DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

December 3, 2019

7:00 P.M.

PRESIDING:	Alonzo L. Jones, Mayor	
CITY COUNCIL MEMBERS:	James B. Buckner L.G. "Larry" Campbell, Jr. Dr. Gary P. Miller Sherman M. Saunders	Fred O. Shanks, III Adam J. Tomer J. Lee Vogler, Jr., Vice Mayor Madison J. Whittle
STAFF:	Ken F. Larking, City Manager Earl B. Reynolds, Jr., Deputy City Manager	W. Clarke Whitfield, Jr., City Attorney Susan M. DeMasi, City Clerk

The City Council is the City of Danville's legislative body and is composed of nine Council members. Council members are elected to serve a four year term of office and elects one of its own to serve as Mayor and presiding officer for a two year term.

Time and Place of Meeting

The public is invited and encouraged to attend and participate in the City Council meetings. The City Council meets in the City Hall, Fourth Floor, Council Chambers at 7:00 p.m. on the first and third Tuesday of each month. All meetings of the Council are open to the public.

Communications from Visitors

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address. Each individual speaker shall have five uninterrupted minutes. A representative of a group may have up to ten uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding

officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - L. G. "Larry" Campbell, Jr.

PLEDGE OF ALLEGIANCE TO THE FLAG

COMMUNICATIONS FROM VISITORS

Citizens who desire to speak on matters not listed on the agenda will be heard at this time. Citizens who desire to speak on agenda items will be heard when the agenda item is considered.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine, have previously been discussed by City Council and/or introduced for First Reading. There will be no separate discussion on these items, and they will be enacted by one motion. If discussion is desired by a Council Member or a citizen, the item(s) will be removed from the consent process and considered separately.

A. Consideration of Approval of Minutes from Regular Council Meeting held on November 7, 2019, and Minutes from Regular Work Session held on November 7, 2019.
Council Letter Number CL - 2249.

B. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Grant from the Virginia Fire Services Board in the Amount of $45,381.
Council Letter Number CL - 2228.

An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for a Grant from the Virginia Fire Services Board in the Amount of $45,381 for Upgrades and Repairs to the Danville and Pittsylvania County Regional Fire Training Center Burn Building and Appropriating Same.
FINAL ADOPTION

APPOINTMENTS

A. Recommendations of Appointments to the Following Boards and Commissions.
Council Letter Number CL - 2232.

1. Employee Retirement System
2. Fair Housing Board
3. Industrial Development Authority
4. Planning Commission

NEW BUSINESS

A. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Litter Control and Recycling Grant.
Council Letter Number CL - 2225.

An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Anticipate Grant Funds from the Commonwealth of Virginia for Litter Control and Recycling Efforts in the Amount of $7,498 and Appropriating Same.
FIRST READING

B. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance in the Amount of $34,281 from the Edward Byrne Memorial Assistance Grant Program.
Council Letter Number CL - 2234.

An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance by Increasing Revenue for the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award in the Amount of $34,281 to be Used to Implement a Forensic 3D Laser Scanner Project.
FIRST READING

C. Consideration of Authorizing the Abandonment of Four (4) Unused City Easements.
Council Letter Number CL - 2233.

1. Public Hearing

2. A Resolution Authorizing the Abandonment of Four (4) Unused City Easements Across Surplus Industrial Development Authority Property in Pittsylvania County to Enable the Property to be Sold.

D. Consideration of Amending Chapter 41 of the Danville City Code Regarding Signs.
Council Letter Number CL - 2236.

1. Public Hearing

2. An Ordinance Amending Chapter 41, Entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically Various Sections and Subsections of Article 3.I, Entitled “TO-C, Transitional Office District”, Article 3.J, Entitled “N-C Neighborhood Commercial District, Article 3.K, Entitled “CB-C, Central Business District”, and Article 3.L, Entitled “TW-C, Tobacco Warehouse District” to Allow for Waivers of Maximum Sign Area by Special Use Permit; to Amend Article 10, Entitled “Sign Regulations”, Section M, Entitled “Permitted Signage in the N-C and TO-C Commercial Districts”. Section N, Entitled “Permitted Signs in the CB-C, Central Business District”, and Section O, Entitled “Permitted Signs in the TW-C Tobacco Warehouse Commercial District” to Allow for the Maximum Size of Signs

Permitted by Special Use Permit to Match the Limitations set forth in Section P, “Entitled Permitted Signs in the Highway Retail, HR-C and Planned Shopping Center, PS-C, Commercial Districts”

E. Consideration of Granting a Special Use Permit at 707 Mount Cross Road.
Council Letter Number CL - 2237.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PLSUP20190000388, filed by Powers Signs Inc., on Behalf of Averett University, Requesting a Special Use Permit for a Waiver to Maximum Sign Area in Accordance with Article 3.I, Section C, Item 25 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 707 Mount Cross Road, Otherwise Known as Grid 0708, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The Applicant is Proposing to Erect a Sign Larger than Permitted Under Article 10, Section M.

F. Consideration of Granting a Special Use Permit at 103 Franklin Turnpike.
Council Letter Number CL - 2238.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PLSUP20190000295, filed by Jagjit Singh on Behalf Of Kaur & Sons LLC, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 103 Franklin Turnpike, Otherwise Known as Grid 2806, Block 009, Parcel 000010 of the City of Danville, Virginia Zoning District Map.

G. Consideration of Granting a Special Use Permit at 3585 Riverside Drive.
Council Letter Number CL - 2247.

1. Public Hearing

2. An Ordinance Granting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, As Amended, at 3585 Riverside Drive, Otherwise Known as Grid 1713, Block 002, Parcel 000001 of the City of Danville, Virginia Zoning District Map.

H. Consideration of Granting a Special Use Permit at 395 Mount Cross Road.
Council Letter Number CL - 2248.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons Inc., Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 395 Mount Cross Road, Otherwise Known as Grid 1709, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map.

I. Consideration of Granting a Special Use Permit at 1371 Piney Forest Road.
Council Letter Number CL - 2245.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PLSUP201900000303, filed by Mohammad Nawaz Khan on Behalf of Elegance Investment LLC, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 730 Piney Forest Road, Otherwise Known as Grid 1815, Parcel 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map.

J. Consideration of Denying a Special Use Permit at 4800 Riverside Drive.
Council Letter Number CL - 2241.

1. Public Hearing

2. A Resolution Denying Special Use Permit Application PLSUP20190000290, filed by Hewa Jayawardena on Behalf of Jerry Davis, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 4800 Riverside Drive Otherwise Known as Grid 0709, Block 002, Parcel 000019 of the City of Danville, Virginia Zoning District Map.

K. Consideration of Denying a Special Use Permit at 1501 West Main Street.
Council Letter Number CL - 2242.

1. Public Hearing

2. A Resolution Denying Special Use Permit Application PLSUP20190000299, filed by Shahid Javid on Behalf of MKM Partners, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 1501 West Main Street Otherwise Known as Grid 0611, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map.

L. Consideration of Denying a Special Use Permit Application at 2100 West Main Street.
Council Letter Number CL - 2243

1. Public Hearing

2. Resolution Denying Special Use Permit Application PLSUP20190000309, filed by Samir Patel on Behalf of Dutta Inc. of Virginia, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as Amended at 2100 West Main Street, Otherwise Known as Grid 0610, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map

M. Consideration of Denying a Special Use Permit at 3401 Westover Drive.
Council Letter Number CL - 2246.

1. Public Hearing

2. A Resolution Denying Special Use Permit Application PLSUP20190000362, filed by Ghulam Hassan, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.J, Section C, Item 2 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, At 3401 Westover Drive, Otherwise Known As Grid 9818, Block 005, Parcel 0000023 of the City Of Danville, Virginia Zoning District Map.

COMMUNICATIONS FROM:

A. City Manager

B. Deputy City Manager

C. City Attorney

D. City Clerk

E. Roll Call

ADJOURNMENT

Council Letter
City of Danville, Virginia

CL-2249 **Consent Agenda A.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on November 7, 2019, and Minutes from Regular Work Session held on November 7, 2019.
Council Letter Number CL - 2249

Attachments

Meeting Minutes

Meeting Minutes

The Regular November meeting of the Danville City Council was held on November 7, 2019, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

Staff Members present were: City Manager Ken F. Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Council Member Fred O. Shanks, III, followed by the Pledge of Allegiance to the Flag.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Proclamation: *Census Awareness Day – April 1, 2010*
Presented to: Valerie Warner

Ms. Warner thanked Mayor Jones and Danville City Council for the Proclamation, noting there was still a lot of work to be done, people need to be hired for the census, with seven hundred jobs available in the area. Ms. Warner stated they need to start the Complete Count Committee to make sure every resident was counted so the City does not lose any funding.

Presentation: *Danville Pittsylvania Community Services – Annual Report*
Presented by: Shelby Irving

Ms. Irving, current chair of Danville Pittsylvania Community Services Board, gave the Annual Report for Fiscal Year 2019, *Moving Toward the Future.* Ms. Irving noted staff moved into a newly renovated, expanded main campus location on Hairston Street; the expansion allows DPCS staff to better serve the community. There are nearly fifty unique programs for adults and children operated by DPCS through its Behavioral Health Developmental and Prevention Services Division. DPCS directly served 5,488 individuals through 175,471 distinct service units within the Clinical Treatment Programs in Behavioral Health and Developmental Services. Moving forward, DPCS was now part of a greater focus on prevention efforts across the community. They work with infants, toddlers, children, adolescents, adults and seniors, everyone in the community. Through treatment services or prevention programs, they connect with one in four residents of the City and the County helping them move toward their future. Council Members thanked Ms. Irving and Mr. Bebeau for their work.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Bruce Hedrick, who noted Southside Central was back.

Mayor Jones recognized Mr. Clyde McCoy, Westmoreland Neighborhood Organization, who discussed the Organization, the playground, and their request for oversite of the field so they can apply for grants to improve the facility. Mayor Jones noted this relates to New Business Item D.

MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, Minutes from the Regular Council Meeting held on October 1, 2019 were approved as presented. Draft copies of the Minutes had been distributed prior to the meeting.

NEW BUSINESS

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 110 RIVERPOINT DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 110 Riverpoint Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 24, 2019 and October 31, 2019.

Mayor Jones recognized Max Wiegard, an attorney from Gentry Locke, Roanoke, VA, representing the applicant, Queen of Virginia Skill and Entertainment LLC. With him was Jeanna Bouzek, General Manager for Queen of Virginia, in Virginia. They were before Council to speak about the Pilot Truck Stop and Travel Center, located 110 Riverpointe Drive. Mr. Wiegard distributed an information packet to Council Members on Queen of Virginia Skill & Entertainment LLC, (a copy of which has been retained in Laserfiche in the City Clerk's folder, *Presentations to Council.)* Mr. Wiegard reviewed the information in the packet with Council, which included information on their special use permit, location and owner of the property, zoning, the underlying use as a travel center and truck stop and the proposed use of commercial recreation, indoor. Mr. Wiegard explained Pilot had operated two QVS game machines at that location and received a notice of violation from the Zoning Administrator; that use requires a special use permit in the HR-C. Mr. Wiegard noted the use of gaming devices at a truck stop was both consistent and appropriate with its underlying use. It was recommended by staff they have a business certificate of occupancy; this facility has an A-2 which provides additional life/safety measures, and parking was ample with fifty-one total parking spaces for cars and trucks. The machines are located near the restrooms toward the rear of the convenience center portion of the truck stop. Their application before the Planning Commission was recommended for approval for a special use permit subject to conditions. His client was agreeable to those conditions which include limitation on the number of games, limitation of the age for use of the game, parking requirements and no restrictions on hours of operation since this is a 24 hour facility.

No one further desired to be heard and the Public Hearing was closed. Council Member Shanks noted in order to have discussion on this item, a motion would have to be made.

Council Member Shanks **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2019-11.01

GRANTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 110 RIVERPOINT DRIVE, OTHERWISE KNOWN AS GRID 3713, BLOCK 006, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

The Motion was **seconded** by Vice Mayor Vogler.

Council Member Shanks questioned Mr. Wiegard, what distinguished this as a game of skill. Mr. Wiegard explained there are elements of the game that require a player to both learn, make choices, and take certain actions in order to win. With time and experience, they perform better. Ms. Bouzek explained it was predominantly skill; consideration and chance have been taken out of the equation. These games are not games of chance; once chance is taken out, they are games of skill. Before coming to Virginia, they went to the ABC Board; they were the only company that was reviewed by the ABC Board and they deemed them predominantly skilled. They only locate in facilities with ABC licenses. Mr. Shanks asked if there was a percentage of players that end up with a prize, and if so, what range of dollars do those prizes have. Ms. Bouzek explained if they did a study, they would find that 92% goes back to the player. But if there was someone that was really skilled, they could win 104%. Ms. Bouzek noted, for the winnings, they have to print a ticket, the maximum is 500 dollars, and they have to go to the clerk. They know how much goes in and how much is paid out.

Mr. Shanks noted the location of the machines was near a restroom, at this location; the games are where younger children can get to them. Ms. Bouzek stated there was no age limit, but they self regulate and put the age at 18 or 21; they do not want young children playing. That was where they partner with the store, the store gets a certain percentage to have the games in there and they have to monitor it. Mayor Jones noted the way they have it set up in the Pilot, there is no way to stop young people from going there; they could walk into that store, go back and play the machines. Vice Mayor Vogler indicated his agreement with Mr. Shanks, especially about where it was located in the Pilot, there wasn't anyway they are going to be able to tell what was going on, there was no way to enforce it.

Council Member Campbell noted his concern, believed it needed to be tabled and get more information in a work session. Council Member Campbell moved to **TABLE** this item, the Motion was **seconded** by Council Member Buckner.

Council Member Shanks noted he would like to present a substitute motion to deny this application. Mr. Whitfield noted Council needed to deal with the Motion to Table; if it passes, then the item was postponed. If it does not pass, then Council can deal with the application.

Mr. Saunders noted staff recommended approval and does not know if they considered the same issues that Council just discussed. Mr. Saunders questioned Zoning Administrator, Ken Gillie, was it recommended because technically it met the legal requirements. Mr. Gillie noted they did not explore the issues about access to bathrooms, they looked at, did it have enough parking, was the property zoned appropriately, things like that, that was why they made a recommendation. They did not look at the items discussed by Council this evening.

The Motion to **TABLE FAILED** with the following vote:

VOTE: 4-5
AYE: Campbell, Jones, Miller, Saunders (4)
NAY: Buckner, Shanks, Tomer, Vogler and Whittle (5)

Council Member Shanks moved for a **SUBSTITUTE MOTION** to **DENY** the Special Use application. Council Member Miller **seconded** the Motion.

Dr. Miller discussed security at the location and would the Pilot hire additional security. Mr. Wiegard stated that had not been discussed; what was proposed was the zoning application. What was required to operate these devices at a facility such as Pilot, was a special use

permit. What was recommended by the Planning Commission was approval of the special use permit subject to conditions. They would be happy to discuss any recommendations the Council would propose for the special use permit related to enforcing those conditions, ensuring they are met, or additional reasonable conditions. He noted it was not their experience, in connection with the use of the games, that there was additional criminal conduct or events.

Council Member Shanks noted it was the duty of City Council to protect the health, safety and welfare of the public. He sees several issues that cause him concern, including the age of people in the vicinity of the games and the safety issue with regard to cash leaving the store.

The **Motion** to **Deny** passed with the following vote:

VOTE: 9-0
AYE: Buckner, Campbell, Jones, Miller, Saunders, Shanks, Tomer, Vogler and Whittle (9)
NAY: None

PUBLIC HEARING – APPROVING A PARKING LEASE IN THE RIVER DISTRICT

Mayor Jones opened the floor for a Public Hearing regarding Approval of a Parking Lease. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 30, 2019. No one present desired to be heard.

Council Member Buckner **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2019-11.01

APPROVING AND AUTHORIZING A LEASE AGREEMENT BETWEEN THE CITY OF DANVILLE, VIRGINIA AND BRIDGE STREET LOFTS, LLC FOR 52 PARKING SPACES IN THE NEWTON'S LANDING PARKING AREA OF THE RIVER DISTRICT.

The **Motion** was seconded by Council Member Miller.

Council Member Whittle stated these fifty-two parking spaces are leased for one year and City Manager Ken Larking noted that was correct. Council Member Saunders questioned who was paying the lease and Mr. Larking stated the developer of the project will. Mr. Saunders questioned if the other spaces there are open to the general public and Assistant Director of Economic Development Corrie Bobe explained Newton's Landing was a public parking lot, there are spaces outside of the lease that are leased to tenants in the Old Belt and Pemberton on the eastern side of the parking lot. The majority of the parking spaces within Newton's Landing are free and open to the public. Staff will be working with their parking consultants, who will be making recommendations on how to properly mark them.

The **Motion** was carried by the following vote:

VOTE: 8-0-1
AYE: Buckner, Campbell, Jones, Miller, Saunders, Tomer, Vogler and Whittle (8)
NAY: None
ABSTAIN: Shanks (1)

I, Fred O. Shanks, III, do hereby state that I have a conflict of interest regarding the consideration of a Resolution Approving and Authorizing a lease agreement between the City of Danville, Virginia and Bridge Street Lofts, LLC for 52 parking spaces in the Newton's Landing parking area of the River District listed on the agenda as New Business Agenda Item (B). Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code §2.2-3112, I must abstain from voting on this agenda item.

Witness my signature this 7th day of November, 2019.

s/ Fred O. Shanks, III

PUBLIC HEARING – ENTERPRISE ZONE AMENDMENTS

Mayor Jones opened the floor for a Public Hearing regarding Amendments to Enterprise Zones 1 and 57B. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 24, 2019 and October 31, 2019. No one present desired to be heard and the Public Hearing was closed.

Enterprise Zone Amendment for Enterprise Zone 1

Vice Mayor Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2019-11.02

APPROVING AND AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AN ENTERPRISE ZONE AMENDMENT APPLICATION FOR THE CITY ENTERPRISE ZONE #1.

The Motion was **seconded** by Council Member Tomer.

Council Member Whittle noted about a month ago, he stated the City should bring all the small businesses into this Enterprise Zone; it was his opinion the City should start with the main corridors and businesses that have been here over the years, including Riverside Drive, 58 and 29, instead of spotting them out and isolating them. This was not what he asked for.

The **Motion** was carried by the following vote:

VOTE: 8-1
AYE: Buckner, Campbell, Jones, Miller, Saunders, Shanks, Tomer, and Vogler (8)
NAY: Whittle (1)

Enterprise Zone Amendment for Enterprise Zone 57B

Vice Mayor Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2019-11.03

APPROVING AND AUTHORIZING THE CITY MANAGER TO SUBMIT TO THE VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AN ENTERPRISE

ZONE BOUNDARY AMENDMENT APPLICATION FOR THE CITY'S PORTION OF THE JOINT ENTERPRISE ZONE WITH PITTSYLVANIA COUNTY (ENTERPRISE ZONE #57B).

The Motion was **seconded** by Council Member Saunders and carried by the following vote:

VOTE: 9-0
AYE: Buckner, Campbell, Jones, Miller, Saunders, Shanks, Tomer, Vogler and Whittle (9)
NAY: None

PUBLIC HEARING - AUTHORIZING THE APPROVAL OF A SITE PARTNERSHIP LICENSE AGREEMENT WITH WESTMORELAND NEIGHBORHOOD ASSOCIATION

Mayor Jones opened the floor for a Public Hearing regarding Approval of a Site Partnership License Agreement. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 30, 2019. No one present desired to be heard and the Public Hearing was closed.

Council Member Campbell **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2019-11.04

AUTHORIZING A SITE PARTNERSHIP LICENSE FOR COMMUNITY ACTIVITIES ON SYCAMORE AND SPRUCE STREETS.

The Motion was **seconded** by Council Member Saunders.

Council Member Whittle questioned the partnership license, and Assistant City Attorney Ryan Dodson explained in real estate the license is a non-exclusive right of access to someone. In this particular case, the City was authorizing the Westmoreland organization to do certain things that a regular citizen might not be able to do on public property. It does not give up any actual ownership interest of the City. If this does not work out, and the City wants to cancel the license, it can do that. In order to access certain grants, they need a written agreement between the organization and the City, that will benefit property that was owned by the City but serves a community purpose.

Council Member Shanks noted there was a layout in the agenda packet; once the improvements are made, who will maintain them and take care of landscaping. Mr. Dodson explained, under the terms of the current license, it would fall to the organization; it was his understanding there was language in the agreement to that effect. There was also language that if the City cancels the license, whatever improvements were made to the property do become the property of the City. Mayor Jones thanked the Association; the equipment there now was a hazard to the community, needed to be replaced and this group was going to be doing something about it.

The **Motion** was carried by the following vote:

VOTE: 9-0
AYE: Buckner, Campbell, Jones, Miller, Saunders, Shanks, Tomer, Vogler and Whittle (9)
NAY: None

EXECUTING A LEASE AGREEMENT FOR FBO SERVICES

Council Member Buckner **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2019-11.05

APPROVING AND AUTHORIZING A LEASE AGREEMENT FOR FACILITIES AT THE DANVILLE REGIONAL AIRPORT TO GENERAL AVIATION INC. AND AVERETT UNIVERSITY TO PROVIDE FIXED BASED OPERATOR SERVICES

The Motion was **seconded** by Vice Mayor Vogler.

Vice Mayor Vogler noted he strongly supported this agreement. Danville has a great local business who has provided wonderful service for decades, coming together with a great local institution which has been a tremendous asset to the City and region for decades, coming together in a unique partnership he thinks will be wonderful for the city and region.

Council Member Shanks noted he had questions on the terms of the contract, and stated it would be a partner entity the first year and a half and then after June 30, 2021, Averett will become the sole FBO provider. The agreement says there will be an initial five year term which can be renewed three times, and Mr. Larking stated that was correct, it would be by mutual agreement. Mr. Shanks noted the terms were and $18,000 per year lease, an eighty cent fuel flow fee, and utilities. Those are the terms of the initial five years and the CPI will be used for adjustment of those fees and rents. If the casino legislation passes in the General Assembly and the City passed a referendum to have a casino in the City, that would seem likely to change the traffic at the Airport. Does the City have an opportunity to adjust the contract if that were to occur. Mr. Larking explained during those five year renewals, there would be check in points, and Mr. Shanks stated he hoped so, but he was not reading that because it was tied to the CPI. He was not opposed to the contract but was interested in making sure, if there was an opportunity that arises, the City was protected.

Council Member Miller noted on July 1, 2021 Averett University will take over and questioned what Mr. Rembold's capacity will be after that. Charles Harris, of Averett University, explained they have an agreement with the Rembolds that was not part of this agreement, where they will continue as a consultant after July 2021. The period of time will be determined, and they have certain obligations within the agreement to have a succession plan. Mr. Rembold will remain on as a consultant to Averett until they make the transition. Council Member Whittle stated his opinion was the City should have a two year FBO to make sure everyone was on the right track. There are a lot of things happening in the City, they don't know what will be coming, and a two year FBO has worked just fine.

Mr. Larking questioned the City Attorney regarding the CPI increase, does that mean after five years the City can say it needs to renegotiate the lease and Mr. Whitfield noted yes, either party has the right to refuse to renew. He did not see anything in the lease that it will be renewed under the same terms and conditions as the lease before Council. Mr. Larking noted he wanted to address Mr. Whittle's comments. He has been with the City for six and half years and during that time, they have had a variety of lease arrangements with General Aviation at varying times, and some times when they didn't have a lease. His understanding was when there were consistent leases, that the period of time was ten years typically; Mrs. Rembold noted they were five year leases.

Mr. Saunders noted Danville Airport was very successful in getting money from the Federal and State government, was this arrangement going to have any negative impact on this and Mr. Larking noted he did not believe so. The grants the City receives are federal and state grants and they are based on their relationship with the FAA and the State Department of Transportation; the City has a good working relationship with them. Mr. Shanks noted he believes staff came up with an excellent lease and he will support this.

The **Motion** passed with the following vote:

VOTE: 9-0
AYE: Buckner, Campbell, Jones, Miller, Saunders, Shanks, Tomer, Vogler and Whittle (9)
NAY: None

Mr. Harris noted on behalf of Averett University and their partners in General Aviation, this was a momentous occasion for them. They are on a trajectory to double the size of their aviation program and believes this partnership was one that will give them a transition phase that will benefit both the Rembold family and Averett. Mr. Harris thanked City Council.

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE IN THE AMOUNT OF $9,100 FOR A DMV SPEED GRANT PROGRAM

Upon **Motion** by Vice Mayor Vogler and **second** by Council Member Buckner, an Ordinance entitled:

ORDINANCE NO. 2019-11.02

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM VIRGINIA DEPARTMENT OF MOTOR VEHICLES HIGHWAY SAFETY OFFICE SELECTIVE ENFORCEMENT – SPEED GRANT PROGRAM IN THE AMOUNT OF $9,100 AND APPROPRIATING SAME

was presented by its **First Reading**, as required by City Charter, to lie over before final adoption.

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE IN THE AMOUNT OF $15,680 FOR THE DMV ALCOHOL GRANT PROGRAM

Upon **Motion** by Council Member Campbell and **second** by Council Member Buckner, an Ordinance entitled:

ORDINANCE NO. 2019-11.03

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM VIRGINIA DEPARTMENT OF MOTOR VEHICLES HIGHWAY SAFETY SELECTIVE ENFORCEMENT – ALCOHOL GRANT PROGRAM IN THE AMOUNT OF $15,680 AND APPROPRIATING SAME

was presented by its **First Reading**, as required by City Charter, to lie over before final adoption.

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE IN THE AMOUNT OF $5,250 FOR THE DMV OCCUPANT PROTECTION GRANT PROGRAM

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, an Ordinance entitled:

ORDINANCE NO. 2019-11.04

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM VIRGINIA DEPARTMENT OF MOTOR VEHICLES HIGHWAY SAFETY OFFICE SELECTIVE ENFORCEMENT – OCCUPANT PROTECTION GRANT PROGRAM IN THE AMOUNT OF $5,250 AND APPROPRIATING SAME

was presented by its **First Reading**, as required by City Charter, to lie over before final adoption.

COMMUNICATIONS

There were no communications from the City Manager, Deputy City Manager, or City Clerk. City Attorney Clarke Whitfield noted he and his brother attended the Food Truck Rodeo for the first time and was pleased to find some healthy, vegan options.

ROLL CALL

Council Member Whittle congratulated all the newly elected officials and those that ran great campaigns.

Council Member Buckner noted there were great announcements last week, and welcomed Morgan Olsen and the PRA group, which bring approximately one thousand jobs to Danville. Mr. Buckner thanked all those that came out for the food truck rodeo and reminded citizens that for the month of November, the Main Line Trolley was free. The first 100 riders will get a coupon for a free Christmas ornament featuring the trolley; Saturday was the Bright Leaf Brewfest.

Council Member Campbell noted it was good to see the citizens participating at Council. This was the month of Thanksgiving and he was thankful to see the progress in the City, and was thankful for the Mayor, Council and staff working together.

Council Member Miller noted he was glad the Airport lease was settled, it was a good compromise with Averett. Haven's Heels to Heal fundraiser raised $5,500 for the Haven. The thousand new jobs for Danville was great news, with Morgan Olsen moving into the Ikea Building and PRA moving into the Telvista Building. Dr. Miller wished everyone a Happy Veterans' Day and reminded citizens to go to the parade.

Council Member Saunders congratulated General Aviation and Averett, and special thanks to the staff for working out the lease. Congratulations to all the candidates that were elected, and wished them the best in the future. One thousand new jobs for Danville was amazing; it said a lot about the progress Danville was making. Mr. Saunders thanked the Veterans for serving and reminded citizens the Veterans' Day Parade was on Sunday at 2:30 p.m.

Council Member Shanks thanked the Airport Commission members who attended tonight, and for the work they do. The City had a couple of weeks with great economic development announcements and thanked Telly Tucker, Corrie Bobe and their team, and the County team headed by Matt Rowe. Mr. Shanks noted he was confident they will continue the success they have had. Mr. Shanks noted his congratulations to the new County Board of Supervisors Member, Vic Ingram.

Vice Mayor Vogler congratulated Robert David, appearing on the cover of the Virginia Town and City magazine for the award he won at the VML Conference. Mr. Vogler noted there were great economic development announcements in the last few weeks, Danville was seeing progress happen and they are just getting started.

Mayor Jones thanked Danville Pittsylvania Community Services for their report, given by Danville's Fire Marshall. Mayor Jones recognized the School Board chair and members attending tonight and welcomed Bruce Hedrick back. Mayor Jones requested everyone keep the student that was hit by a truck in their prayers.

The meeting adjourned at 8:30 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

A Special Work Session of the Danville City Council convened on November 7, 2019 at 5:31 p.m. in the Fourth Floor Conference room of the Municipal Building, 427 Patton Street, Danville, Virginia. Council Members present were: James B. Buckner, L. G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (9). *Mr. Campbell entered the meeting at 5:36 p.m.; Mr. Tomer entered the meeting at 6:00 p.m.*

Staff Members present were: City Manager Ken Larking, Deputy City Manager Earl B. Reynolds, Jr., City Attorney W. Clarke Whitfield Jr., and City Clerk Susan M. DeMasi.

Mayor Jones presided.

CLOSED MEETING

At 5:31 p.m., Vice Mayor Vogler **moved** that this meeting of the City Council of Danville, Virginia be recessed and that Council immediately reconvene in a Closed Meeting for the following purpose: discussion or consideration of the acquisition and/or disposition of real property for a public purpose where discussion in an open meeting would adversely impact the bargaining position of the City as permitted by Subsection (A)(3) of Section 2.2-3711 of the Code of Virginia, 1950, as amended, more specifically, to consider both the acquisition of a specific parcel or parcels of real property as well as the disposition of a specific parcel or parcels of real property for economic development purposes; and an economic development discussion and update concerning a prospective business or industry where no previous announcement has been made and/or the expansion of an existing business or industry where no previous announcement has been made as permitted by Subsection (A) (5) of Section 2.2-3711 of the Code of Virginia, 1950, as amended and more specifically to consider: the location of a prospective new business or industry to the area and the expansion of an existing business or industry.

The Motion was **seconded** by Council Member Buckner and carried by the following vote:

VOTE:	7-0-2
AYE:	Buckner, Jones, Miller, Saunders, Shanks, Vogler and Whittle (7)
NAY:	None
ABSENT:	Campbell, Tomer

Upon unanimous vote at 6:38 p.m., Council reconvened in open session and Vice Mayor Vogler **moved** for adoption of the following Resolution:

CERTIFICATE OF CLOSED MEETING

WHEREAS, the Council convened in Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia, 1950, as amended, requires a Certification by the Council that such Closed Meeting was conducted in conformity with Virginia Law;

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each Member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements of Virginia Law under Section 2.2-3711 were heard, discussed or considered, and

(ii) only such public business matters as were identified in the Motion by which the Closed Meeting was convened were heard, discussed or considered by the Committee.

The Motion was **seconded** by Council Member Saunders and carried by the following vote:

VOTE: 9-0
AYE: Buckner, Campbell, Jones, Miller, Saunders, Shanks, Tomer, Vogler and Whittle (9)
NAY: None

ECONOMIC DEVELOPMENT UPDATES

Director of Economic Development, Telly Tucker, thanked Council Members who attended the PRA and Morgan Olsen announcements. Mr. Tucker noted he received information from Dominion and will send that to Council. Assistant Director of Economic Development Corrie Bobe updated Council on the 202-208 North Union Street project, noting American National Bank will require a Moral Obligation from the City.

MEETING ADJOURNED AT 6:44 P.M.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Council Letter
City of Danville, Virginia

CL-2228 **Consent Agenda B.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Fiscal Year 2020 Budget Appropriation from the Virginia Department of Fire Programs

From: Michael Jefferson, Interim Fire Chief

COUNCIL ACTION

First Reading: 11/19/2019
Final Adoption: 12/03/2019

SUMMARY

The City has received notification from the Virginia Department of Fire Programs, that findings from a state-required inspection indicated certain repairs and maintenance must be made at the Danville and Pittsylvania County Regional Fire Training Center located on Stinson Drive. These repairs will cost an estimated $45,381.

BACKGROUND

The Training Center is used for training by the Danville Fire Department and Volunteer Fire Departments in surrounding Pittsylvania County, and is also rented for training purposes by local industries and North Carolina Fire Departments. The expenses for the training center are shared jointly between the City of Danville and Pittsylvania County. The Virginia Department of Fire Programs will award a grant in an amount no less than $45,381 for these repairs.

RECOMMENDATION

It is recommended that Danville City Council approve the attached Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance by increasing revenue to anticipate the receipt of the grant funds of no less than $45,381 from the Virginia Department of Fire Programs.

Attachments

Ordinance

Award Letter

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE VIRGINIA FIRE SERVICES BOARD IN THE AMOUNT OF $45,381 FOR UPGRADES AND REPAIRS TO THE DANVILLE AND PITTSYLVANIA COUNTY REGIONAL FIRE TRAINING CENTER BURN BUILDING AND APPROPRIATING SAME.

WHEREAS, the City has received notification from the Virginia Fire Services Board that the City of Danville has been awarded a grant; and

WHEREAS, the grant funds are to be used for upgrades and repairs to the Danville and Pittsylvania County Regional Fire Training Center Burn Building.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2020 Budget Appropriation Ordinance be, and is hereby, amended by increasing revenues from the Virginia Fire Services Board for upgrades and repairs to the Danville and Pittsylvania County Regional Fire Training Center Burn Building and such revenue and appropriation to be appropriated as follows:

ANTICIPATED REVENUES

Description	Account No.	Amount
Fire Training Center-Burn Bldg Repairs Virginia Fire Services Board	61545000-47146	$45,381

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
Fire Training Center Burn Building	61545999-50	$45,381

AND BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and shall carry forward from year to year until expended for the purpose for which appropriated; and

BE IT FURTHER ORDAINED that a flexible budget is hereby authorized whereby appropriations may be increased to the extent that actual revenues from the State and other sources exceed the original revenue estimate and the transfer from Special Grants Fund Balance can be reduced if necessary by same amount; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2020 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

COMMONWEALTH of VIRGINIA

Virginia Department of Fire Programs

Michael T. Reilly
EXECUTIVE DIRECTOR

Brenda Scaife
CHIEF ADMINISTRATIVE OFFICER

Agency Administration
1005 Technology Park Drive
Glen Allen, VA 23059-4500
Phone: 804/ 371-0220
Fax: 804/ 371-3444

October 15, 2019

Jonathan Yeaman
Danville City
600 Lynn Street
Danville, VA 24541

Dear Mr. Yeaman:

The Virginia Department of Fire Services is pleased to advise Danville City, Virginia of a **grant award of up to $45,381.00 based on the scope of work included in the original application and quote from SRG** for the repair of its burn building prop.

This award is effective: FY2020.

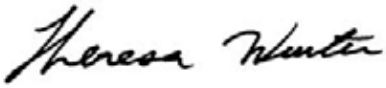
Accordingly, **the City has until October 15, 2020 to collect their award** consistent with the terms and conditions of the mutually executed Agreement.

The grant award is being offered to fund the repairs as cited in the application submitted to the Virginia Department of Fire Programs in September 2019. Two originals of the Agreement are included. The City Manager must sign both originals and have them sent to my attention. Both originals will be counter signed by the Virginia Department of Fire Programs. One original will be returned to the City for local file retention. No funds disbursements will be authorized or released without the executed disbursement Agreement.

Fund disbursements for repair projects are reimbursement only (up to actual costs incurred by the locality) and will be made in one request at 100% completion of the repair project. In order to be eligible for final payment, the prop must be placed in operation. It is the responsibility of the jurisdiction to maintain all such records subject to audit by this Agency or its assignees for a period of five (5) years following the date of the last transfer of award funds to the grant recipient.

If you have any questions, feel free to contact me at my office 804-249-1958 or via email at Theresa.Hunter@vdfp.virginia.gov.

Respectfully,



Theresa Hunter
Budget and Grants Manager

Enclosure

Council Letter
City of Danville, Virginia

CL-2232 **Appointments A.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Recommendation of Appointments to Boards and Commissions

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

Consideration of Recommendations to the Following Boards and Commissions:
Council Letter Number CL - 2232.

1. Employee Retirement System
2. Fair Housing Board
3. Industrial Development Authority.
4. Planning Commission

Attachments

No file(s) attached.

Council Letter
City of Danville, Virginia

CL-2225 **New Business A.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Litter Control Grant - Fiscal Year 2020 Appropriation

From: Richard Drazenovich, Public Works Director

COUNCIL ACTION

First Reading: 12/03/2019
Final Adoption: 12/17/2019

SUMMARY

Each year, the City of Danville is awarded a grant from the Virginia Department of Environmental Quality for litter prevention and recycling program activities. The awarded grant amount for Fiscal Year 2020 is $7,498. The funds are placed in a Special Grant Fund and appropriated annually to continue the City's litter prevention and recycling activities.

The Litter Prevention and Recycling Grant is used to promote recycling and to provide materials and supplies for educational programs and litter collection. The funds can be used to conduct educational programs, purchase trash receptacles and other small supplies and materials necessary, including equipment and solid waste disposal fees associated with voluntary cleanups.

RECOMMENDATION

It is recommended that Danville City Council approve the attached Ordinance appropriating funds from the Litter Control and Recycling Grant.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO ANTICIPATE GRANT FUNDS FROM THE COMMONWEALTH OF VIRGINIA FOR LITTER CONTROL AND RECYCLING EFFORTS IN THE AMOUNT OF $7,498 AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the fiscal year 2020 budget appropriation ordinance be, and the same is hereby amended by increasing revenues to the Special Grants Fund from the Litter Control and Recycling Grant for the purpose of paying for equipment, materials, and supplies, such revenues and appropriating to be within the Special Grants Fund and to be as follows:

ANTICIPATED REVENUES

Description	Account No.	Amount
Categorical Aid:		
Litter Control Grant	60119000-47420	$7,498.00

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
Litter Control	60119999-50	$7,498.00

BE IT FURTHER ORDAINED that all other accounts and provisions for the fiscal year 2020 budget appropriation ordinance as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Council Letter
City of Danville, Virginia

CL-2234 **New Business B.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: United States Department of Justice 2019 Edward Byrne Memorial Justice Assistance Grant Program Forensic 3D Laser Scanner Project

From: Scott Booth, Police Chief

COUNCIL ACTION

First Reading: 12/03/2019
Final Adoption: 12/17/2019

SUMMARY

The Danville Police Department has concentrated on improving investigative processes, to include the use of forensic 3D laser scanning technology from our partners in the Virginia State Police, in the processing of our violent crime scenes. This tool allows us to capture a crime scene with exact measurements and images for forensic analysis and to provide prosecutors, judges, and juries the ability to virtually place themselves at the crime scene in order to assess and more fully understand what occurred.

This project will give the Danville Police Department the forensic 3D laser scanning tools to process our crime scenes without having to rely on the availability of resources from other local, state, or federal law enforcement agencies.

RECOMMENDATION

It is recommended that Danville City Council adopt the attached Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance by anticipating revenues in the amount of $34,281 from the United States Department of Justice 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

Attachments

Ordinance

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2019____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FOR THE 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD IN THE AMOUNT OF $34,281 TO BE USED TO IMPLEMENT A FORESNIC 3D LASER SCANNER PROJECT.

WHEREAS the City of Danville has been allocated a grant under the United States Department of Justice Fiscal Year 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) program in the amount of $34,281; and

WHEREAS this grant is named in honor of NYPD Officer Edward Byrne, who was murdered in the line of duty on February 26, 1988 while serving on a detail that was protecting a witness who had agreed to testify against local drug dealers; and

WHEREAS the funding from this allocation will be used to implement a project to equip the Danville Police Department with the forensic 3D laser scanning tools to process our crime scenes. This equipment captures exact measurements and images for forensic analysis and gives prosecutors, judges, and juries the ability to virtually place themselves at the scene of the incident in order to assess and more fully understand what occurred; and

WHEREAS the grant will require no matching funds.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2020 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenues to anticipate the receipt of funds in the amount of $34,281 from the Fiscal Year 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) program:

ANTICIPATED REVENUE

Description	Account No	Amount
FY 2019 Edward Byrne Memorial JAG Program	61549000-47144	$34,281

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
FY 2019 Edward Byrne Memorial JAG Program	61549999-50	$34,281

AND BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and shall carry forward from year to year until expended for the purpose for which appropriated; and

BE IT FURTHER ORDAINED that a flexible budget is hereby authorized whereby appropriations may be increased to the extent that actual revenues from the State and other sources exceed the original revenue estimate and authorization for a transfer from Special Grants Fund Balance if needed; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2020 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
Assistant City Attorney

Council Letter
City of Danville, Virginia

CL-2233 **New Business C.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Abandonment of Danville Utility Easements from IDA Properties in Pittsylvania County

From: W. Clarke Whitfield, Jr., City Attorney

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

The Industrial Development Authority of Danville, Virginia (IDA) is attempting to sell 4 (four) vacant, surplus lots located in Pittsylvania County. In order to facilitate the sale of the lots, the proposed buyers are requesting the release of unused Danville Utility Easements upon the properties. Danville Utilities does not intend to use the easements.

BACKGROUND

The IDA acquired four (4) lots in Pittsylvania County in the early 2000s from a failed gasification plant. The lots were a gift from the failed company and did not cost any public funds. These lots have since not been used and are surplus to the City and IDA's needs. The Danville Utility Easements were recorded for proposed gas pipes, however, no such gas pipes were ever installed, nor are they planned. The continued existence of these easements reduces the marketability of these lots.

RECOMMENDATION

Staff recommends Danville City Council approve the attached resolution to release the unused easements and facilitate the sale of the surplus properties.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2019-____.____

A RESOLUTION AUTHORIZING THE ABANDONMENT OF FOUR (4) UNUSED CITY EASEMENTS ACROSS SURPLUS INDUSTRIAL DEVELOPMENT AUTHORITY PROPERTY IN PITTSYLVANIA COUNTY TO ENABLE THE PROPERTY TO BE SOLD.

WHEREAS, the Industrial Development Authority of Danville (IDA) owns four (4) certain undeveloped parcels of real property in Pittsylvania County commonly known as Parcels Nos. 2420-23-5863, 2420-23-9511, 2420-30-7610, and 2420-40-0666; and

WHEREAS, the IDA has determined that such lots are surplus to its goal of providing opportunities for industrial and commercial development in the region; and

WHEREAS, the City of Danville holds a permanent easement across each referenced parcel of real property for the installation and maintenance of a gas pipeline; and

WHEREAS, the City has no future plans to install, maintain, or utilize its easements on these parcels; and

WHEREAS, it is the desire of the City to assist the IDA in providing marketable title for the surplus lots to help facilitate their sale;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia 1950, as amended, and in consideration of the public hearing this day held by Council, that the City hereby permanently vacates, abandons, and releases those easements across Pittsylvania County Parcels Nos. 2420-23-5863, 2420-23-9511, 2420-30-7610, and 2420-40-0666 that are identified in the attached Schedule “A”; and

BE IT FINALLY RESOLVED that the City Manager, Ken F. Larking, be, and he is hereby authorized to execute on behalf of the City any and all documents as may be necessary to effect such abandonment of the easements.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to Form and
Legal Sufficiency:

_____
CITY ATTORNEY

Schedule "A"

1. A permanent easement approximately 50 feet wide, located in Pittsylvania County, Virginia upon Parcel #2420-23-5863, Homeport Subdivision Lot 24, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated July 22, 2005 as Instrument #05-6843.

2. A permanent easement approximately 50 feet wide, located in Pittsylvania County, Virginia upon Parcel 2420-23-9511, Homeport Subdivision Lot 13, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated July 22, 2005 as Instrument #05-6844.

3. A permanent easement approximately 50 feet wide, located in Pittsylvania County, Virginia upon Parcel 2420-30-7610, Lumpkins Forest Subdivision Section G, Lot 9, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated July 22, 2005 as Instrument #05-6842.

4. A permanent easement approximately 50 feet wide, located in Pittsylvania County, Virginia upon Parcel 2420-40-0666, Lumpkins Forest Subdivision Section G, Lot 17, recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated July 22, 2005 as Instrument #05-6841.

Council Letter
City of Danville, Virginia

CL-2236 **New Business D.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Request to Amend the City Zoning Code to Allow Larger Freestanding Signs in Certain Zoning Districts by Special Use Permit

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

A request has been filed to amend Chapter 41, entitled “Zoning Ordinance” of the Code of the City of Danville, VA 1986, more specifically, various sections and subsections of Article 3.I entitled “TO-C, Transitional Office District”, Article 3.J entitled “N-C Neighborhood Commercial District, Article 3.K entitled “CB-C, Central Business District”, and Article 3.L entitled “TW-C, Tobacco Warehouse District” to allow for waivers of maximum sign area by Special Use Permit; to amend Article 10, entitled “Sign Regulations”, Section M entitled “Permitted signs in the N-C and TO-C Commercial Districts”; Section N, entitled “Permitted Signs in the CB-C, Central Business District”, and Section O, entitled “Permitted signs in the TW-C Tobacco Warehouse Commercial District” to allow for the maximum size of signs permitted by Special Use Permit to match the limitations set forth in Section P, “Entitled Permitted signs in the Highway Retail, HR-C and Planned Shopping Center, PS-C, Commercial Districts”.

BACKGROUND

The City has received a request to amend the City Signage regulations for the TO-C, Transitional Office District, N-C Neighborhood Commercial District, CB-C, Central Business District, and TW-C, Tobacco Warehouse District to allow for waivers of maximum sign area by Special Use Permit. This request is also to amend the Sign Regulations in the N-C, TO-C, CB-C, and TW-C Districts to allow for the maximum size of signs permitted by Special Use Permit to match the limitations set forth in HR-C and PS-C Districts.

At their meeting of November 12, 2019, the Planning Commission voted 7-0 to recommend approval of the request.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance amending Chapter 41, entitled “Zoning Ordinance” of the Code of the City of Danville, VA 1986, more specifically various sections and subsections of Article 3.I entitled “TO-C, Transitional Office District”, Article 3.J entitled “N-C Neighborhood Commercial District, Article 3.K entitled “CB-C, Central Business District”, and Article 3.L entitled “TW-C, Tobacco Warehouse District” to allow for waivers of maximum sign area by Special Use Permit; to amend Article 10, entitled “Sign Regulations”, Section M entitled “Permitted signs in the N-C and TO-C Commercial Districts”; Section N, entitled “Permitted signs in the CB-C, Central Business District”, and Section O, entitled “Permitted signs in the TW-C Tobacco Warehouse Commercial District” to allow for the

maximum size of signs permitted by Special Use Permit to match the limitations set forth in Section P, “Entitled Permitted signs in the Highway Retail, HR-C and Planned Shopping Center, PS-C, Commercial Districts”.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019-____.____

AN ORDINANCE AMENDING CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY VARIOUS SECTIONS AND SUBSECTIONS OF ARTICLE 3.I, ENTITLED "TO-C, TRANSITIONAL OFFICE DISTRICT", ARTICLE 3.J, ENTITLED "N-C NEIGHBORHOOD COMMERCIAL DISTRICT, ARTICLE 3.K, ENTITLED "CB-C, CENTRAL BUSINESS DISTRICT", AND ARTICLE 3.L, ENTITLED "TW-C, TOBACCO WAREHOUSE DISTRICT" TO ALLOW FOR WAIVERS OF MAXIMUM SIGN AREA BY SPECIAL USE PERMIT; TO AMEND ARTICLE 10, ENTITLED "SIGN REGULATIONS", SECTION M, ENTITLED "PERMITTED SINGNAGE IN THE N-C AND TO-C COMMERCIAL DISTRICTS". SECTION N, ENTITLED "PERMITTED SIGNS IN THE CB-C, CENTRAL BUSINESS DISTRICT", AND SECTION O, ENTITLED "PERMITTED SIGNS IN THE TW-C TOBACCO WAREHOUSE COMMERCIAL DISTRICT" TO ALLOW FOR THE MAXIMUM SIZE OF SIGNS PERMITTED BY SPECIAL USE PERMIT TO MATCH THE LIMITATIONS SET FORTH IN SECTION P, "ENTITLED PERMITTED SIGNS IN THE HIGHWAY RETAIL, HR-C AND PLANNED SHOPPING CENTER, PS-C, COMMERCIAL DISTRICTS".

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of amendments to Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, more specifically various sections and subsections of Article 3.I, entitled "TO-C, Transitional Office District", Article 3.J, entitled "N-C Neighborhood Commercial District, Article 3.K entitled "CB-C, Central Business District", and Article 3.L entitled "TW-C, Tobacco Warehouse District" to allow for waivers of maximum sign area by Special Use Permit; to amend Article 10, entitled "Sign Regulations", Section M, entitled "Permitted singage in the N-C and TO-C Commercial Districts". Section N, entitled "Permitted signs in the CB-C, Central Business District", and Section O, entitled "Permitted signs in the TW-C Tobacco Warehouse Commercial District" to allow for the maximum size of signs permitted by Special Use Permit to match the limitations set forth in Section P, "Entitled Permitted signs in the Highway Retail, HR-C and Planned Shopping Center, PS-C, Commercial Districts", be, and the same is hereby received; and

BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that various sections and subsections of Article 3.I entitled "TO-C, Transitional Office" of

Chapter 41, entitled “Zoning Ordinance”, of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

CHAPTER 41. ZONING ORDINANCE

ARTICLE 3.I: - TO-C TRANSITIONAL OFFICE (Transitional Residential/Office District).

C. – Uses Permitted by Special Use Permit.

25. Waiver to maximum sign area

AND BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that various sections and subsections of Article 3.J, entitled “N-C, Neighborhood Commercial District” of Chapter 41, entitled “Zoning Ordinance”, of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

ARTICLE 3.J: - N-C, NEIGHBORHOOD COMMERCAL DISTRICT (Neighborhood Retail Commercial District).

C. - Uses Permitted by Special Use Permit.

22. Waiver to maximum sign area

AND BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that various sections and subsections of Article 3.K, entitled “CB-C, Central Business District” of Chapter 41, entitled “Zoning Ordinance”, of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

ARTICLE 3.K: - CB-C, CENTRAL BUSINESS DISTRICT (Central Business Commercial District).

C. - Uses Permitted by Special Use Permit.

30. Waiver to maximum sign area

AND BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that various sections and subsections of Article 3.L entitled “TW-C, Tobacco Warehouse District” of Chapter 41, entitled “Zoning Ordinance”, of the Code of the City of Danville,

Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

ARTICLE 3.L: - TW-C, TOBACCO WAREHOUSE DISTRICT (Tobacco Warehouse Commercial District).

C. - Uses Permitted by Special Use Permit.

15. Waiver to maximum sign area

AND BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that various sections and subsections of Article 10 entitled "Sign Regulations" of Chapter 41, entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

M.- Permitted Signs in the N-C and TO-C Commercial Districts

1. Freestanding Signs

d. Maximum size of signs may be waived by Special Use Permit to match the limitations set forth in Section P, "Entitled Permitted signs in the Highway Retail, HR-C and Planned Shopping Center, PS-C, Commercial Districts

AND BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that various sections and subsections of Article 10 entitled "Sign Regulations" of Chapter 41, entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

N.- Permitted Signs in the CB-C, Central Business Commercial Districts

1. Freestanding Signs

d. Maximum size of signs may be waived by Special Use Permit to match the limitations set forth in Section P, "Entitled Permitted signs in the Highway Retail, HR-C and Planned Shopping Center, PS-C, Commercial Districts

AND BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that various sections and subsections of Article 10 entitled "Sign Regulations" of Chapter 41, entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

O.- Permitted Signs in the TW-C, Tobacco Warehouse Commecial Commercial District

1. Freestanding Signs

d. Maximum size of signs may be waived by Special Use Permit to match the limitations set forth in Section P, "Entitled Permitted signs in the Highway Retail, HR-C and Planned Shopping Center, PS-C, Commercial Districts

AND BE IT FUTHER ORDAINED that all other chapters, sections and subsections shall remain unchanged.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to Form and
Legal Sufficiency:

_____
Assistant City Attorney

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2019

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

SUBJECT: ZONING CODE AMENDMENT REQUEST

REQUEST:

Request to amend Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, VA 1986, more specifically various sections and subsections of Article 3.I entitled "TO-C, Transitional Office District", Article 3.J entitled "N-C Neighborhood Commercial District, Article 3.K entitled "CB-C, Central Business District", and Article 3.L entitled "TW-C, Tobacco Warehouse District" to allow for waivers of maximum sign area by Special Use Permit; to amend Article 10, entitled "Sign Regulations", Section M entitled "Permitted singe in the N-C and TO-C Commercial Districts". Section N, entitled "Permitted signs in the CB-C, Central Business District", and Section O, entitled "Permitted signs in the TW-C Tobacco Warehouse Commercial District" to allow for the maximum size of signs permitted by Special Use Permit to match the limitations set forth in Section P, "Entitled Permitted signs in the Highway Retail, HR-C and Planned Shopping Center, PS-C, Commercial Districts".

RECOMMENDATION:

The Planning Commission voted 7-0 to recommend approval of the request.

Michael W. Scearce (KCG)
Mr. Michael Scearce, Chairman

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

City Planning Commission

City Planning Commission
Meeting of November 14, 2019

Subject:

Request to amend Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, VA 1986, more specifically various sections and subsections of Article 3.I entitled "TO-C, Transitional Office District", Article 3.J entitled "N-C Neighborhood Commercial District, Article 3.K entitled "CB-C, Central Business District", and Article 3.L entitled "TW-C, Tobacco Warehouse District" to allow for waivers of maximum sign area by Special Use Permit; to amend Article 10, entitled "Sign Regulations", Section M entitled "Permitted singe in the N-C and TO-C Commercial Districts". Section N, entitled "Permitted signs in the CB-C, Central Business District", and Section O, entitled "Permitted signs in the TW-C Tobacco Warehouse Commercial District" to allow for the maximum size of signs permitted by Special Use Permit to match the limitations set forth in Section P, "Entitled Permitted signs in the Highway Retail, HR-C and Planned Shopping Center, PS-C, Commercial Districts".

SUBJECT

The City has received a request to to amend the City Signage regulations for the TO-C, Transitional Office District, N-C Neighborhood Commercial District, CB-C, Central Business District, and TW-C, Tobacco Warehouse District to allow for waivers of maximum sign area by Special Use Permit. This request is also to amend the Sign Regulations in the N-C, TO-C, CB-C, and TW-C Districts to allow for the maximum size of signs permitted by Special Use Permit to match the limitations set forth in HR-C and PS-C Districts.

RECOMMENDATION

It is recommended that City Planning Commission recommend amending Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, VA 1986, more specifically various sections and subsections of Article 3.I entitled "TO-C, Transitional Office District", Article 3.J entitled "N-C Neighborhood Commercial District, Article 3.K entitled "CB-C, Central Business District", and Article 3.L entitled "TW-C, Tobacco Warehouse District" to allow for waivers of maximum sign area by Special Use Permit; to amend Article 10, entitled "Sign Regulations", Section M entitled "Permitted singe in the N-C and TO-C Commercial Districts". Section N, entitled "Permitted signs in the CB-C, Central Business District", and Section O, entitled "Permitted signs in the TW-C Tobacco Warehouse Commercial District" to allow for the maximum size of signs permitted by Special Use Permit to match the limitations set forth in Section P, "Entitled Permitted signs in the Highway Retail, HR-C and Planned Shopping Center, PS-C, Commercial Districts".

This change will not change the amount or size of by right permitted signage, but grant another opportunity for larger signage to be reviewed under special circumstances after neighboring property owner notice and public hearings by both the Planning Commission and City Council.

CODE CHANGE AMENDMENT

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: DATE FILED:

RECEIVED FROM:

SECTION AFFECTED:

PLANNING COMMISSION DATE/ACTION:

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section: SEE ATTACHED

Purpose for proposed amendment: SEE ATTACHED

PRESENT OWNER(S) OF ALL PROPERTIES INCLUDED IN APPLICATION:

1. NAME (PLEASE PRINT OR TYPE): Averett University by Aaron D. Howell, CPA

ADDRESS: 420 West Main Street
Danville, VA 24541

EMAIL: ahowell@averett.edu

TELEPHONE: 434-791-5651
SIGNATURE:

2. NAME (PLEASE PRINT OR TYPE): **Aaron D. Howell**
VP of Business & Finance/CFO
ADDRESS:

TELEPHONE:
SIGNATURE:

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

NAME (PLEASE PRINT OR TYPE): POWERS SIGNS INC

ADDRESS: 807 INDUSTRIAL AVE, DANVILLE VA 24541

EMAIL: SR@POWERSSIGNS.COM

TELEPHONE: 434-793-6351
SIGNATURE:

Code Amendment to Zoning Code Sections:

Article 3.I. Section C item 24

Article 3.J. Section C Item 22

Article 3.K. Section C Item 30

Article 3.L. Section C Item 15

Code Amendment request to add "Waiver of maximum sign area"

The proposed Code Change would allow the applicant to apply for additional sign area on free standing and building mounted signs when appropriate per location and use. With the use of a Special Use Permit, appropriateness is determined by City Council.

Code Amendment to Zoning Code Sections:

Article 10 Section M Item 4e

Article 10 Section N Item 4e

Article 10 Section O Item 4e

Code Amendment request to add "A Special Use Permit may be granted to waive the minimum sign area for free standing and building mounted signs not to exceed the regulations set forth in Article 10 Section P *Permitted Signs in the Highway Retail, HR-C, and Planned Shopping Center, PS-C, Commercial Districts."*

The proposed Code Change would limit the square footage of the signage requested with a Special Use Permit to a size that does not exceed the regulations set forth in the HR-C and PS-C regulations. Therefore, encouraging uniformity in regulations and streetscape aesthetics.

Council Letter
City of Danville, Virginia

CL-2237 **New Business E.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Request for a Special Use Permit for a Waiver to Maximum Sign Area at 707 Mount Cross Road

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

A request has been filed by Powers Signs Inc., on behalf of Averett University, requesting a Special Use Permit for a waiver to maximum sign area in accordance with Article 3.I, Section C, Item 25 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, As Amended, at 707 Mount Cross Road, otherwise known as Grid 0708, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to erect a sign larger than permitted under Article 10, Section M.

BACKGROUND

Averett University North Campus is an approximately 70 acre complex located on Mount Cross Road; the road is currently being improved to add additional lanes. The campus consists of a sports complex, training facilities, offices and classrooms. The property is zoned TO-C Transitional Office Commercial. The TO-C sign regulations limit sign size to 32 sq. ft. with an additional 24 sq. ft. for architectural elements.

The TO-C district is designed to be a buffer between commercial and residential uses, but does not adequately address facilities of this size. The University has requested a Special Use Permit for a 125 sq. ft. digital display ground sign to better advertise events that are to occur at the facility. This size is consistent with other properties in the area zoned HR-C.

At their meeting of November 12, 2019, the Planning Commission voted 7-0 to recommend approval of the request subject to the following conditions:

1. That the size be limited to 125 sq. ft., and

2. That the property be consolidated with adjacent land owned by Averett University, otherwise the sign will be considered off-premise advertising and create a violation of the zoning code.

RECOMMENDATION

The Planning Commission recommends that Danville City Council adopt an Ordinance granting Special Use Permit application PLSUP20190000388, filed by Powers Signs Inc., on behalf of Averett University, requesting a Special Use Permit for a waiver to maximum sign area in accordance with Article 3.I, Section C, Item 25 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 707 Mount Cross Road, otherwise known as Grid 0708, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. That the size be limited to 125 sq. ft., and

2. That the property be consolidated with adjacent land owned by Averett University, otherwise the sign will be considered off-premise advertising and create a violation of the zoning code.

Attachments

Ordinance

Planning Backup

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2019____._____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000388, FILED BY POWERS SIGNS INC, ON BEHALF OF AVERETT UNIVERSITY, REQUESTING A SPECIAL USE PERMIT FOR A WAIVER TO MAXIMUM SIGN AREA IN ACCORDANCE WITH ARTICLE 3.I, SECTION C, ITEM 25 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 707 MOUNT CROSS ROAD, OTHERWISE KNOWN AS GRID 0708, BLOCK 003, PARCEL 000004 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP. THE APPLICANT IS PROPOSING TO ERECT A SIGN LARGER THAN PERMITTED UNDER ARTICLE 10, SECTION M.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20190000388, filed by Powers Signs Inc, on behalf of Averett University, requesting a Special Use Permit for a waiver to maximum sign area in accordance with Article 3.I, Section C, Item 25 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 707 Mount Cross Road, otherwise known as Grid 0708, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to erect a sign larger than permitted under Article 10, Section M, is hereby received, subject to the following conditions:

1. That the size be limited to 125 sq. ft.; and
2. That the property be consolidated with adjacent land owned by Averett University. Otherwise the sign will be considered off-premise advertising and create a violation of the zoning code.

AND BE IT FURTHER ORDAINED THAT in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000388, filed by Powers Signs Inc, on behalf of Averett University, requesting a Special Use Permit for a waiver to maximum sign area in accordance with Article 3.I, Section C, Item 25 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986,

as amended, at 707 Mount Cross Road, otherwise known as Grid 0708, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to erect a sign larger than permitted under Article 10, Section M., is hereby granted and approved, subject to the following conditions:

1. That the size be limited to 125 sq. ft.; and
2. That the property be consolidated with adjacent land owned by Averett University. Otherwise the sign will be considered off-premise advertising and create a violation of the zoning code.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
Assistant City Attorney

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2019

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000388, filed by Powers Signs Inc, on behalf of Averett University, requesting a Special Use Permit for a waiver to maximum sign area in accordance with Article 3.I, Section C, Item 25 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 707 Mt. Cross Road, otherwise known as Grid 0708, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to erect a sign larger than permitted under Article 10, Section M.

RECOMMENDATION:

The Planning Commission voted 7-0 to recommend approval of the request subject to the following conditions:

1. That the size be limited to 125 sq. ft. and
2. That the property be consolidated with adjacent land owned by Averett University. Otherwise the sign will be considered off-premise advertising and create a violation of the zoning code.

Michael W. Scearce (KCG)
Mr. Michael Scearce, Chairman

RESPONSES

Fifty-Six (56) notices were sent to property owners within three hundred (300) feet of the property. Fourteen (14) property owners returned statements. Nine (9) property owners are not opposed to the request (Beach, Barbour, Soyars, Marshall Construction Co Inc., Soyars, Shermont Baptist Church Trustees, Daniel Group Inc., Shafer and Martin). Five (5) property owners are opposed to the request (Huffstetler, Marshburn, Hutchings, Simms and Mitchell).

COMMENTS:

See attached

NEIGHBORING PROPERTY OWNERS STATEMENT

According to the record of land ownership you own property that is located within 300 feet of property that is the subject of a public hearing. You are entitled to express an opinion as to whether you are opposed or not opposed to the request by completing the form below. Please check the appropriate box and return it by **November 8, 2019**, in the enclosed self-addressed, stamped envelope. You are not required to complete this form but may if you desire to express an opinion on this matter.

I (we) HUFFSTETLER ~~JAMES~~ enpirid A & PATSY M

as owner(s) of Lot(s) 1121 ROSEMARY LN

___✓___ **AM OPPOSED**

_____ **AM NOT OPPOSED**

On Sat. I have so much noise TV turned all the way up and can't hear it

to the following request filed with the City of Danville: Not the game its the music at times feel like house is moving.

Special Use Permit application PLSUP20190000388, filed by Powers Signs Inc, on behalf of Averett University, requesting a Special Use Permit for a waiver to maximum sign area in accordance with Article 3.I, Section C, Item 25 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 707 Mt. Cross Road, otherwise known as Grid 0708, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to erect a sign larger than permitted under Article 10, Section M.

Music is in very bad taste also

Signatures(s):

Patsy M. Huffstetler

_____

Comments:

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

City Planning Commission

City Planning Commission
Meeting of November 14, 2019

Subject:

Special Use Permit application PLSUP20190000388, filed by Powers Signs Inc, on behalf of Averett University, requesting a Special Use Permit for a waiver to maximum sign area in accordance with Article 3.I, Section C, Item 25 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 707 Mt. Cross Road, otherwise known as Grid 0708, Block 003, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to erect a sign larger than permitted under Article 10, Section M.

Background:

Averett University North Campus is approximately 70 acre complex located on Mt. Cross Road. The road is currently being improved to add additional lanes. The campus consists of a sports complex, training facilities, offices and classrooms. The property is zoned TO-C Transitional Office Commercial. The TO-C sign regulations limit sign size to 32 sq. ft. with and additional 24 sq. ft. for architectural elements.

The TO-C district is designed to be a buffer between commercial and residential uses, but does not adequately address facilities of this size. The University has requested a Special Use Permit for a 125 sq. ft. digital display ground sign to better advertise events that are to occur at the facility. This size is consistent with other properties in the area zoned HR-C.

Recommendation:

Staff recommends approval of the request subject to the conditions

1. That the size be limited to 125 sq. ft. and
2. That the property be consolidated with adjacent land owned by Averett University. Otherwise the sign will be considered off-premise advertising and create a violation of the zoning code.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000388 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000388 subject to conditions by staff.

3. Recommend approval of Special Use Permit application PLSUP20190000388 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000388 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000388 by Planning Commission.

Attachments:

A. Application
B. Property Ownership/Zoning Map
C. Data Sheet
D. Existing Land Use Map (2019 Aerial)

427 Patton St. Suite 208 | Danville, Virginia 24541 | 434.799.5260 | www.danvilleva.gov

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

APPPLICATION 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: 70 ACRES Property Address: 707 MT CROSS RD

Property Location: N S E (W) Side of: MT CROSS RD

Between: PIEDMONT DR and WOMACK DR

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:

TO ERECT A 125 SQ FT GROUND SIGN IN ACCORDANCE WITH ARTICLE 3.1 SECTION C ITEM 24. THE SIGN WILL BE USED TO ADVERTIZE AVERETT NORTH CAMPUS CLASSROOMS, THE GRANT CONVENTION CENTER WITH RELATED ACTIVITIES. THE LOCATION WILL MEET ALL SETBACKS IN ACCORDANCE WITH ARTICLE 10 SECTION M

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

1. **NAME:** Averett University **TELEPHONE:** 434-791-5651

MAILING ADDRESS: 420 West Main Street Danville, VA 24541

SIGNATURE: _____ **DATE:** 09/24/19

SIGNATURE: _____ **DATE:** _____

EMAIL ADDRESS: ahowell@averett.edu

APPLICANT (PLEASE TYPE OR PRINT):

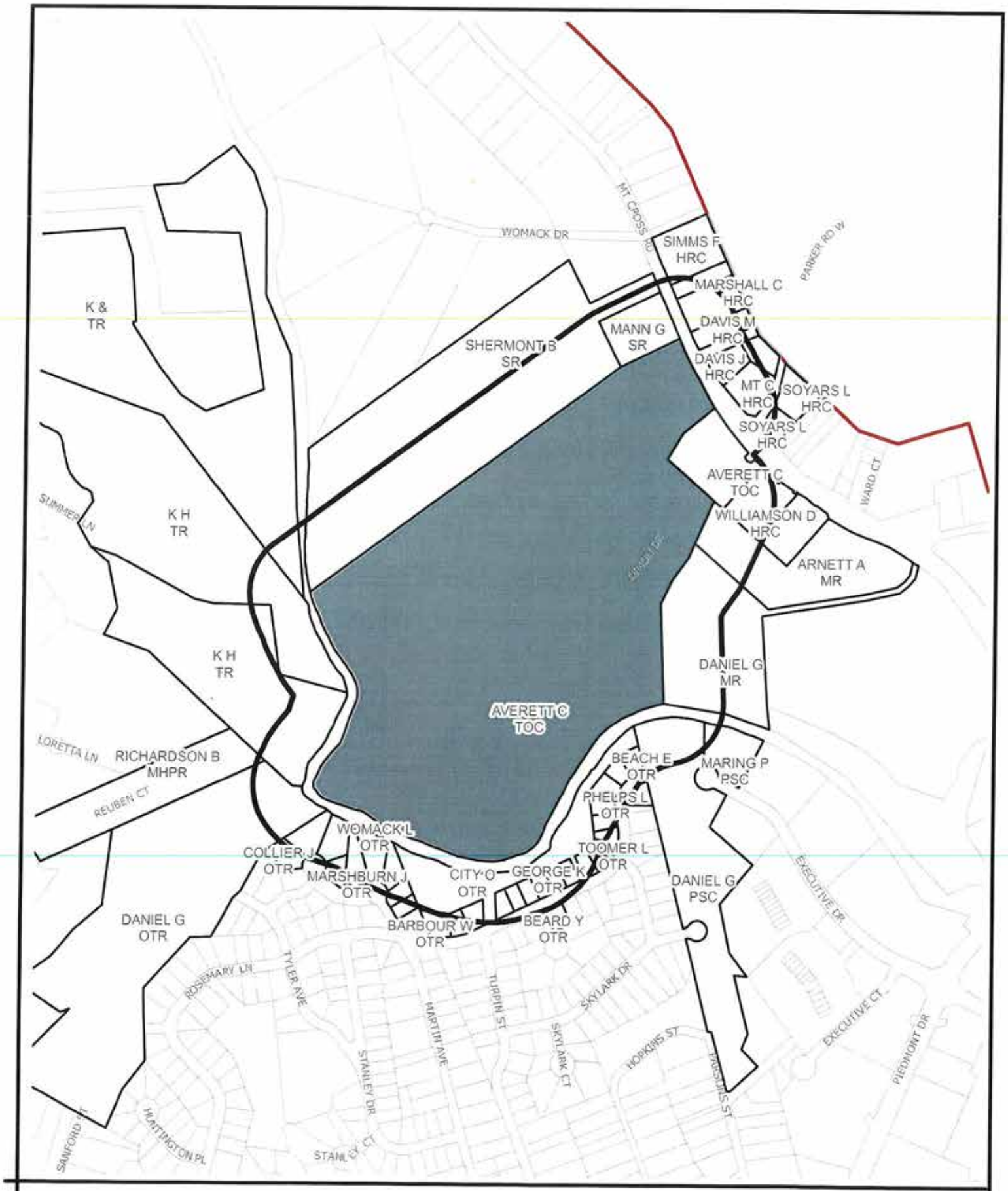
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: POWERS SIGN INC **TELEPHONE:** 434-793-6351

MAILING ADDRESS: 807 INDUSTRIAL AVE

EMAIL ADDRESS: SR@POWERSSIGNS.COM

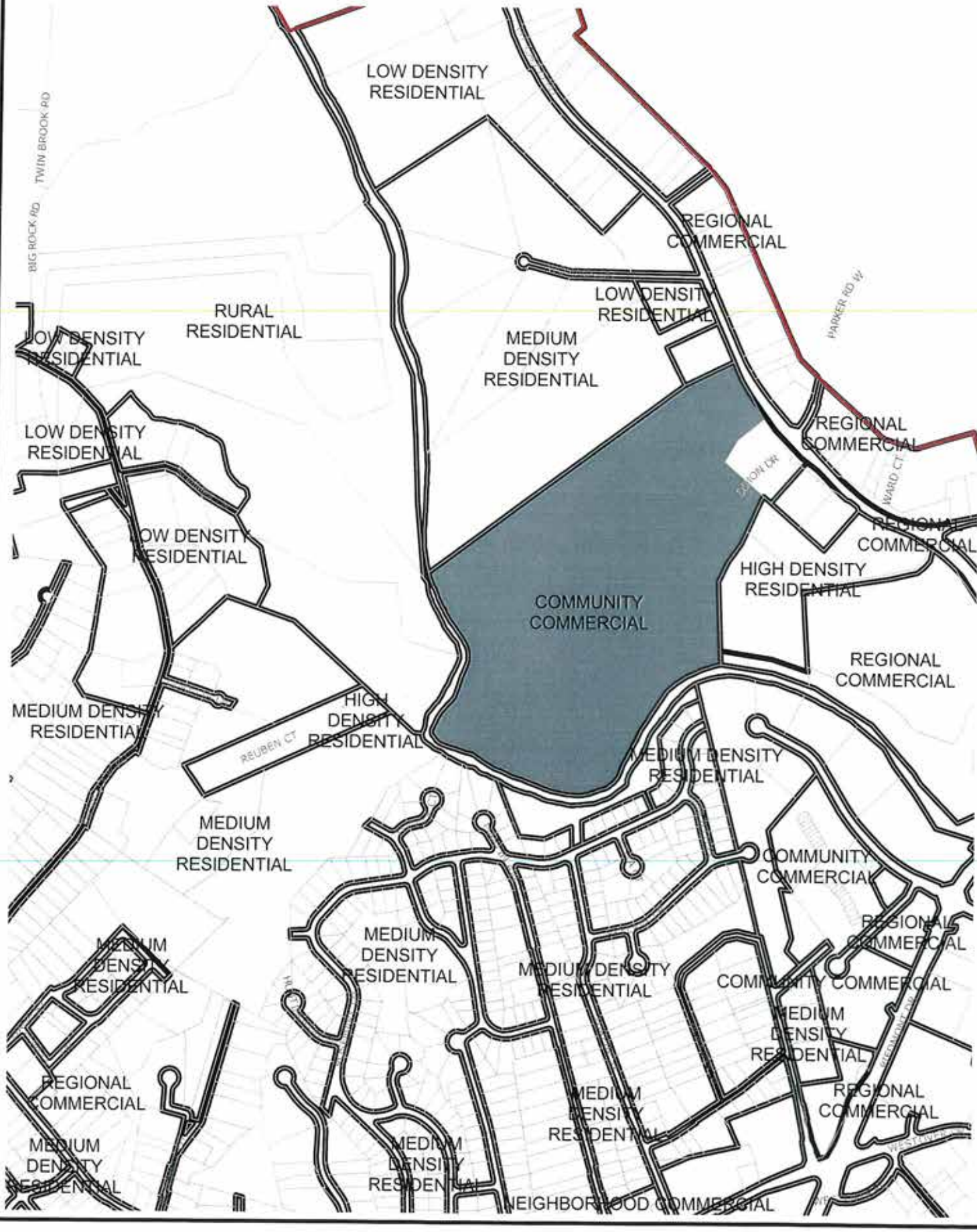
SIGNATURE: _____ **DATE:** 9-30-19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019

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
10/28/2019

SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	October 29, 2019
LOCATION OF PROPERTY:	707 Mt. Cross Road
PRESENT ZONE:	TO-C Transitional Office District
PROPOSED ZONE:	TO-C Transitional Office District
ACTION REQUESTED:	Request a Special Use Permit for a larger digital display sign than permitted by code
PRESENT USE OF PROPERTY:	Averett University North Campus
PROPOSED USE OF PROPERTY:	Same
PROPERTY OWNER (S):	Averett University
NAME OF APPLICANT (S):	Powers Signs on behalf of Averett University
PROPERTY BORDERED BY:	Residential to the north, mixed residential to the south, west, and east.
ACREAGE/SQUARE FOOTAGE:	.75 acres.
CHARACTER OF VICINITY:	Commercial and residential mix
INGRESS AND EGRESS:	Mt. Cross Road
TRAFFIC VOLUME:	Heavy
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of November 12, 2019

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019

Council Letter
City of Danville, Virginia

CL-2238 **New Business F.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Request a Special Use Permit for Commercial Indoor Recreation at 103 Franklin Turnpike

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

A request has been filed by Jagjit Singh on behalf of Kaur & Sons LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 103 Franklin Turnpike, otherwise known as Grid 2806, Block 009, Parcel 000010 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Jagjit Singh, the applicant, is requesting a Special Use Permit for commercial recreation at 103 Franklin Turnpike. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money. Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns. This item was tabled at the Planning Commission meeting on September 9, and October 7, to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns. This facility does not have a Certificate of Occupancy. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, fire extinguishers, as well as other life safety items. This facility has been re-inspected to determine compliance with this change in use of the building. The facility has complied with the list of corrections presented at the last meeting and has been issued a new Certificate of Occupancy with a maximum occupant load of 17 persons. This facility has 19 marked parking spaces with no handicapped accessible spaces on site. The facility itself is 2,440 sq. ft. which requires 11 parking spaces, as only a convenience store. The addition of a handicapped accessible space will reduce the number available to 17. This could support the installation of five machines with one space per machine and one space for an employee.

At their meeting of November 12, 2019, the Planning Commission voted 6-1 to recommend approval of the

request subject to the following conditions:

1. There shall be no more than five machines on site based on parking available; and
2. The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday, and 8:00 a.m. and 11:00 p.m. on Saturday; and
3. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines); and
4. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
5. All entrances/exits to the exterior of the building are to be lit at night; and
6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
7. The required parking shall be provided on-site with no off-site substitutions, and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

RECOMMENDATION

The Planning Commission voted 6-1 to recommend approval of Special Use Permit application PLSUP20190000295, filed by Jagjit Singh on behalf of Kaur & Sons LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 103 Franklin Turnpike, otherwise known as Grid 2806, Block 009, Parcel 000010 of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. There shall be no more than five machines on site based on parking available; and
2 The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
3. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines); and
4. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
5. All entrances/exits to the exterior of the building are to be lit at night; and
6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
7. The required parking shall be provided on-site with no off-site substitutions, and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

Attachments

Ordinance

Planning Backup

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2019____._____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000295, FILED BY JAGJIT SINGH ON BEHALF OF KAUR & SONS LLC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 103 FRANKLIN TURNPIKE, OTHERWISE KNOWN AS GRID 2806, BLOCK 009, PARCEL 000010 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20190000295, filed by Jagjit Singh on behalf of Kaur & Sons LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 103 Franklin Turnpike, otherwise known as Grid 2806, Block 009, Parcel 000010 of the City of Danville, Virginia Zoning District Map, is hereby received, subject to the following conditions:

1. There shall be no more than five machines on site based on parking available; and

2. The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and

3. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines); and

4. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and

5. All entrances/exits to the exterior of the building are to be lit at night; and

6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and

7. The required parking shall be provided on-site with no off-site substitutions; and

8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000295, filed by Jagjit Singh on behalf of Kaur & Sons LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 103 Franklin Turnpike, otherwise known as Grid 2806, Block 009, Parcel 000010 of the City of Danville, Virginia Zoning District Map, is hereby granted and approved, subject to the following conditions:

1. There shall be no more than five machines on site based on parking available; and

2. The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and

3. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines); and

4. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and

5. All entrances/exits to the exterior of the building are to be lit at night; and

6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and

7. The required parking shall be provided on-site with no off-site substitutions; and

8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
Assistant City Attorney

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2019

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000295, filed by Jagjit Singh on behalf of Kaur & Sons LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 103 Franklin Tpke, otherwise known as Grid 2806, Block 009, Parcel 000010 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend approval of the request subject to the following conditions:

1. There shall be no more than five machines on site based on parking available.
2. The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
3. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines)
4. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
5. All entrances/exits to the exterior of the building are to be lit at night; and
6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
7. The required parking shall be provided on-site with no off-site substitutions.
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

Michael W Scearce (KCG)
Mr. Michael Scearce, Chairman

RESPONSES

Eighteen (18) notices were sent to property owners within three hundred (300) feet of the property. Five (5) property owners returned statements. Three (3) property owners are not opposed to the request (TAAT21 Properties, Nguyen and Shields). Two (2) property owners are opposed to the request (Spicer and Spady).

COMMENTS:

None provided

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

City Planning Commission

City Planning Commission
Meeting of November 12, 2019

Subject:

Special Use Permit application PLSUP20190000295, filed by Jagjit Singh on behalf of Kaur & Sons LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 103 Franklin Tpke, otherwise known as Grid 2806, Block 009, Parcel 000010 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Jagjit Singh, the applicant, is requesting a Special Use Permit for commercial recreation at 103 Franklin Turnpike. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This item was tabled at the Planning Commission meeting on September 9 and October 7to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns. This facility does not have a Certificate of Occupancy. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, and fire extinguishers, as well as other life safety items. This facility has been re-inspected to determine compliance with this change in use of the building. The facility has complied with the list of corrections presented at the last meeting and has been issued a new Certificate of Occupancy with a maximum occupant load of 17 persons. This facility has 19 marked parking spaces with no handicapped accessible spaces on site.

The facility itself is 2,440 sq. ft. which requires 11 parking spaces as only a convenience store. The addition of a handicapped accessible space will reduce the number available to 17. This could support the installation of five machines with one space per machine and one space for an employee.

Recommendation:

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000295, filed by Jagjit Singh on behalf of Kaur & Sons, LLC, staff recommend the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than five (5) gaming machines that seat or allow standing by a single occupant (no multiple seat machines shall be permitted)
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building on the exterior are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions.
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000295 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000295 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000295 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000295 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000295 by Planning Commission.

Attachments:

A. Application
B. Property Ownership/Zoning Map
C. Data Sheet
D. Existing Land Use Map (2019 Aerial)
E. Change of Use Inspection report

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

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE:
Commercial recreation

CASE NUMBER: PLSUP201900002 95

EXISTING ZONING: HR-S Hjhwy Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: PID 52364

RECEIVED BY: Bryce Johnson

DATE FILED: July 29, 2019

PLANNING COMMISSION DATE: Sept. 9

CITY COUNCIL DATE: Oct. 1

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

Exact legal description of property (Attach if insufficient space).
APPROX 165 FT PT NO 2A FRANKLIN TPKE

Gross Area/Net Area: 2730 Property Address: 103 Franklin Tpke

Property Location: N S E W Side of:

Between: Piney Forest Rd. and N. MAIN ST.

Proffered Conditions (if any, please attach):

EXPLANATION OF REQUEST:

I. 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:

Indoor recreation permit for use of HHR Game machines and Diamond skill games sit down and stand up.

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

1. NAME: KIRPAL SINGH TELEPHONE: 631-355-3130

MAILING ADDRESS: 5022 Cobblestone Dr. Danville, VA 24540

SIGNATURE: Kirpal Singh DATE: 7/29/19

SIGNATURE: DATE:

EMAIL ADDRESS: SUMASONS@GMAIL.COM

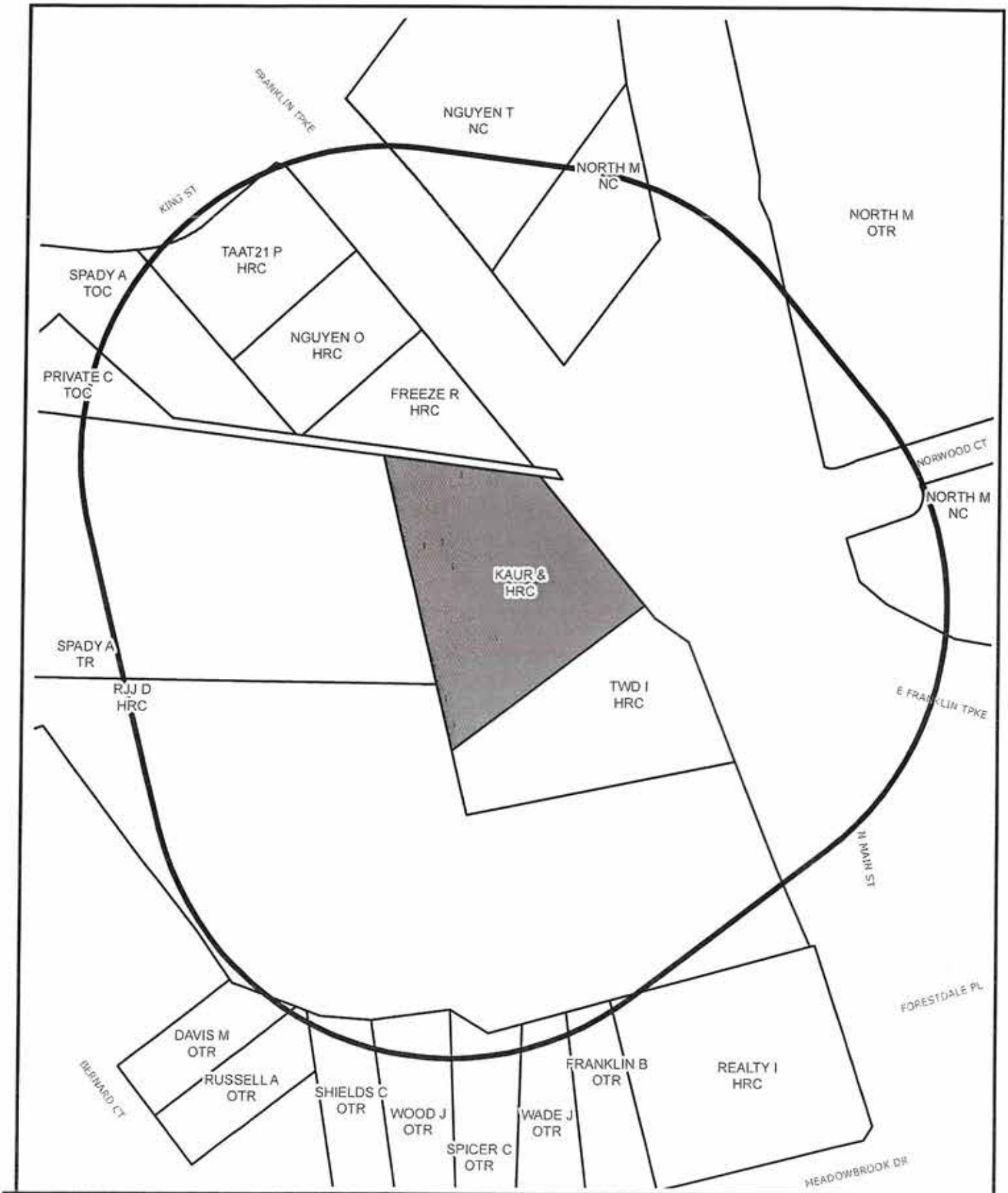
APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: JAGJIT SINGH TELEPHONE: 631-355-3130

MAILING ADDRESS: 5022 Cobblestone Dr. Danville, VA 24540

EMAIL ADDRESS: UINTOMAX@GMAIL.COM

SIGNATURE: Jagjit Singh DATE: 7/29/19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

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.

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES:	Planning Commission at 3pm on September 9, 2019 City Council (tentative) at 7pm on October 1, 2019
LOCATION OF PROPERTY:	103 Franklin Tpke.
PRESENT ZONE:	HR-C, Highway Retail Commercial
PROPOSED ZONE:	No change
ACTION REQUESTED:	Special Use Permit for commercial recreation
PRESENT USE OF PROPERTY:	Convenience store
PROPOSED USE OF PROPERTY:	Convenience store with indoor gaming
FUTURE LAND USE DESIGNATION:	Neighborhood Commercial
PROPERTY OWNER (S):	Kaur & Sons LLC
NAME OF APPLICANT (S):	Jagjit Singh
PROPERTY BORDERED BY:	Commercial to the north, east, and south; residential to the immediate west and bordering all nearby commercial properties
ACREAGE:	0.92 acres (43,560 sq. ft.)
CHARACTER OF VICINITY:	Transitional between commercial and residential
INGRESS AND EGRESS:	Franklin Tpke.
TRAFFIC VOLUME:	High

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

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

Inspection Field Report
Corrective notice

Property Address: 103 Franklin Tpke
Property Owner: Kaur & Sons LLC
Owner's Address: 563 Memorial Dr
Danville, VA 24541

Date: 9/27/2019
Phone: 631-355-3130

Case #: PRCOUO201901837

Initial Inspection Re-Inspection Complaint Other

Reason for inspection Certificate of Occupancy

APPROVED REJECTED

CALL FOR RE-INSPECTION BY THIS DATE:

_____

Violations:

#1-302.7 Accessory structures: Accessory structure covering cooler fans is deteriorated and falling apart. Repair structure to code.

#2-304.9 Overhang extensions: overhangs on the right side of the building is falling off. Repair overhang so that it is properly attached to the building.

#3-305.3 Interior surfaces: Repair hole next to ice maker in the ceiling. Repair all holes.

#4-305.4 Stairs and walking surfaces: Floor tiles pealing up and the flooring where the pipes are leaking needs to be repaired. All flooring must be properly installed and floors repaired to code.

#5-504.1 Plumbing systems: Water is leaking from the pipes next to walk in cooler next to sink, and the sink behind counter will not shut off. Repair pipes and fixtures so that they do not leak.

#6-604.3 Electrical system hazards: Open electrical junction box in beer cooler, and no straps on wire in front of ice maker. Install cover on junction box and properly strap wire.

#7-605.1 Electrical components: Fan in bathroom not working. Repair fan in bathroom so that it works as intended.

#8-605.3 Lighting distribution and luminaries: Light on front porch is hanging down. Properly install light so that it is secure.

*Failure to list any violation shall not be deemed a waiver of such violation.

Sincerely,

Dennis J. Bisson Jr. PMO
Property Maintenance Coordinator
www.danville-va.gov
Bissodj@danvilleva.gov
434-799-5260 Ext 2497

Item 2

Certificate of Use and Occupancy

CITY OF DANVILLE, VIRGINIA
Department of Community Development
Inspections Division

This Certificate issued pursuant to the requirements of Section 116 of the 2015 Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City and the Virginia Uniform Statewide Building Code regulating building construction or use.

For the following location:
103 FRANKLIN TPKE, DANVILLE, VA 24540

For occupancy by:
Charlies Stop and Shop

Use Group:
B-Business

Type of Construction:
3B = Exterior masonry with wood floor and/or roof, NO rating

Building Owner and Address:
KAUR & SONS LLC
563 MEMORIAL DR
DANVILLE, VA 24541

Occupancy Load: 17 Persons

CODE	PERMIT#	INSPECTOR	FINAL APPROVED
Property Maintenance Inspector	PRCOUO201901837	Dennis J. Bisson Jr	10/21/2019
Fire Inspector	PRCOUO201901837	Jay Thornton	10/28/2019
Building Inspector	PRCOUO201901837	William Willis	10/21/2019

Conditions or Modifications: Modification-Building Code Corrections, Drinking water shall be provided for all customers during hours of operation at no cost.

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

NOTE: Legal use of this structure may also require a Certificate of Zoning Compliance.

Building Official

October 29, 2019
Date

POST IN A CONSPICUOUS PLACE

Council Letter
City of Danville, Virginia

CL-2247 **New Business G.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 3585 Riverside Drive

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

A request has been filed by TSS Riverside, LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 3585 Riverside Drive, otherwise known as Grid 1713, Block 002, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

The applicant is proposing to have indoor gaming in conjunction with an existing restaurant. General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This facility has been inspected to determine compliance with Certificate of Occupancy requirements. It has been issued an A-2 Assembly Occupancy permit with a maximum occupancy of 268 persons. This facility has 121 marked parking spaces that comply with code requirements on site, 116 standard and 5 Handicapped Accessible spaces. The facility itself is 5,160 sq. ft. Based on Staff's parking recommendations of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift the site would need 89 spaces (occupancy) + 10 employee + 1 per machine (no number listed) for 99+ required (89+10+??=99+).

City Code for an eating establishment is one and one quarter (1.25) space per four (4) seats (including outdoor seats), plus one (1) space per employee at the major shift. This facility has 208 seats so 208/4 is 52 + 10 for 62. Since the occupant load calculations is larger, that is being used.

This facility could support up to 22 machines based on staff's calculations but staff believes that this is too much.

At their meeting of November 12, the Planning Commission voted to recommend approval of Special Use Permit application PLSUP20190000387, subject to the following conditions:

1. The hours of operation for the machines shall be limited to between Sunday through Wednesday, 11 a.m. - 12 a.m., and Thursday through Saturday, 11 a.m. - 1. a.m.; and
2. There shall be no more than two (2) gaming machines permitted; and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions; and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes, and
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

RECOMMENDATION

The Planning Commission recommends that City Council adopt an Ordinance granting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 3585 Riverside Drive, otherwise known as Grid 1713, Block 002, Parcel 000001 of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. The hours of operation for the machines shall be limited to between Sunday through Wednesday, 11 a.m. - 12 a.m., and Thursday through Saturday, 11 a.m. - 1. a.m.; and
2. There shall be no more than two (2) gaming machines permitted; and
3. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
6. The required parking shall be provided on-site with no off-site substitutions; and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes, and
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

Attachments

Ordinance

Planning Backup

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2019____._____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 3585 RIVERSIDE DRIVE, OTHERWISE KNOWN AS GRID 1713, BLOCK 002, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20190000387, filed by TSS Riverside, LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 3585 Riverside Drive, otherwise known as Grid 1713, Block 002, Parcel 000001 of the City of Danville, Virginia Zoning District Map, is hereby received, subject to the following conditions:

1. The hours of operation for the machines shall be limited to between Sunday through Wednesday 11 a.m.. - 12 a.m.. and Thursday - Saturday 11 a.m.. - 1. a.m.; and

2. There shall be no more than two (2) gaming machines permitted; and

3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and

4. All entrances/exits to the building are to be lit at night; and

5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and

6. The required parking shall be provided on-site with no off-site substitutions; and

7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes; and

8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000387, filed by TSS Riverside, LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 3585 Riverside Drive, otherwise known as Grid 1713, Block 002, Parcel 000001 of the City of Danville, Virginia Zoning District Map, is hereby granted and approved, subject to the following conditions:

1. The hours of operation for the machines shall be limited to between Sunday through Wednesday 11 a.m.. - 12 a.m.. and Thursday - Saturday 11 a.m.. - 1. a.m.; and

2. There shall be no more than two (2) gaming machines permitted; and

3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and

4. All entrances/exits to the building are to be lit at night; and

5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and

6. The required parking shall be provided on-site with no off-site substitutions; and

7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes; and

8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2019

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000387, filed by TSS Riverside, LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 3585 Riverside Drive, otherwise known as Grid 1713, Block 002, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 7-1 (Commissioner Jones abstained) to recommend approval of the request subject to the following conditions:

1. The hours of operation for the machines shall be limited to between Sunday through Wednesday 11 a.m.. - 12 a.m.. and Thursday - Saturday 11 a.m.. - 1. a.m.. and
2. There shall be no more than two (2) gaming machines permitted, and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions, and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

Michael W Scearce (KCG)
Mr. Michael Scearce, Chairman

RESPONSES:
Eight (8) notices were sent to property owners within three hundred (300) feet of the property. One (1) property owners returned statements. Zero (0) property owners are not opposed to the request. One (1) property owner is opposed to the request (Daniel Group Inc.).

COMMENTS:
No Comments Received.

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

City Planning Commission

City Planning Commission
Meeting of November 14, 2019

Subject:

Special Use Permit application PLSUP20190000387, filed by TSS Riverside, LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 3585 Riverside Drive, otherwise known as Grid 1713, Block 002, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Special Use Permit application PLSUP20190000387, filed by TSS Riverside, LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 3585 Riverside Drive, otherwise known as Grid 1713, Block 002, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming in conjunction with an existing restaurant.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This facility has been inspected to determine compliance with Certificate of Occupancy requirements. It has been issued an A-2 Assembly Occupancy permit with a maximum occupancy of 268 persons. This facility has 121 marked parking spaces that comply with code requirements on site, 116 standard and 5 Handicapped Accessible spaces. The facility itself is 5,160 sq. ft. Based on Staff's parking recommendations of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift the site would need 89 spaces (occupancy) + 10 employee + 1 per machine (no number listed) for 99+ required (89+10+??=99+).

City Code for an eating establishment is One and one quarter (1.25) space per four (4) seats (including outdoor seats), plus one (1) space per employee at the major shift. This facility has 208 seats so 208/4 is 52 + 10 for 62. Since the occupant load calculations is larger, that is being used.

This facility could support up to 22 machines based on staff's calculations but staff believes that this is too much.

Recommendation:

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000387, recommends the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than two (2) gaming machines permitted, and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions, and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000387 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000387 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000387 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000387 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000387 by Planning Commission.

Attachments:

A. Application
B. Property Ownership/Zoning Map
C. Data Sheet
D. Existing Land Use Map (2019 Aerial)
E. Existing Certificate of Occupancy

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

APPPLICATION 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: 4293 Sq Ft Property Address: 3585 Riverside Dr. Danville, VA 24541

Property Location: N S E W Side of: See attached for legal description

Between: _____ and _____

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: SEE ATTACHED

- 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:

We are applying to allow for the use of games of skill at our new Texas Steak & Ale House restaurant.

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

1. NAME: Danville VA RE LLC TELEPHONE: (405)778-6878

MAILING ADDRESS: 14504 Hertz Quail Springs Parkway Oklahoma City, OK 73134

SIGNATURE: _____ DATE: 9-19-19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: wliedtke@qspcap.com

APPLICANT (PLEASE TYPE OR PRINT):

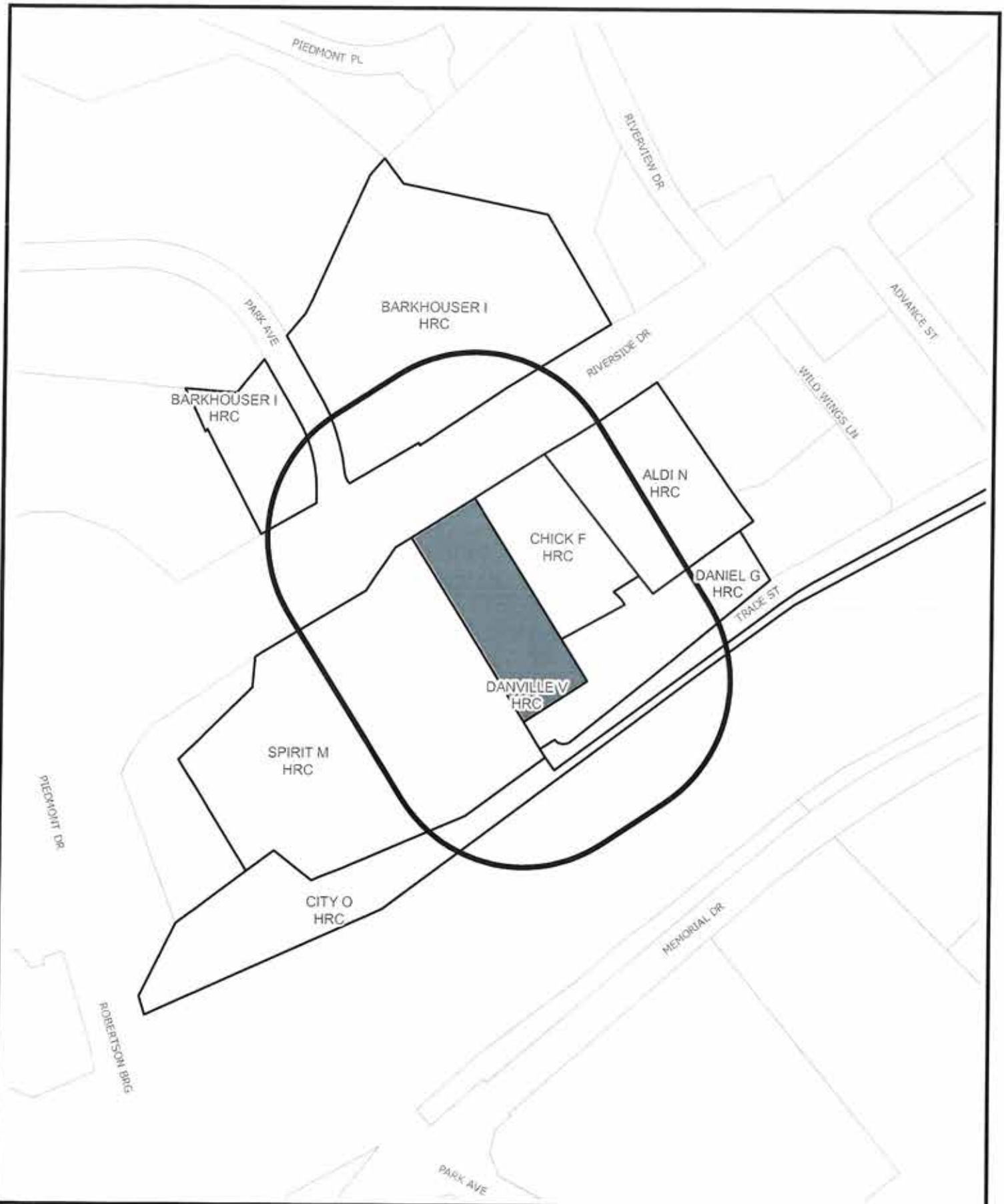
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: TSS Riverside LLC t/a Texas Steak & Ale House TELEPHONE: (405)778-6878

MAILING ADDRESS: 27 E. Sheridan Ave, Suite 200, Oklahoma City, OK 73104

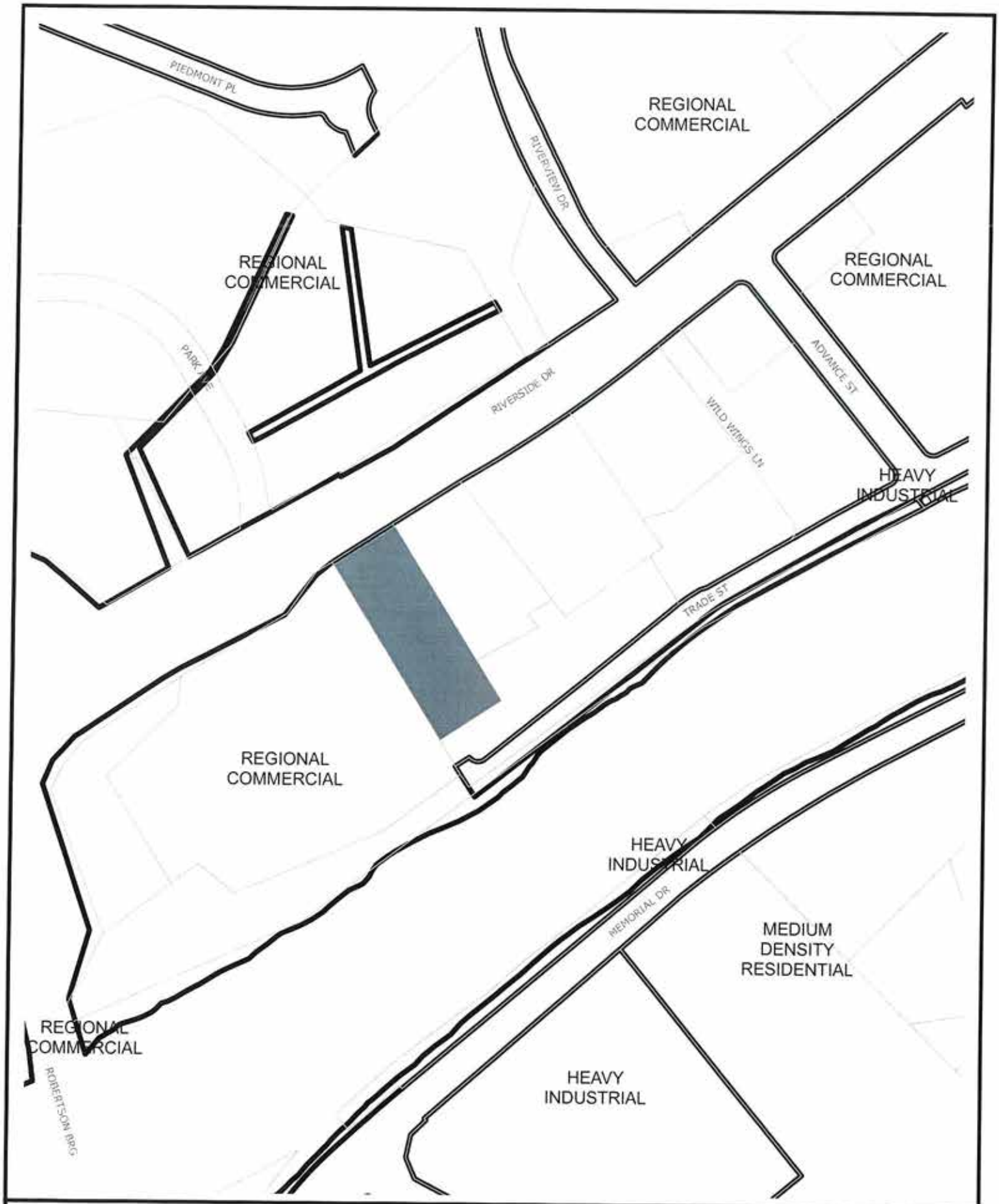
EMAIL ADDRESS: will@abacusok.com

SIGNATURE: _____ DATE: 9-19-19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019

SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	October 28, 2019
LOCATION OF PROPERTY:	3585 Riverside Drive
PRESENT ZONE:	HR-C Highway Retail Commercial
PROPOSED ZONE:	HR-C Highway Retail Commercial
ACTION REQUESTED:	Request a Special Use Permit for Commercial Recreation Indoor. The applicant is proposing to have indoor gaming.
PRESENT USE OF PROPERTY:	Restaurant
PROPOSED USE OF PROPERTY:	Restaurant & Indoor Gaming facility
PROPERTY OWNER (S):	Danville VA RE LLC
NAME OF APPLICANT (S):	TSS Riverside LLC t/a Texas Steak and Ale House
PROPERTY BORDERED BY:	Commercial to north and south, west, and east.
ACREAGE/SQUARE FOOTAGE:	1.62 acres.
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Riverside Drive frontage Road
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of November 12, 2019

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019

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.

TITLE COMMITMENT

SURVEYOR'S CERTIFICATION

SURVEY LEGAL DESCRIPTION

NOTES

FLOOD NOTE

LEGEND

GRAPHIC SCALE

ALTA/NSPS LAND TITLE SURVEY

CITY OF DANVILLE

PID #60359

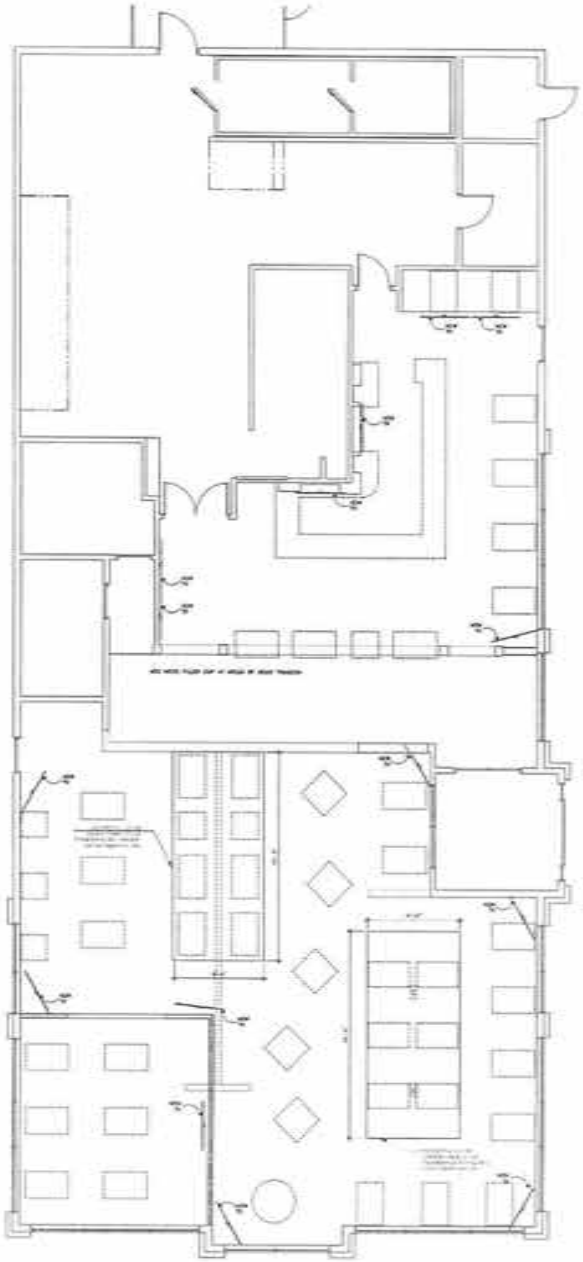
FOR

DANVILLE VA RE, LLC

3585 RIVERSIDE DRIVE
DANVILLE, VA.

DATE: 5-7-19 REVISED 6-5-19
SCALE: 1" = 40'
SHEET: **1 OF 1**

LE&D
PROFFESIONALS, PC



1 REFLECTED CEILING PLAN
SCALE: 3/16" = 1'-0"

General Notes

No.	Revision/Issue	Date

IMES | GROUP

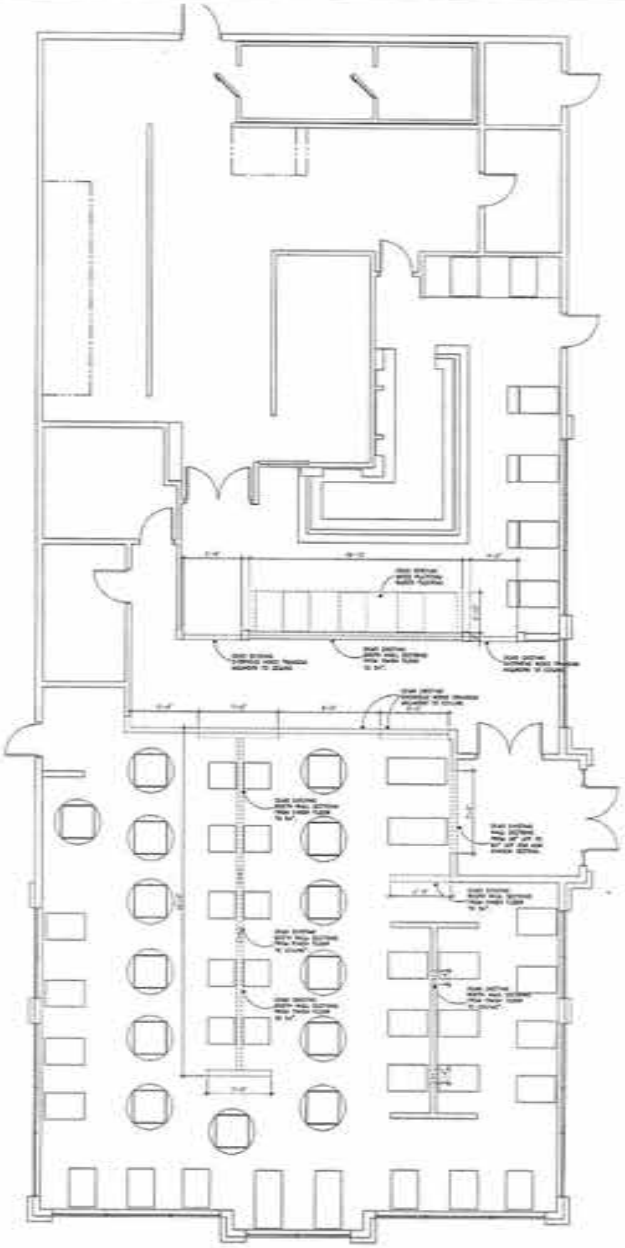
TEXAS
TAP HOUSE
AND SALOON
3565 RIVERSIDE DR
DANVILLE, VA 24541

REFLECTED
CEILING PLAN

AUGUST 4TH 2018

Scale 1/4" = 1'-0"

A102



1 DEMOLITION FLOOR PLAN
SCALE: 3/16" = 1'-0"

General Notes

No.	Revision/Issue	Date

IMES | GROUP

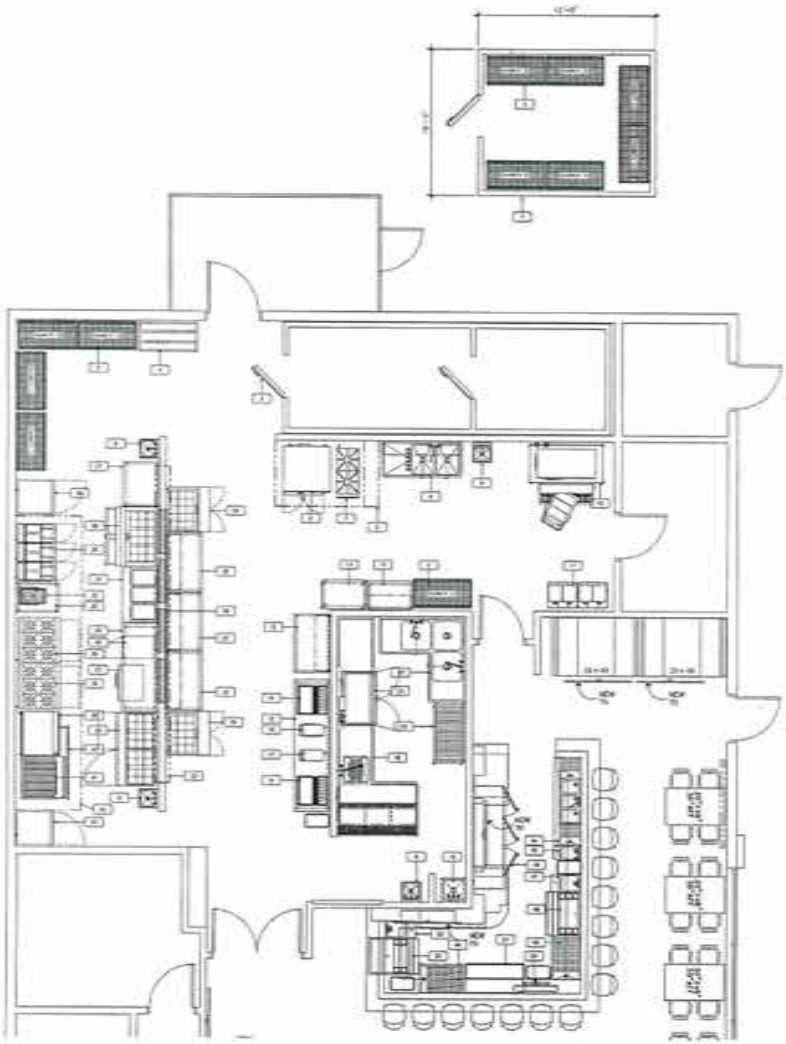
TEXAS
TAP HOUSE
AND SALOON
3585 RIVERSIDE DR
DANVILLE, VA 24541

DEMOLITION
FLOOR PLAN

AUGUST 4TH 2015

Scale 1/4" = 1'-0"

D001



1 KITCHEN EQUIPMENT PLAN
SCALE: 1/4" = 1'-0"

FOODSERVICE EQUIPMENT LIST

1. NEW OUTDOOR WALK-IN
2. SHELVES
3. EXISTING WALK-IN COOLER / FREEZER
4. DUNNAGE RACK
5. EXISTING EXHAUST HOOD
6. DOUBLE STACK CONVECTION OVEN
7. 2 BURNER STOCK POT RANGE
8. EXISTING PREP SINK
9. EXISTING HAND SINKS
10. EXISTING ICE MACHINE AND BIN
11. BAR IN BOX SYSTEM BY FOREMOST
12. EXISTING TABLES
13. EXISTING MOBILE TABLE
14. DROP IN ICE AND BEVERAGE DISPENSER COPY BY FOREMOST
15. EXISTING BEVERAGE TABLE
16. EXISTING TEA BREWER
17. EXISTING COFFEE BREWER
18. EXISTING MOP SINK
19. EXISTING SOILED DISHTABLE
20. EXISTING DISH SHELVING
21. EXISTING DISH MACHINE
22. EXISTING SWEET COMP SINK
23. EXISTING STAINLESS PASS SHELF
24. 36" REFRIGERATED SANDWICH UNIT 2DTH
25. 48" WORK TABLE 2DTH
26. 48" STRIP HEAT LAMP 4DTH
27. 30" WORK TABLE
28. SINGLE SECTION REACH IN FREEZER
29. 48" REFRIGERATED SANDWICH UNIT
30. THREE BAMM FRYER SYSTEM
31. THREE SECTION STEAM TABLE
32. HEATED FRY DUMP STATION
33. 24" WORK TABLE
34. 96" WORK TABLE
35. ALTO SHAAM UNDERCOUNTER
36. 6 BURNER RANGE 2DTH
37. HEATED DRAWERS
38. 36" FLAT GRILL
39. 60" REFRIGERATED SANDWICH UNIT
40. 72" REFRIGERATED EQUIPMENT STAND
41. 36" CHARBROILER
42. EXISTING EXHAUST HOOD
43. SINGLE SECTION REACH IN REFRIGERATOR
44. EXISTING UNDERBAR THREE COMP SINK
45. EXISTING UNDERBAR HAND SINK
46. THREE SECTION UNDER BAR COOLER W/ GLASS DOORS
47. EXISTING DUMP SINK
48. EXISTING ICE BIN
49. UNDERBAR 24" DRAIN BOARD 2DTH
50. BEER TOWER AND SYSTEM
51. 48" SLIDE TOP COOLER
52. EXISTING PASS THRU ICE BIN
53. EXISTING DUMP SINK

General Notes

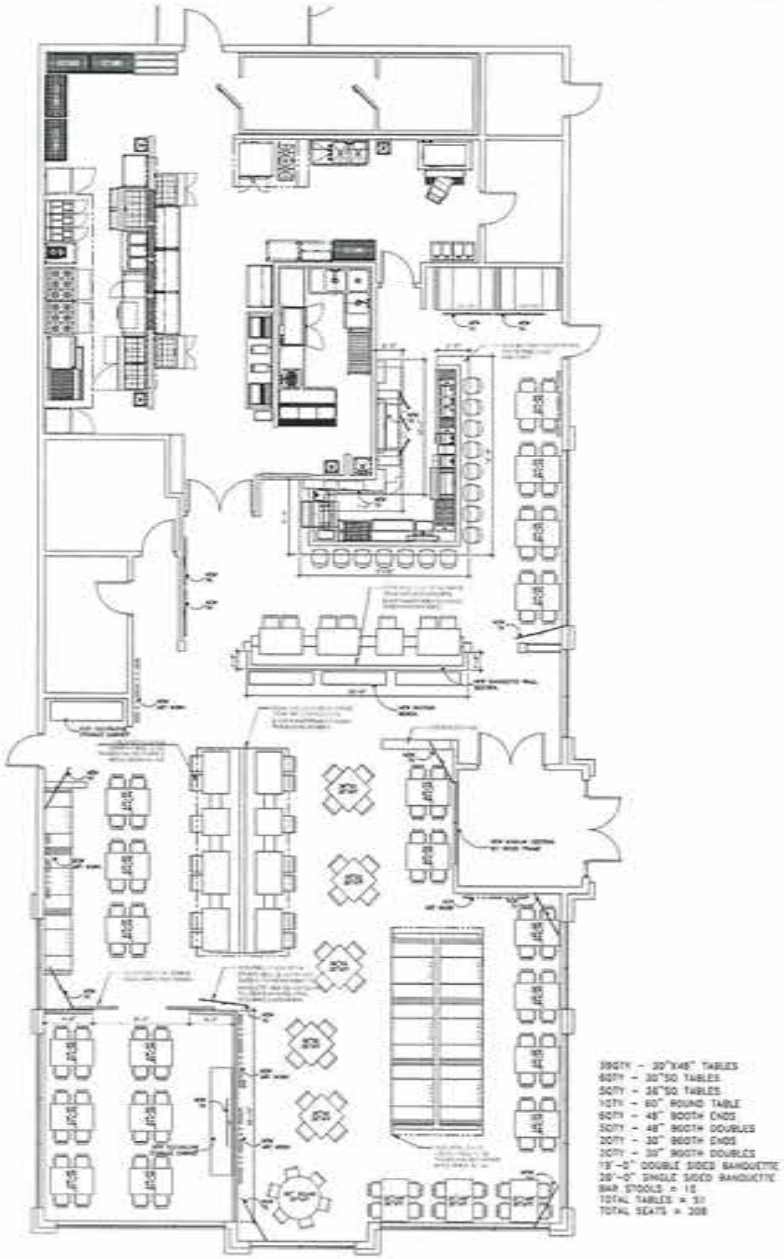
No.	Revision/Issue	Date

IMES | GROUP

TEXAS
TAP HOUSE
AND SALOON
3585 RIVERSIDE DR
DANVILLE, VA 24541

FOODSERVICE
EQUIPMENT PLAN

MARCH 29TH 2019
Scale 1/4" = 1'-0"
FS101



39QTY - 30"X48" TABLES
6QTY - 30"SQ TABLES
5QTY - 36"SQ TABLES
1QTY - 60" ROUND TABLE
6QTY - 48" BOOTH ENDS
5QTY - 48" BOOTH DOUBLES
2QTY - 30" BOOTH ENDS
2QTY - 30" BOOTH DOUBLES
19'-0" DOUBLE SIDED BANQUETTE
28'-0" SINGLE SIDED BANQUETTE
BAR STOOLS = 15
TOTAL TABLES = 51
TOTAL SEATS = 208

1 NEW FURNITURE FLOOR PLAN
SCALE: 3/16" = 1'-0"

General Notes

No.	Revision/Issue	Date

IMES | GROUP

TEXAS
TAP HOUSE
AND SALOON
3585 RIVERSIDE DR
DANVILLE, VA 24541

DEMOLITION PLAN AND NEW FURNITURE FLOOR PLAN

AUGUST 4TH 2019

Scale 1/4" = 1'-0"

A101

Item 17

Certificate of Use and Occupancy

CITY OF DANVILLE, VIRGINIA
Department of Community Development
Inspections Division

This Certificate issued pursuant to the requirements of Section 116 of the 2015 Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City and the Virginia Uniform Statewide Building Code regulating building construction or use.

For the following location:
3585 RIVERSIDE DR, DANVILLE, VA 24541

For occupancy by:
Texas Steak and Ale House

Use Group:
A-2

Type of Construction:
5B = Wood framing with NO rating

Building Owner and Address:
DANVILLE VA RE LLC
14504 HERTZ QUAIL SPRINGS PKWY
OKLAHOMA CITY, OK 73134

Occupancy Load: Dinning - 238 Kitchen - 30 = Total 268

CODE	PERMIT#	INSPECTOR	FINAL APPROVED
Commercial Building Permit	PRBC201901515	William C. Willis Jr	24 Oct 2019
Electrical Permit	PRE201901674	John Thompson	23 Oct 2019
Mechanical Permit	M030133	Richard Phelps	21 July 2003
Plumbing Permit	P030036	Charles Fulcher	02 July 2003
Fire Inspection		Jay Thornton	25 Oct 2019

Conditions or Modifications:

FIRE SPRINKLER SYSTEM NOT REQUIRED AND NOT INSTALLED

NOTE: Legal use of this structure may also require a Certificate of Zoning Compliance.

Building Official

October 25, 2019
Date

POST IN A CONSPICUOUS PLACE

Council Letter
City of Danville, Virginia

CL-2248 **New Business H.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 395 Mount Cross Road

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

A request has been filed by Jagjit Singh on behalf of Suhasons Inc., requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 395 Mount Cross Road, otherwise known as Grid 1709, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Jagjit Singh, the applicant, is requesting a Special Use Permit for commercial recreation at 395 Mount Cross Road. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money. Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns. This item was tabled at the Planning Commission meeting on September 9, and October 7, to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns. This facility had a Certificate of Occupancy for a Mercantile use. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, fire extinguishers, as well as other life safety items. This facility has been re-inspected to determine compliance with this change in use of the building and a new Certificate of Occupancy has been issued with a maximum occupancy of 25 persons. This facility has 13 marked parking spaces.

The facility itself is 2,688 sq. ft. which requires 11 parking spaces as only a convenience store. With 13 marked spaces, there is only space available for a single machine based on staff's recommendations of one space per machine and one needed for the employee of the facility. (11+1+1).

At their meeting of November 12, 2019, the Planning Commission voted 6-1 to recommend approval subject to the following conditions:

1. There shall be no more than one machine on site; and
2. The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday, and 8:00 a.m. and 11:00 p.m. on Saturday; and
3. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines); and
4. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
5. All entrances/exits to the exterior of the building are to be lit at night; and
6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
7. The required parking shall be provided on-site with no off-site substitutions, and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

RECOMMENDATION

The City Planning Commission recommends that Danville City Council adopt an Ordinance granting Special Use Permit application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons Inc., requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 395 Mount Cross Road, otherwise known as Grid 1709, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. There shall be no more than one machine on site; and
2. The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday, and 8:00 a.m. and 11:00 p.m. on Saturday; and
3. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines); and
4. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
5. All entrances/exits to the exterior of the building are to be lit at night; and
6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
7. The required parking shall be provided on-site with no off-site substitutions, and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

Attachments

Ordinance

Planning Backup

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2019____._____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000294, FILED BY JAGJIT SINGH ON BEHALF OF SUHASONS INC., REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 395 MOUNT CROSS ROAD, OTHERWISE KNOWN AS GRID 1709, BLOCK 004, PARCEL 000002 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons Inc., requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 395 Mount Cross Road, otherwise known as Grid 1709, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map, is hereby received, subject to the following conditions:

1. There shall be no more than one machine on site; and

2. The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and

3. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines); and

4. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and

5. All entrances/exits to the exterior of the building are to be lit at night; and

6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and

7. The required parking shall be provided on-site with no off-site substitutions; and

8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons Inc., requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 395 Mount Cross Road, otherwise known as Grid 1709, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map, is hereby granted and approved, subject to the following conditions:

1. There shall be no more than one machine on site; and

2. The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and

3. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines); and

4. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and

5. All entrances/exits to the exterior of the building are to be lit at night; and

6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and

7. The required parking shall be provided on-site with no off-site substitutions; and

8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
Assistant City Attorney

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2019

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons Inc., requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 395 Mt. Cross Rd., otherwise known as Grid 1709, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend approval of the request subject to the following conditions:

1. There shall be no more than one machine on site.
2. The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
3. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines)
4. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
5. All entrances/exits to the exterior of the building are to be lit at night; and
6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
7. The required parking shall be provided on-site with no off-site substitutions.
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

Michael W. Scearce (KCG)
Mr. Michael Scearce, Chairman

RESPONSES

Five (5) notices were sent to property owners within three hundred (300) feet of the property. Three (3) property owners returned statements. Two (2) property owners are not opposed to the request (MJRW Inc, Daniel Group Inc). One (1) property owners are opposed to the request (Durham).

COMMENTS:

"Opposed due to parking problems" Durham

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

City Planning Commission

City Planning Commission
Meeting of November 12, 2019

Subject:

Special Use Permit application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons Inc., requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 395 Mt. Cross Rd., otherwise known as Grid 1709, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Jagjit Singh, the applicant, is requesting a Special Use Permit for commercial recreation at 395 Mt. Cross Rd. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This item was tabled at the Planning Commission meeting on September 9 and October 7 to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns. This facility had a Certificate of Occupancy for a Mercantile use. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, and fire extinguishers, as well as other life safety items. This facility has been re-inspected to determine compliance with this change in use of the building and a new Certificate of Occupancy has been issued with a maximum occupancy of 25 persons. This facility has 13 marked parking spaces.

The facility itself is 2,688 sq. ft. which requires 11 parking spaces as only a convenience store. With 13 marked spaces, there is only space available for a single machine based on staff's recommendations of one space per machine and one needed for the employee of the facility. (11+1+1)

Recommendation:

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons Inc., staff recommends the following conditions:

1. The hours of operation for the machine shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine that can be played by a single occupant at one time (no multiple person machines)
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the exterior of the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions.
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000294 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000294 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000294 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000294 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000294 by Planning Commission.

Attachments:

A. Application
B. Property Ownership/Zoning Map
C. Data Sheet
D. Existing Land Use Map (2019 Aerial)
E. Existing CO

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:

Indoor recreation permit for use of HHR Game machines and Diamond Skill games sit down and standup.

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

1. NAME: KIRPAL SINGH TELEPHONE: 631-355-3130

MAILING ADDRESS: 5022 Cobblestone Dr. Danville, VA 24540

SIGNATURE: Kirpal Singh DATE: 7/29/19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: SUHASONS@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: JAGJIT SINGH TELEPHONE: 631-223-5451

MAILING ADDRESS: 5022 Cobblestone Dr. Danville, VA 24540

EMAIL ADDRESS: VINTOMAX@GMAIL.COM

SIGNATURE: Jagjit Singh DATE: 7/29/19

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

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE:
Commercial recreation

CASE NUMBER: PLSUP20190000294

EXISTING ZONING: HR-C, Highway Retail Commercial

PROPOSED ZONING: No change

TAX MAP NUMBER: DID 59579

RECEIVED BY: Bryce Johnson

DATE FILED: July 29, 2019

PLANNING COMMISSION DATE: Sept. 9, 2019

CITY COUNCIL DATE: Oct. 1, 2019

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

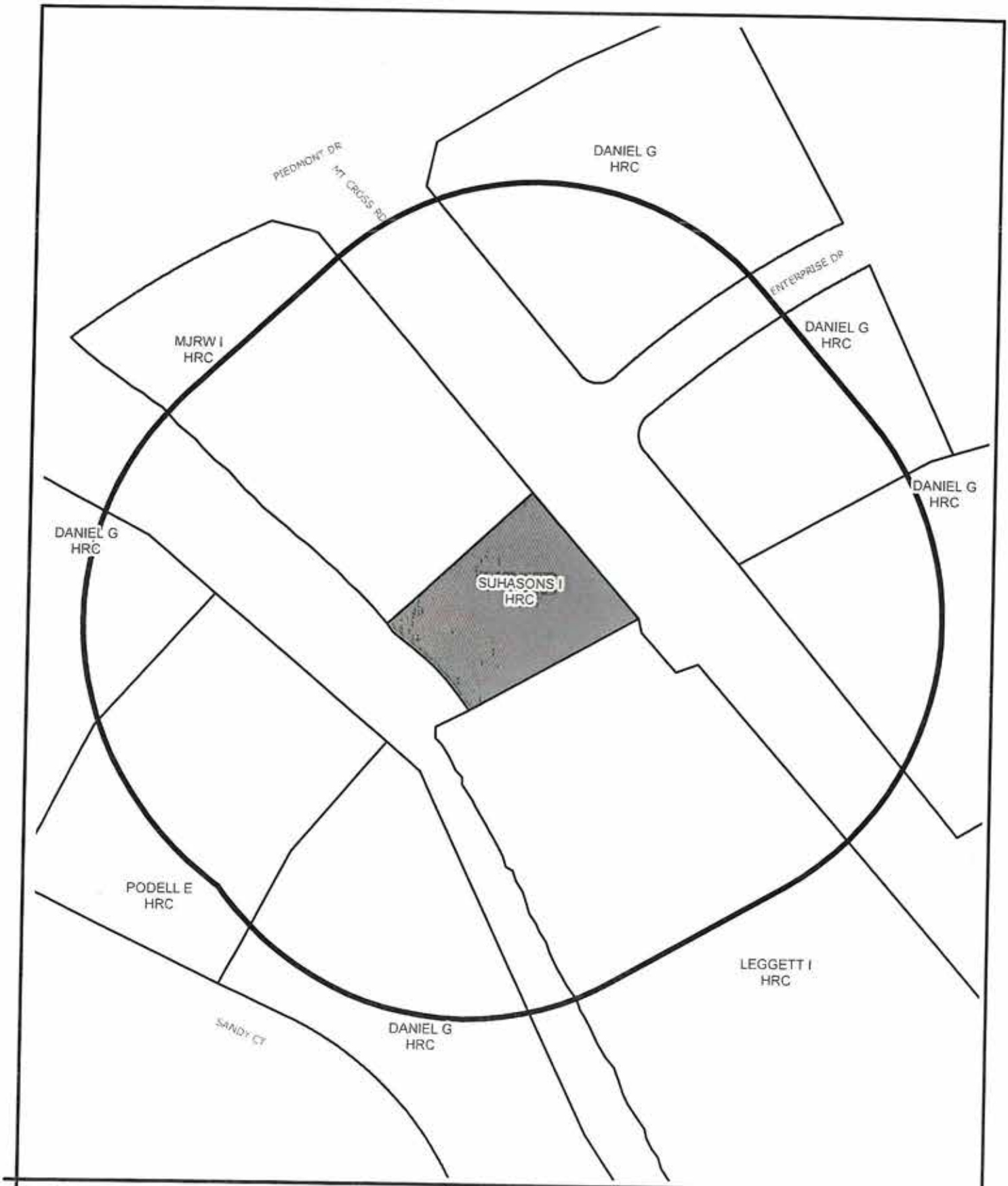
Exact legal description of property (Attach if insufficient space).
162.57 FT NO 1A MT CROSS RD

Gross Area/Net Area: 2688 Property Address: 395 MT CROSS RD

Property Location: N S E W Side of:

Between: Piedmont Dr. and OLD RIVERSIDE DR.

Proffered Conditions (if any, please attach):



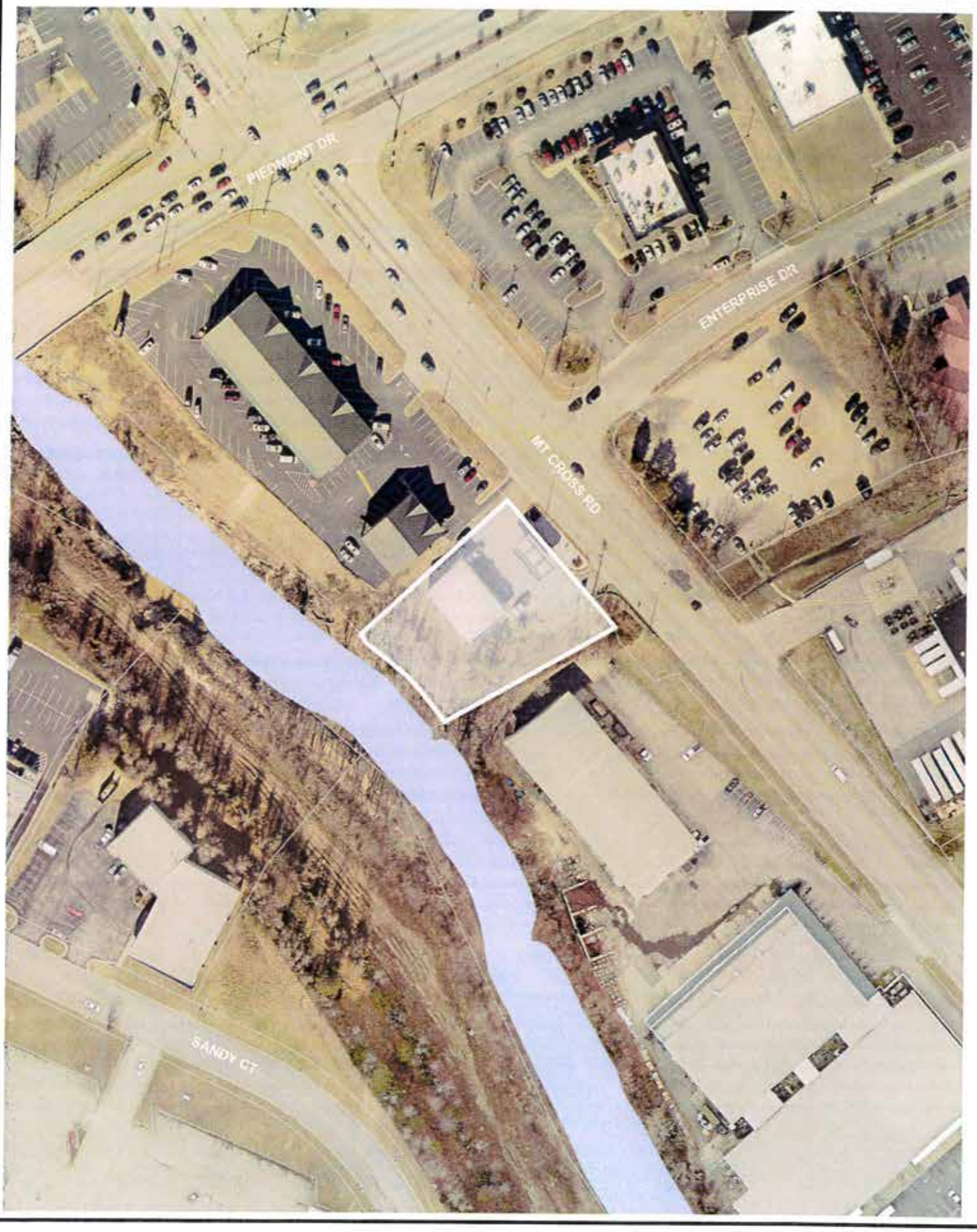
SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

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.

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES:	Planning Commission at 3pm on September 9, 2019 City Council (tentative) at 7pm on October 1, 2019
LOCATION OF PROPERTY:	395 Mt. Cross Rd.
PRESENT ZONE:	HR-C, Highway Retail Commercial
PROPOSED ZONE:	No change
ACTION REQUESTED:	Special Use Permit for commercial recreation
PRESENT USE OF PROPERTY:	Convenience store
PROPOSED USE OF PROPERTY:	Convenience store with indoor gaming
FUTURE LAND USE DESIGNATION:	Regional Commercial
PROPERTY OWNER (S):	Suhasons Inc.
NAME OF APPLICANT (S):	Jagjit Singh
PROPERTY BORDERED BY:	Commercial on all sides
ACREAGE:	0.59 acres (25,700 sq. ft.)
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Mt. Cross Rd.
TRAFFIC VOLUME:	Moderate



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

Community Dev. & Engineering

DEPARTMENT OF ENGINEERING AND PLANNING

CITY OF DANVILLE, VIRGINIA

CERTIFICATE OF USE AND OCCUPANCY

****

Pursuant to Section 119 of the Virginia Uniform Statewide Building Code, the application of Pulch & Plants
whose structure is located at 395 Mt. Cross Rd.
Danville, Virginia, is hereby certified to be in compliance with the Virginia Uniform Statewide Building Code, Section 34 of the Code of the City of Danville, Virginia, and/or other applicable codes.

This structure is in Use Group M-Mercantile

This structure has a Fire Grade of:
(Table 902, Building Code) 1402
Class
Hours

The maximum live load on floors:
a. First floor -
b. Second floor -
c. Others -

The occupancy loads on floors:
(Section 606, 806 Building Code)
a. First floor 27
b. Second floor -
c. Others -

CODE						INSPECTOR	DATE	REMARKS
BUILDING	PLUMBING	ELECTRIC	HEALTH	FIRE	ZONING			
✓						[illegible]	[illegible]	
						[illegible]	[illegible]	
						[illegible]	[illegible]	
						[illegible]	[illegible]	
						[illegible]	[illegible]	
						[illegible]	[illegible]	

Certificate of Use and Occupancy No. [illegible]

Building Official: [illegible] Date: [illegible]

Item 1

Certificate of Use and Occupancy

CITY OF DANVILLE, VIRGINIA
Department of Community Development
Inspections Division

This Certificate issued pursuant to the requirements of Section 116 of the 2015 Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City and the Virginia Uniform Statewide Building Code regulating building construction or use.

For the following location:
395 MT CROSS RD, DANVILLE, VA 24540

For occupancy by:
Quick N Plenty

Use Group:
B - Business

Type of Construction:
3B = Exterior masonry with wood floor and/or roof, NO rating

Building Owner and Address:

SUHASONS INC
395 MT CROSS RD
DANVILLE, VA 24540

Occupancy Load: 25 Persons

CODE	PERMIT#	INSPECTOR	FINAL APPROVED
Certificate of Use & Occupancy Without a Permit	PRCOUO201902038	Dennis J. Bisson	1 Nov 2019
Building Inspection	PRCOUO201902038	William Willis	1 Nov 2019
Fire Inspection	PRCOUO201902038	Jay Thornton	1 Nov 2019

Conditions or Modifications: Drinking water shall be provided for all customers during hours of operation at no cost.

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

NOTE: Legal use of this structure may also require a Certificate of Zoning Compliance.

Building Official

Nov 5, 2019
Date

POST IN A CONSPICUOUS PLACE

Council Letter
City of Danville, Virginia

CL-2245 **New Business I.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 730 Piney Forest Road.

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

A request has been filed by Mohammad Nawaz Khan on behalf of Elegance Investment LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 730 Piney Forest Road, otherwise known as Grid 1815, Parcel 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Mohammad Nawaz Khan, the applicant, is requesting a Special Use Permit for commercial recreation at 730 Piney Forest Road. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use of a convenience store. These gaming activities include an opportunity to obtain money. General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

The applicant provided an updated Certificate of Occupancy at the November 12, 2019, Planning Commission meeting. This facility has 9 conforming, marked parking spaces, with one being a handicapped accessible space on site. The facility itself is 2,107 sq. ft.; this requires 11 spaces for the store. At their meeting, the applicant claimed to have 14 parking spaces marked, so the Planning Commission recommended approval. After the Planning Commission meeting, staff visited the site again and determined that 5 of the spaces are not conforming per code, as they do not have the required 24' travel way if a vehicle is using the existing gasoline pumps. There is also a dumpster located in one space rendering it useless for automobile parking.

At their meeting of November 12, 2019, the Planning Commission voted 6-1 to recommend that City Council approve the request subject to the following conditions:

1. Staff confirm that the parking on site comply with the below minimums as these were provided after staff inspection and not confirmed for size and travel lane restrictions; and
2. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m., Sunday through Friday, and 8:00 a.m. and 11:00 p.m. on Saturday; and

3. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted; and
4. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
5. All entrances/exits to the building are to be lit at night; and
6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
7. The required parking shall be provided on-site with no off-site substitutions; and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes, and
9. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

RECOMMENDATION

The Planning Commission voted 6-1 to recommend that City Council adopt an Ordinance granting Special Use Permit application PLSUP20190000303, filed by Mohammad Nawza Kahn on behalf of Elegance Investment LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 730 Piney Forest Road, otherwise known as Grid 1815, Parcel 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. Staff confirm that the parking on site comply with the below minimums as these were provided after staff inspection and not confirmed for size and travel lane restrictions; and
2. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m., Sunday through Friday, and 8:00 a.m. and 11:00 p.m. on Saturday; and
3. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses. If a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted; and
4. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
5. All entrances/exits to the building are to be lit at night; and
6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
7. The required parking shall be provided on-site with no off-site substitutions; and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes, and
9. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

While Planning Commission recommended approval based on information provided by the applicant at the meeting, staff has subsequently found the site to be non-conforming due to parking that was created afterwards that doesn't comply with Code minimums and can not support the granting of this request.

Attachments

Ordinance

Planning Backup

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2019____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PLSUP201900000303, FILED BY MOHAMMAD NAWAZ KHAN ON BEHALF OF ELEGANCE INVESTMENT LLC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 730 PINEY FOREST ROAD, OTHERWISE KNOWN AS GRID 1815, PARCEL 003, PARCEL 000006 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP201900000303, filed by Mohammad Nawaz Khan on behalf of Elegance Investment LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 730 Piney Forest Road, otherwise known as Grid 1815, Parcel 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map, is hereby received, subject to the following conditions:

1. Staff confirm that the parking on site comply with the below minimums as these were provided after staff inspection and not confirmed for size and travel lane restrictions; and

2. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and

3. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted; and

4. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and

5. All entrances/exits to the building are to be lit at night; and

6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and

7. The required parking shall be provided on-site with no off-site substitutions; and

8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes; and

9. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

AND BE IT FURTHER ORDAINED THAT in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP201900000303, filed by Mohammad Nawaz Khan on behalf of Elegance Investment LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 730 Piney Forest Rd, otherwise known as Grid 1815, Parcel 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map, is hereby granted and approved, subject to the following conditions:

1. Staff confirm that the parking on site comply with the below minimums as these were provided after staff inspection and not confirmed for size and travel lane restrictions; and

2. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and

3. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted; and

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7. The required parking shall be provided on-site with no off-site substitutions; and

8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes; and

9. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
Assistant City Attorney

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2019

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP201900000303, filed by Mohammad Nawaz Khan on behalf of Elegance Investment LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 730 Piney Forest Rd, otherwise known as Grid 1815, Parcel 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend approval of the request subject to the following conditions:

1. Staff confirm that the parking on site comply with the below minimums as these were provided after staff inspection and not confirmed for size and travel lane restrictions
2. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
3. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and
4. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
5. All entrances/exits to the building are to be lit at night; and
6. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and

7. The required parking shall be provided on-site with no off-site substitutions; and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
9. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.
    1.

Michael W. Scearce (KCG)
Mr. Michael Scearce, Chairman

RESPONSES

Seventeen (17) notices were sent to property owners within three hundred (300) feet of the property. One (1) property owner returned statement. Zero (0) property owners are not opposed. One (1) property owner is opposed to the request. (Hancock)

COMMENTS:

See Attached.

MEMORANDUM

DATE: **November 12, 2019**

TO: **PLANNING COMMISSION**

FROM: **PLANNING STAFF**

SUBJECT: **RESPONSE FROM NEIGHBORING PROPERTY OWNERS.**

REQUEST:

Special Use Permit application PLSUP201900000303, filed by Mohammad Nawaz Khan on behalf of Elegance Investment LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 730 Piney Forest Rd, otherwise known as Grid 1815, Parcel 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RESPONSES:

Seventeen (17) notices were sent to property owners within three hundred (300) feet of the property. One (1) property owner returned statement. Zero (0) property owners are not opposed. One (1) property owner is opposed to the request. (Hancock)

COMMENTS:
See Attached.

To the City of Danville Planning Commission

From : Jesse Hancock Owner of 748 Piney Forest Road

REF: Special use permit application #PLSUP20190000303

730 Piney forest Road Indoor Gaming

I came to the last meeting but was unable to stay for the whole time because of employment schedule. I did submit a letter of NOT in Favor for this application. I heard an attorney for one applicant actually compare these gaming machnes with pinball machines. I am not sure what is sadder. Someone actually believing that or thinking others will. let us call it what it is. LEGALIZED GAMBLING! You can not polish a sneaker nor put lipstick on a pig.

With that in mind, a lot of issues will arise from it. Gambling addiction, drugs, theft, vandalism, prostitution etc! will only rise.

I already have enough issues at my location.

1. Trash from the store
2. Store does not clean up trash on lot and dumpster is not used properly and trash comes over on me.
3.People hang out and use our lot to park in late at night.
4. Customers shop there and use our outlets on front of building to charge phones and who knows what else.
5. They come over and use our spigot to fill up water jugs while parked at store.
6. Signs are incorrectly displayed at store blocking my entrance which is particularly very dangerous for the elderly patients. I have complained to city on more than 1 occasion.
7. **MOST IMPORTANTLY :** the store patrons that use our building on the side and rear to urinate, defecate, drink and do drugs. This happens more than you would believe. I have actually had them turn and face me while urinate as they tell me mind my own business when I try to run them off .

8. There is not enough parking.

All of my existing issues will just increase if these so called gaming machines are allowed. The city just approved a gaming place to come to Danville. Let them go there in a controlled environment and not disrupt the community unnecessarily.

Please vote **NO and do not approve this permit.**

Thank you
Jesse Hancock
434-548-2672

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

City Planning Commission

City Planning Commission
Meeting of November 12, 2019

Subject:

Special Use Permit application PLSUP201900000303, filed by Mohammad Nawaz Khan on behalf of Elegance Investment LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 730 Piney Forest Rd, otherwise known as Grid 1815, Parcel 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Mohammad Nawaz Khan, the applicant, is requesting a Special Use Permit for commercial recreation at 730 Piney Forest Rd. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use of a convenience store. These gaming activities include an opportunity to obtain money.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This facility does not have a Certificate of Occupancy. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, and fire extinguishers, as well as other life safety items. The facility has been inspected, and has a substantial list of items that would need to be addressed before an updated CO could be issued

This facility has 6 conforming marked parking spaces with one being a handicapped accessible space on site. The facility itself is 2,107 sq. ft. This required 11 spaces for the store.

Recommendation:

Since the facility does not have enough parking to comply with the code for a convienence store, nor have the items from the Inspection of the facilty for the updated CO been completed, staff recommends **DENIAL of the request.**

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000303, staff recommends the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions; and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000303 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000303 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000303 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000303 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000303 by Planning Commission only at the request of the applicant.

Attachments:

A. Application
B. Property Ownership/Zoning Map
C. Data Sheet
D. Existing Land Use Map (2019 Aerial)

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:

SKILL RECREATION MACHINES

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

1. NAME: ~~MOHAMMAD NAWAZ KHAN~~ HILLTOP MART (ELEGANCE TRADING OF USA INC TELEPHONE: 434-429-1235

MAILING ADDRESS:

SIGNATURE: DATE: 8-21-2019

SIGNATURE: DATE:

EMAIL ADDRESS:

APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: MOHAMMAD NAWAZ KHAN TELEPHONE: 434-429-1235

MAILING ADDRESS: 730 PINEY FOREST ROAD DANVILLE VA 24540

EMAIL ADDRESS: nawazkhattak@MSN.COM

SIGNATURE: DATE: 8-1-2019

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

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE: Commercial recreation

CASE NUMBER: PCSUP 20190000 [redacted]327

EXISTING ZONING: HR-C, Highway Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: PIN 77859

RECEIVED BY: Bryce Johnson

DATE FILED: Aug. 1, 2019 → Have owner signature on Aug. 21

PLANNING COMMISSION DATE: ~~Sept. 9~~ Oct. 7

CITY COUNCIL DATE: ~~Oct. 1~~ Nov. 7

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

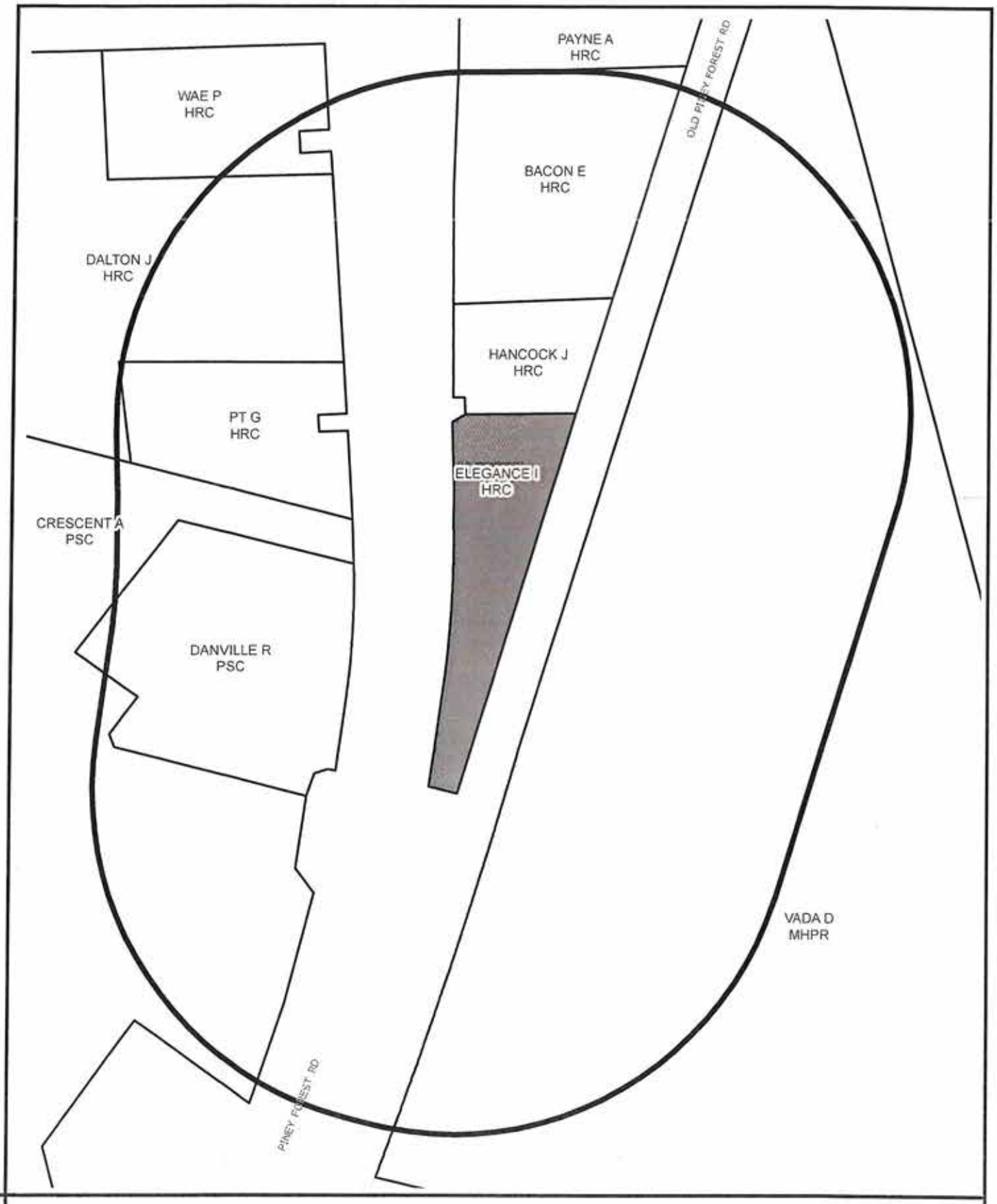
Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: _____ Property Address: 730 PINEY FOREST ROAD DANVILLE 24540

Property Location: N S E W Side of: _____

Between: _____ and _____

Proffered Conditions (if any, please attach): _____



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/21/2019

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.

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES:	Planning Commission at 3pm on October 7, 2019 City Council (tentative) at 7pm on November 7, 2019
LOCATION OF PROPERTY:	730 Piney Forest Rd.
PRESENT ZONE:	HR-C, Highway Retail Commercial
PROPOSED ZONE:	No change
ACTION REQUESTED:	Special Use Permit to allow commercial recreation
PRESENT USE OF PROPERTY:	Convenience store
PROPOSED USE OF PROPERTY:	Existing uses, plus indoor gaming
FUTURE LAND USE DESIGNATION:	Regional Commercial
PROPERTY OWNER (S):	Elegance Investment LLC
NAME OF APPLICANT (S):	Mohammad Nawaz Khan
PROPERTY BORDERED BY:	Commercial to the north, south, and west; residential to the east
ACREAGE:	0.32 acres (1,139.2 sq. ft.)
CHARACTER OF VICINITY:	Primarily commercial with some residential to the east
INGRESS AND EGRESS:	Piney Forest Rd. and Old Piney Forest Rd.
TRAFFIC VOLUME:	High on Piney Forest Rd, low on Old Piney Forest Rd.

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/21/2019

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Certificate of Use and Occupancy

CITY OF DANVILLE, VIRGINIA
Department of Community Development
Inspections Division

This Certificate issued pursuant to the requirements of Section 116 of the 2015 Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City and the Virginia Uniform Statewide Building Code regulating building construction or use.

For the following location:
730 PINEY FOREST RD, DANVILLE, VA 24540

For occupancy by:
Hilltop Mart

Use Group:
B-Business

Type of Construction:
2B = Steel, block, concrete with NO rating

Building Owner and Address:

ELEGANCE INVESTMENT LLC
730 PINEY FOREST RD
DANVILLE, VA 24540

Occupancy Load: 16 Persons

CODE	PERMIT#	INSPECTOR	FINAL APPROVED
Property Maintenance Inspector	PRCOUO201902010	Dennis J. Bisson	11/1/2019
Fire Inspector	PRCOUO201902010	Jay Thornton	11/5/2019
Building Inspector	PRCOUO201902010	William Willis	11/1/2019

Conditions or Modifications: Drinking water shall be provided for all customers during hours of operation at no cost.

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

NOTE: Legal use of this structure may also require a Certificate of Zoning Compliance.

Building Official

Nov. 6, 2019
Date

POST IN A CONSPICUOUS PLACE

Council Letter
City of Danville, Virginia

CL-2241 **New Business J.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 4800 Riverside Drive.

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

A request has been filed by Hewa Jayawardena on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 4800 Riverside Drive, otherwise known as Grid 0709, Block 002, Parcel 000019 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Hewa Jayawardena, the applicant, is requesting a Special Use Permit for commercial recreation at 4800 Riverside Drive. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use; these gaming activities include an opportunity to obtain money. Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July. General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This item was tabled at the Planning Commission meeting on September 9, and October 7, to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns. This facility does not have a Certificate of Occupancy. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, fire extinguishers, as well as other life safety items. This facility has 12 marked parking spaces with one handicapped accessible space on site. This facility has been inspected for a change in use, but has not complied with the requirements of Inspections, so does not have a Certificate of Occupancy. The facility itself is 2,400 sq. ft., which requires 11 parking spaces as only a convenience store. Thus, there is insufficient parking to add gaming machines.

At their meeting of November 12, 2019, the Planning Commission voted 4-3 to recommend denial of the request.

RECOMMENDATION

The City Planning Commission recommends that Danville City Council adopt a Resolution denying Special Use Permit application PLSUP20190000290, filed by Hewa Jayawardena on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 4800 Riverside Drive, otherwise known as Grid 0709, Block 002, Parcel 000019 of the City of Danville, Virginia Zoning District Map.

Attachments

Resolution

Planning Backup

PRESENTED:_____

ADOPTED: _____

RESOLUTION NO. 2019-____.____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000290, FILED BY HEWA JAYAWARDENA ON BEHALF OF JERRY DAVIS, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 4800 RIVERSIDE DRIVE OTHERWISE KNOWN AS GRID 0709, BLOCK 002, PARCEL 000019 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit application PLSUP20190000290, filed by Hewa Jayawardena on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 4800 Riverside Drive, otherwise known as Grid 0709, Block 002, Parcel 000019 of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER RESOLVED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000290, filed by Hewa Jayawardena on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 4800 Riverside Drive, otherwise known as Grid 0709, Block 002, Parcel 000019 of the City of Danville, Virginia Zoning District Map is hereby denied.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2019

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000290, filed by Hewa Jayawardena on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 4800 Riverside Dr., otherwise known as Grid 0709, Block 002, Parcel 000019 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 4-3 to recommend denial of the request.

Michael W. Scearce (FCG)
Mr. Michael Scearce, Chairman

RESPONSES:

Eighteen (18) notices were sent to property owners within three hundred (300) feet of the property. Four (4) property owners returned statements. Three (3) property owners are not opposed to the request (RCCM Properties LLC, RCCM Properties LLC, Triad Ventures LLC et al). One (1) property owners are opposed to the request (Blackwell Torrey J).

COMMENTS:

"Indoor gaming is already at this location. And it's already causing issues!" (Blackwell)

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

City Planning Commission

City Planning Commission
Meeting of November 12, 2019

Subject:

Special Use Permit application PLSUP20190000290, filed by Hewa Jayawardena on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 4800 Riverside Dr., otherwise known as Grid 0709, Block 002, Parcel 000019 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Hewa Jayawardena, the applicant, is requesting a Special Use Permit for commercial recreation at 4800 Riverside Drive. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This item was tabled at the Planning Commission meeting on September 9 and October 7 to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns. This facility does not have a Certificate of Occupancy. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, and fire extinguishers, as well as other life safety items. This facility has 12 marked parking spaces with one handicapped accessible space on site. This facility has been inspected for a change in use, but has not complied with the requirements of the Inspections so does not have a Certificate of Occupancy.

The facility itself is 2,400 sq. ft. which requires 11 parking spaces as only a convenience store. Thus there is insufficient parking to add gaming machines.

Recommendation:

Due to the concerns stipulated at the September and October meetings, and the lack of additional parking spaces on site, staff recommends **DENIAL of the request.**

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000290, staff recommend the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building exterior are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions and,
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000290 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000290 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000290 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000290 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000290 by Planning Commission at the request of the applicant.

Attachments:

A. Application
B. Property Ownership/Zoning Map
C. Data Sheet
D. Existing Land Use Map (2019 Aerial)

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

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE: Commercial recreation

CASE NUMBER: PLSOP201900000290

EXISTING ZONING: HR-C, Highway Retail Commercial

PROPOSED ZONING: No change

TAX MAP NUMBER: PID 72268

RECEIVED BY: Bryan Johnson

DATE FILED: 7/29/2019

PLANNING COMMISSION DATE: Sept. 9, 2019

CITY COUNCIL DATE: Oct. 1, 2019

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

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

~~4912 Riverside~~
4912 Riverside Dr.

Gross Area/Net Area: 60'x40'=2,400sq.ft Property Address: 4800 Riverside Dr. Danville VA 24541

Property Location: N S E W Side of: North side of Riverside Dr.West, heading to Martinsville

Between: Old Toyota show room and Harley Davidson show room

Proffered Conditions (if any, please attach): Store business hours: Mon-Sat 7.00 am to 10.00pm and Sundays: 9.00am to 10pm. Closing time will be extended to 11.30pm on demand.

Look forward to resume seven gaming machine activities as it was.

EXPLANATION OF REQUEST:

I. 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. Convenience Store w/Gas. Refer attached plan/sketch
- Vehicular circulation system with points of ingress and egress. Refer attached sketch.
- Existing on-site buildings, separation dimensions and paved areas. One building and a gas canopy with two gas pumps
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided. Refer attached sketch.
- Net acreage. 0.7Acre approximately
- Gross and net square footage of building (s) (proposed and existing). • Gross: 2,400 sq.ft
  Back Room & Rest Room: 215 sq.ft
  Allocated for recreational gaming machines: 120 sq.ft
  Grocery, Beer and Lottery sales: 2,065 sq.ft
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Current building space is good enough to resume seven gaming machines. Ample parking space with 11 regular lots and one assigned for disables. Un assigned space for gasing and miscelaneous parking. Video Survilance and electronic door locking device for customers safety in late evenings has already installed.

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

1. NAME: Davis Jerry R TELEPHONE: 434-250-0240

MAILING ADDRESS: 2505 Riverside Dr. Danville VA 24540

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Hewa M Jayawardena TELEPHONE: 919-649-8755

MAILING ADDRESS: 123 Oakhaven Dr. Danville VA 24541

EMAIL ADDRESS: hjayawardena@yahoo.com

SIGNATURE: Hewa Jayawardena DATE: 07/23/2019

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:

_____

_____

_____

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

1. NAME: JERRY R. DAVIS TELEPHONE: 434 250-0200

MAILING ADDRESS: 2505 Riverside Dr. Danville, Va 24540

SIGNATURE: Jerry R. Davis DATE: July 26, 19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

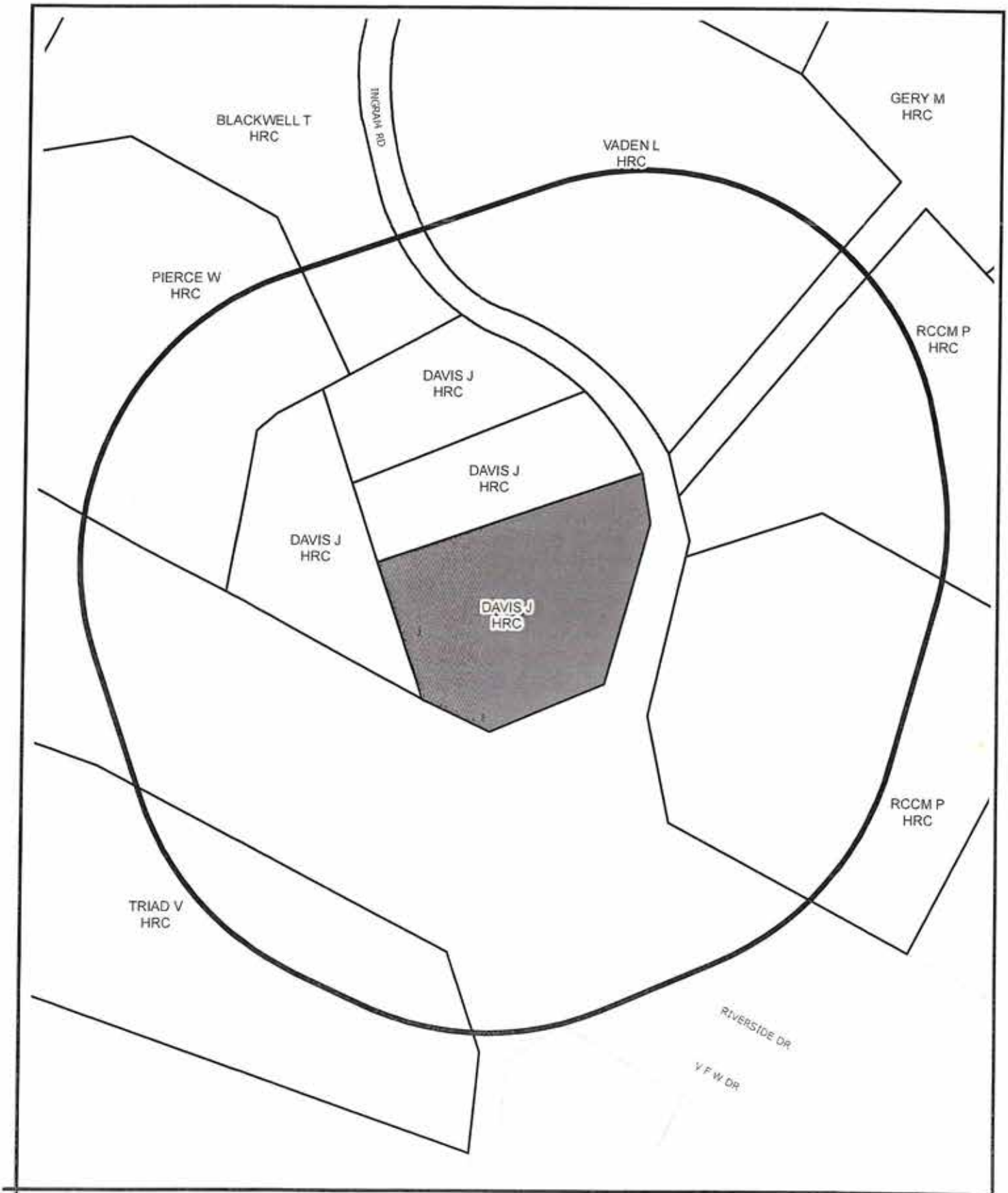
APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Hewa M Jayawardena TELEPHONE: 919. 649. 8755

MAILING ADDRESS: 123, Oakhaven Dr. Danville VA 24541

EMAIL ADDRESS: hjayawardena@yahoo.com

SIGNATURE: Hm Jayawardena. DATE: 07/23/19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/6/2019

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SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES:	Planning Commission at 3pm on September 9, 2019 City Council (tentative) at 7pm on October 1, 2019
LOCATION OF PROPERTY:	4912 Riverside Dr.
PRESENT ZONE:	HR-C, Highway Retail Commercial
PROPOSED ZONE:	No change
ACTION REQUESTED:	Special Use Permit for commercial recreation
PRESENT USE OF PROPERTY:	Convenience store
PROPOSED USE OF PROPERTY:	Convenience store, plus commercial recreation
FUTURE LAND USE DESIGNATION:	Regional Commercial
PROPERTY OWNER (S):	Jerry Davis
NAME OF APPLICANT (S):	Hewa Jayawardena
PROPERTY BORDERED BY:	Commercial on all sides
ACREAGE:	Total: 1.07 acres (46,609 sq. ft.) Convenience Store: 0.55 acres (2,400 sq. ft.)
CHARACTER OF VICINITY:	Commercial, with residential at least 500 ft. away on all sides
INGRESS AND EGRESS:	Riverside Dr. and Ingram Rd.
TRAFFIC VOLUME:	High on Riverside Dr. Low on Ingram Rd.

Parcel ID: 72268

DANVILLE VIRGINIA

- Buildings
- Parcels
- Street Names
- House Numbers

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Date: 7/29/2019

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

Inspection Field Report
Corrective notice

Property address: 4800 Riverside Dr
Property owner: Davis Jerry R
Owner's address: 2505 Riverside Dr
Danville, VA 24540

Date inspected: 10/9/2019
Phone: 919-649-8755

Case #: PRCOUO201901921

Initial inspection Re-inspection Complaint Other

Reason for inspection Certificate of Occupancy/Change of Use

APPROVED REJECTED

CALL FOR RE-INSPECTION BY THIS DATE: _____

Violations:

#1-305.3 Interior surfaces: In the back of store there is a missing ceiling tile. Replace missing ceiling tile.

#2-604.1 Electrical system: Electrical panel missing breakers. All open spaces in electrical panel must be filled with breaker blanks.

#3-604.3 Electrical system hazards: Outside electrical cover is not rated for its current use, open electrical junction box in beer cooler, multiple areas where there are open taps and wires not terminated in junction boxes, wires shall terminate properly into junction boxes on the inside and outside, and electrical wire behind counter is not rated to run on top of the floor. Install proper weathertight cover on outside receptacle, and all open junction boxes including open taps must be installed to code, along with properly installing wire into junction boxes and remove the wire running on the ground behind the counter.

#4-605.3 Lighting distribution and luminaries: Some of the lights don't work. Repair all lights so that they work as intended.

#5-702.3 Doors: Front exit door needs a key to unlock the door from the interior. Egress must be made without the use of keys, special knowledge or effort.

Failure to list any violation shall not be deemed a waiver of such violation. Please call the inspections office between the hours of 8:00am-5:00pm Monday-Friday to schedule a re-inspection.

Sincerely,

Dennis J. Bisson Jr. PMO
Property Maintenance Coordinator
www.danville-va.gov
Bissodj@danvilleva.gov
434-799-5260 Ext 2497

10/15/2019

Attn: Planning Commission Meeting.

Applicant's comments for 10/07/2019 Meeting for Application PLSU20190000290

Sir,

Refer to above subject I do hereby submit followings for your kind perusal.

1. Proposed revised plan for store lay out plan. Annexure attached.
2. Proposed Car Park capacity extension plan. Annexure attached.

Revised Floor Plan

Please refer below the summary of floor area assigned in current set-up and proposed. These figures being shown in detail on attached floor plan.

AREA DISTRIBUTION	Current	Proposed
Behind the Counter	270	225
Main Entrance	18	18
Walk In Cooler	280	280
Utility/Back Room	162	162
Gaming Area	0	280
Rest Room	20	50
Store Grocery Area	1454	1189
TOTAL	**2204**	**2204**

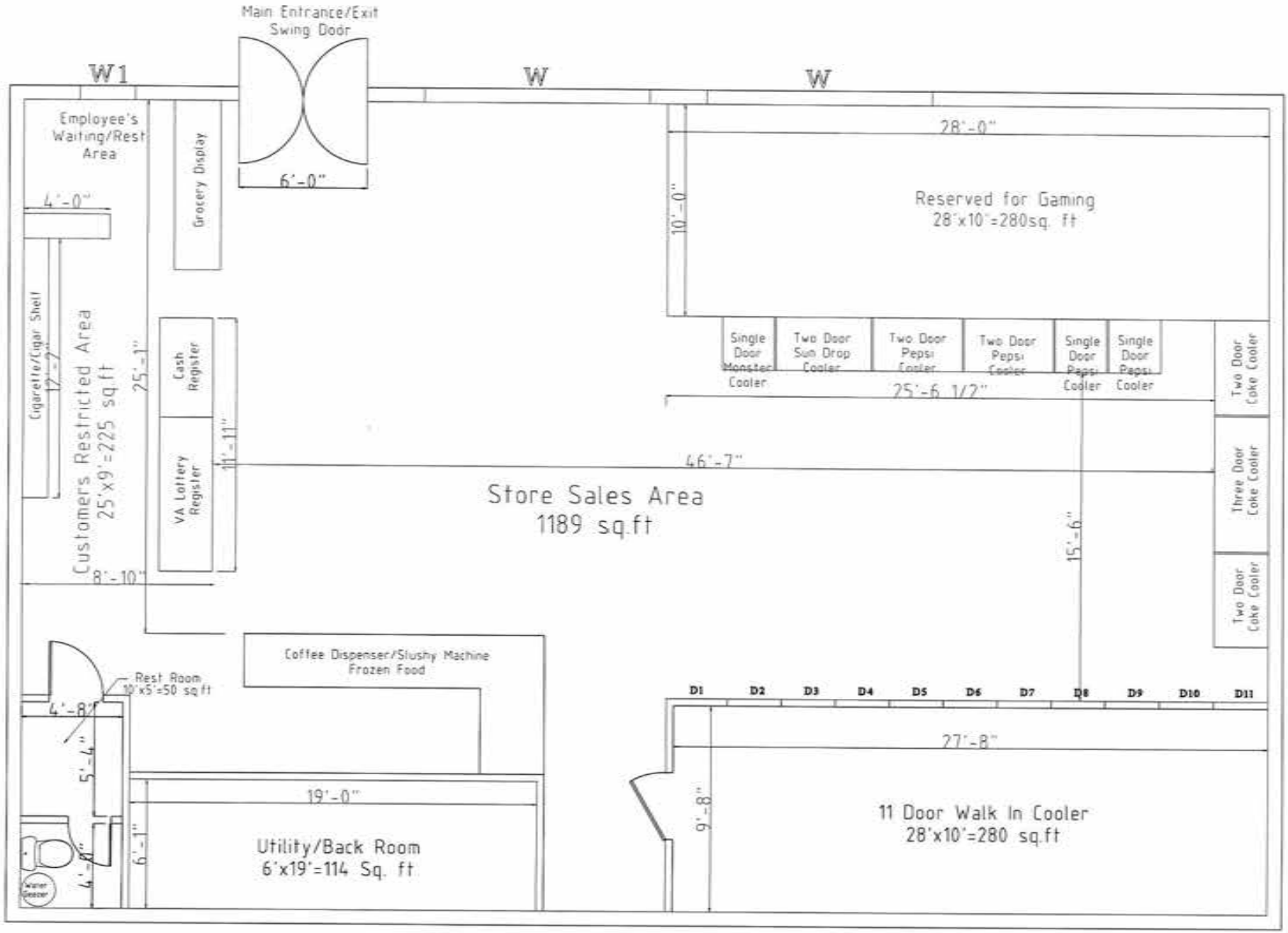
Proposed lay out has separate assigned area of 280 sq. ft for recreational gaming and expanded lay out for Rest Room facility.

Proposed Car Park capacity extension

This was remodeled refer to the limitations described at the discussion on last Tuesday 08th October 2019. It is proved that another four parking lots can be allocated by extending the current parking lay-out.

For your prompt attention please.

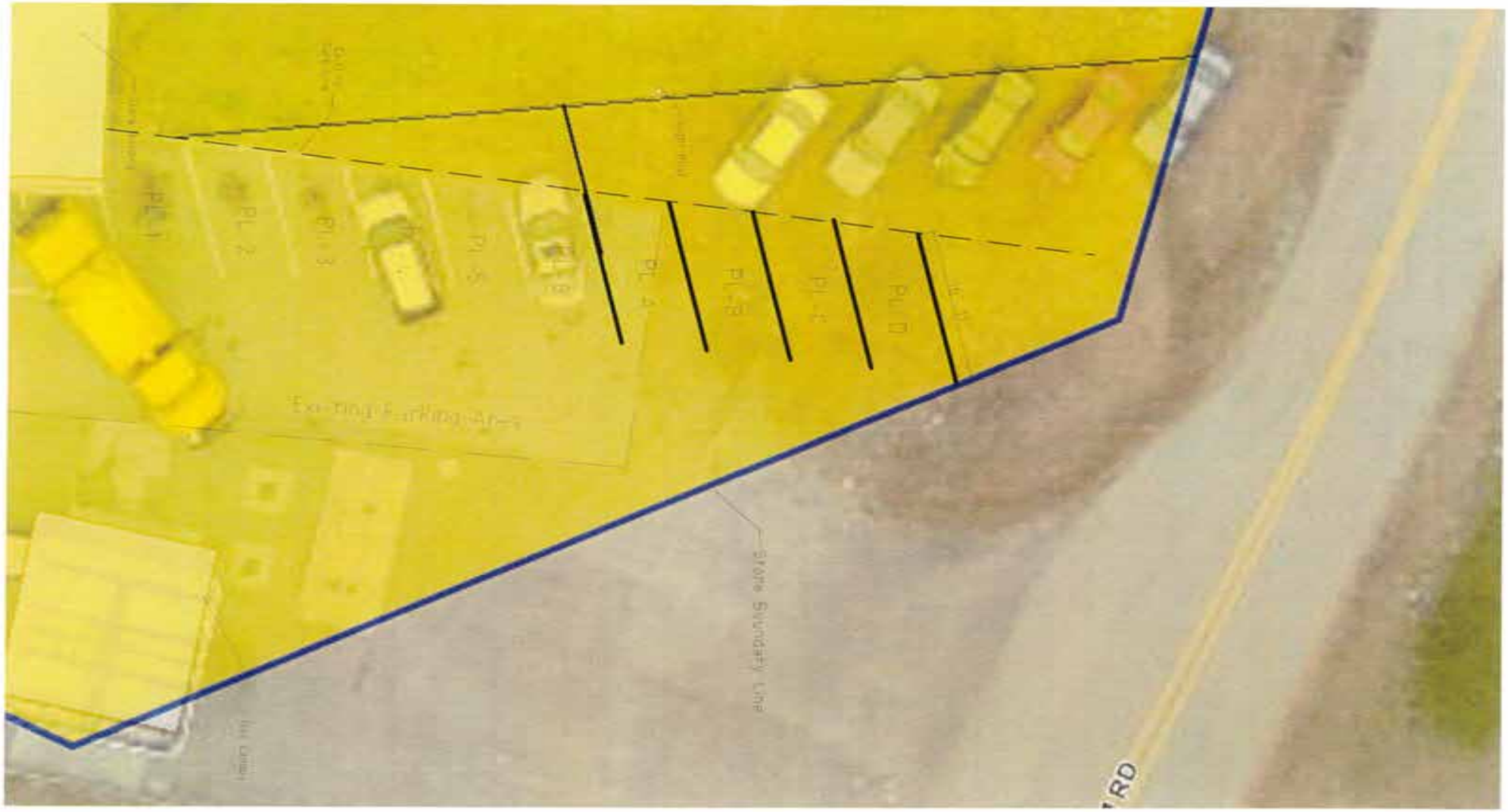
Hewa M Jayawardena



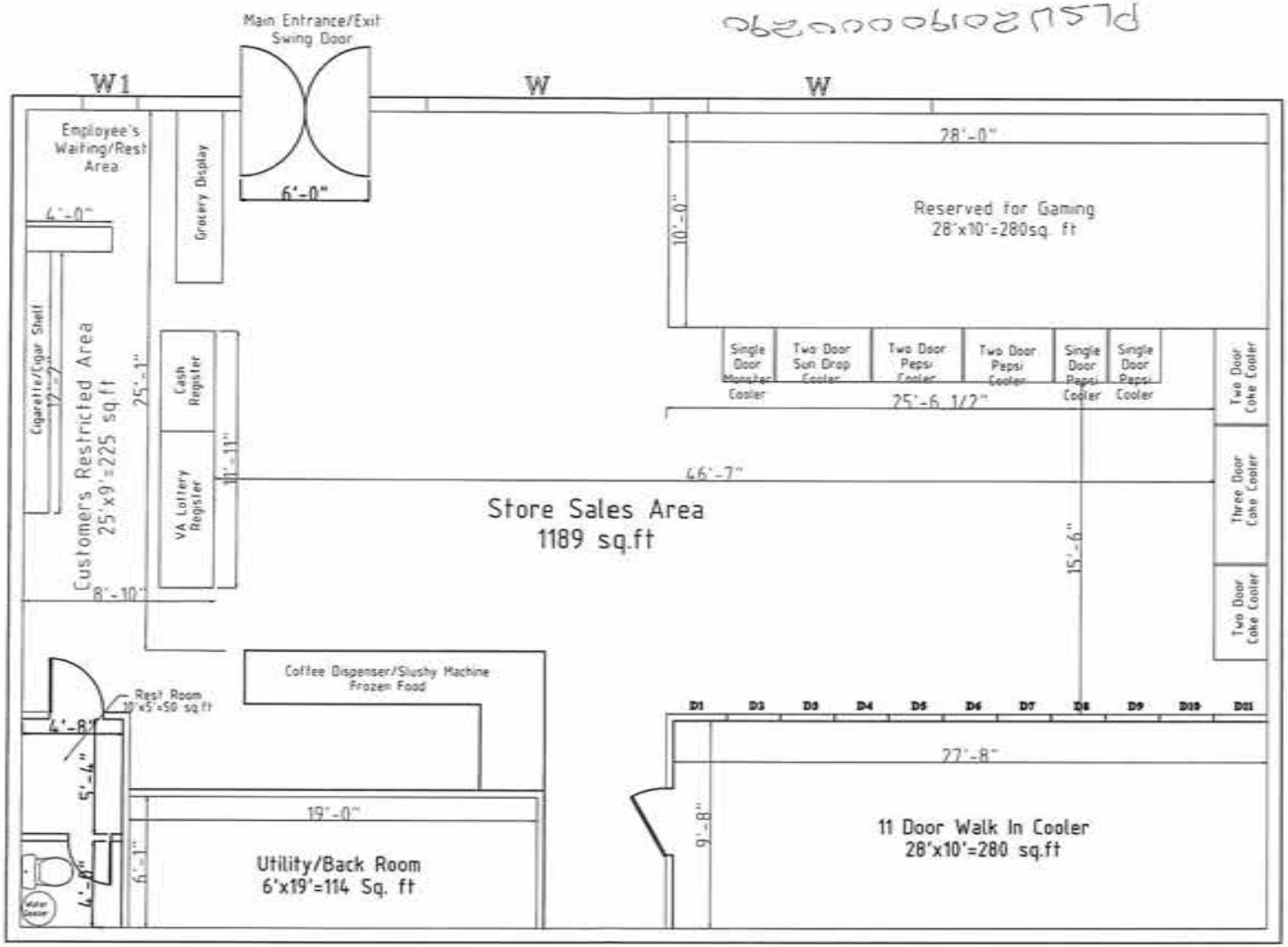
PLSU 2019000029C

W- 10'6" x 5'6" Glass Window

W1 2'6" x 1'10" Sliding Window



PLSU20190000290



W- 10'6" x 5'6" Glass Window

W1 2'6" x 1'10" Sliding Window

Council Letter
City of Danville, Virginia

CL-2242 **New Business K.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 1501 West Main Street.

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

A request has been filed by Shahid Javid on behalf of MKM Partners, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 1501 West Main Street, otherwise known as Grid 0611, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is requesting to have indoor gaming.

BACKGROUND

Shahid Javid, the applicant, is requesting a Special Use Permit for commercial recreation at 1501 West Main Street. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money. Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This item was tabled at the Planning Commission meeting on September 9, and October 7, to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns. This facility does have a Certificate of Occupancy for M Mercantile Use Group. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, fire extinguishers, as well as other life safety items. This facility has not been re-inspected to determine compliance with this change in use of the building. This facility has one marked handicapped parking space and no additional marked spaces so staff cannot state how many are available on site.

Staff listed a number of concerns at the September and October meetings, and still has these same concerns. The Inspections Division nor the Fire Department have reviewed this facility for an updated

Certificate of Occupancy, so occupant load is not determined. The items that were pointed out in September and October have not been addressed.

At their meeting of November 12, 2019, the Planning Commission voted 6-1 to recommend DENIAL of the request.

RECOMMENDATION

The Planning Commission recommends that Danville City Council adopt a Resolution denying Special Use Permit application PLSUP20190000299, filed by Shahid Javid on behalf of MKM Partners, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 1501 West Main Street, otherwise known as Grid 0611, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map.

Attachments

Resolution

Planning Backup

PRESENTED:_____

ADOPTED: _____

RESOLUTION NO. 2019-____.____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000299, FILED BY SHAHID JAVID ON BEHALF OF MKM PARTNERS, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1501 WEST MAIN STREET OTHERWISE KNOWN AS GRID 0611, BLOCK 004, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit application PLSUP20190000299, filed by Shahid Javid on behalf of MKM Partners, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, as amended, at 1501 West Main Street otherwise known as Grid 0611, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER RESOLVED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000299, filed by Shahid Javid on behalf of MKM Partners, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, as amended, at 1501 West Main Street otherwise known as Grid 0611, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map, is hereby denied.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
Assistant City Attorney

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2019

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000299, filed by Shahid Javid on behalf of MKM Partners, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 1501 W Main St. otherwise known as Grid 0611, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend denial of the request.

Michael W. Scearce (KCG)
Mr. Michael Scearce, Chairman

RESPONSES:

Eighteen (28) notices were sent to property owners within three hundred (300) feet of the property. Seven (7) property owners returned statements. One (1) property owners are not opposed to the request (MKM Parnters). Six (6) property owners are opposed to the request (Graveley Ricky Lee & Robbie Lynn, Chastain Marshal Jr & Marjorie J, Calyton Robert Malloy & Betty Davis, Gibson Noah F & Linda J, Leonard David & Joan S, Newcombs Carpet Inc)

COMMENTS:

"We are Christians. We are opposed!" - Graveley Ricky Lee & Robbie Lynn (stated opposed)

"No parking space for this type of activity." - Leonard David & Joan S (stated opposed)

I am only opposed to having their clientel parking in our parking lot (Newcomb Carpet)

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

City Planning Commission

City Planning Commission
Meeting of November 12, 2019

Subject:

Special Use Permit application PLSUP20190000298, filed by Shahid Javid on behalf of MKM Partners, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 1501 W Main St. otherwise known as Grid 0611, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Shahid Javid, the applicant, is requesting a Special Use Permit for commercial recreation at 1501 W. Main St. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This item was tabled at the Planning Commission meeting on September 9 and October 7 to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns. This facility does have a Certificate of Occupancy for M Mercantile Use Group. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, and fire extinguishers, as well as other life safety items.

This facility has not been re-inspected to determine compliance with this change in use of the building. This facility has one marked handicapped parking space and no additional marked spaces so staff cannot state how many are available on site.

Staff listed a number of concerns at the September and October meeting, and still has these same concerns. The Inspections Division nor Fire Department have reviewed this facility for an updated Certificate of Occupancy so occupant load is not determined

Recommendation:

Since items that were pointed out in September and October have not been addressed staff recommends **DENIAL of the request.**

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000298, staff recommend the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building exterior are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions and,
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000298 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000298 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000298 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000298 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000298 by Planning Commission only at the request of the applicant.

Attachments:

A. Application
B. Property Ownership/Zoning Map
C. Data Sheet
D. Existing Land Use Map (2019 Aerial)
E. Existing Certificate of Occupancy

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

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE:
Commercial recreation

CASE NUMBER: PLSUP20190000298

EXISTING ZONING: HR-C, Highway Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: 0611-004-00001, PID 54805

RECEIVED BY: Bryce Johnson

DATE FILED: July 30, 2019

PLANNING COMMISSION DATE: Sept. 9

CITY COUNCIL DATE: Oct. 1

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 Acre.

Property Address: 1501 West Main St

Property Location: N S E W Side of: South on 29 South Business

Between: Edgewood Bowling Club and West Main. Country Dec.

Proffered Conditions (if any, please attach): 5 Machines. 1 Skill Game.

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:

Pool Skill Games.

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

1. NAME: SHAHID JAVID TELEPHONE: (434) 797-1334

MAILING ADDRESS: 1501 West Main St, Danville, VA 24541

SIGNATURE: Shahid Javid DATE: 7/23/19.

SIGNATURE: Shahid Javid DATE:

EMAIL ADDRESS:

APPLICANT (PLEASE TYPE OR PRINT):

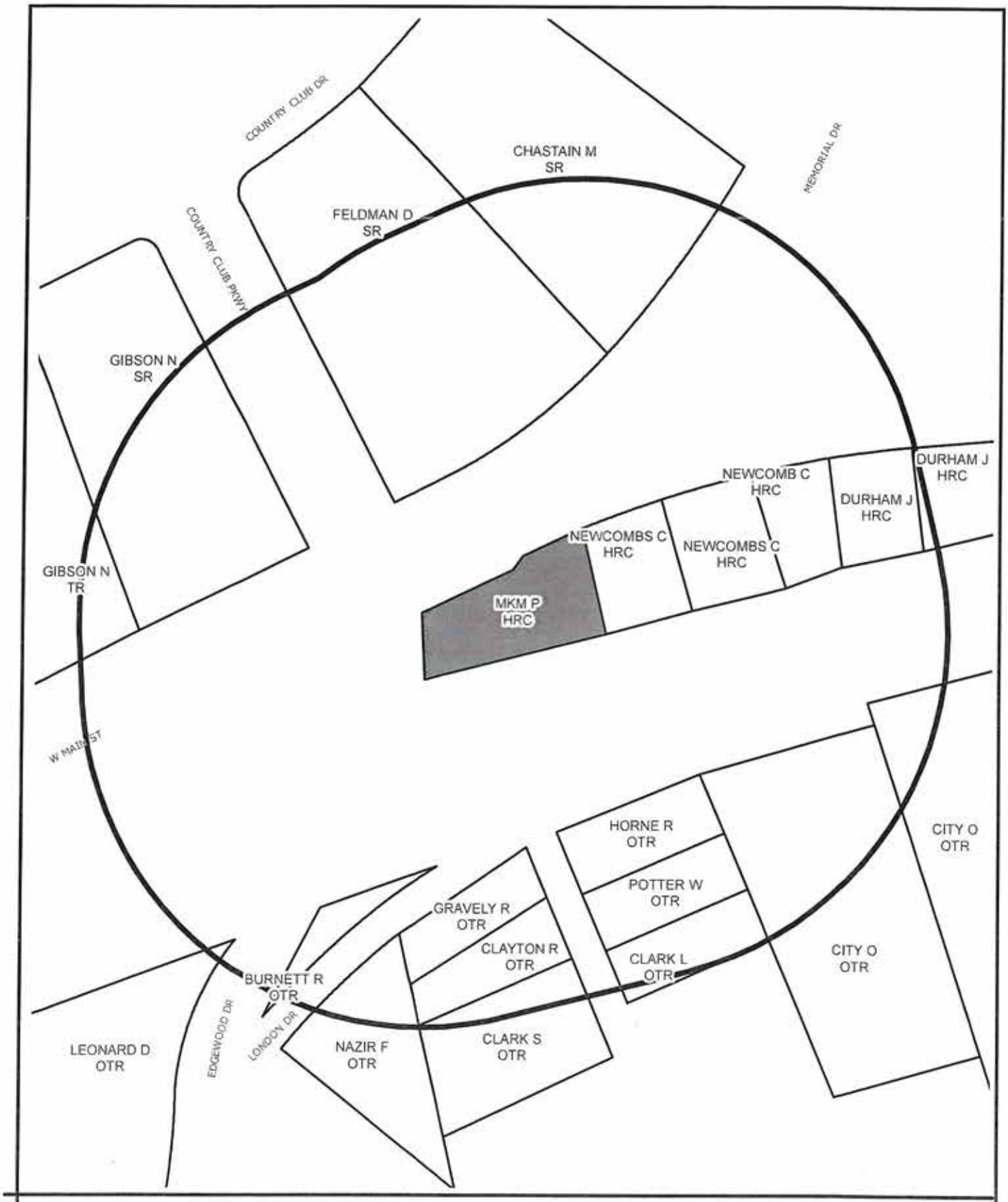
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: SHAHID JAVID TELEPHONE: (434) 797-1334.

MAILING ADDRESS: 1501 WEST MAIN ST, DANVILLE, VA 24541

EMAIL ADDRESS: Shahid Javid 201@GMail.Com

SIGNATURE: Shahid Javid DATE: 7/23/19.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/6/2019

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.

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES:	Planning Commission at 3pm on September 9, 2019 City Council (tentative) at 7pm on October 1, 2019
LOCATION OF PROPERTY:	1501 W Main St.
PRESENT ZONE:	HR-C, Highway Retail Commercial
PROPOSED ZONE:	No change
ACTION REQUESTED:	Special Use Permit to allow commercial recreation
PRESENT USE OF PROPERTY:	Convenience store
PROPOSED USE OF PROPERTY:	Convenience store with indoor gaming
FUTURE LAND USE DESIGNATION:	Regional Commercial
PROPERTY OWNER (S):	MGM Properties
NAME OF APPLICANT (S):	Shahid Javid
PROPERTY BORDERED BY:	Commercial to the east; residential to the north, south, and west
ACREAGE:	0.24 acres (10,454 sq. ft.)
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	W Main St., and Edgewood Dr.
TRAFFIC VOLUME:	High on W Main St. Low on Edgewood Dr.

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/6/2019

DEPARTMENT OF COMMUNITY DEVELOPMENT AND ENGINEERING

CITY OF DANVILLE, VIRGINIA

CERTIFICATE OF USE AND OCCUPANCY

****

Pursuant to Section 117 of the Virginia Uniform Statewide Building Code, the application of Abercrombie Oil Co. whose structure is located at 1501 West Main St. Danville, Virginia, is hereby certified to be in compliance with the Virginia Uniform Statewide Building Code, Section 34 of the Code of the City of Danville, Virginia, and/or other applicable codes.

This structure is in Use Group M-Mercantile

This structure has a Fire Grade of:
(Table 1402, Building Code) Class M
Hours 3

The maximum live load on floors:
a. First floor N/A
b. Second floor
c. Others

The occupancy loads on floors:
(Section 806, Building Code)
a. First floor 39 persons
b. Second floor -
c. Others -

CODE							INSPECTOR	DATE	REMARKS
BUILDING	PLUMBING	ELECTRIC	HEALTH	FIRE	ZONING	MECHAN.			
✓							[illegible]	7-1-87	
	✓						[illegible]	[illegible]	See modif.
		✓					[illegible]	[illegible]	[illegible]
							[illegible]	[illegible]	
							[illegible]	7/2/87	
					✓		[illegible]	[illegible]	
						✓	[illegible]	7-1-87	

Certificate of Use and Occupancy No. [illegible]
Building Official: [illegible] Date: [illegible]

Council Letter
City of Danville, Virginia

CL-2243 **New Business L.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 2100 West Main Street.

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

A request has been filed by Samir Patel on behalf of Dutta Inc., of Virginia, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 2100 West Main Street, otherwise known as Grid 0610, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July. General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This item was tabled at the Planning Commission meeting on September 9, and October 7, to allow facilities to obtain Certificates of Occupancy (CO), and to address the additional parking concerns. This facility does have a Certificate of Occupancy for an M-Mercantile Use Group. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, and fire extinguishers, as well as other life safety items. This facility has been re-inspected to determine compliance with this change in the use of the building, but has not complied with the requirements of Inspections and does not have an updated CO. This facility has 10 marked parking spaces, with one handicapped accessible space on site. The facility itself is 2,878 sq. ft., which requires 16 parking spaces as only a convenience store.

Since this facility is already non-conforming for the parking requirements of a convenience store, and has not complied with the requirements for an updated CO, the Planning Commission voted 6-1 on November 12, 2019, to recommend DENIAL of the request.

RECOMMENDATION

The Planning Commission recommends that City Council adopt a Resolution denying Special Use Permit application PLSUP20190000309, filed by Samir Patel on behalf of Dutta Inc. of Virginia, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 2100 West Main Street, otherwise known as Grid 0610, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map.

Attachments

Resolution

Planning Backup

PRESENTED:_____

ADOPTED: _____

RESOLUTION NO. 2019-____.____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000309, FILED BY SAMIR PATEL ON BEHALF OF DUTTA INC OF VIRGINIA, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED AT 2100 WEST MAIN STREET, OTHERWISE KNOWN AS GRID 0610, BLOCK 004, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit application PLSUP20190000309, filed by Samir Patel on behalf of Dutta Inc of Virginia, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 2100 West Main Street, otherwise known as Grid 0610, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map is hereby received; and

BE IT FURTHER RESOLVED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000309, filed by Samir Patel on behalf of Dutta Inc of Virginia, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 2100 West Main Street, otherwise known as Grid 0610, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map, is hereby denied.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2019

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000309, filed by Samir Patel on behalf of Dutta Inc of Virginia, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2100 W Main St, otherwise known as Grid 0610, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend denial of the request.

Michael W. Scearce (KLG)
Mr. Michael Scearce, Chairman

RESPONSES:

Eighteen (18) notices were sent to property owners within three hundred (300) feet of the property. Eight (8) property owners returned statements. Four (4) property owners are not opposed to the request (Gwynn Timothy W, Gwynn Tim, Dutta Inc of Virginia, Associated Services Corporation). Four (4) property owners are opposed to the request (West Main Properties LLC, Adams Hazel Brown, Adams Hazel B, Martin Steven Anthony).

COMMENTS:

None received

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

City Planning Commission

City Planning Commission
Meeting of November 12, 2019

Subject:

Special Use Permit application PLSUP20190000309, filed by Samir Patel on behalf of Dutta Inc of Virginia, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2100 W Main St, otherwise known as Grid 0610, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This item was tabled at the Planning Commission meeting on September 9 and October 7 to allow facilities to obtain Certificates of Occupancy (CO), and to address the additional parking concerns. This facility does have a Certificate of Occupancy for an M-Mercantile Use Group. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, and fire extinguishers, as well as other life safety items.

This facility has been re-inspected to determine compliance with this change in use of the building but has not complied with the requirements of the inspections and does not have an updated CO. This facility has 10 marked parking spaces with one handicapped accessible space on site.

The facility itself is 2,878 sq. ft., which requires 16 parking spaces as only a convenience store.

Recommendation:

Since this facility is already non-conforming for the parking requirements of a convenience store, and has not complied with the requirements for an updated CO, staff recommends **DENIAL of the request.**

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000309, staff recommends the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions.
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000309 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000309 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000309 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000309 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000309 by Planning Commission only at the request of the applicant.

Attachments:

A. Application
B. Property Ownership/Zoning Map
C. Data Sheet
D. Existing Land Use Map (2019 Aerial)
E. Existing Certificate of Occupancy

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

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

Commercial recreation (indoor)

CASE NUMBER: PLSUP2019000309

EXISTING ZONING: HR-C, Highway Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: 610-004-000001-000 PID 56244

RECEIVED BY: Bryce Johnson

DATE FILED: Aug. 7, 2019

PLANNING COMMISSION DATE: Sept. 9, 2019

CITY COUNCIL DATE: Oct. 1

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

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

Gross Area/Net Area: 24,394 sf. (2878 sf) 0.56 Acer Property Address: 2100 W. Main St.

Property Location: (N) S E W Side of: ~~Ferry Rd.~~ West Main St.

Between: ~~29 North~~ Ferry Rd. and Old Greensboro and along the northwesterly in Danville VA.

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:

New gaming operating Machines
and Skill ~~games~~, games.

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

1. NAME: Samir D. Patel TELEPHONE: (704) 724-1337

MAILING ADDRESS: 2100 W. Main St. Danville VA-24541

SIGNATURE: [signature] DATE: 8/13/19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: samirp67@gmail.com.

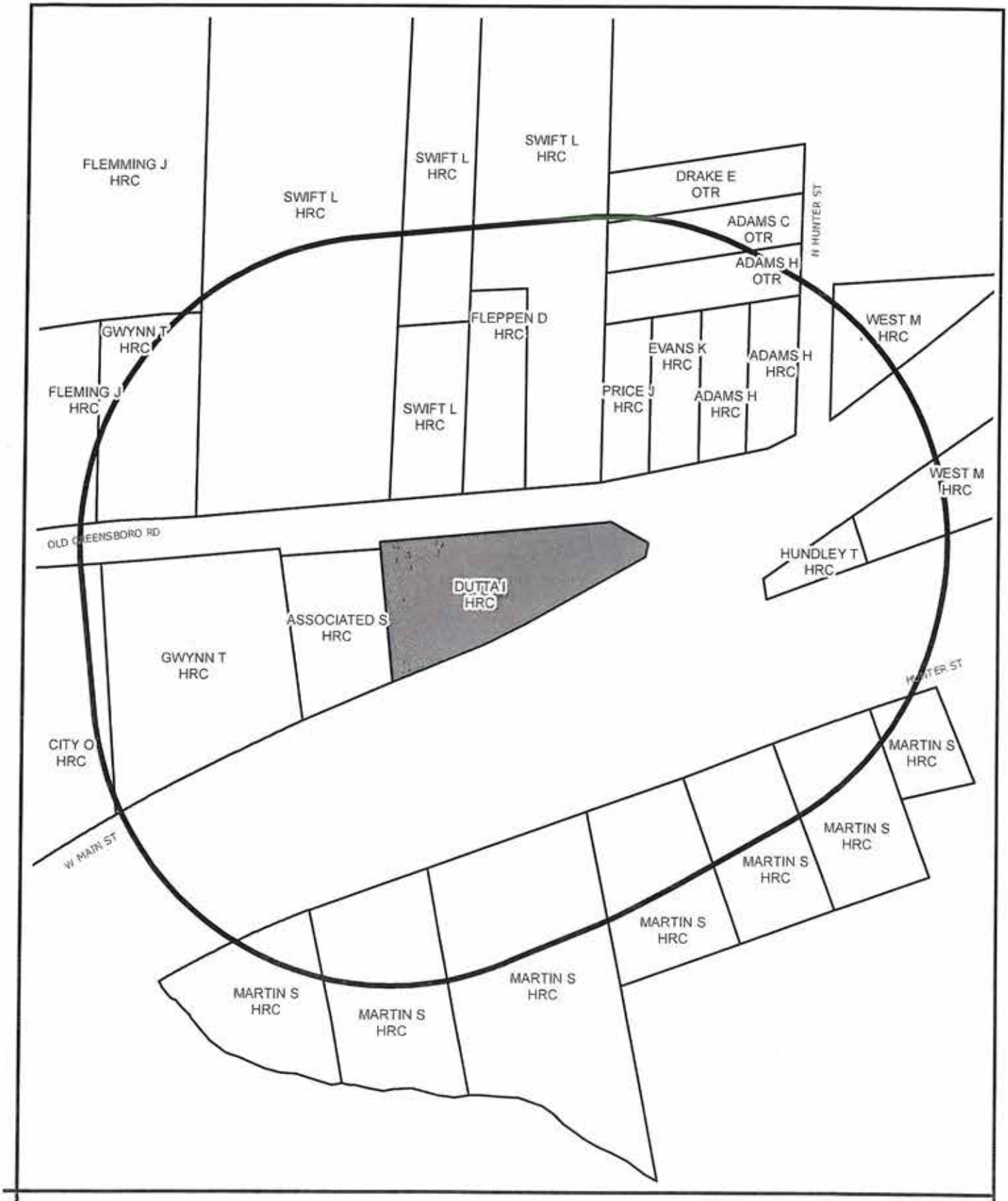
APPLICANT (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

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.

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES:	Planning Commission at 3pm on September 9, 2019 City Council (tentative) at 7pm on October 1, 2019
LOCATION OF PROPERTY:	2100 W Main St.
PRESENT ZONE:	HR-C, Highway Retail Commercial
PROPOSED ZONE:	No change
ACTION REQUESTED:	Special Use Permit for commercial recreation
PRESENT USE OF PROPERTY:	Convenience store
PROPOSED USE OF PROPERTY:	Convenience store with indoor gaming
FUTURE LAND USE DESIGNATION:	Regional Commercial
PROPERTY OWNER (S):	Dutta Inc of Virginia
NAME OF APPLICANT (S):	Samir Patel
PROPERTY BORDERED BY:	Some residential and vacant land to the north and south; commercial to the east and west; railroad to the immediate south
ACREAGE:	0.55 acres (23,958 sq. ft.)
CHARACTER OF VICINITY:	Mixture of both commercial and residential
INGRESS AND EGRESS:	W Main St., and Old Greensboro Rd.
TRAFFIC VOLUME:	High on W Main St., and moderate on Old Greensboro Rd.

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

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 any damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

** CERTIFICATE OF USE AND OCCUPANCY **

DEPARTMENT OF COMMUNITY DEVELOPMENT
AND ENGINEERING

INSPECTIONS DIVISION
CITY OF DANVILLE, VIRGINIA

****

Pursuant to Article 1 of the Uniform Statewide Building Code, the application of CHARLES W. CROWDER, Jr. whose structure is located at 2100 West Main Street Danville, Virginia, is hereby certified to be in compliance with the Uniform Statewide Building Code, 1990 Edition.

This structure is in Use Group M-Mercantile for occupancy as convenience store

This structure has a construction classification of type 3B

The occupancy loads shall be as follows:

Rooms, spaces or floors -

Building Total - 50 persons

CODE		INSPECTOR	DATE	REMARKS
Building	✓	[illegible]	8-17-91	
Plumbing	✓	[illegible]	8-15-91	
Electrical	✓	[illegible]	8/14/91	
Mechanical	✓	[illegible]	8-15-91	
Fire	✓	[illegible]	8-16-91	

Conditions and/or modifications:

NOTE: LEGAL USE OF THIS STRUCTURE MAY ALSO REQUIRE A CERTIFICATE OF ZONING COMPLIANCE.

Building Permit No. 301 Date Issued 4/5/91

Building Official [illegible] Date 8-20-91

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

Inspection Field Report
Corrective notice

Property Address: 2100 W Main Street
Property Owner: Dutta Inc of Virginia
Owner's Address: 2100 W Main St
Danville, VA 24541

Date: 10/8/2019
Phone: 704-724-1337

Case #: PRCOUO201901904

Initial Inspection Re-Inspection Complaint Other

Reason for inspection Certificate of Occupancy/Change of Use

APPROVED REJECTED

CALL FOR RE-INSPECTION BY THIS DATE: _____

Violations:

#1-604.1 Electrical system: No access to the electrical panels. 3 Feet of Clear space must be made in front of all electrical panels.

#2-604.3 Electrical system hazards: Outside electrical switch cover is not rated for its current use. Install proper weathertight cover.

#3-605.3 Lighting distribution and luminaries: Ceiling fan cover above gaming machines has fallen off and missing emergency exit light at front entrance. Install cover to fan as intended and re-install exit light.

#4-702.3 Doors: Front exit door needs a key to unlock the door from the interior. Egress must be made without the use of keys, special knowledge or effort.

*Failure to list any violation shall not be deemed a waiver of such violation.

Sincerely,

Dennis J. Bisson Jr. PMO
Property Maintenance Coordinator
www.danville-va.gov
Bissodj@danvilleva.gov
434-799-5260 Ext 2497

Council Letter
City of Danville, Virginia

CL-2246 **New Business M.**

City Council Regular Meeting

Meeting Date: 12/03/2019

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 3401 Westover Drive

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 12/03/2019

SUMMARY

A request has been filed by Ghulam Hassan, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.J, Section C, Item 2 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 3401 Westover Drive, otherwise known as Grid 9818, Block 005, Parcel 0000023 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Ghulam Hassan, the applicant, is requesting a Special Use Permit for commercial recreation at 3401 Westover Drive. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use of a convenience store. These gaming activities include an opportunity to obtain money. General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This facility does not have a Certificate of Occupancy. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, and fire extinguishers, as well as other life safety items.

This facility has 20 (twenty) conforming marked parking spaces, with one being a handicapped accessible space on site. The facility itself is 2,650 sq. ft. of a retail strip center. The entire center is 6,848 sq. ft., and includes this facility, offices, additional retail space and an automobile repair facility. The required spaces for the entirety of the building would be 39.

At their meeting of November 12, 2019, the Planning Commission voted 6-1 to recommend DENIAL of the request.

RECOMMENDATION

The Planning Commission recommends that City Council adopt a Resolution denying a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.J, Section C, Item 2 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 3401 Westover Drive, otherwise known as Grid 9818, Block 005, Parcel 0000023 of the City of Danville, Virginia Zoning District Map.

Attachments

Resolution

Planning Backup

PRESENTED:_____

ADOPTED: _____

RESOLUTION NO. 2019-____.____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000362, FILED BY GHULAM HASSAN, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.J, SECTION C, ITEM 2 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 3401 WESTOVER DRIVE, OTHERWISE KNOWN AS GRID 9818, BLOCK 005, PARCEL 0000023 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit application PLSUP20190000362, filed by Ghulam Hassan, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.J, Section C, Item 2 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 3401 Westover Drive, otherwise known as Grid 9818, Block 005, Parcel 0000023 of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER RESOLVED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000362, filed by Ghulam Hassan, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.J, Section C, Item 2 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 3401 Westover Drive, otherwise known as Grid 9818, Block 005, Parcel 0000023 of the City of Danville, Virginia Zoning District Map, is hereby denied.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 12, 2019

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000362, filed by Ghulam Hassan, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.J, Section C, Item 2 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 3401 Westover Drive, otherwise known as Grid 9818, Block 005, Parcel 0000023 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend denial of the request.

Michael W. Scearce (KLG)
Mr. Michael Scearce, Chairman

RESPONSES:

Thirteen (13) notices were sent to property owners within three hundred (300) feet of the property. Eight (8) property owners returned statements. Two (Two) property owners are not opposed to the request (Lawson Morris Elmer, Hassan Ghulam & Parveen Eshrat,).Six (6) property owners are opposed to the request (Adkins, Roberts Investment Properties LLC, Key, Bronson, Obrien, Holt

COMMENTS:

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

City Planning Commission

City Planning Commission
Meeting of November 12, 2019

Subject:

Special Use Permit application PLSUP20190000362, filed by Ghulam Hassan, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.J, Section C, Item 2 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 3401 Westover Drive, otherwise known as Grid 9818, Block 005, Parcel 0000023 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Ghulam Hassan, the applicant, is requesting a Special Use Permit for commercial recreation at 3401 Westover Drive. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use of a convenience store. These gaming activities include an opportunity to obtain money.

General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This facility does not have a Certificate of Occupancy. After meetings with both the Inspections Division of Community Development, as well as the City of Danville Fire Department, it has been determined that facilities with these machines should be listed as a B-Business Group. This requires public restrooms, handicapped accessible routes and parking spaces, exit lights, and fire extinguishers, as well as other life safety items.

This facility has 20 conforming marked parking spaces with one being a handicapped accessible space on site. The facility itself is 2,650 sq. ft. of a retail strip center. The entire center is 6,848 sq. ft and includes this facility, offices, additional retail space and an automobile repair facility. The required spaces for the entirety of the building would be 39.

Staff listed a number of concerns at the September and October meeting, and still has these same concerns. The Inspections Division nor Fire Department has reviewed this facility for a Certificate of Occupancy.

Recommendation:

Since the property is non-conforming due to parking, and the site has not been inspected for an updated CO, staff recommends **DENIAL of the reqeuest.**

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000362, staff recommends the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions; and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000362 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000362 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000362 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000362 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000362 by Planning Commission.

Attachments:

A. Application
B. Property Ownership/Zoning Map
C. Data Sheet
D. Existing Land Use Map (2019 Aerial)

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:

Electronic Gaming Machines (2)

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

1. NAME: Keister / Paula F. Richardson TELEPHONE: 434 250-5676

Property Owners →

MAILING ADDRESS: P.O. Box 10567

SIGNATURE: [signature] DATE: 8-26-19

Permission Granted

SIGNATURE: [signature] DATE: 8-26-19

EMAIL ADDRESS: 4richardson@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: Ghulam Hassan TELEPHONE: 336-552.6934

MAILING ADDRESS: 3401 Westover DR. Danville VA 24541

EMAIL ADDRESS: Ghulam Hassan 136@heartmail.com

SIGNATURE: [signature] DATE: 9/4/19

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

APPPLICATION IS HEREBY MADE FOR A SPECIAL USE PERMIT TO AUTHORIZE THE FOLLOWING USE:
SUP for Commercial Indoor Rec

CASE NUMBER: _____ EXISTING ZONING: N-C

PROPOSED ZONING: N-C TAX MAP NUMBER: 9818-005-000023

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

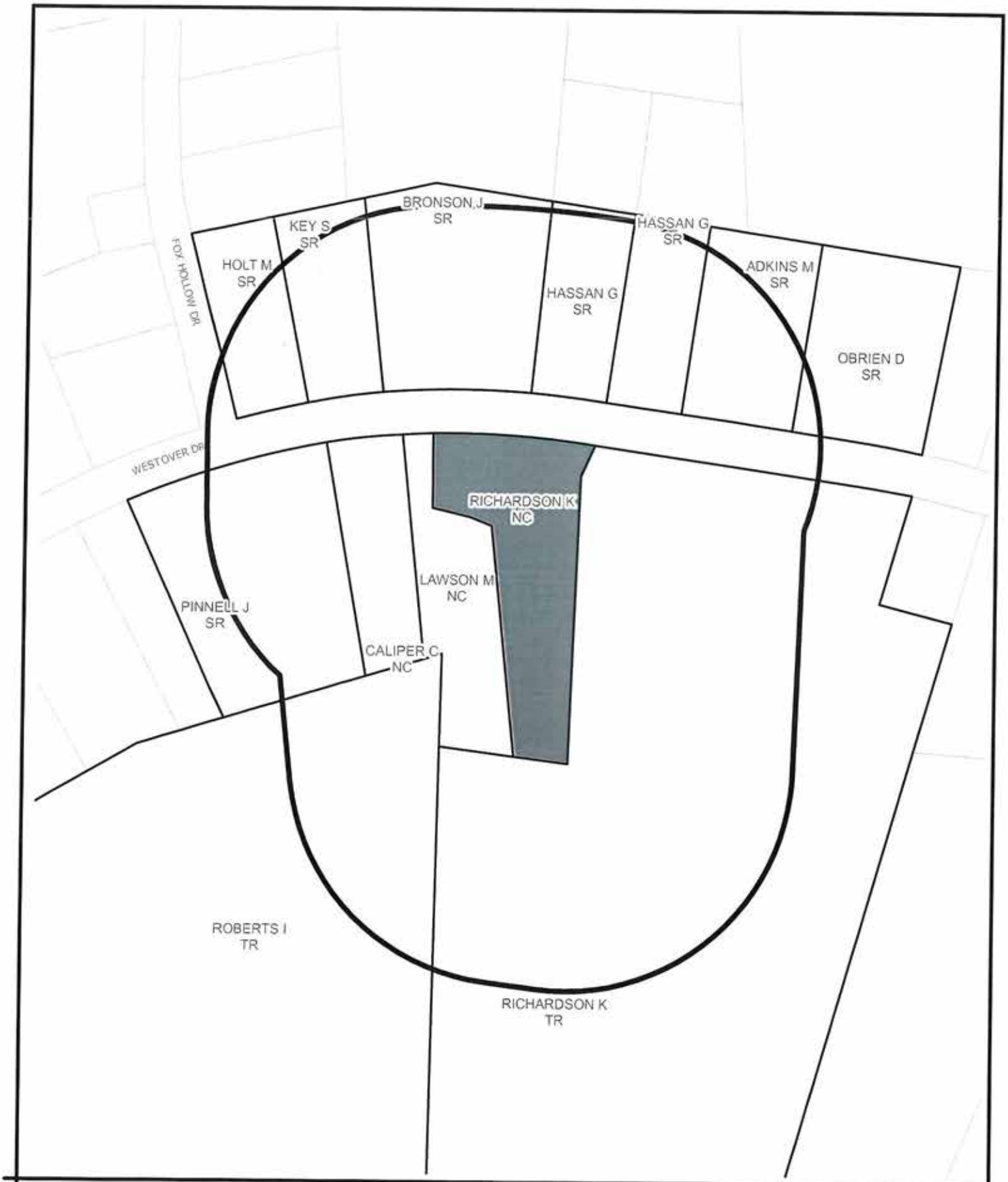
Exact legal description of property (Attach if insufficient space).

Gross Area/Net Area: 6,949 ft² Property Address: 3401 Westover Dr.

Property Location: N S E (W) Side of: Danville

Between: Fox Hollow Dr. and Beech Ave.

Proffered Conditions (if any, please attach): _____



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/24/2019

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SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES:	Planning Commission at 3pm on October 7, 2019
LOCATION OF PROPERTY:	3401 Westover Dr.
PRESENT ZONE:	N-C, Neighborhood Commercial
PROPOSED ZONE:	No change
ACTION REQUESTED:	Special Use Permit for commercial recreation
PRESENT USE OF PROPERTY:	Convenience Store
PROPOSED USE OF PROPERTY:	Existing uses, plus indoor gaming
FUTURE LAND USE DESIGNATION:	Regional Commercial
PROPERTY OWNER (S):	Keister & Paula Richardson
NAME OF APPLICANT (S):	Ghulam Hassan
PROPERTY BORDERED BY:	Some commercial to the immediate west; residential on all remaining sides
ACREAGE:	1.195 acres
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Westover Dr.
TRAFFIC VOLUME:	Moderate on Westover Dr.

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/24/2019

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