

# PLANNING COMMISSION MINUTES

August 13, 2018

## MEMBERS PRESENT

Mr. Wilson  
Mr. Dodson  
Mr. Garrison  
Mr. Bolton  
Mr. Petrick  
Mr. Searce  
Mr. Jones

## MEMBERS ABSENT

## STAFF

Lisa Jones  
Ken Gillie  
Bryce Johnson  
Alan Spencer  
Ryan Dodson

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

### I. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit application PLSUP20180000190, filed by Ross Fickenscher on behalf of Lynn Street, LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 525 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000013, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.*
2. *Special Use Permit application PLSUP20180000191, filed by Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 523 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000014, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.*

Mr. Searce opened the Public Hearing.

Mr. Searce stated it's pretty much the same as before but its 6 more units.

Mr. Ross Fickenscher spoke on behalf of Lynn Street, LLC. Mr. Fickenscher stated correct we worked through the planning process that is. We took the building from 40 units to 46, there was a discrepancy in the original zoning application. We felt that we needed to make that officially correct, but otherwise it is the same. We accept that the exchange for the variance in the parking or relief from the parking requirement normally associated with the commercial spaces, that we would install the bicycle spots as recommended..

Mr. Wilson stated so you are happy with the conditions that have been added?

Mr. Fickenscher stated from what I understand or recall from the hearing limited us to the bicycle parking, yes, and to the maximum number of units as 46, yes.

Mr. Jones stated would the bicycle parking be covered?

Mr. Wilson stated it says preferably covered.

Mr. Fickenscher stated that I can't commit to but I can commit to interior parking for bicycles that will obviously be covered. We would have exterior covered parking for bicycles this is off the path we are under historic destination of these two properties and will be pursuing State and Federal Tax Credits for these projects. So, as such I can't stand here and promise that I can install an overhang on the side of the building for that use. There are 2 areas that have shed type roofs one particularly in the back of the building closest to Newton. That would lend itself to bicycle parking anyhow because it is adjacent to the sidewalk. If that is the location then that is the location.

Mr. Scarce closed the Public Hearing.

**Mr. Garrison made a motion for approval for Special Use Permit application PLSUP20180000190 with conditions set by Staff. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.**

**Mr. Garrison made a motion for approval for Special Use Permit PLSUP20180000191 as subject conditions set by the Planning Department. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.**

*3. Special Use Permit application PLSUP20180000192, filed by Barry Davis, on behalf of Spotlight Express LLC, requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an Airbnb on a residential property.*

Mr. Scarce opened the Public Hearing.

Mr. R. J. Lackey, Attorney is representing Spotlight Express LLC. Mr. Lackey stated How many of you are familiar with Air BNB and how they work? It's sort of like Uber and Lyft now for hotel competition. Where you are qualified and you leave reviews and you give reviews and it's a fairly good process that people that use them are going to take care of your property. That is an important thing when you are operating in a neighborhood where people live. I wanted to make sure that you were aware of that kind of concept. One of the nice things of an owner is unlike a renter, a typical rental house you have someone already vetting the people, controlling it and looking at it. A renter you have to get an application, if you have to go look and call references. It's a much easier thing to control who comes and stays in your house and takes care of it. I'm sure Mr. Scarce has more rental horror stories than I do. We all know that getting a renter out is very difficult, causing problems and they can stay in there 2, 3, or 4 months while you are going through the legal process, they destroy the neighborhood and the property, if they so choose. That is one of the reasons that Mr. Davis wanted to use the Air BNB not to mention that he likes to go down there and it is right beside his house. He uses it you might want to say like a man cave. This is on Plum Street and I'm sure the Commissioners are aware that it doesn't get a lot of

investment. Mr. Davis has gone in and he bought this house for 16,000 dollars and it was assessed at the time for 8,500, you kind of get some sense of what we are talking with. He has put a lot of his own money in it and it is now assessed through the city for \$29,000, which was a significant improvement. Having the ability to use as an Air BNB he can have people come into our City and they will take care of his property. He rents to a lot of VIR drivers, people going to the Martinsville races. Not only do they take care of the City they spend money in our restaurants and shops. Like if someone took a leap of faith and opened up a restaurant up on Craighead Street 5 or 6 years ago when people really didn't want to go down to Craighead Street and now we all go down Craighead Street. We've got a trolley that runs down there and we have people investing and that is what it takes. It takes a man with a vision and a man with a little bit of risk in his guts to do something. You turn a neighborhood one house at a time. When someone has the risk and the ability to do it and so something as nice as those pictures it improve everybody's property value and they may say let me do that too. This is what Danville needs. He had this house before he realized that he was not in compliance with zoning. He had it on Air BNB website from March 10 to basically June 20. So 90 to 100 days and he rented it 28 days. It's not an intensive use it's a 1 bedroom place and it's usually a couple that stays there, 2 people. You are not having 8 to 10 people. Those people are staying there for a reason they are going to VIR or going wherever. I think it's a really good thing that he has done for his community and we ask that you support it. The City of Danville has increased Real Estate assessment so we gets a little bit of tax. The Air BNB if you approve it will be paying a hotel tax so we will get some tax revenue off of it. We have a little oasis in the community that will hopefully grow from there. So we ask for your strong approval.

Mr. Bolton stated it said that you have to be approved by Air BNB, has he already done that?

Mr. Lackey stated yes sir, he is very close to having a five star rating with Air BNB.

Mr. Scarce closed the Public Hearing.

**Mr. Bolton made a motion for approval for Special Use Permit PLSUP20180000192 subject to conditions recommended by staff. Mr. Petrick seconded the motion. The motion was approved by a 7-0 vote.**

4. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more Article 3.M: entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for Urban agriculture of interest.*

Mr. Scarce opened the Public Hearing.

Mr. Scarce closed the Public Hearing

**Mr. Wilson made a motion for approval of the requested code amendment as submitted. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.**

5. *Special Use Permit application PLSUP20180000196, filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended at 760 Memorial Drive*

*otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map. The applicant is proposing an urban agriculture project/community garden.*

Mr. Searce opened the Public Hearing.

Robert Maher stated I'm here on behalf of God's Store House. I have a brief presentation I just want to highlight on community need and overall purpose for this project. The community need is very cut and dry. There is a high poverty rate and high food insecurity rate. There are 9,620 food insecure individuals. There is a very large meal gap. We believe that God's Storehouse that is Urban Agriculture will be a great way not only help our existing customers but also motivate others throughout the City. So our purpose we are going to create a community garden and raise 20 beds with the hopes that individuals from this surrounding neighborhood will be able to use these community beds for individual use for helping supply food for themselves and their families. We also will provide education for people in this surrounding area, neighbors, education for schools, groups and work groups and also the volunteers that come to God's Storehouse on a daily basis. The site is just a little less than 1 acre, it is adjacent to God's Storehouse and Dodson Pest Control and it is across the street from the Danville Redevelopment Housing Authority Property and Cedar Terrace. We had a soil test conducted with no issues. It is 90 feet wide by 300 feet long and it previously was farm land. There is no livestock. There are a few phases of the project and phase 1 is new fencing, laying paths/gravel, planting of perennials. This is from August to October. Phase 2 greenhouse, raised bed construction, community outreach/promotion of raised beds for use. This is from November to March. Phase 3 farm stand and remaining plantings. Our project goals is to educate people of all ages and socio-economic background about local/healthy food, build community, bring people together from different walks of life, and create a space where everyone feels safe and welcome. We just want to improve community member's physical and mental health and be a part of starting a local food system in Danville.

Mr. Jones stated do you have any problems with the conditions set by staff?

Mr. Maher stated so we initially had plans for a farm stand that was part of our phase 3. Its not going to be done quickly and we are not married to having a fruit stand. It is something that we wanted to look at doing.

Mr. Jones stated second question the security are you going to fence this in and is there going to be light. How do you prevent people from visiting this place at 2:00 in the morning?

Mr. Maher stated yes we are going to have a 6 foot fence pretty much the same as the fencing at Dodson. We are actually going to tie in to their fence.

Mr. Bolton how often do you perform the soil test?

Mr. Maher stated the goal is to improve the soil gradually using things like mulch and by having nitrogen plants. It is not necessary to perform tests again because as soon as we start planting the soil will improve.

Mr. Searce closed the Public Hearing.

Mr. Petrick stated I have a question for staff why is there a condition for no sales of products?

Mr. Johnson stated they are asking for Urban Agriculture, a community garden. We are trying to restrict where we are keeping the commercial uses and it also changes what is happening at that site as well.

Mr. Petrick stated that is not a general condition for this special use is it?

Mr. Gillie stated if Commission thinks that condition should be removed we are not opposed to removing it. The concept we thought was for a Community not where people were coming to like a grocery store. That is why we put it on there but if there concept is to have that we would not be opposed to remove that portion.

Mr. Bolton stated what if the monies go back into the company to purchase food.

Mr. Gillie stated that is fine.

**Mr. Petrick made a motion for approval of Special Use Permit application PLSUP20180000196 as submitted per conditions by staff exclusion of item 6. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote. Mr. Wilson abstained.**

**I. MINUTES**

**The July 9, 2018 minutes were approved by unanimous vote.**

**II. OTHER BUSINESS**

**With no further business, the meeting adjourned at 3:40 p.m.**

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**APPROVED**