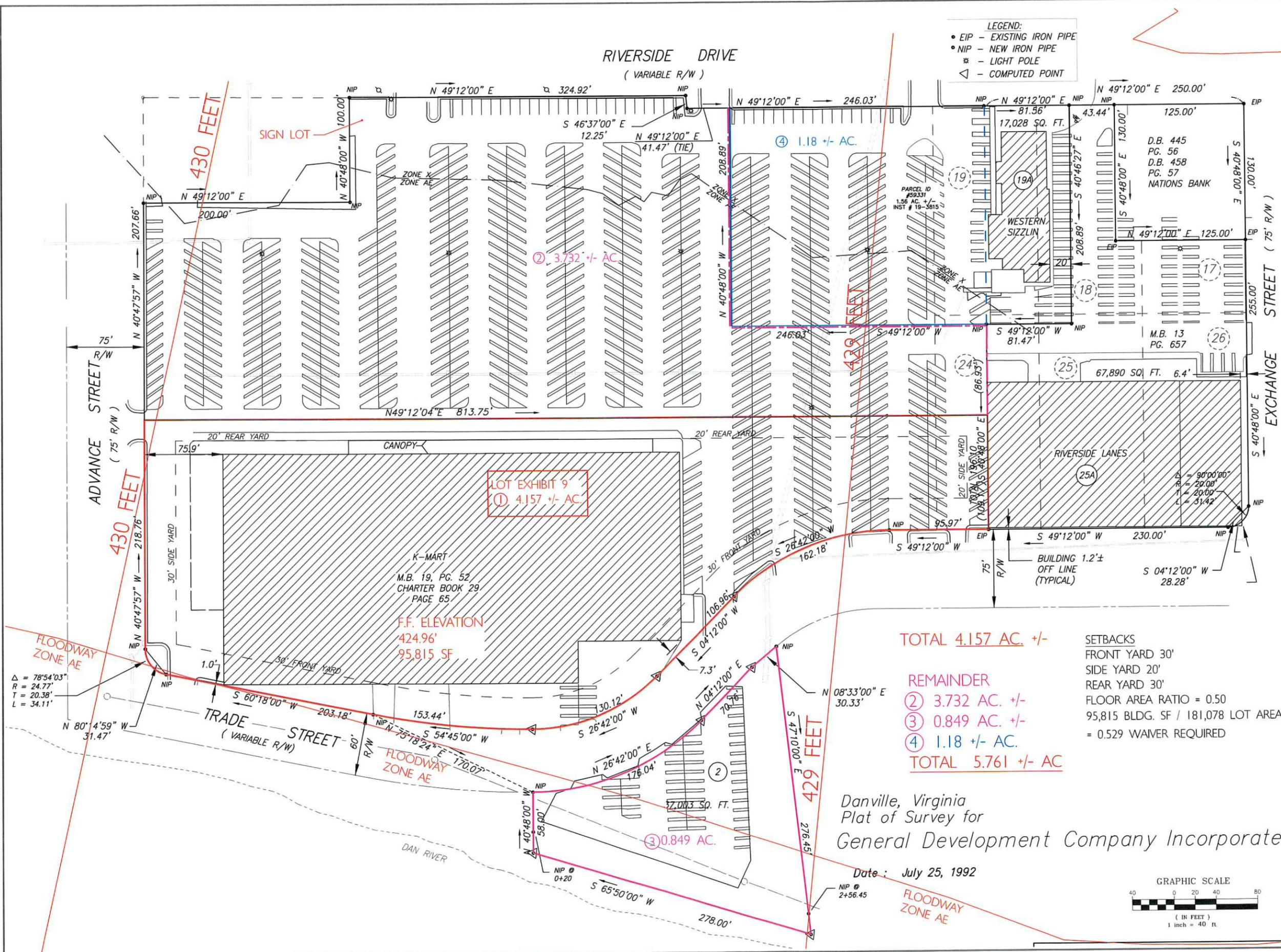
223 Riverview Drive
Danville, Virginia 24541

Tel: 434.791.8200

Fax: 434.792.6610

www.tdanielgroup.com

CHERNEY DEVELOPMENT CO.
3311 RIVERSIDE DRIVE
DANVILLE, VA.
REZONING EXHIBIT



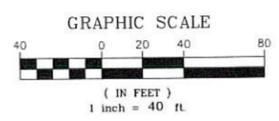
LEGEND:
 • EIP - EXISTING IRON PIPE
 • NIP - NEW IRON PIPE
 * - LIGHT POLE
 ◁ - COMPUTED POINT

TOTAL 4.157 AC. +/-
REMAINDER
 ② 3.732 AC. +/-
 ③ 0.849 AC. +/-
 ④ 1.18 +/- AC.
TOTAL 5.761 +/- AC

SETBACKS
 FRONT YARD 30'
 SIDE YARD 20'
 REAR YARD 30'
 FLOOR AREA RATIO = 0.50
 95,815 BLDG. SF / 181,078 LOT AREA
 = 0.529 WAIVER REQUIRED

Danville, Virginia
 Plat of Survey for
 General Development Company Incorporated

Date: July 25, 1992



| NO. | DATE | DESCRIPTION | BY |
|-----|------|-------------|----|
| | | | |
| | | | |
| | | | |
| | | | |

Sheet No. **1** of **1**
 Date: SEPTEMBER 9, 2020
 Scale: 1" = 40'
 Project No. VA[GD-KM17]eng[aw]REZONING EXHIBIT-(9-8-20)

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). a portion of PID #51741 see attached exhibit

Gross Area/Net Area: 95,815 SF Bldg, 4.157 Ac+/- site Property Address: 3311 Riverside Drive Danville, VA 24541

Property Location: N S E W Side of: Riverside Drive

Between: Advance Street and Exchange Street and Trade Street

Proffered Conditions (if any, please attach): N/A

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

I. NAME: The Daniel Group, Inc TELEPHONE: 434)791-8200

MAILING ADDRESS: 223 Riverview Drive Suite A, Danville, Va 24541

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: hburnette@tdanielgroup.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: Cherney Development Company-Jim Cherney TELEPHONE: 336)362-3003

MAILING ADDRESS: 2200 Silas Creek Pkwy, Winston Salem, NC 27103

EMAIL ADDRESS: jcherney@cherneydevelopment.com

SIGNATURE: James R. Cherney DATE: 9.8.20

James R. Cherney, President

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:

Repurpose the former Kmart building for self storage use

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

We desire to rezone 4.157 Ac+/-, a portion of PID#51741 from PSC Planned Shopping Center District to HRC Highway Retail Commercial

to allow self storage facilities as a permitted use by right

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

N/A



Commercial Real Estate and
Hotel / Lodging

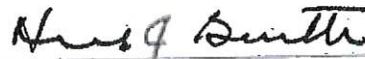
- Development
- Management
- Leasing

September 8, 2020

The Daniel Group, Inc. hereby authorizes Cherney Development Company, Inc. to apply for Rezoning and Special Use Permit for 4.157 ac+/-, being a portion of City of Danville PID#51741.

The rezoning request will change the current zoning of PSC-Planned Shopping Center to HRC-Highway Retail Commercial.

The Special Use Permit is required for buildings greater than 60,000 sf in HRC Zoning District.



Howard Burnette, President



Date

223 Riverview Drive
Danville, Virginia 24541

Tel: 434.791.8200

Fax: 434.792.6610

www.tdanielgroup.com

REZONING REQUEST DATA SHEET PLRZ20200000204
SPECIAL USE PERMIT REQUEST DATA SHEET PLRZ20200000205

PUBLIC HEARING DATES: PLANNING COMMISSION AT 3PM
OCTOBER 13, 2020

LOCATION OF PROPERTY: 3311 RIVERSIDE DRIVE
(FORMERLY DANVILLE KMART)

PRESENT ZONE: PS-C, PLANNED SHOPPING CENTER

PROPOSED ZONE: HRC, HIGHWAY RETAIL COMMERCIAL

ACTION REQUESTED: REZONE ~4.157 ACRE PROPERTY TO ALLOW SELF STORAGE
USE IN 95,815 SQUARE FOOT BUILDING. SPECIAL USE
PERMIT TO WAIVE CERTAIN YARD REQUIREMENTS.

**PRESENT USE OF
PROPERTY:** VACANT SHOPPING CENTER

**PROPOSED USE OF
PROPERTY:** SELF STORAGE

**FUTURE LAND USE
DESIGNATION:** REGIONAL COMMERCIAL

PROPERTY OWNER (S): THE DANIEL GROUP

NAME OF APPLICANT (S): CHERNEY DEVELOPMENT COMPANY INC

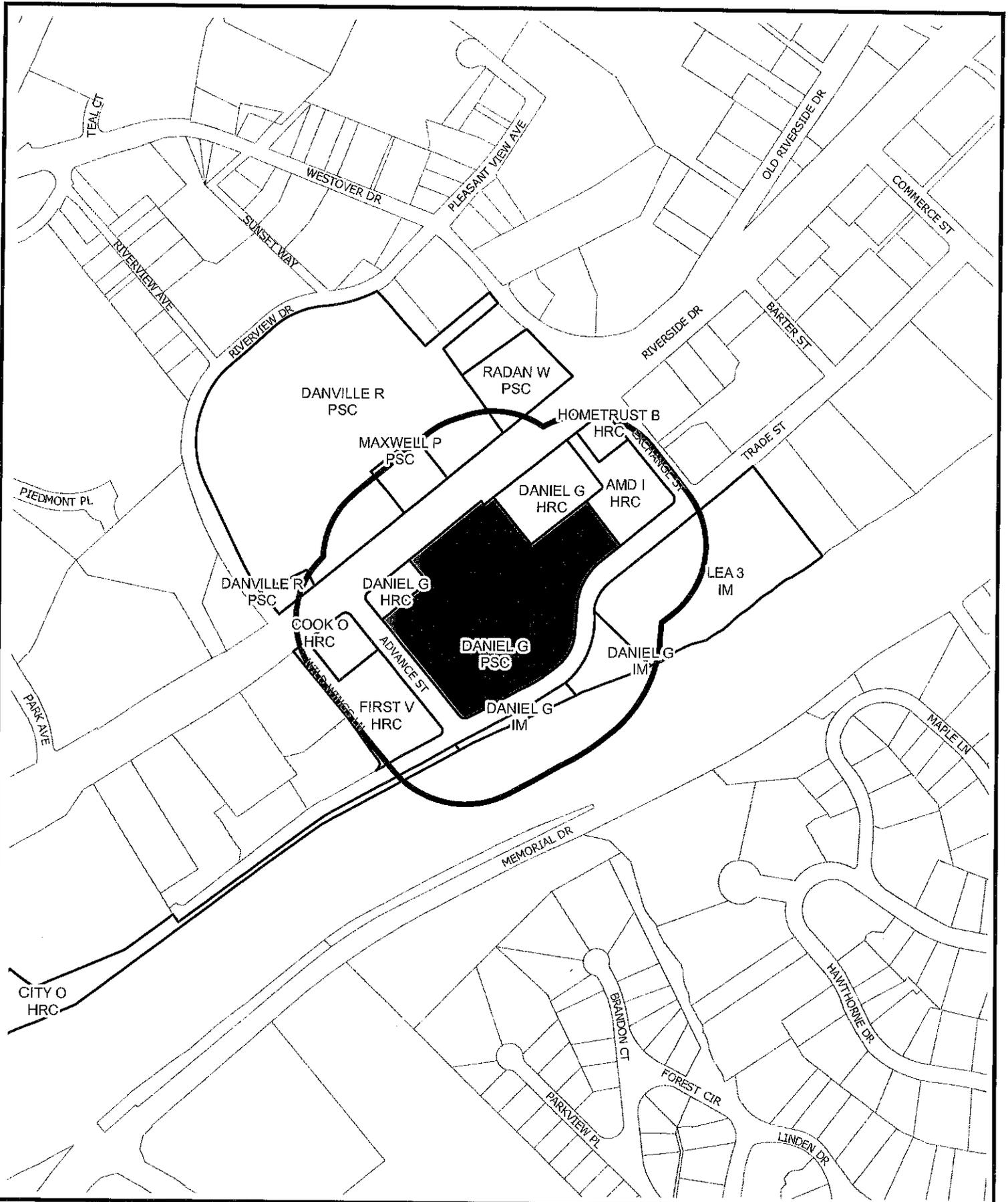
PROPERTY BORDERED BY: OTHER HIGHWAY COMMERCIAL AND INDUSTRIAL
WAREHOUSING

ACREAGE: ~4.157 ACRES

CHARACTER OF VICINITY: HIGHWAY COMMERCIAL, INDUSTRIAL

INGRESS AND EGRESS: RIVERSIDE DRIVE, ADVANCE STREET, TRADE
STREET

TRAFFIC VOLUME: HEAVY (24,000 AADT - 2019)



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
 Planning Division
 9/22/2020

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.

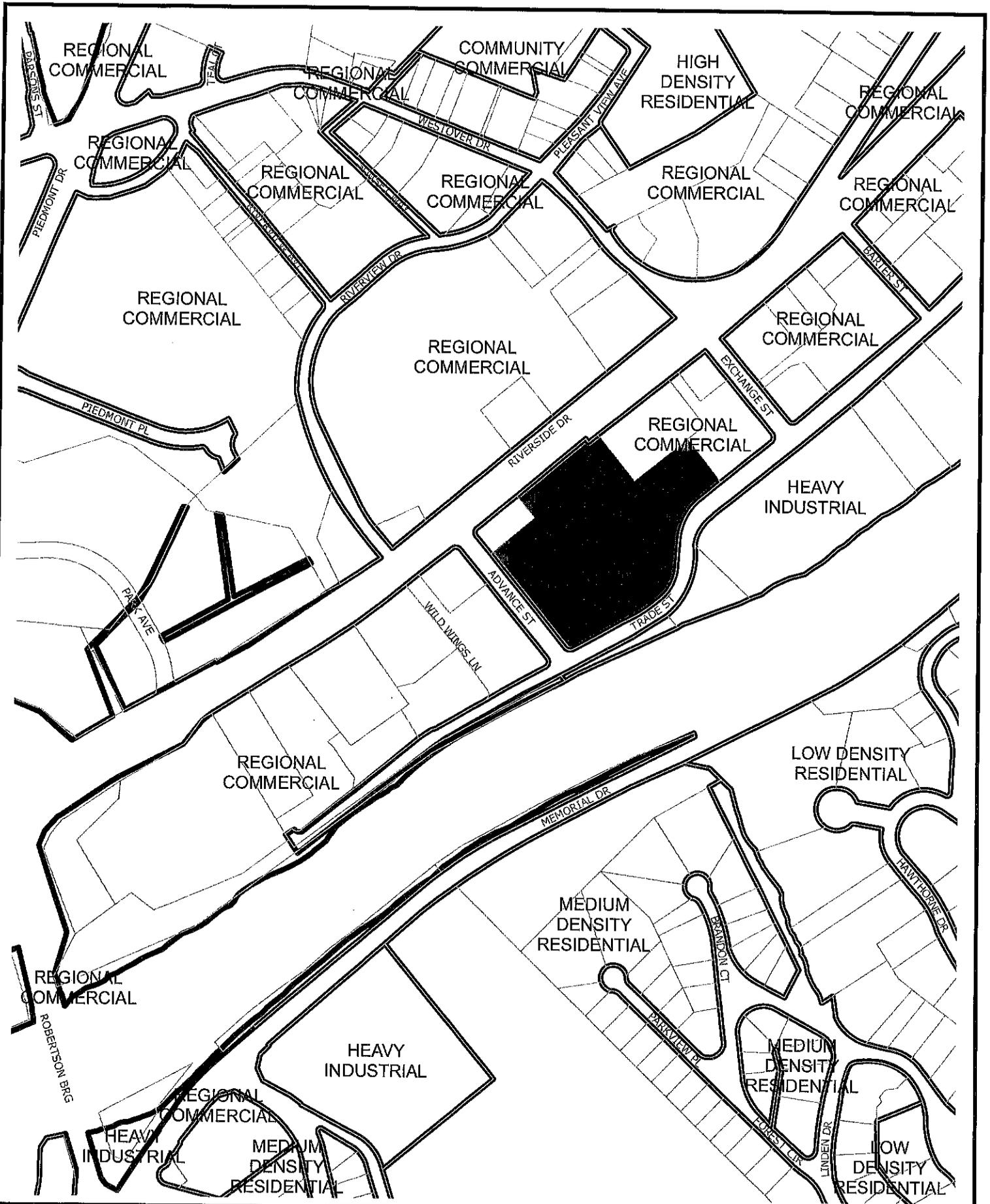


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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
 9/22/2020

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



City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

RE: REZONING APPLICATION - 116 MAPLEWOOD STREET

Rezoning Application PLRZ20200000207, filed by ROE Enterprises LLC and Sterling Lighting LLC, requests to rezone 116 Maplewood Street (Parcel ID #60494) from HR-C Highway Retail Commercial to LED-I Light Economic Development District also known as Grid 1920 Block 002, Parcel ID#000001.001, of the City of Danville, Zoning District Map. The applicant proposes to warehouse, store, and manufacture lighting fixtures and accessories.

BACKGROUND

The applicant proposes rezoning a site zoned HR-C Highway Retail Commercial to LED-I Light Economic Development District to accommodate the use proposal to warehouse, store, and manufacture lighting fixtures and accessories.

STAFF ANALYSIS AND RECOMMENDATION

The proposed rezoning's future land use designation in the Comprehensive Plan is regional commercial and it falls within the Piney Forest Road planning area. The regional commercial future land use designation should be applied in a flexible manner for development as there are new land uses such as this proposed development that are a mixture of relatively low intensity uses. There is negligible potential impact associated with this change and the proposed use. The LED-I district's intent includes low density, well landscaped, and screened development which would be compatible with all types of adjoining urban land uses, including residential, and which would afford maximum protection to surrounding properties.

The Planning Division recommends the Planning Commission endorse the rezoning application PLRZ20200000207 for City Council approval as presented.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend continuation of Rezoning Application PLRZ20200000207 to a future meeting.
2. Recommend approval of Rezoning Application PLRZ20200000207 as submitted.
3. Recommend approval of Rezoning Application PLRZ20200000207 with conditions per Planning Commission.
4. Recommend denial of Rezoning Application PLRZ20200000207.

ATTACHMENTS

- ✓ Application
- ✓ Data Sheet
- ✓ Property Ownership/Zoning Map
- ✓ 2019 Aerial View
- ✓ Future Land Use Map

CITY OF DANVILLE

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

INFORMATION TO BE PROVIDED BY THE APPLICANT

Exact legal description of property (Attach if insufficient space). See Attachment A
Gross Area-Net Area: 1.44 acres Property Address: 116 Maplewood Street, Danville, VA 24540
Property Location: N S E W Side of: Northwest side of Piney Forest Road
Between: Maplewood Avenue and Tamworth Drive
Proffered Conditions (if any, please attach):

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

1. NAME: Roe Enterprises, LLC TELEPHONE: (434) 836-4243
MAILING ADDRESS: 112 Maplewood Street, Danville, VA 24540
SIGNATURE: *Melissa Sharp* DATE: 9.10.20
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: *melissag@masterof.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: Sterling Lighting, LLC - Damien Sanchez TELEPHONE: (661) 874-8740
MAILING ADDRESS: 201 Davis Drive, Suite DD, Sterling, VA 20164
EMAIL ADDRESS: *damien@slights.com*
SIGNATURE: *D. Sanchez* DATE: 9/9/2020

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:

The proposed development will be used for warehousing, storage, and manufacturing of lighting fixtures and accessories.

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:

Attachment A

1. Names, addresses, and relationship to the land of all owners and applicants
 - a. Owner: Roe Enterprises LLC, Address: 112 Maplewood St, Danville, VA 24540
 - b. Applicant: Damien Sanchez, Sterling Lighting; Address: 201 Davis Drive, Suite DD, Sterling, VA 20164
2. See Attachment B for Tax Map of the property to be rezoned.
3. See attached certified plat showing the metes and bounds of the property to be rezoned prepared by Dewberry, dated March 4, 2008 and sealed by Robert H. Bengston.
4. Legal description of the property and area (in square feet or acres) of the property to be rezoned.
 - a. The property (Parcel 60494) is located at 116 Maplewood Street in Danville, Virginia and is currently zoned Highway Retail Commercial (HR-C). The total property area is \pm 1.44 acres. The owner is seeking a rezoning to Light Economic Development District (LED-1). The existing building is approximately 24,799 square feet.
5. See attached certified plat for location of all existing buildings and structures.
6. Statement of purpose, feasibility, and justification of the proposed amendment.
 - a. The property is in Planning Area 12 – Franklin Turnpike of Danville. The property does not have a recommended future land use under the Future Land Use Plan of the 2030 Comprehensive Plan. This proposed rezoning to LED-1 is in line with the Economic Revitalization Plan of the 2030 Comprehensive Plan goal of marketing the City as a viable location for business expansion and relocation and providing support and incentives in cooperation with regional and state partners for the creation of new businesses that enable the City to compete for jobs on a national and international level.
 - b. There are no expected adverse impacts on the existing transportation or public infrastructure, community facilities, schools, or environmental features.
 - c. There do not appear to be any areas having environmental or historical significance around the property.
 - d. The proposed development will be used for warehousing, storage, and manufacturing of lighting fixtures and accessories. There are no expected adverse impacts on adjoining properties and neighborhoods.
 - e. Existing public services and infrastructure are adequate to serve the proposed land use. It is unknown at this time if any stormwater management BMPs will be necessary for this project, but any stormwater practices are not expected to be significant.
 - f. There are not currently any plans for special amenities or improvements to be included with the proposed development.

- g. The first phase involves 2 employees (National Sales director and warehouse manager) to handle shipping of product throughout the country. Phase 2 (within 12 months) involves hiring an additional 2 employees for assembly work. There are plans to hire 6-8 employees for assembly work over the course of the following 3 years, with additional administrative staff.
 - h. There is not currently any plan for proffers or conditional zoning.
7. A master development plan (Attachment C).
- a. The building height and location is not changing from existing conditions. Additional parking spaces will be added to satisfy City requirements.
 - b. There are currently no plans for open spaces, recreational areas, or other community facilities with this project.
 - c. Vehicles will enter at the proposed entrance that has two-way circulation. Pedestrians will enter the building by way of sidewalk to the main entrance shown on the master plan. Trucks will enter at the existing entrance to the loading docks.
 - d. There are no known problematic environmental features on-site.
 - e. Increase in stormwater runoff will be stored in a proposed stormwater pond shown on the master plan.
 - f. There are no planned changes to the existing public water and sewer services.
 - g. Existing fencing will remain on-site with the possibility of a new gate being added at the proposed entrance. No surrounding properties will be affected by increases in stormwater runoff.

The names, addresses and tax map identification numbers of all owners of abutting property and property immediately across the street from the property requested to be rezoned and any abutting property or property immediately across the street from the property requested to be rezoned which lies in the City.

- a. Owner: Ruxton Associates; 121 Crosland Avenue, Danville, VA 24540; Tax ID: 51445
- b. Owner: City of Danville; Maplewood Street, Danville, VA 24540; Tax ID: 59975
- c. Owner: City of Danville; 121 Maplewood Street, Danville, VA 24540; Tax ID: 59976
- d. Owner: HRNA LLC; 1371 Piney Forest Road, Danville, VA 24540; Tax ID: 51435
- e. Owner: Roe Enterprises LLC; 112 Maplewood Street, Danville, VA 24540; Tax ID: 51526
- f. Owner: Goard Susan Prichard Russell; 125 Tamworth Drive, Danville, VA 24540; Tax ID: 55027
- g. Owner: Dehart, Audree R (Life) & Tracy Dean (Fee); 131 Tamworth Drive, Danville, VA 24540; Tax ID: 51664
- h. Owner: Payne, Carroll D & Sylvia A; 137 Tamworth Drive, Danville, VA 24540; Tax ID: 56835
- i. Owner: Fain, Shirley Ann Stevenson; 143 Tamworth Drive, Danville, VA 24540; Tax ID: 56377
- j. Owner: Atkinson Rentals LLC; 149 Tamworth Drive, Danville, VA 24540; Tax ID: 54180
- k. Owner: Abbott, Karen Jones; 169 Tamworth Drive, Danville, VA 24540; Tax ID: 50019
- l. Owner: Parker, Wilbert W & Loretta Y; 131 Crosland Avenue, Danville, VA 24540; Tax ID: 53843



| KEY | |
|---|---------------------------|
|  | Subject Property |
| SR | Suburban Residential |
| HRC | Highway Retail Commercial |
| MR | Multi-Family Residential |
| OTR | Old Town Residential |



Dewberry®

Dewberry Engineers Inc.

551 Piney Forest Road
 Danville, VA 24540
 Phone: 434.797.4497
 Fax: 434.797.4341

DATE
08/26/2020

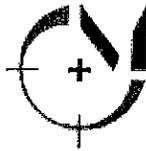
PROJ. NO.
50131638

TITLE
Tax Map

PROJECT
Maplewood Street Rezoning

SHEET NO.

1



**MASTER
GAGE & TOOL CO.**
THE MEASURED DIFFERENCE

Virginia Office
112 Maplewood St.
Danville, VA 24540
Phone: 434-836-4243
Fax: 434-835-0008

Carolinas Office
30A Cesena Court
Greenville, SC 29607
Phone: 864-447-5100
Fax: 864-447-5500

Danville City Counsel-

Roe Enterprise is the current owner of 112 Maplewood St, Danville VA and 116 Maplewood St., Danville, VA. Roe Enterprise endorses the request of Sterling Lighting to rezone the property to LED-1. The rezoning of this property supports the economic development efforts of Danville in attracting companies like Sterling Lighting and will create jobs and revitalize an unused property.

At one time, Roe Enterprise sold 116 Maplewood St. and unfortunately, the new owners went out of business soon after the purchase. After the property was held by a financial institution for quite some time, Roe Enterprise repurchased the building to ensure the upkeep of the building. It is of great interest for Roe Enterprise to sell the property to a viable entity that will maintain the property, contribute to the economy of Danville and overall add value to the community and we feel Sterling Lighting will do just that.

We support the rezoning of 116 Maplewood St, Danville, VA 24540 to LED-1.

Regards,

Melissa Ghaphery



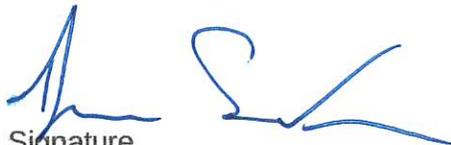
Chelsea R. Piedra
31 Aug 20

AFFIDAVIT OF DAMIEN RAFAEL ROBLES SANCHEZ

I, Damien Rafael Robles Sanchez, aged 42, and residing at C1 Villa Krystal Community Aguadilla Puerto Rico 00603 USA, do solemnly swear and sincerely state as follows:

No member of the Danville Virginia City Council or the Danville Planning commission has any interest in the rezoning of 116 Maplewood St Danville Virginia 24540.

The above mentioned facts are true and correct to the best of my knowledge, information and belief.


Signature

Solemnly affirmed at Aguadilla, Puerto Rico

On this 1st day of September 2020

and signed his name in my presence


notary public.
my commission is lifetime.


AFFIDAVIT OF PATRICK HARDERS

I, Patrick Harders, aged 46, and residing at 5212 Sudley Springs Rd, Manassas, Virginia, 20109 USA, do solemnly swear and sincerely state as follows:

No member of the Danville Virginia City Council or the Danville Planning Commission has any interest in the rezoning of 116 Maplewood St, Danville, Virginia, 24540 USA.

The above mentioned facts are true and correct tot the best of my knowledge, information, and belief.

Signature



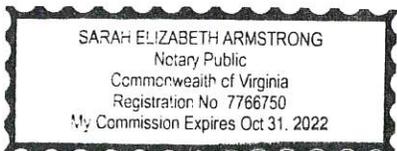
Solemnly affirmed at 201 Davis Dr, Suite G Sterling, VA 20164

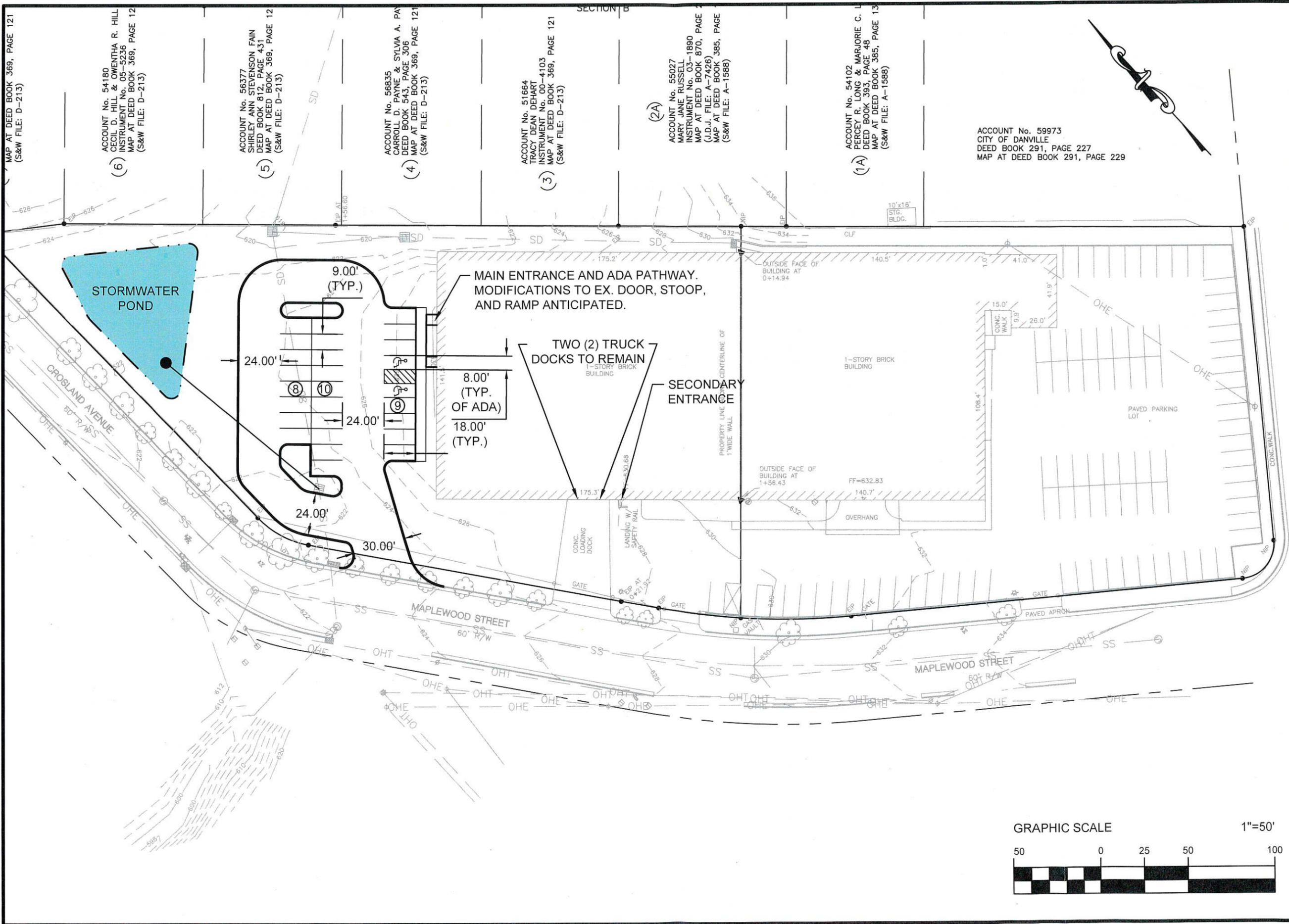
On this 1 day of September, 2020

And signed his name in my presence



I was commissioned notary
as Sarah Elizabeth Armstrong.





SHEET NO.

TITLE

SCALE
Master Plan

DATE
08/27/2020

PROJECT

PROJ. NO.
50131638

Sterling Lighting Rezoning Application

Dewberry
Dewberry Engineers Inc.
551 Piney Forest Road
Danville, VA 24540-3353
434.797.4497



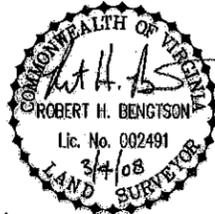
ACCOUNT No. 51526
OWNER'S CERTIFICATE:
 THE PLATING OF THIS PROPERTY AS WELL AS THE STREETS, ALLEYS, OR OTHER PROPERTY FOR PUBLIC USE AS SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

STATE OF VIRGINIA
 AT LARGE, TO WIT:
 I, Susan O. Moore, A NOTARY PUBLIC IN AND FOR THE STATE OF VIRGINIA AT LARGE HEREBY CERTIFY THAT John E. Mead & Rosalia C. Mead WHOSE NAME(S) ARE SIGNED TO THIS PLAT BEARING DATE OF Jan. 9, 2008 HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE STATE AFORESAID.

GIVEN UNDER HAND THIS 6th DAY OF March, 2008
 NOTARY PUBLIC: Susan O. Moore
 MY COMMISSION EXPIRES: 4-30-11



SURVEYOR'S CERTIFICATE:
 I CERTIFY THAT THIS PLAT AND SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNERS; AND THAT THE SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY THE SUB DIVIDERS; AND THAT THE MONUMENTS SHOWN ON THIS PLAT HAVE BEEN ACTUALLY PLACED AND THAT THEIR LOCATION AND CHARACTER ARE CORRECTLY SHOWN.



CITY APPROVAL:
 THIS MINOR SUBDIVISION IS APPROVED BY THE UNDERSIGNED PURSUANT TO THE SUBDIVISION ORDINANCE TO THE DANVILLE CITY CODE AND MAY BE ADMITTED TO RECORD.

A. Kent Shelton 3-6-08
 CITY ENGINEER DATE
McNeill 3-6-08
 ZONING ADMINISTRATOR DATE

- NOTES:**
1. THIS BOUNDARY SURVEY IS BASED ON A CURRENT FIELD SURVEY.
 2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
 3. FLOOD NOTE: THIS PROPERTY IS LOCATED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 510044-0002-C, WHICH IS NOT PLOTTED AND THEREFORE IS NOT IN A SPECIAL FLOOD HAZARD AREA.

- LEGEND:**
- EIP-EXISTING IRON PIN
 - NIP-NEW IRON PIN
 - △ COMPUTED POINT
 - OHE-OVERHEAD UTILITY
 - UTILITY POLE
 - EOP-EDGE OF PAVEMENT
 - CLF-CHAIN LINK FENCE
 - R/W-RIGHT OF WAY

AREA SUMMARY:
 NEW LOT A - 1.600 ACRES
 NEW LOT B - 1.467 ACRES
 TOTAL AREA 3.067 ACRES

DANVILLE, VIRGINIA
 112 MAPLEWOOD STREET
 PLAT OF SUBDIVISION SHOWING:
 NEW LOTS A & B FOR:
ROE ENTERPRISES, LLC
 SCALE: 1"=40' DATE: JANUARY 9, 2008

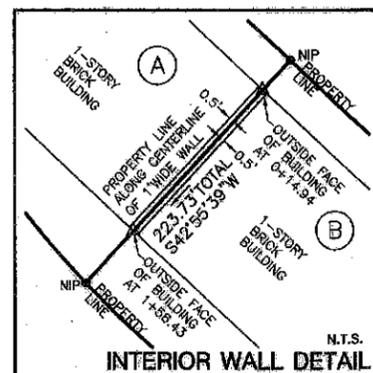
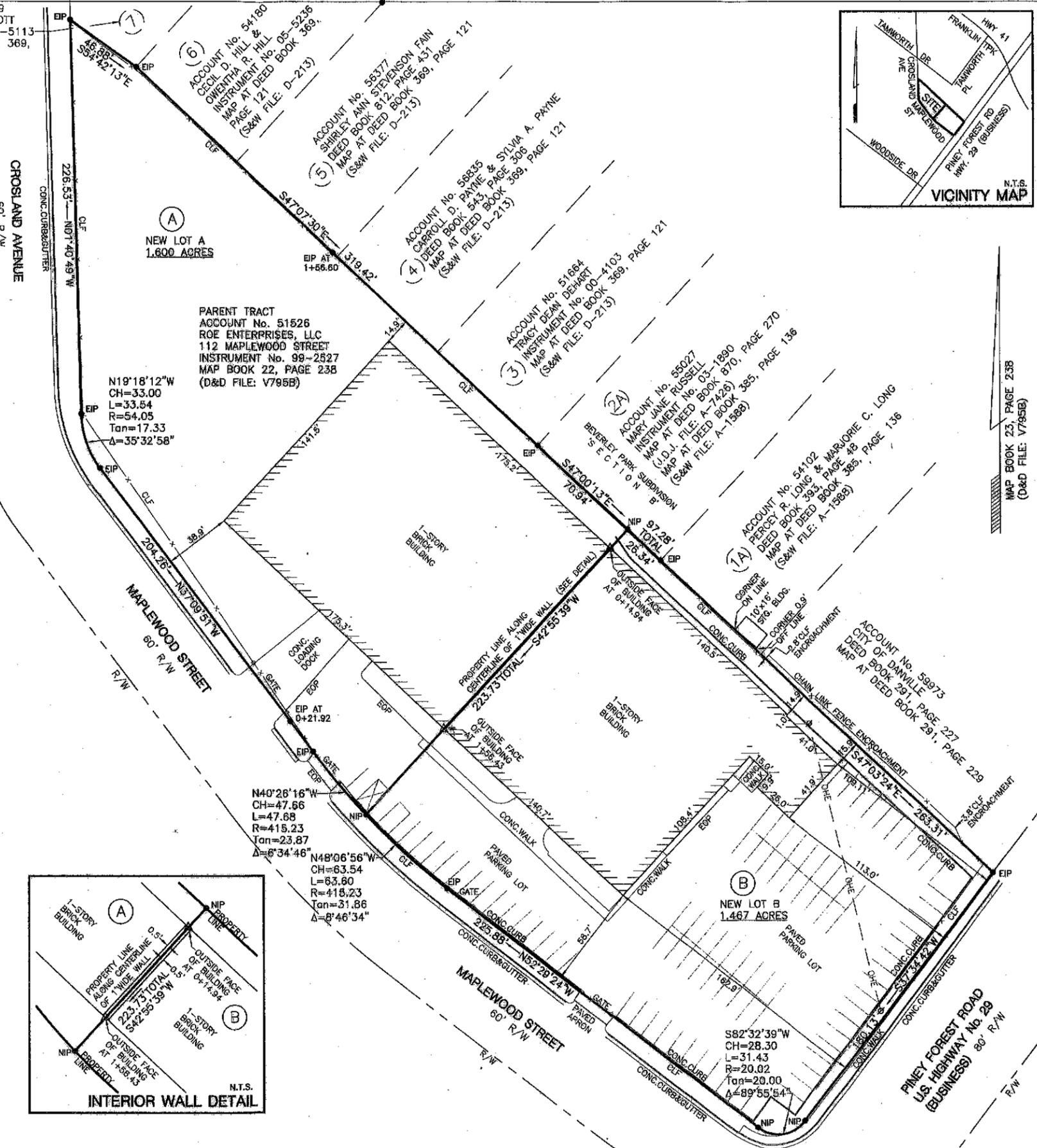


Dewberry
 Dewberry & Davis, Inc.

551 PINEY FOREST ROAD
 DANVILLE VA 24040
 PHONE 434.787.4487
 FAX 434.787.4341
 FILE: 50012620\MEADE

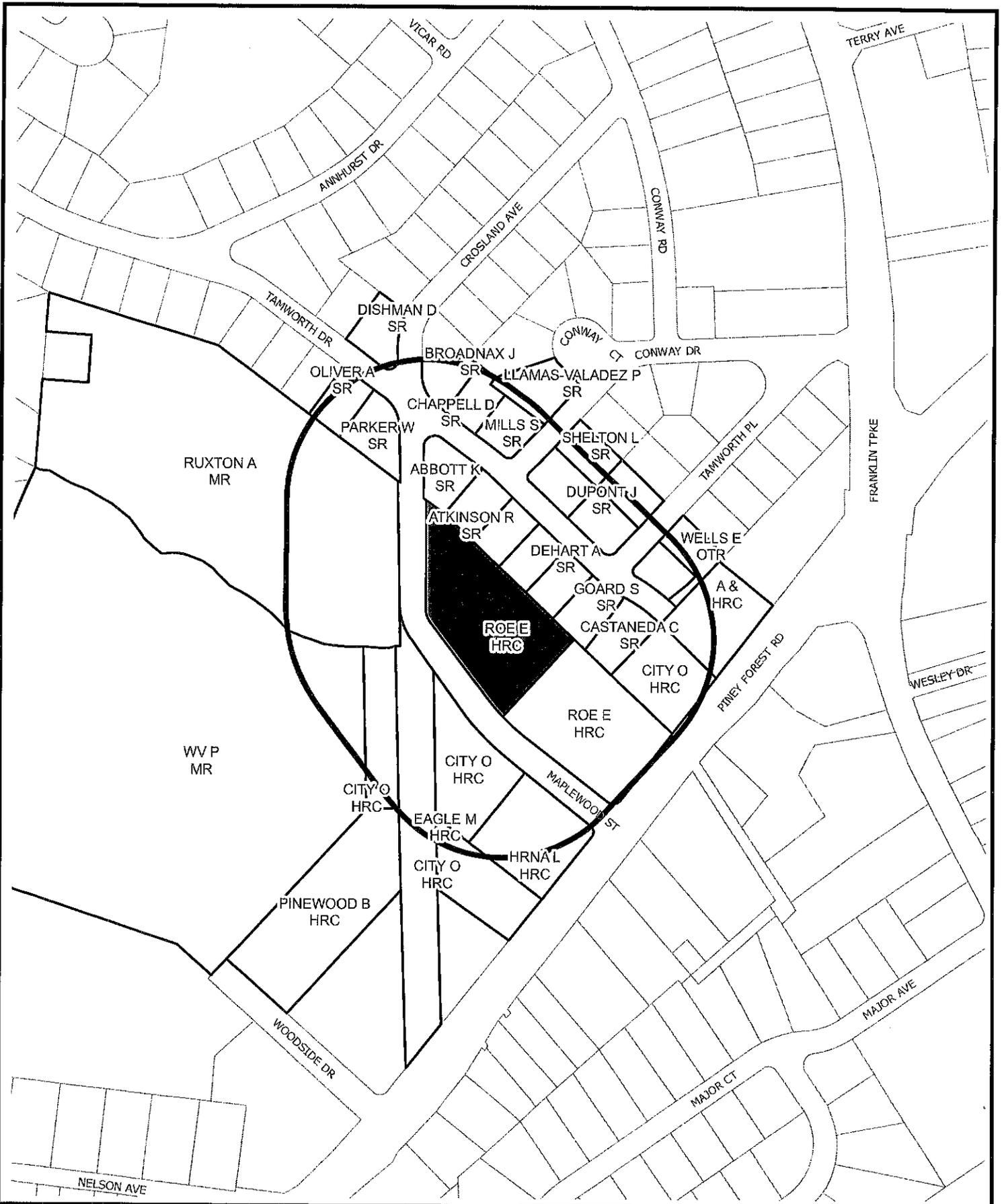
| | | | | | |
|------------|-------|--------------|--------|----------|--------|
| Math By | K. M. | Party Chief | EA NES | File No. | V3072B |
| Checked By | COVE | Flg. Bk / Pg | 841 22 | | |

ACCOUNT No. 50019
 LARRY RANDAL ABBOTT
 INSTRUMENT No. 05-5113
 MAP AT DEED BOOK 369,
 PAGE 121
 (S&W FILE: D-213)



REZONING REQUEST DATA SHEET PLRZ20200000207

| | |
|-------------------------------------|---|
| PUBLIC HEARING DATES: | PLANNING COMMISSION AT 3PM OCTOBER 13, 2020 |
| LOCATION OF PROPERTY: | 116 MAPLEWOOD STREET |
| PRESENT ZONE: | HRC, HIGHWAY RETAIL COMMERCIAL |
| PROPOSED ZONE: | LED-I LIGHT ECONOMIC DEVELOPMENT DISTRICT |
| ACTION REQUESTED: | REZONE ~1.44 ACRE PROPERTY TO ALLOW LIGHT INDUSTRIAL USES. |
| PRESENT USE OF PROPERTY: | VACANT SHOPPING CENTER |
| PROPOSED USE OF PROPERTY: | WAREHOUSE, STORE, AND MANUFACTURE LIGHTING FIXTURES AND ACCESSORIES. |
| FUTURE LAND USE DESIGNATION: | REGIONAL COMMERCIAL |
| PROPERTY OWNER (S): | ROE ENTERPRISES LLC |
| NAME OF APPLICANT (S): | ROE ENTERPRISES LLC |
| PROPERTY BORDERED BY: | LOW DENSITY RESIDENTIAL TO THE NORTH, HIGHWAY COMMERCIAL/INDUSTRIAL/PUBLIC UTILITY TO THE EAST AND SOUTH AND HIGH DENSITY RESIDENTIAL TO THE WEST. |
| ACREAGE: | ~1.44 ACRES |
| CHARACTER OF VICINITY: | TRANSITION AREA BETWEEN INTENCE DEVELOPMENT ON PINEY FOREST ROAD AND ADJACENT NEIGHBORHOOD TO THE NORTH + WEST |
| INGRESS AND EGRESS: | MAPLEWOOD STREET |
| TRAFFIC VOLUME: | HEAVY ALONG PINEY FOREST ROAD TO THE EAST, MODERATE LOCAL TRAFFIC ON MAPLEWOODSTREET+CROSLAND AVENUE |



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
 Planning Division
 9/22/2020

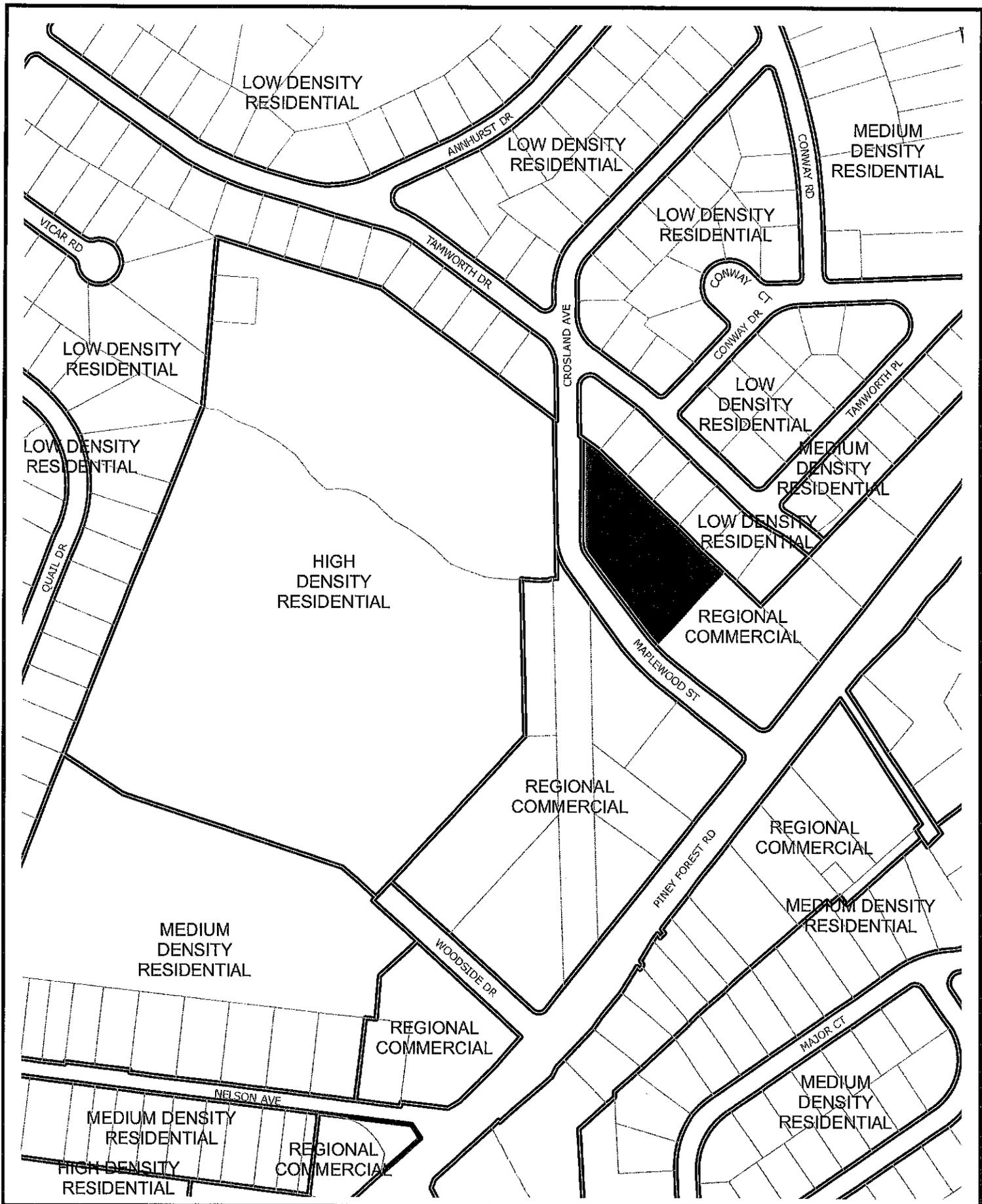
Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, 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.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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
 9/22/2020

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.



PLANNING COMMISSION MINUTES

August 10, 2020

MEMBERS PRESENT

Mr. Bolton
Mr. Dodson
Mr. Garrison
Mr. Petrick

MEMBERS ABSENT

Mr. Craft
Ms. Ann Evans

STAFF

Ken Gillie
Lisa Jones
Mr. Whitfield

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

ITEMS FOR PUBLIC HEARING

Rezoning Application Request PLRZ20200000155 (PLVAR20200000110), remanded from the Board of Zoning Appeals on a case filed by Mark and Karen Davis, requesting to rezone from HR-C Highway Retail Commercial District to S-R Suburban Residential District 734 Mt. Cross Road, otherwise known as Grid 0708, Block 002, Parcel 000005, of the City of Danville, Virginia, Zoning Map. The applicant requested a variance to allow for a deck constructed without permits onto a legal non-conforming use to remain on a residential property in area zoned HR-C Highway Retail Commercial District. The Board of Zoning Appeals remanded this case to the Planning Commission to review for a possible Zoning Change.

Mr. Garrison open the Public Hearing.

Ms. Karen Davis stated we just purchased the property and I'm not sure exactly how much that you need to know. We haven't even owned the property a year. We bought it for my son and two other roommates that go to Averett. They are right there at North Campus and most of their classes are there. They spend a lot of time there. It worked out great and they had already moved in prior to us purchasing the property. We were renting until our mortgage was going to go through. The week that we were going to close on our mortgage the broker realized and let us know that we could not obtain a mortgage because it was commercial and not residential. We could not get a residential loan and so we had to talk to the homeowner and borrow some money and we purchased it as cash price. We weren't really sure what this meant. We don't own rental property and we are not in the business for rental property. We just purchased it for our son and his friends to live in while they are in college. After we purchased it and looking into the insurance and talking about it my biggest concern and I wanted eventually that it was rezoned anyway. A friend of ours, the stairs were bad in the back of the house and we had them taken down, so we just put up a deck verses just stairs. My biggest concern to rezone back to residential is for insurance purposes because after we purchased the house we realized that if something was too happened to the house, if it causes 51% damage we are not allowed to rebuild the house. That is my biggest concern and I would prefer and hopefully it be residential. Are there any other questions?

Mr. Petrick stated were you aware of the zoning when you purchased the property or looked at the property?

Ms. Davis stated not when we looked at it, no sir, not until we were going to close. The mortgage broker called and said you are not going to believe this but our underwriters can't approve it, he is the one that brought it to our attention. My son was already living in the house and we decided to go ahead and do it as a cash deal.

Mr. Petrick stated I think the issue revolves around the addition to the deck.

Ms. Davis stated yes that is what brought all of this to our attention. The realtor lady is the one that told us to come before the board and ask for rezoning before this ever happened.

Mr. Petrick stated no call was made to inspections to determine whether or not it was illegal?

Mr. Mark Davis stated yes, I talked to William Willis and we played phone tag forever and ever. I called where he works at and no one ever answered the phone and I finally got a message to him. Then he sent a message with this pandemic going on and there is hardly anyone that is working now. We need to get this worked out and I said I agree, just tell me when we can get up here and we will do it.

Ms. Davis stated we had already sent a check in but they have never cashed it.

Mr. Davis stated I wouldn't have even bought the house or even tried to buy a house, if I had known it was going to be a zoning issue, and I'm not in it for the money. Somebody said you know you might get a lot of money out of it. I don't care about that, not that I couldn't use it. We are just trying to find a place for the boys to stay. I had talked to the football coach and he said Mark, if you could get us a place up here and put my football players in it, I will take care of them. I will make sure they are good boys and all of that stuff. Then all of this stuff here happened and it's not like we are trying to beat somebody out of money or a zoning permit. That just don't make any sense because I put more money in the drive way out there that I had no idea about the zoning thing. It is just an honest mistake on somebody's part and I will take part of the blame. This is where we are at now. I don't want to tear the deck down, but if I have to, just give me time to take it apart.

Mr. Garrison stated we don't make that decision and we are here today for just the rezoning. The deck is not a consideration to us and your request here is to rezone to residential.

Mr. Bolton stated I have a question for Ken and then for them. If they did rezone or we approved it and City Council approved it to go back to SR, could they go back later and request to go back to Commercial?

Mr. Gillie stated they could come back in a year and request to change it and that is why staff is recommending allowing that time. Jay Property asked to attempt to rezone and that was turned down because that would have been spot zoning. If we can get multiple property owners to work together on that application it will eliminate the potential for spot zoning. That is why as it stands right now, their case is a spot zoning case. Staff could not support spot zoning. We feel the adjacent properties, who attempted in the past, could join in on this. We have also received a phone call on an additional property that they have not had

time to talk to them. Maybe get a group of property owners together and ask for rezoning. That is, if City Council agrees to change it. Then in the future if development does go that way and then they could ask for rezoning in the future. I'm trying to take care of both issues at this time. There just hasn't been sufficient chance to get everybody together. That is why I am recommending that it be continued and not decided now. The prosecution for the deck, that will stop it, because they are trying to resolve the issue. We won't proceed until all applicants are either successful or unsuccessful. So we are not going to tell them to tear the deck down or anything else. They did apply for a permit and they wrote us a check but we can't give them a permit because of the illegal nonconforming status and violation. In their defense they did do that and that is why I am recommending hold it and let's see what happens after they get together.

Mr. Bolton stated the reason I asked that is, because just in my opinion the Commercial Zoning is so much more valuable to that property than the SR. In other words say once your son graduates and moves on. I don't know if you plan on selling it but that Commercial Zoning in my opinion would make the property a bit more valuable. That is why I wanted to make sure that you could come back and change it.

Mr. Davis stated I was told that you could. The whole thing is it's not that we were trying to do that. We were trying to give some good kids a place to stay.

Ms. Davis stated what he is trying to say is that we didn't do it for investment purposes. We just did it for a residence.

Mr. Bolton stated but if you do sell it, I would think that you would want to get as high a value as you can. That is why I was concerned if you changed it and Council approved it that you could go back when you wanted to sell it. The property would be so much more valuable with Commercial Zoning. The other thing, we talk about spot zoning all the time. I think basically what we have to hear from somebody is that it adds value to the community by changing it, if you are going to spot zone. Not to put you on the spot but what would you see as a community benefit going from Commercial to Residential?

Ms. Davis stated the only thing that I can think would be that if somebody like us, would come in to buy residential. Where it is, I totally understand that eventually in the future probably most of that will be commercial. Right now there are literally like five houses within a little pocket and if it was residential, I don't think many people would come in and let that house sit empty the way it is. We were just fortunate that my mom went in with us to help us give enough cash and purchase the house. I don't know that a lot of people will just have cash laying around and to resell the house, I think right now the way that it is would only sell as a residence. I see it in our best interest that it would be a residence if we went to try to resell it, unless a commercial came in to try to buy it. If they bought the whole area I would assume that they would probably bulldoze it and build something. That the house still would remain is a benefit. To keep it as a residence right now and I understand in the future, I know that area is going to probably be developed.

Mr. Davis stated we would get a couple of years out of it by our son being here. If it is going to cause trouble we can find another place. We have already paid for the place and that is why we were trying to get it zoned. I understand about the City and Averett doing what they must do. They guy that sold it to us, he never said anything to us and the real estate agent lady didn't say anything to us. We found out from the lawyer of the mortgage people, when we went to settle he told us about it.

Mr. Bolton stated so you didn't feel like you paid premium because it was commercial. You felt like you were buying a home and it was worth it the value as a home not as commercial lot. Like you see on Piney Forest Road there are little bitty houses you ride by sometimes you might be surprised what they sell for. The same thing might be with this one. If it is Commercial in the future, it would be a much greater value to you. That is why my first question was could you come back.

Ms. Davis stated thank you.

Mr. Davis stated the guy named Jerry Davis, he owns the house beside us and he owns the next house up. I went to ask him about it and he wouldn't even talk to me about it. He might be a fine fella but he just did not want to talk about it. His secretary said that he doesn't have time to talk to you about this stuff. Then the people that we went to visit around there, the only girl that was there, she rented the house. That is where we are at this point.

Ms. Davis stated I think a lot of them are rental properties.

Mr. Davis stated I don't want rental property to be honest with you. This might turn out to pay good money one day, but I'm just trying to get my boy through Averett and his buddies.

Mr. Bolton stated I think one of the recommendations were to continue this so that you might have a chance to talk to some of the owners. Maybe you could come in as a group and you will have an argument on the spot zoning. Do you think you could?

Mr. Davis stated we have already talked to everyone around there in that area. Mr. Gillie said about this other guy I don't know who he is or where he lives or anything.

Mr. Gillie stated I think if you had more time to talk to the property owners and we can give you a list of the adjacent properties. You are talking to the tenant of that house but not the actual owners. I think you should talk to the property owners.

Mr. Bolton stated Marshall Construction and Averett is local. You could probably talk to them fairly easy or a representative. They are not opposed so they will probably give you some support. How long do you think it will take if this thing goes through?

Mr. Petrick stated you mean if the change would happen with zoning?

Mr. Davis stated yes.

Mr. Petrick stated it would happen within a few months.

Mr. Davis stated if it didn't happen how long would we have to get out of there?

Mr. Gillie stated you never have to get out of there. If City Council fails to rezone the property then it would go to the Board of Zoning Appeals and they can make a decision on what to do next. You still have options available. As it stands right now you need to try to get all the property owners together and come in as a group. You haven't talked to the right people, but it is up to you. Our recommendation is that you table it and it gives you a chance to get with those folks. It will be resolved in the next few months one way or another. We are not going to proceed any further with violation notices because you are trying to fix it.

Mr. Bolton stated in the mean time they can continue to use it as they are using it, right?

Mr. Gillie stated correct, occupancy is not an issue at all as long as it doesn't burned down 51% or we will have to cross that bridge when we come to it. Right now it is a single family use with a violated deck. We can't close the permit out because these issues have not been resolved. That doesn't stop them from occupying the house at all.

Mr. Bolton stated if the group comes in to support them do they all have to get their property rezoned or don't they?

Mr. Gillie stated they could ask as part of this application and not as one group. It would be asking to rezone a block of properties not just a single property. If they ask for it as part of the application theirs would be rezoned also.

Mr. Petrick stated I don't believe in revitalizing this for one property. I think the solution would have this group of properties to ask for it. Is that how you are looking at it?

Mr. Gillie stated yes, it is called spot zoning for one property. The only way to proceed with rezoning is to have more than just their case come and ask for it. If they don't, then I'm going to have to recommend no approval and then it will go to City Council and if they say no, it goes by to Board of Zoning Appeals with this option didn't work now what does the board want to do. I'm trying to go with the route that is best for them.

Mr. Garrison stated and you say no because it would be spot zoning.

Mr. Gillie stated correct.

Mr. Garrison stated we are not hearing anything here and we are not concerned about the deck. The sole question here is do we rezone the property. If we do, then it would be spot zoning.

Mr. Petrick stated the variance around this deck by Zoning Appeals that was an option, correct?

Mr. Gillie stated we feel no, because in order for the variance to be granted it has to be a physical hardship on the property. There is not a physical hardship and the property is nonconforming and it should not have been expanded. If they would have applied for the permit ahead of time we would have denied it. It is not zoned to allow a deck. They built a deck, then they asked to keep it. The Board looking at it said under the requirements of state statute, but they can remand it to the Planning Commission to see if rezoning would alleviate it and that is what they have done in this case. It could be potentially spot zoning for one property.

Mr. Petrick stated just to be clear every parcel from the intersection of Riverside Drive to the County line is Commercial.

Mr. Gillie stated yes, it is some sort of Commercial, correct.

Mr. Petrick stated so this would be an obvious spot zoning situation.

Mr. Gillie stated yes, Averett is a transitional office type because of the University aspect. The remainder of the properties are zoned either neighborhood, highway, or retail. There are a multitude of zonings out there. Our long range plan was for this entire area up to the County line to be developed Commercial. That is why they developed a five lane road and everything else. As a short term fix, it can be rezoned back. We feel in the future that a Commercial development is the way for that to be, but if we can get enough properties together we can see how that goes.

Mr. Bolton stated not all spot zoning is illegal, but we have been pretty consistent I think in making folks state their case to as why it may be, like the one last month on Ash Street. Paulette Dean, the owner came in and convinced us that this was a community need for a pet shelter. Beyond that, the only solution is to get the other folks to join in and get it changed and then you're not specifically spot zoning. We can't recommend a continuance.

Mr. Garrison stated they would have to ask for it. If they ask for a continuance, we can do that and if they don't ask for a continuance, then we have to hear it today. We have other people here that wish to speak. Since we are still in Public Hearing, I want to give them a chance to speak since they came.

Mr. Davis stated I guess we will ask for a continuance today even though I don't quite understand everything. We will take him for his word and ask it be continued today.

Mr. Richard Bailey stated I am a Real Estate Broker and I'm here representing the Sims and Bell family. They are actual brother and sister and they own three acres just north of the subject property. We have plans to sell that property in a few months. It is vacant property and the house is beyond any hope of rehabilitating into a residence. It is pretty obvious that it will be once again, as it was many years ago, probably a commercial establishment. Certainly no one has any ill will towards the Davis family about building a deck and quite frankly by listening to their story, it is somewhat heart breaking because it seems that they are mired in a mindless bureaucracy that prevents them from doing that. I would hope that there would be some means and I don't have any idea what that would be. Perhaps staff or maybe this group could come up with something that would grant them the right to build the deck. I don't think that is really going to be the end of the world if they have a deck on the back of their house in spite of the fact that it doesn't meet some State Code somewhere. I think that is why we have people to make decisions rather than have everything engraved in stone and handed to Moses on a mountain. I agree with Mr. Bolton, it is somewhat heart breaking to hear that they were not advised of the conflict with the zoning when they bought the property. I have been in the Real Estate business for a long time, but not as long as he has. None the less I feel that is the responsibility that the Realtor should have disclosed and that is a given fact. That is not why we are here. The situation is very heart breaking and I agree with Mr. Bolton on another, that at some point in the future or perhaps even today their property would be worth more as a Commercial establishment. As indicated by Ken here, that property is defiantly going Commercial. That will be our focus when we sell the Bell and Simms property. We are not opposed to anything that they are trying to do. This thing about changing the zoning just seems to be a bit of an extreme fix. Could there be some kind of variance or nonconforming use or something granted for them to have this situation eased. I feel for them, but is there some way that we could keep the zoning and they build their deck. That would be the ultimate thing that we would like to see happen. There is no opposition for them building a deck. If there is an avenue that can be pursued where it can be done without changing the zoning then I would encourage that avenue.

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated if we do continue it, is there anything like Mr. Bailey suggested. Everybody sort of feels like that is the common sense thing here and I know what we are dealing with and I know that you are right. Is there anything other than the variance and us rezoning as a fix.

Mr. Gillie stated you could amend the zoning code chapter 7, on legal nonconforming structure to allow for expansions for legal nonconforming structures. The issue with that is the purpose for legal nonconforming is for them to be brought up to conformance with the code which would be to go to Commercial. This is a residence in a district where it does not belong. Improving a deck on a house that should not be there, at what point do you draw the line. That is why it was at Zoning Appeals and that is why they went that route. The only option would be to change the code and allow for some sort of specifics of residential or nonresidential district or something else like that. It really just doesn't make sense and it is one of those cases that is just an oddball and will eventually go Commercial. The Simms property, they don't have to join us, they can continue with their Commercial development as he said. That property will probably go because the house has no reasonable use anymore. It will probably be torn down and something Commercial will be developed and that would not affect this case. This case and possibly the adjacent properties that are vacant residential or occupied residential could join, but it will not impact the Simms at all.

Mr. Bolton stated I just don't see that happening and don't see why we are continuing it.

Mr. Garrison stated we are continuing it at their request.

Mr. Bolton made a motion to postpone for an indefinite time period for the Rezoning Application PLRZ20200000155. Mr. Dodson seconded the motion. The motion was approved by a 4-0 vote.

IV. OTHER BUSINESS

Mr. Garrison stated I spoke with Mr. Gillie earlier about the 2030 Comprehensive Plan for the City which is up for review this year. It has to be reviewed every five years by both the Planning Commission and City Council. I'm giving you a heads up that we are going to have to take a look at the Comprehensive Plan. You might want to go ahead, like when you have those hours that you can't sleep. You might want to pull it up on your screen and take a look through it. We will probably not make any major changes this year but its possible next year it will have to be completely revised anyway. I just want to give you a heads up on that.

Mr. Gillie stated the Comprehensive Plan, if you need copies we can provide a digital copy to you. There were not any cases that went to City Council last month. Staff recently conducted interviews for a Planning position. Hopefully next month or two we will have a Planner and you will not see me anymore.

V. APPROVAL OF MINUTES

The June 11, 2020 minutes were approved by unanimous vote.

VI. ADJOURNMENT

With no further business, the meeting adjourned at 3:36 p.m.

APPROVED