



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

November 5, 2020

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL MEMBERS: James B. Buckner
L.G. "Larry" Campbell, Jr.
Samuel A. Kushner
Barry P. Mayo

Dr. Gary P. Miller, Vice Mayor
Sherman M. Saunders
J. Lee Vogler, Jr.,
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.

MEETING MINUTES

- A. Consideration of Approval of Minutes from Regular Council Meeting held on October 6, 2020.
Council Letter Number CL - 2441.

APPOINTMENTS

- A. Consideration of Appointments to Boards and Commissions.
Council Letter Number CL - 2443.
 - 1. A Resolution Appointing Eugene Jackson as a Member of the Airport Commission to fill an Unexpired Term.
 - 2. A Resolution Appointing Anna Kautzman as a Member of the Danville Utility Commission to fill an Unexpired Term.
 - 3. A Resolution Reappointing Russell Reynolds as a Member of the Industrial Development Authority.
 - 4. A Resolution Reappointing T. Neal Morris as a Member of the Industrial Development Authority.

NEW BUSINESS

- A. Consideration of Granting a Special Use Permit at 3230 Riverside Drive.
Council Letter Number CL - 2434.
 - 1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PLSUP20200000183 to Waive Yard Requirements in Accordance with Article 3.N Section C.21 of the Code of the City of Danville Virginia, 1986, As Amended, at 3230 Riverside Drive (Parcel ID #55466) Otherwise Known as Grid 1713, Block 0013, Parcel ID #000002 of the City of Danville Zoning District Map.

B. Consideration of Granting a Special Use Permit for Urban Agriculture at 598 Elizabeth Street.
Council Letter Number CL - 2436.

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PLSUP20200000198 for Urban Agriculture in Accordance with Article 3.E Section C.28 of the Code of the City of Danville Virginia, 1986, As Amended, at 598 Elizabeth Street (Parcel ID #75710). Otherwise Known as Grid 0619, Block 002, Parcel ID #000014 of the City of Danville Zoning District Map.

C. Consideration of Rezoning from S-R Suburban Residential to OT-R Old Town Residential a Portion of 188 Stokesland Avenue.
Council Letter Number CL - 2437.

1. Public Hearing
2. An Ordinance Rezoning from the S-R Suburban Residential Zoning District to the OT-R Old Town Residential Zoning District a 0.3 Acre Portion of 188 Stokesland Avenue (Parcel ID #75418), Otherwise Known as Grid 0616, Block 001, Parcel ID #000016 of the City of Danville, Virginia Zoning District Map.

D. Consideration of Rezoning a ~4.157 Acre Portion of 3311 Riverside Drive.
Council Letter Number CL - 2438.

1. Public Hearing
2. An Ordinance Rezoning from the PS-C Planned Shopping Center Zoning District to the HRC Highway Retail Commercial Zoning District a ~4.157 Acre Portion of 3311 Riverside Drive, (Parcel ID #51741), Otherwise Known as Grid 1713, Block 004, Parcel ID# 000002 of the City of Danville, Virginia Zoning District Map.

E. Consideration of Granting a Special Use Permit to Waive Certain Yard Requirements at 3311 Riverside Drive.
Council Letter Number CL - 2439.

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PLSUP202000000205 to Waive Certain Yard Requirements in Accordance with Article 3.M Section C.21 of the Code of the City of Danville Virginia, 1986, As Amended, at 3311 Riverside Drive (Parcel ID #51741) Otherwise Known as Grid 1713, Block 004, Parcel ID# 000002 of the City of Danville Zoning District Map.

F. Consideration of Rezoning from HR-C, Highway Retail Commercial to LED-1, Light Economic Development District, 116 Maplewood Street.
Council Letter Number CL - 2440.

1. Public Hearing

2. An Ordinance Rezoning from the HR-C Highway Retail Commercial Zoning District to the LED-1 Light Economic Development District Zoning District 116 Maplewood Street (Parcel ID #60494), Otherwise Known as Grid 1920 Block 002, Parcel ID #000001.001 of the City of Danville, Virginia Zoning District Map.

- G. Revising Extra Duty Rates for Hiring Off Duty Police Officers.
Council Letter Number CL - 2410.

An Ordinance Authorizing and Approving Revised Extra Duty Hourly Rates for Hiring Off Duty Police Officers Effective December 1, 2020.

- H. Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for HUD Funds in the Amount of \$1,197,477.
Council Letter Number CL - 2426.

An Ordinance Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Projects to be or being Undertaken to Improve the Danville Community Financed with Community Development Block Grant, Home Investment Partnership Funds from the U.S. Department of Housing and Urban Development, and Estimated Program Income for a Total Appropriation of \$1,197,477.

FIRST READING

- I. Consideration of Amending the Fiscal Year Budget Appropriation Ordinance for the Proceeds of the Issuance of Bonds.
Council Letter Number CL - 2429.

An Ordinance Amending the Fiscal Year 2021 Budget Appropriation Ordinance by Anticipating the Proceeds from the Issuance of Bonds and Appropriating Same for Anticipated Expenditures

FIRST READING

- J. Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Food Service Operations at W.W. Moore, Jr., Detention Home in the Amount of \$51,491.
Council Letter Number CL - 2406.

An Ordinance Amending the Fiscal Year 2021 Budget Appropriation Ordinance for a Federal Grant in the Amount of Approximately \$51,491 to Aid the Food Service Operations at W. W. Moore, Jr. Detention Home and Appropriating Same.

FIRST READING

- K. Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Electronic Monitoring and Outreach Detention Programs and Prevention Services in the Amount of \$126,829.
Council Letter Number CL - 2418.

An Ordinance Amending the Fiscal Year 2021 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice in the Amount of \$86,999 and a Local Share of \$39,830, for a Total Appropriation of \$126,829, to Provide for the Electronic Monitoring and Outreach Detention Programs and Prevention Services for the City of Danville at the W. W. Moore Jr. Detention Home and Appropriating Same.

FIRST READING

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-2441

Meeting Minutes A.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 11/05/2020

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on October 6, 2020.

Council Letter Number CL - 2441.

Attachments

Meeting Minutes

October 6, 2020

The Regular October meeting of the Danville City Council was held on October 6, 2020, 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, Samuel A. Kushner, Barry P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, 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.

INVOCATION

The Invocation was given by Vice Mayor Gary P. Miller; the Invocation was followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones read a Proclamation entitled Head Start Awareness Month in the City of Danville, and presented it to Tara K. Martin, Executive Director of Danville Head Start.

Mayor Jones read a Proclamation entitled Fire Prevention Week and presented it to Richard Guill, Assistant Fire Marshall and Tim Duffer, Deputy Fire Chief.

Mayor Jones recognized Sheriff Mike Mondul who gave an update on the COVID outbreak at the City Jail, and Assistant Chief of Police Dean Hairston who discussed procedures Adult and Juvenile Detention were following for COVID.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Michael Elder of Charlottesville, Virginia who discussed the Corona Virus, and also discussed the police department, and crimes that have been ignored in the City.

Mayor Jones recognized Lucida Vasquez, 1586 Fulton Heights who spoke about COVID in the City Jail.

Mayor Jones recognized Detra Betts, Executive Director of Haven of the Dan River Region who discussed the upcoming Heels to Heal event; Sheila Baynes reviewed other upcoming fundraising events for Haven.

MEETING MINUTES

Upon **Motion** by Council Member Campbell and **second** by Council Member Buckner, Minutes from the September 1, 2020 meeting were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

NEW BUSINESS

APPROVING AND AUTHORIZING A CABLE FRANCHISE AGREEMENT WITH VERIZON

Mayor Jones opened the floor for a Public Hearing regarding a Cable Franchise Agreement with Verizon. Notice of the Public Hearing was published in the *Danville Register & Bee* on September 22, 2020 and September 29, 2020. No one present desired to be heard and the Public Hearing was closed.

October 6, 2020

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

ORDINANCE NO. 2020-10.01

APPROVING AND AUTHORIZING A NEGOTIATED FRANCHISE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS.

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

Council Member Kushner expressed concern with this item, stating the ordinance will grant Verizon a ten year franchise. He was aware this was a non-exclusive franchise; if someone else wants to come into this market and provide alternate services for equal or superior value they were welcome to do so. Mr. Kushner noted he would like to call for a Substitute Motion that the Council approve an ordinance granting Verizon a five year, non-exclusive franchise. The Substitute Motion was **seconded** by Council Member Whittle. Mr. Whitfield explained Council would first have to vote on the Substitution Language and if that passes, then vote on the Substituted Motion as a whole. Council Member Vogler questioned, was there a particular reason why they wanted ten years. Assistant City Attorney Ryan Dodson explained ten was the number of years they offered; it was an area of discussion they can have with them. Mr. Vogler noted he was fine with five years, and Mr. Dodson noted he will reach out to the company the next day; Mr. Whittle noted he thought they should negotiate a lessor rate as well. Mr. Dodson stated it was his understanding the amounts the City asked for were the maximum they were allowed to ask for under state law.

The Motion for the Substitute Language was **carried** by the following vote:

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

Council Member Buckner **moved** for adoption of the Substitute Motion.

APPROVING AND AUTHORIZING A NEGOTIATED FRANCHISE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS

The Motion was **seconded** by Council Member Whittle, and the Substitute Motion was **carried** by the following vote:

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

RESOLUTIONS IN SUPPORT OF PROPOSED VIRGINIA DEPARTMENT OF TRANSPORTATION SMART SCALE PROJECTS

CONSIDERATION OF A VIRGINIA DEPARTMENT OF TRANSPORTATION SMART SCALE APPLICATION FOR PIEDMONT DRIVE PEDESTRIAN ACCESSIBILITY IMPROVEMENTS

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

RESOLUTION NO. 2020-10.01

October 6, 2020

ENDORSING A SMART SCALE APPLICATION BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF PIEDMONT DRIVE PEDESTRIAN ACCESSIBILITY IMPROVEMENTS.

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

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

CONSIDERATION OF A VIRGINIA DEPARTMENT OF TRANSPORTATION SMART SCALE APPLICATION FOR RIVERSIDE DRIVE IMPROVEMENTS FROM ARNETT BOULEVARD TO MAIN STREET

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

RESOLUTION NO. 2020-10.02

ENDORSING A SMART SCALE APPLICATION BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF RIVERSIDE DRIVE IMPROVEMENTS FROM ARNETT BOULEVARD TO MAIN STREET

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

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

CONSIDERATION OF A VIRGINIA DEPARTMENT OF TRANSPORTATION SMART SCALE APPLICATION FOR RIVERSIDE DRIVE IMPROVEMENTS FROM PINEY FOREST ROAD TO AUDUBON DRIVE

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

RESOLUTION NO. 2020-10.03

ENDORSING A SMART SCALE APPLICATION BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF RIVERSIDE DRIVE IMPROVEMENTS FROM PINEY FOREST ROAD TO AUDUBON DRIVE.

The Motion was **seconded** by Vice Mayor Miller and carried by the following vote:

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

CONSIDERATION OF A VIRGINIA DEPARTMENT OF TRANSPORTATION SMART SCALE APPLICATION FOR RIVERSIDE DRIVE IMPROVEMENTS FROM PARK AVENUE TO WESTOVER DRIVE

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

RESOLUTION NO. 2020-10.04

ENDORSING A SMART SCALE APPLICATION BY THE CITY OF DANVILLE TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF RIVERSIDE DRIVE IMPROVEMENTS FROM PARK AVENUE TO WESTOVER DRIVE.

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

Mr. Whittle questioned this item and City Engineer Brian Dunevant noted this item, from Park Avenue to Westover, were safety improvements along the Riverside corridor and sidewalks on both sides. Mr. Whittle questioned if they were getting sidewalks from IHOP over to Piedmont Drive and Mr. Dunevant noted that was the first item, that would be sidewalks coming down Holt Garrison Parkway where the sidewalk ends on Piney Forest Road, turning on Lowe's Drive going toward Wal Mart, continuing on Collins Drive around Piedmont Drive, a little on Piedmont Drive and then connecting over to the Mall. Mr. Whittle questioned from Piedmont up to Westover, which one of these are pointing to that. Mr. Dunevant explained none of the projects are in that corridor.

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

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

CONSIDERATION OF A SMART SCALE APPLICATION BY THE DANVILLE MPO TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR CONSTRUCTION OF A ROUNDABOUT ON MOUNT CROSS ROAD AT DIMON DRIVE AND PARKER ROAD WEST

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

RESOLUTION NO. 2020-10.05

ENDORSING A SMART SCALE APPLICATION BY THE DANVILLE METROPOLITAN PLANNING ORGANIZATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE PROPOSED CONSTRUCTION OF A ROUNDABOUT ON MOUNT CROSS ROAD AT DIMON DRIVE AND PARKER ROAD WEST.

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

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

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CONSIDERATION OF SUPPORT OF THE CREATION OF A REGIONAL ALLIANCE

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

RESOLUTION NO. 2020-10.06

SUPPORTING FORMATION OF THE DANVILLE-PITTSYLVANIA ECONOMIC DEVELOPMENT ALLIANCE.

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

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE US DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$91,550

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

ORDINANCE NO. 2020-10.02

AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM THE UNITED STATES DEPARTMENT OF JUSTICE COMMUNITY POLICING DEVELOPMENT PROGRAM GRANT IN THE AMOUNT OF \$91,550 FOR USE IN ESTABLISHING A PROGRAM FOR PROACTIVE POLICE RESPONSE TO PREVENT DOMESTIC VIOLENCE.

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

APPROVAL OF A LEASE AGREEMENT AND A PURCHASE AND SALE AGREEMENT FOR A NEW POLICE STATION

APPROVING AND AUTHORIZING A LEASE AGREEMENT BETWEEN 2291 SCHOOLFIELD, LLC AND THE CITY OF DANVILLE FOR A NEW POLICE STATION

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

RESOLUTION NO. 2020-10.07

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING A LEASE AGREEMENT BETWEEN 2291 SCHOOLFIELD, LLC AND THE CITY OF DANVILLE, VIRGINIA FOR A NEW POLICE STATION TO BE LOCATED AT 2291 MEMORIAL DRIVE.

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

Mayor Jones recognized Sharon Eldridge Bohannon who noted her concerns about the Council Letter for this item and concerns about the Police Station.

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Mayor Jones recognized Cherie Tamson, who noted her concerns with the proposed Police Station and suggested Council consider tabling the vote until after the election.

Mayor Jones recognized Greg Anderson who noted his concerns about the proposed Police Station.

City Attorney Clarke Whitfield explained there were two votes tonight, and noted the last clause on both agreements state that they become null and void should the referendum on the casino not pass and be certified as passed by the Circuit Court to the Department of Lottery and the City of Danville.

Council Member Vogler asked the City Manager to review some of the questions and concerns that were raised. City Manager Ken Larking explained that in 2016 the City conducted a space needs analysis for all operations and it was determined that one of the greatest needs was additional space for the Police Department. They were currently spread out over various floors of City Hall and the Library, and in cramped quarters that long ago failed to meet the needs of the department. A more detailed analysis was conducted in 2018 regarding the Police Department's specific needs. Based on that information, the City hired Dewberry to study multiple sites to obtain cost estimates for a new police headquarters using the traditional design-bid-build structure, which would have required bonds to pay for. The cost estimate for those sites were in the range of \$28M-\$35M. The City decided to explore the possibility of a public private partnership, sent out a request for proposals and received three bids. The proposals allowed any developer to submit any property they wanted to for consideration by the City for a police headquarters; they received three bids. Since June, the City has been negotiating with the most cost effective solution that meets the needs of the police department. One question was, why was staff bringing it up now; it was at the request of the developer that made the proposal. The developer was okay with the City making this contingent on the passing of the referendum, but he needs to know as quickly as possible whether or not the City was interested in doing this or not, so that he can move on and do something else with the building.

Mr. Larking noted the total cost of the project was estimated to be no more than \$17M. The City has the maximum ability to borrow \$6M every year by City Charter. In order to purchase a project that costs more than that, the City either has to save the money over time in a capital reserve fund and pay cash for it, or go out for bonds and pay for it. If the City was doing it the traditional way, the estimates for the cost were between \$28M and \$35M. The City would have to go out on a bond referendum and ask the citizens to vote in favor of an at least \$28M bond referendum, then they could go forward with the project. In order to pay for the cost without increasing taxes, staff proposed that the City use new revenues generated from the casino gaming, should the referendum pass. This will include setting aside almost \$6M from the initial \$20M upfront payment from Caesars to pay the down payment on the project and to cover the first two years of payments. Should the referendum fail, the payment structures will likely change, and City Council will have to have a hard discussion about whether or not they want to look at raising taxes at some point in the future to make this work.

Mr. Vogler noted that Council has known about the need for a new police station for a number of years and the holdup has always been how to pay for it. Council, looking at that price tag, has never wanted to move forward. He would not vote for a tax increase for this; if the referendum doesn't pass, Council would be back to square one. Mr. Larking noted this item has been discussed during work session, it has been in the CIP and typically it moves out every year because the City doesn't have the funding to pay for it. This was an opportunity to move forward; again, should the referendum fail, the City would have to start from square one. There were two agreements that were under consideration by Council. One will be an installment purchase of the

new construction portion of the project which was \$8M; the rest of it was historic rehab of the existing structure. It has to be a lease because under Historic Tax Credit rules, the person using the Historic Tax Credits has to hold the property for five years. At that point, the owner can decide what they want to do with it; they will be free and clear of the requirements of the historic tax credit program. Included in the lease agreement was a right of first refusal for the City to be the first to refuse the sale to anyone else; the City would have the first option to purchase it. In addition, at year eight, the lease payments drop from \$84,000 to \$60,000 which is less than what the mortgage payments would be; that would be another reason why the developer would be highly motivated to find some way to not own the property any more. Mr. Larking noted it was the City's goal to protect the citizens of Danville and what ultimately this proposal did was propose the lowest cost option for the City. He was highly confident at the end of the day after the period of time when the holding period for the historic tax credits was over, the City will have ownership of a police headquarters at millions of dollars less than what it would have cost through the traditional process or even by selecting one of the other respondents to the RFP. Mr. Whitfield noted the first right of refusal was from day one to the end of the lease, and after the end of year seven, not only do they have to grant the City the first right of refusal, they have to get the City's permission to sell the building and who it would be sold to.

Dr. Miller questioned when, according to the contract with Caesars, does the City receive the \$20M and Mr. Larking noted within 30 days of passage of the referendum. Mr. Larking noted the development agreement provides for the period of time when they must begin their process and a deadline to complete the construction of the building as well.

Council Member Whittle questioned if it's a first right of refusal, was it their price and Mr. Whitfield stated it was whatever someone would come to them to offer. If they sell that building within the first five years, they would lose their tax credits; they would all be recalled. Mr. Whittle noted if it was ten years down the road and it's a first right of refusal, it was at their price and Mr. Whitfield noted that was correct, the City would have to match their offer, but after year seven they have to request the City's permission to sell. Mr. Whittle stated if he did the math, if the City bought a lot on Piedmont Drive and spent \$200 a square foot which was the going rate to build anything, the City could put in a 20,000 square foot police station for \$4M. Council will get the police department what they need, add another \$200 a square foot to up fit the police station, that was \$8M. Mr. Whittle noted he thought it was too much money and wouldn't mind paying cash for it if it was \$8M or even \$10M. He noted he liked Galileo better. He thinks that Council should have a choice on other places they might want to go and asked how many square feet do they have downstairs and Mr. Larking noted 13,000; Dr. Miller noted they need 48,000. Mr. Whittle noted 48,000 square feet, doing the math at \$200 for 50,000 square feet, that's \$10M to build a brand new facility.

Mr. Whittle made a **Motion to Table**, the Motion was **seconded** by Council Member Kushner. Mr. Whitfield questioned if it was a Motion to postpone indefinitely or postpone for a definite period of time, a date certain and Mr. Whittle stated indefinitely. Mr. Whittle noted he was not saying Galileo was the best spot for it, maybe in a more troubled area of the City that works better. Mr. Kushner stated he would like a point of order, he would like to see the matter postponed but to a definite date or date not beyond a fixed date. Mr. Whitfield noted since the Motion to postpone indefinitely had been made, the Council has to dispose of that motion first. If that Motion fails, Council can come back and make a new motion. Mayor Jones noted the Motion on the floor was to Table it indefinitely, which had been seconded by Council Member Kushner.

Council Member Saunders clarified, the City had received three bids, \$17M was the lowest, one was about \$25M and then one higher than that. In conversations with the Police Chief and his department, it appears that the Police Department was onboard with regard to the bid of \$17M.

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He did not know what the citizens were going to do on November 3rd, whether they would approve it or not, but if they do, he thought time would be of the essence.

Council Member Vogler noted Mr. Whittle brought up Galileo; he does not know if that should be a proposed location when there were kids that attended school there. Council does not know the future of that site, they may or may not move, that has been talked about on and off for years. Mr. Whittle mentioned the City could build a brand new police station for \$10M. Even going back to the 2016 study, he does not remember seeing any estimates that low, they were twice that amount. Wasn't Galileo looked at and that amount was much higher, and Mr. Larking noted it was; it was between \$28M and \$35M for Galileo. That recommendation required demolition of the building, and reconstruction of a brand new building. Mr. Vogler stated that was important also, when the police department looked at that building, they determined it was not functional, even to be rehabbed if it was to be chosen, it would be only for the location rather than the building. Mr. Larking noted that was what Dewberry determined in the study of multiple sites, using the traditional process; it would not be adequate for police department.

Council Member Campbell noted he first thought it was \$25M, and Mr. Larking noted the cost was \$17M and the historic tax credits were factored into that cost. Mr. Campbell noted he had discussed this with Chief Booth and Deputy Chief Hairston, the police department was scattered right now, but will there still be other sites within the City. Mr. Larking explained the two precincts that were currently located on Green Street and Third Avenue would still be part of the police department's toolbox. In addition, the police officers were deployed in their vehicles, they have all the tools they need inside the vehicle and were out in the community working the beats they have been assigned to. The location of the building was not as important as if it were a fire station. Dr. Miller questioned if the police would still have a presence at City Hall and Mr. Larking stated they would have a small presence. Dr. Miller asked if there was a possibility of the Sheriff using some of the space left by the police and Mr. Larking explained they have been having conversations with the Commonwealth's Attorney and the Judges at the Court about their space needs. Some of the court operations and Commonwealth's Attorney could be expanded into the vacant space. Staff feels there would be plenty of room for the Commonwealth's Attorney to vacate their leased space and be located at City Hall; that would be a cost savings for the City.

The **Motion failed** by the following vote:

VOTE: 6-2-1
AYE: Kushner and Whittle (2)
NAY: Campbell, Jones, Mayo, Miller, Saunders, Vogler (6)
ABSTAIN: Buckner (1)

STATEMENT OF CONFLICT OF INTEREST

I, James B. Buckner, do hereby state that I have a conflict of interest regarding the consideration of a Resolution Approving and Authorizing a Lease Agreement between 2291 Schoolfield, LLC and the City of Danville, Virginia for a New Police Station to be located at 2291 Memorial Drive listed on the agenda as New Business Agenda Item E(1). 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 6th day of October, 2020.

s/James B. Buckner

October 6, 2020

Council Member Vogler **moved** to make a Substitute Motion to postpone this item until the November 5, 2020 City Council Meeting. The Motion was **seconded** by Council Member Kushner.

Council Member Saunders questioned the Substitute Motion and Mr. Vogler noted there were still some questions tonight, and this will give time give more clarity to citizens. Council Member Saunders noted they have been talking about a police station for a long time and thinks they finally have movement. Positive things were happening in the police department, and in the City. The longer they wait, the cost of the project will go up and does not see why Council needs to Table when they know they have a competent City Manager and Staff, everything has been very transparent and all the questions asked have been addressed. Vice Mayor Miller noted his agreement and was concerned if they put it off two more weeks, will the developer look elsewhere. Mr. Larking noted it has been the developer's strong desire for Council to consider this and has been contacting the City Manager weekly. Whatever the pleasure of Council was, he would take it back to the developer and see what his response will be.

The Motion **Failed** by the following vote:

VOTE: 5-3-1
AYE: Kushner, Whittle, Vogler (3)
NAY: Campbell, Jones, Mayo, Miller, Saunders (5)
ABSTAIN: Buckner (1)

STATEMENT OF CONFLICT OF INTEREST

I, James B. Buckner, do hereby state that I have a conflict of interest regarding the consideration of a Resolution Approving and Authorizing a Lease Agreement between 2291 Schoolfield, LLC and the City of Danville, Virginia for a New Police Station to be located at 2291 Memorial Drive listed on the agenda as New Business Agenda Item E(1). 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 6th day of October, 2020.

s/James B. Buckner

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

RESOLUTION NO. 2020-10.07

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING A LEASE AGREEMENT BETWEEN 2291 SCHOOLFIELD, LLC AND THE CITY OF DANVILLE, VIRGINIA FOR A NEW POLICE STATION TO BE LOCATED AT 2291 MEMORIAL DRIVE.

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

VOTE: 7-1-1
AYE: Campbell, Jones, Kushner,
Mayo, Miller, Saunders, and Vogler (7)
NAY: Whittle
ABSTAIN: Buckner

October 6, 2020

STATEMENT OF CONFLICT OF INTEREST

I, James B. Buckner, do hereby state that I have a conflict of interest regarding the consideration of a Resolution Approving and Authorizing a Lease Agreement between 2291 Schoolfield, LLC and the City of Danville, Virginia for a New Police Station to be located at 2291 Memorial Drive listed on the agenda as New Business Agenda Item E(1). 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 6th day of October, 2020.

s/James B. Buckner

APPROVING AND AUTHORIZING A PURCHASE AND SALE AGREEMENT BETWEEN 2291 SCHOOLFIELD, LLC AND THE CITY OF DANVILLE, VIRGINIA FOR A NEW POLICE STATION

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

RESOLUTION NO. 2020-10.08

A RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING A PURCHASE AND SALE AGREEMENT BETWEEN 2291 SCHOOLFIELD, LLC AND THE CITY OF DANVILLE, VIRGINIA FOR A NEW POLICE STATION TO BE LOCATED AT 2291 MEMORIAL DRIVE.

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

VOTE: 7-1-1
AYE: Campbell, Jones, Kushner,
Mayo, Miller, Saunders, and Vogler (7)
NAY: Whittle
ABSTAIN: Buckner

STATEMENT OF CONFLICT OF INTEREST

I, James B. Buckner, do hereby state that I have a conflict of interest regarding the consideration of a Resolution Approving and Authorizing a Purchase and Sale Agreement between 2291 Schoolfield, LLC and the City of Danville, Virginia for a New Police Station to be located at 2291 Memorial Drive listed on the agenda as New Business Agenda Item E(2). 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 6th day of October, 2020.

s/James B. Buckner

COMMUNICATIONS

City Manager Ken Larking noted he wanted to extend an invitation to the public to attend the three town hall meetings the City has scheduled to discuss ways that the City could invest potential new revenue from casino gaming. When the City announced Caesars as the preferred casino gaming

operator, they announced that the City would be asking the citizens for their input on how to invest the dollars for the betterment of all people in the community. The City has been going through that process, there was an Invest in Danville committee that has met a few times, they have discussed the issue on topics ranging from education, health of the community, neighborhoods, housing, public safety and other things. They also want to know straight from the public what their thoughts were on how the City can make these investments. The City has a website: www.danvilleva.gov/casino; anyone can go there and learn as much as they want on what the City has done. The dates of the town hall were being advertised on River City TV, on the City website and all the City's social media. Citizens can click on the advertisement and register for one of these town halls. The dates are: October 15th from 6:30 p.m. to 8:30 p.m., October 22, from 2:00 p.m. to 4:00 p.m., that will be the date when the City will have sign language interpreters available on the WebEx, and the last date was October 29th from 6:30 p.m. to 8:30 p.m. Citizens will have the opportunity to type in their questions or comments and the City will receive that feedback. The City was also working on a survey and will begin advertising those.

There were no communications from Deputy City Manager, City Attorney or City Clerk.

Council Member Saunders commended the City Manager and his staff for the work they were doing. The new Police Station will include community facilities which the City doesn't have now. He was also glad of the grant for Domestic Violence, to find ways to make things better for the citizens. Mr. Saunders noted Council discussed a roundabout in Danville, and some citizens in Danville do not know about them, there could be accidents if people don't know how to use them and asked the City Manager about training. Mr. Saunders thanked the Mayor for the Proclamation for the Head Start Program noting statistics show children who are enrolled in the Head Start program are more successful in school, and Mr. Saunders thanked Mr. Bennett for the event he hosted.

Council Member Whittle noted his suggestion for some of the casino money was to put it in the bank.

Council Member Buckner noted for the past few weeks Council has been discussing the police station and noted the reason why he has not been in the discussion, and the conflict was because he sold the property to the developer in 2009.

Council Member Campbell noted to the citizens, they were living in peculiar times like they have never seen before in this country, and would like to emphasize voting and voting early. This was something every citizen of Danville needs to value, the democratic process, to cast their vote and cast them now.

Council Member Kushner noted four months ago, Council plucked him out of his peaceful retirement. Their appointment was granted on the premise that for four months he would sit there to fill the vacancy he would do no harm, and hopes they conclude he did not. It has been a real pleasure to serve with all of them. Mr. Kushner noted he thinks the public has very little understanding of the kind of hard work this body has done and does practically every day. He wants people to understand that this Council will come to this chamber determined to do the public's will and business and bring to this table the greatest expertise they can deliver. Mr. Kushner thanked Council, all the City staff who has been most courteous to him, and it has been a pleasure working with the City Attorney and City Clerk, the Manager and Deputy Manager. Mr. Kushner noted he would like to reach out to friends and neighbors in the community who often feel that what happens here was something they have nothing to with, they can't participate, the ordinances were passed and the policies were adopted without any real concern for the public will. Mr. Kushner noted that absolutely was not true. There were multiple opportunities every day for citizens to participate in the affairs of their government. To retirees, people with special skills, the people who just want to

October 6, 2020

make a contribution, let yourselves be known. Mr. Kushner noted he was sure everyone shares the aspiration that Danville will become the great city it has every potential to become; they need to believe themselves and need the people of the community who love Danville every bit as much as they do, to get onboard, believe that they were an All American City and will stay an All American City for years to come.

Council Member Mayo noted his agreement with has been discussed; Council does work very hard together, putting the City first as well as the citizens. He was very proud of City staff and what they do. Mr. Mayo stated he believes in the Head Start Program, it has been around for decades, was going strong and was proud of Ms. Martin and her staff. Getting the parents involved was a great thing and encouraged them to continue doing that. Mr. Mayo noted they were in need of a police station, they have a great staff in the police department, and they were looking to make that better. The Community event with Mr. Bennett was fantastic, he was doing a great job with the NAACP and he was glad to be a part of that.

Vice Mayor Miller noted all the work that goes into getting a new police station or the work done to get the casino was done by the City staff, Mr. Larking, Mr. Reynolds and Mr. Whitfield; to them goes the credit. Dr. Miller noted the Police Department needed more space and contact with the public so they can handle different situations and domestic violence; they need more training, a place to store evidence, and a locker room to change their clothes. They need all these things a new police station can provide. The NAACP event was great with Senator Lucas attending, who helped get the casino bill passed. Dr. Miller encouraged citizens to get their flu shot and to get out to vote.

Mayor Jones noted he enjoys the people who come before Council; this was their Council and he appreciates them speaking. He would really love the people to take advantage of contacting the City Manager when they have questions about the City. Mayor Jones thanked the City Manager, and City Attorney, for what they do. To the community, be encouraged, great things were happening in Danville; listen to the conversations in the community; the City was growing. Mayor Jones thanked the citizens for attending and noted his appreciation of city staff and the Council members.

The meeting adjourned at: 9:38 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2443

Appointments A.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Consideration of Appointments to Boards and Commissions

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 11/05/2020

SUMMARY

Consideration of Appointments to the following Boards and Commissions:

1. Airport Commission
2. Danville Utility Commission
3. Industrial Development Authority

BACKGROUND

Danville City Council's Committee on Appointments met on October 20, 2020 and make recommendations for appointments to various boards and commissions.

Attachments

Resolutions

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020 –

**A RESOLUTION APPOINTING EUGENE JACKSON AS A MEMBER OF THE
AIRPORT COMMISSION TO FILL AN UNEXPIRED TERM.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Eugene Jackson, be and he is hereby appointed as a member of the Airport Commission to fill the Unexpired Term of Cheryl Terry ending June 30, 2022.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020 –

**A RESOLUTION APPOINTING ANNA KAUTZMAN AS A MEMBER OF THE
DANVILLE UTILITY COMMISSION TO FILL AN UNEXPIRED TERM.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Anna Kautzman, be and she is hereby appointed as a member of the Danville Utility Commission to fill the Unexpired Term of William Donohue ending June 30, 2021.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020 –

**A RESOLUTION REAPPOINTING RUSSELL REYNOLDS AS A MEMBER OF
THE INDUSTRIAL DEVELOPMENT AUTHORITY.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Russell Reynolds, be and he is hereby reappointed as a member of the Industrial Development Authority for a Four Year Term beginning November 21, 2020 and ending November 20, 2024.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020 –

A RESOLUTION REAPPOINTING T. NEAL MORRIS AS A MEMBER OF THE INDUSTRIAL DEVELOPMENT AUTHORITY.

BE IT RESOLVED by the Council of the City of Danville, Virginia, that T. Neal Morris, be and he is hereby reappointed as a member of the Industrial Development Authority for a Four Year Term beginning November 21, 2020 and ending November 20, 2024.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2434

New Business A.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Consideration of Special Use Permit to Waive Yard Requirements at 3230 Riverside Dr (Parcel ID# 55466).

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 11/05/2020

SUMMARY

A request was filed by Terry Owens of PN Restaurants Inc., for a Special Use Permit to waive yard requirements in accordance with Article 3.N Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3230 Riverside Drive (Parcel ID #55466), otherwise known as Grid 1713, Block 0013, Parcel ID #000002, of the City of Danville, Zoning District Map.

BACKGROUND

The applicant requests a Special Use Permit to reduce side setbacks for a proposed dumpster enclosure and existing drive-up ATM, reduce the minimum lot width, and reduce the minimum lot size for a proposed land subdivision to develop a fast food restaurant .

The Planning Commission, at their October 13, 2020 meeting, voted 7-0 to recommend approval of Special Use Permit Application PLSUP20200000183 subject to the following conditions:

1. The proposed dumpster must not be closer than 4.1' to a proposed property line.
2. The existing ATM must not be closer than 6.4' to a proposed property line.
3. The lot width must be no less than 141.6' feet.
4. The lot area must be no less than 28,446 square feet.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to waive yard requirements in accordance with Article 3.N Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3230 Riverside Drive (Parcel ID #55466), otherwise known as Grid 1713, Block 0013, Parcel ID #000002, of the City of Danville, Zoning District Map subject to the following conditions:

1. The proposed dumpster must not be closer than 4.1' to a proposed property line.
2. The existing ATM must not be closer than 6.4' to a proposed property line.
3. The lot width must be no less than 141.6' feet.
4. The lot area must be no less than 28,446 square feet.

Attachments

Ordinance
BACK UP

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20200000183 TO WAIVE YARD REQUIREMENTS IN ACCORDANCE WITH ARTICLE 3.N SECTION C.21 OF THE CODE OF THE CITY OF DANVILLE VIRGINIA, 1986, AS AMENDED, AT 3230 RIVERSIDE DRIVE (PARCEL ID#55466) OTHERWISE KNOWN AS GRID 1713, BLOCK 0013, PARCEL ID#000002 OF THE CITY OF DANVILLE ZONING DISTRICT MAP.

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 PLSUP20200000183, filed by Terry Owens of PN Restaurants Inc., requesting a Special Use Permit to waive yard requirements in accordance with Article 3.N Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3230 Riverside Drive (Parcel ID#55466), otherwise known as Grid 1713, Block 0013, Parcel ID#000002, of the City of Danville, Zoning District Map, is hereby received, subject to the following condition(s):

1. The proposed dumpster must not be closer than 4.1' to a proposed property line.
2. The existing ATM must not be closer than 6.4' to a proposed property line.
3. The lot width must be no less than 141.6' feet.
4. The lot area must be no less than 28,446 square feet.

AND BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PLSUP20200000183, filed by Terry Owens of PN Restaurants Inc., requesting a Special Use Permit to waive yard requirements in accordance with Article 3.N Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3230 Riverside Drive (Parcel ID#55466), otherwise known as Grid 1713, Block 0013, Parcel ID#000002, of the City of Danville, Zoning District Map, is hereby approved, subject to the following condition(s):

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

2. The existing ATM must not be closer than 6.4' to a proposed property line.
3. The lot width must be no less than 141.6' feet.
4. The lot area must be no less than 28,446 square feet.

APPROVED:

MAYOR

ATTEST:

CITY 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 5, 2020
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: **SPECIAL USE PERMIT APPLICATION (PLSUP202000000183)**

REQUEST

Special Use Permit Application PLSUP202000000183, filed by Terry Owens of PN Restaurants Inc., requests a Special Use Permit to waive yard requirements in accordance with Article 3.N Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3230 Riverside Drive (Parcel ID#55466), otherwise known as Grid 1713, Block 0013, Parcel ID#000002, of the City of Danville, Zoning District Map.

The applicant requests a Special Use Permit to reduce side setbacks for a proposed dumpster enclosure and existing drive-up ATM, reduce the minimum lot width, and reduce the minimum lot size for a proposed land subdivision to develop a fast food restaurant.

RECOMMENDATION

The Planning Commission, at their October 13, 2020 meeting, voted 7-0 to recommend approval of Special Use Permit Application PLSUP202000000183 subject to the following condition(s):

1. The proposed dumpster must not be closer than 4.1' to a proposed property line.
2. The existing ATM must not be closer than 6.4' to a proposed property line.
3. The lot width must be no less than 141.6' feet.
4. The lot area must be no less than 28,446 square feet.

Mr. Harold E. Garrison, Chair

RESPONSES

Twenty five (25) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) response was received. Six (6) unopposed (Danville Riverside Partners LLC, YETI Properties, Innkeeper Motor Lodge West Inc., Trustee of Marshall Revocable Trust, Long Trustee under Marshall Revocable Trust, and Womack). Zero (0) were opposed.

COMMENTS

None



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

City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

RE: SPECIAL USE PERMIT APPLICATION - 3230 RIVERSIDE DRIVE

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

BACKGROUND

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

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

The Planning Division sent 25 notices to surrounding property owners within 300' feet of the subject property.

STAFF ANALYSIS AND RECOMMENDATION

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

The City may waive yard requirements with a Special Use Permit in the PS-C Planned Shopping Center zoning district. (Chapter 41 Zoning Ordinance, Article 3.N. §C.21.). Specifically, the applicant requests waivers to reduce the 20' and 40' side yard setbacks for the proposed dumpster and to reduce the 40' side yard setback from the proposed parcel line to the existing drive-up ATM. Also, the applicant requests yard requirement waivers for lot width where 200' is required and 141.6' is proposed and total lot area where 40,000 square feet is required and 28,446 is proposed. The City of Danville Zoning Ordinance provides Special Use Permit review standards (Chapter 41 Zoning Ordinance, Article 6.B.).

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

The intent and purpose of the Planned Shopping Center Commercial zoning district includes orderly commercial facility development, minimizing vehicular traffic within the shopping complex, permitting "one-stop" and comparison shopping "under one roof" and facilitating safe pedestrian movement among individual uses within the district. The proposed development is in harmony with the intent and purpose of the PS-C zoning district.

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

Streets, drainage, fire protection and public water + sewer will adequately service the proposed development.

The proposed development will not negatively impact any ecological, scenic, or historic community assets.

The proposed development will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

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

1. The proposed dumpster must not be closer than 4.1' to a proposed property line. The existing ATM must not be closer than 6.4' to a proposed property line. The lot width must be no less than 141.6' feet. The lot area must be no less than 28,446 square feet.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

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

MEMORANDUM

DATE: OCTOBER 13, 2020

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST:

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

RESPONSES:

Twenty five (25) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) response was received. Six (6) unopposed (Danville Riverside Partners LLC, YETI Properties, Innkeeper Motor Lodge West Inc., Trustee of Marshall Revocable Trust, Long Trustee under Marshall Revocable Trust, and Womack). Zero (0) were opposed.

COMMENTS:

No Comments.

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

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

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

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

Between: Advance Street and Riverview Drive

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

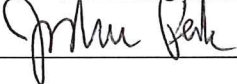
Please provide a brief description of the proposed development:

The proposed development requires a Special Use Permit, specifically a waiver to reduce the 20' and 40' side setbacks for the proposed dumpster and to reduce the 40' side setback from the proposed parcel line for the existing drive up ATM. Additionally, a waiver is requested to reduce the lot width and proposed parcel area as the minimum lot width of 200 feet and minimum lot area of 40,000 sq. ft. are not met with the proposed development.

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

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

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

SIGNATURE:  DATE: 8/18/20

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: team@protectorpropertymanagement.com

APPLICANT (PLEASE TYPE OR PRINT):

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

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

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

EMAIL ADDRESS: Terry.Owens@pnrestaurants.com

SIGNATURE:  DATE: 8-20-2020

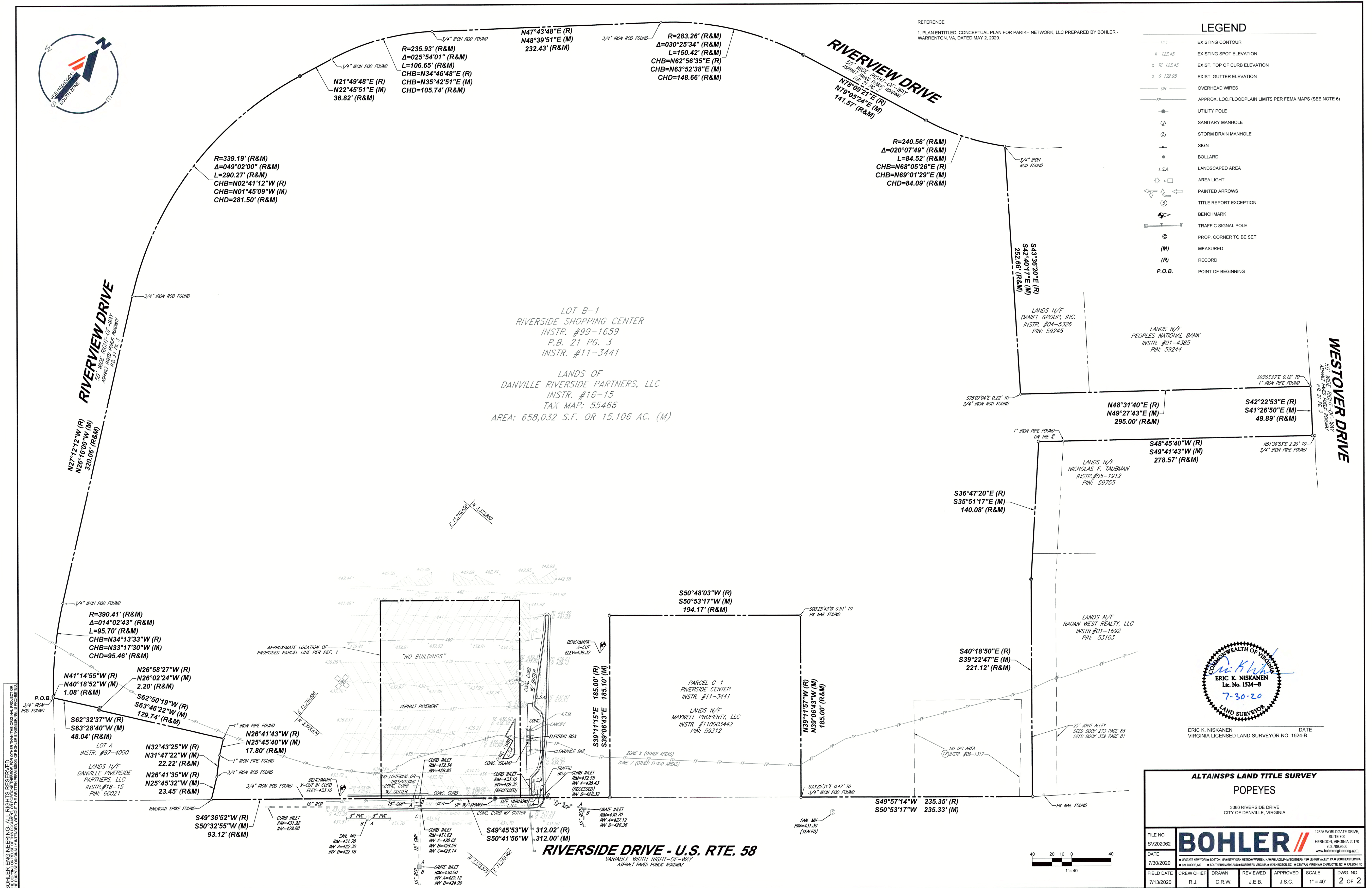


REFERENCE

1. PLAN ENTITLED, CONCEPTUAL PLAN FOR PARKING NETWORK, LLC PREPARED BY BOHLER - WARRENTON, VA, DATED MAY 2, 2020.

LEGEND

- 123.45 EXISTING CONTOUR
- X 123.45 EXISTING SPOT ELEVATION
- X TC 123.45 EXIST. TOP OF CURB ELEVATION
- X G 122.95 EXIST. GUTTER ELEVATION
- OH OVERHEAD WIRES
- APPROX. LOC FLOODPLAIN LIMITS PER FEMA MAPS (SEE NOTE 6)
- UTILITY POLE
- SANITARY MANHOLE
- STORM DRAIN MANHOLE
- SIGN
- BOLLARD
- LANDSCAPED AREA
- AREA LIGHT
- PAINTED ARROWS
- TITLE REPORT EXCEPTION
- BENCHMARK
- TRAFFIC SIGNAL POLE
- PROP. CORNER TO BE SET
- (M) MEASURED
- (R) RECORD
- P.O.B. POINT OF BEGINNING



ERIC K. NISKANEN
VIRGINIA LICENSED LAND SURVEYOR NO. 1524-B

ALTAINSPS LAND TITLE SURVEY

POPEYES

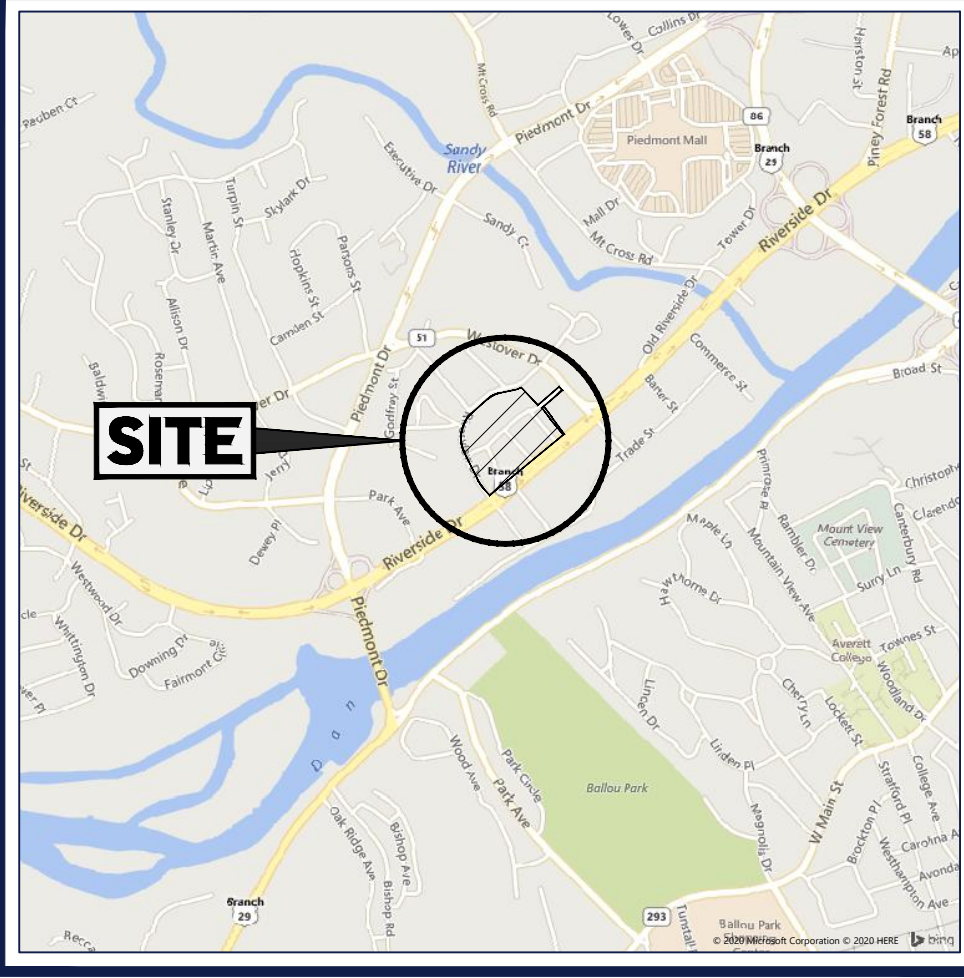
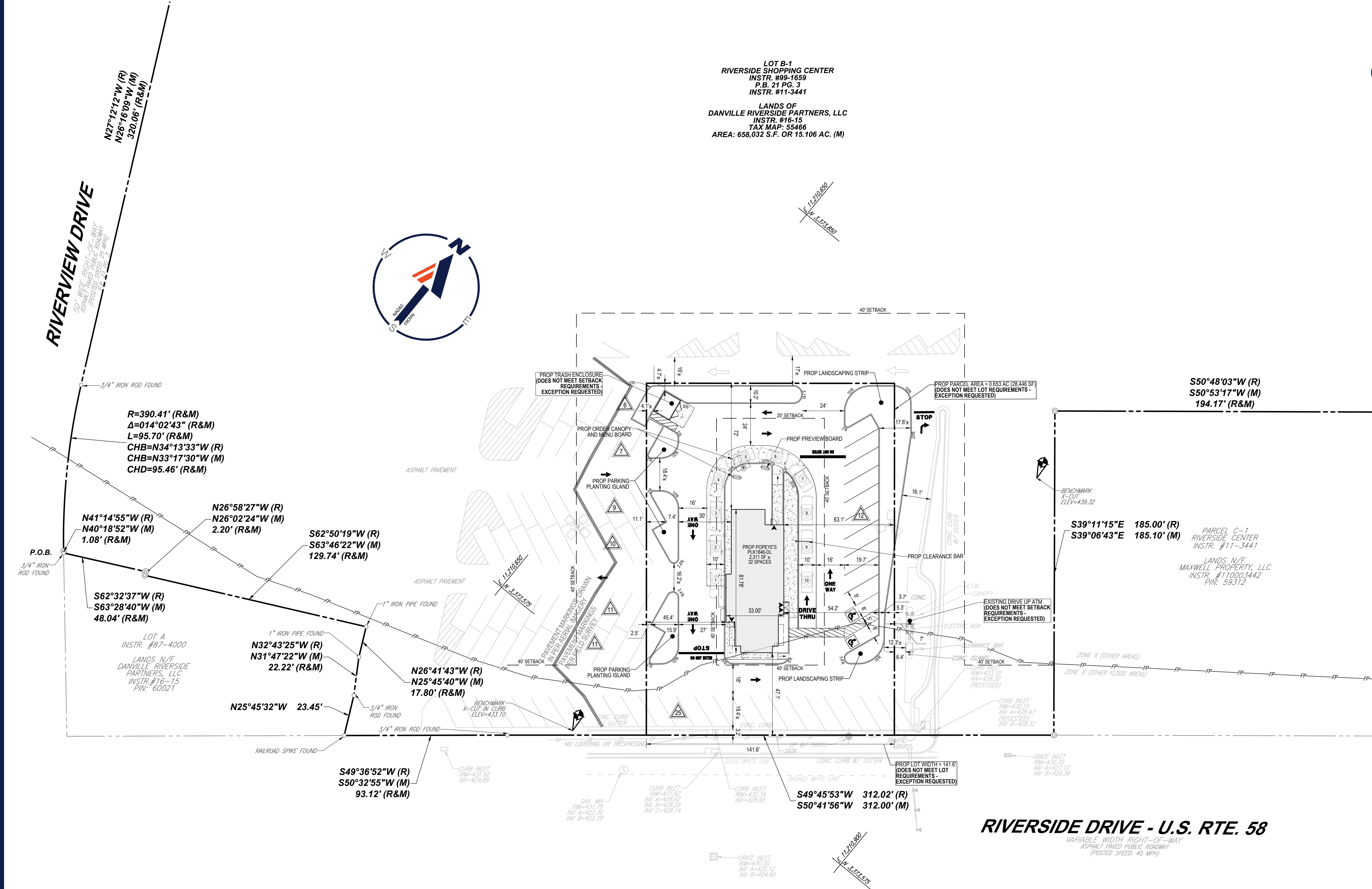
3360 RIVERSIDE DRIVE
CITY OF DANVILLE, VIRGINIA

FILE NO.	SV202062	DATE	7/30/2020	FIELD DATE	7/13/2020	CREW CHIEF	R.J.	DRAWN	C.R.W.	REVIEWED	J.E.B.	APPROVED	J.S.C.	SCALE	1" = 40'	DWG. NO.	2 OF 2
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12825 WORLDGATE DRIVE,
SUITE 700
HERNDON, VIRGINIA 20170
703.709.9500
www.bohler-engineering.com

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LOCATION MAP
COPYRIGHT 2016
MICROSOFT CORPORATION
SCALE: 1" = 0.007"

BOHLER
SITE CIVIL AND CONSULTING ENGINEERING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
SUSTAINABLE DESIGN
PERMITTING SERVICES
TRANSPORTATION SERVICES

REVISIONS				
REV	DATE	COMMENT	DRAWN BY	

811
Know what's below.
Call before you dig.
ALWAYS CALL 811
It's fast. It's free. It's the law.

NOT APPROVED FOR CONSTRUCTION
THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: V202062
DRAWN BY: DSH
CHECKED BY: JOR
DATE: 08/11/2020
CAD ID: SUP-0

SPECIAL USE PERMIT
FOR
PARIKH NETWORK, LLC
LOCATION OF SITE
3360 RIVERSIDE DRIVE
CITY OF DANVILLE, VIRGINIA

BOHLER
28 BLACKWELL PARK LANE, SUITE 201
WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
Fax: (540) 349-0321
VA@BohlerEng.com

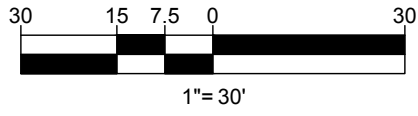
COMMONWEALTH OF VIRGINIA
JONATHAN BOHLER
Lic. No. 052544
08/11/2020
PROFESSIONAL ENGINEER

SPECIAL USE PERMIT PLAN
SHEET NUMBER:
1
ORG. DATE - 08/11/2020

OVERALL PARKING TABLE		
ON-SITE PARKING	EXISTING SPACES	PROPOSED SPACES
TOTAL SPACES	829	776
REQUIRED SPACES: 739 (OVERALL SHOPPING CENTER)		

SUP PLAN GENERAL NOTES

- THIS PLAN IS BASED ON A ALTA/NSPS LAND TITLE SURVEY PREPARED BY BOHLER ENGINEERING, ENTITLED "POPEYES 3360 RIVERSIDE DRIVE, CITY OF DANVILLE, VIRGINIA" DATED: 7/30/2020
- THE CONCEPT REPRESENTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING FROM LAYOUT PREFERENCES IDENTIFIED BY OWNER COUPLED WITH A PRELIMINARY REVIEW OF ZONING AND LAND DEVELOPMENT REQUIREMENTS AND ISSUES. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF SAME REQUIREMENTS AND PROCUREMENT OF JURISDICTIONAL APPROVALS.
- THE CONCEPTUAL PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY AND IS NOT INTENDED FOR UTILIZATION AS A ZONING AND/OR CONSTRUCTION DOCUMENT. THE EXISTING CONDITIONS SHOWN HEREON ARE BASED UPON INFORMATION THAT WAS SUPPLIED TO BOHLER ENGINEERING AT THE TIME OF PLAN PREPARATION AND MAY BE SUBJECT TO CHANGE UPON AVAILABILITY OF ADDITIONAL INFORMATION.



SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP202000000183

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

LOCATION OF PROPERTY: 3230 RIVERSIDE DRIVE

PRESENT ZONE: PSC, PLANNED SHOPPING CENTER

PROPOSED ZONE: NO CHANGE

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

**PRESENT USE OF
PROPERTY:** VACANT

**PROPOSED USE OF
PROPERTY:** FAST FOOD RESTAURANT

**FUTURE LAND USE
DESIGNATION:** COMMERCIAL

PROPERTY OWNER (S): DANVILLE RIVERSIDE PARTNERS LLC

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

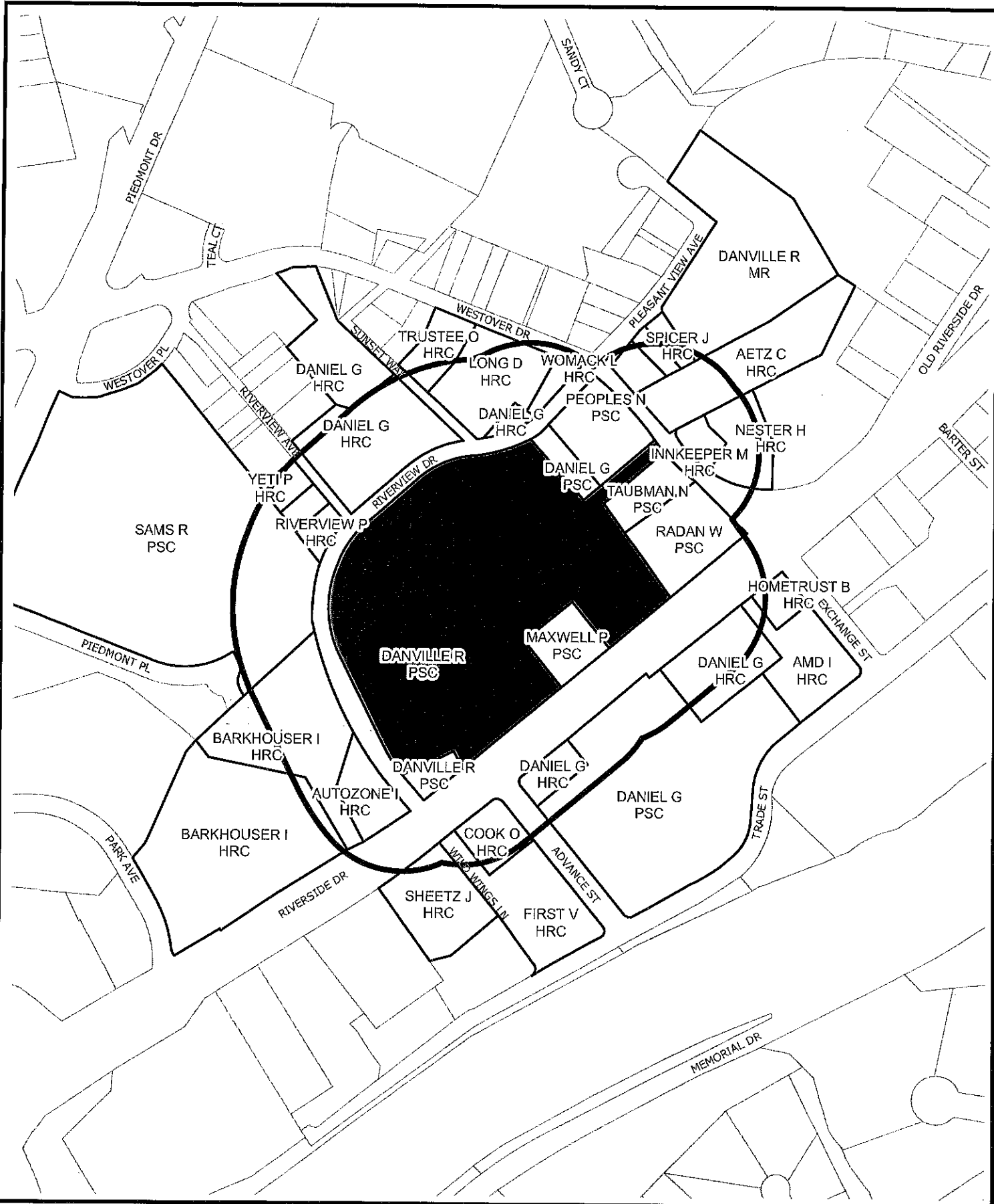
PROPERTY BORDERED BY: RIVERSIDE CENTER

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

CHARACTER OF VICINITY: COMMERCIAL SHOPPING CENTER

INGRESS AND EGRESS: RIVERSIDE DRIVE

TRAFFIC VOLUME: HIGH



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
9/22/2020

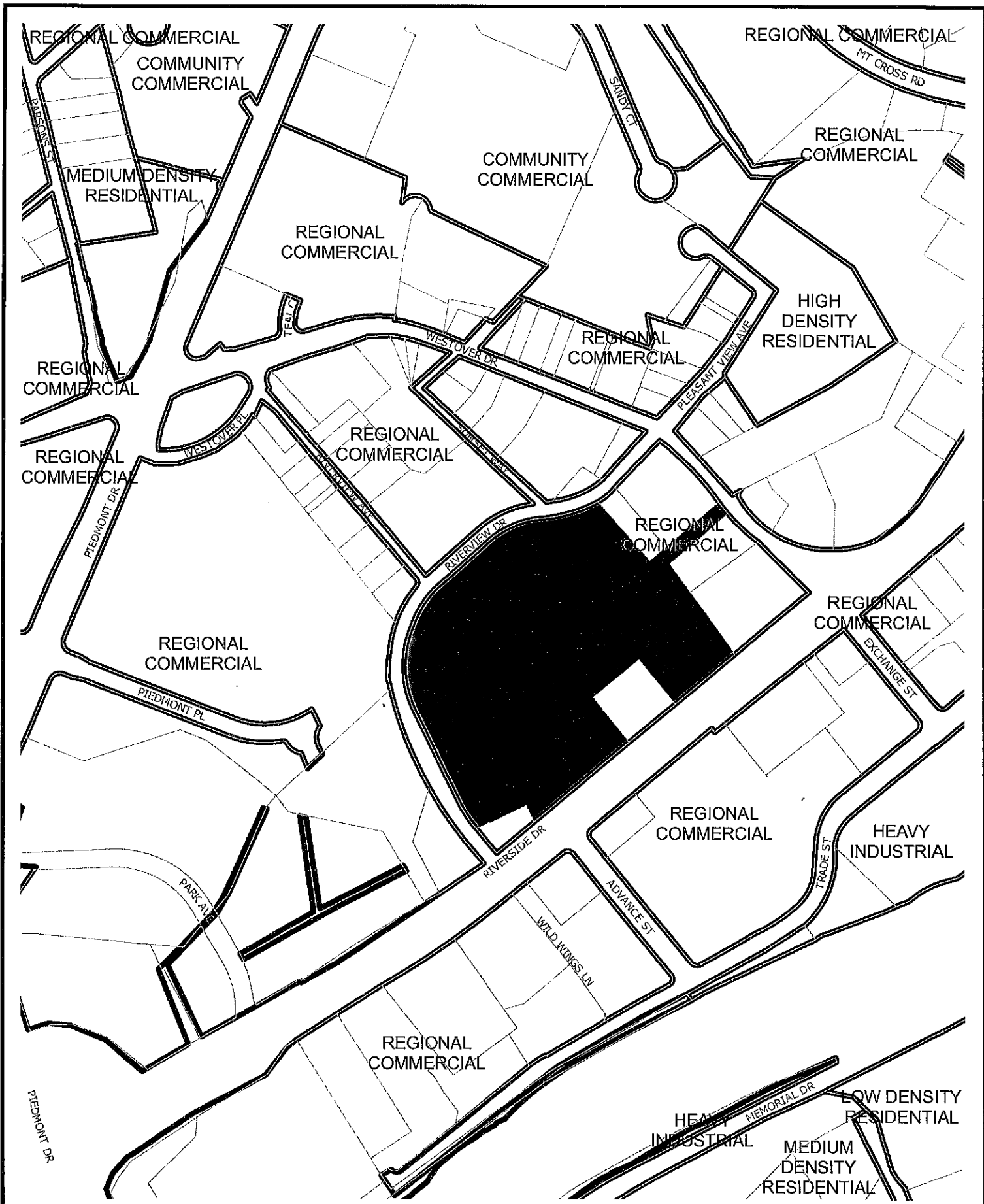
Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions,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



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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

Council Letter

City of Danville, Virginia



CL-2436

New Business B.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Consideration of a Special Use Permit for Urban Agriculture at 598 Elizabeth Street (Parcel ID# 75710)

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 11/05/2020

SUMMARY

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

BACKGROUND

The applicant requests a Special Use Permit to keep chickens. The applicant explained at the October 13, 2020 Planning Commission public hearing, that her father-in-law passed away leaving her 19 chickens. The City received a neighbor complaint and advised the applicant to apply for a Special Use Permit to keep chickens under the Urban Agriculture zoning provision. The applicant since reduced the number of poultry to 13 and committed to further reduce the number to five (5) in order to comply with City Code. The applicant also stated they would place a device on the rooster to eliminate crowing.

The Planning Commission, at their October 13, 2020, meeting, voted 7-0 to recommend approval of Special Use Permit Application PLSUP20200000198 subject to the following condition(s):

1. Any and all accessory buildings meet the zoning setbacks and receive a zoning clearance.
2. All poultry being raised on the subject property comply with the standards in the definition of urban agriculture in the Zoning Code. The applicant is not allowed more than five (5) poultry at this property.
3. The applicant must keep the area properly cleaned meaning that carcasses, debris, food waste and excrement are removed once every two (2) days. This waste must be kept in airtight containers until disposed of in accordance with the City's ordinances.
4. The applicant shall not maintain a poultry yard or structure within 125' feet of neighboring residential buildings.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit for Urban Agriculture in accordance with Article 3.E Section C.28 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 598 Elizabeth Street (Parcel ID#75710), otherwise known as Grid 0619, Block 002, Parcel ID#000014, of the City of Danville, Zoning District Map subject to the following condition(s):

1. Any and all accessory buildings meet the zoning setbacks and receive a zoning clearance.
2. All poultry being raised on the subject property comply with the standards in the definition of urban agriculture in the Zoning Code. The applicant is not allowed more than five (5) poultry at this property.
3. The applicant must keep the area properly cleaned meaning that carcasses, debris, food waste and excrement are removed once every two (2) days. This waste must be kept in airtight containers until disposed of in accordance with the City's ordinances.
4. The applicant shall not maintain a poultry yard or structure within 125' feet of neighboring residential buildings.

Attachments

Ordinance
PLANNING BACKUP

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20200000198 FOR URBAN AGRICULTURE IN ACCORDANCE WITH ARTICLE 3.E SECTION C.28 OF THE CODE OF THE CITY OF DANVILLE VIRGINIA, 1986, AS AMENDED, AT 598 ELIZABETH STREET (PARCEL ID#75710). OTHERWISE KNOWN AS GRID 0619, BLOCK 002, PARCEL ID#000014 OF THE CITY OF DANVILLE ZONING DISTRICT MAP.

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 PLSUP20200000198, filed by Mary Davies, requesting a Special Use Permit for Urban Agriculture in accordance with Article 3.E Section C.28 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 598 Elizabeth Street (Parcel ID#75710), otherwise known as Grid 0619, Block 002, Parcel ID#000014, of the City of Danville, Zoning District Map, is hereby received, subject to the following condition(s):

1. Any and all accessory buildings meet the zoning setbacks and receive a zoning clearance.
2. All poultry being raised on the subject property comply with the standards in the definition of urban agriculture in the Zoning Code. The applicant is not allowed more than five (5) poultry at this property.
3. The applicant must keep the area properly cleaned meaning that carcasses, debris, food waste and excrement are removed once every two (2) days. This waste must be kept in airtight containers until disposed of in accordance with the City's ordinances.
4. The applicant shall not maintain a poultry yard or structure within 125' feet of neighboring residential buildings.

AND BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PLSUP20200000198, filed by Mary Davies, requesting a Special Use Permit for Urban Agriculture in accordance with Article 3.E Section C.28 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 598 Elizabeth Street (Parcel ID#75710),

otherwise known as Grid 0619, Block 002, Parcel ID#000014, of the City of Danville, Zoning District Map, is hereby approved, subject to the following condition(s):

1. Any and all accessory buildings meet the zoning setbacks and receive a zoning clearance.
2. All poultry being raised on the subject property comply with the standards in the definition of urban agriculture in the Zoning Code. The applicant is not allowed more than five (5) poultry at this property.
3. The applicant must keep the area properly cleaned meaning that carcasses, debris, food waste and excrement are removed once every two (2) days. This waste must be kept in airtight containers until disposed of in accordance with the City's ordinances.
4. The applicant shall not maintain a poultry yard or structure within 125' feet of neighboring residential buildings.

APPROVED:

MAYOR

ATTEST:

CITY 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 5, 2020
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: **SPECIAL USE PERMIT APPLICATION (PLSUP202000000198)**

REQUEST

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

The applicant requests a Special Use Permit to keep chickens.

RECOMMENDATION

The Planning Commission, at their October 13, 2020 meeting, voted 7-0 to recommend approval of Special Use Permit Application PLSUP20200000198 subject to the following condition(s):

1. Any and all accessory buildings meet the zoning setbacks and receive a zoning clearance.
2. All poultry being raised on the subject property comply with the standards in the definition of urban agriculture in the Zoning Code. The applicant is not allowed more than five (5) poultry at this property.
3. The applicant must keep the area properly cleaned meaning that carcasses, debris, food waste and excrement are removed once every two (2) days. This waste must be kept in airtight containers until disposed of in accordance with the City's ordinances.
4. The applicant shall not maintain a poultry yard or structure within 125' feet of neighboring residential buildings.


Mr. Harold E. Garrison, Chair

RESPONSES

Eighteen (18) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received. Three (3) were unopposed (Deandrea, Howard and Jones). (2) Two were opposed (Massey and Shelton).

COMMENTS

The smell, flies, noise from the rooster and the dog outside also suffers from the flies. Smell is unbearable! Worse than any barnyard and there are hundreds and hundreds of flies since they started having the chickens. We are trying to be good neighbors and I really hate this, but it is just awful..... So sorry.



City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

RE: SPECIAL USE PERMIT APPLICATION - 598 ELIZABETH STREET

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

BACKGROUND

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

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

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

STAFF ANALYSIS AND RECOMMENDATION

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

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

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

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

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

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

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

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

MEMORANDUM

DATE: OCTOBER 13, 2020

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST:

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

RESPONSES:

Eighteen (18) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) response was received. Three (3) unopposed (Deandrea, Howard and Jones). (2) Two was opposed (Massey and Shelton).

COMMENTS:

The smell, flies, noise from the rooster and the dog outside also suffers from the flies. Smell is unbearable! Worse than any barnyard and there are hundreds and hundreds of flies since they started having the chickens. We are trying to be good neighbors and I really hate this, but it is just awful..... So sorry.

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

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

Gross Area/Net Area: 1.477 Property Address: 598 Elizabeth St.

Property Location: N S E W Side of: East

Between: Sunset Dr. and Lands End Rd.

Proffered Conditions (if any, please attach): No roosters after this one I have died

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

I want to be able to keep my husband
father chickens.

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

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

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: _____ TELEPHONE: _____

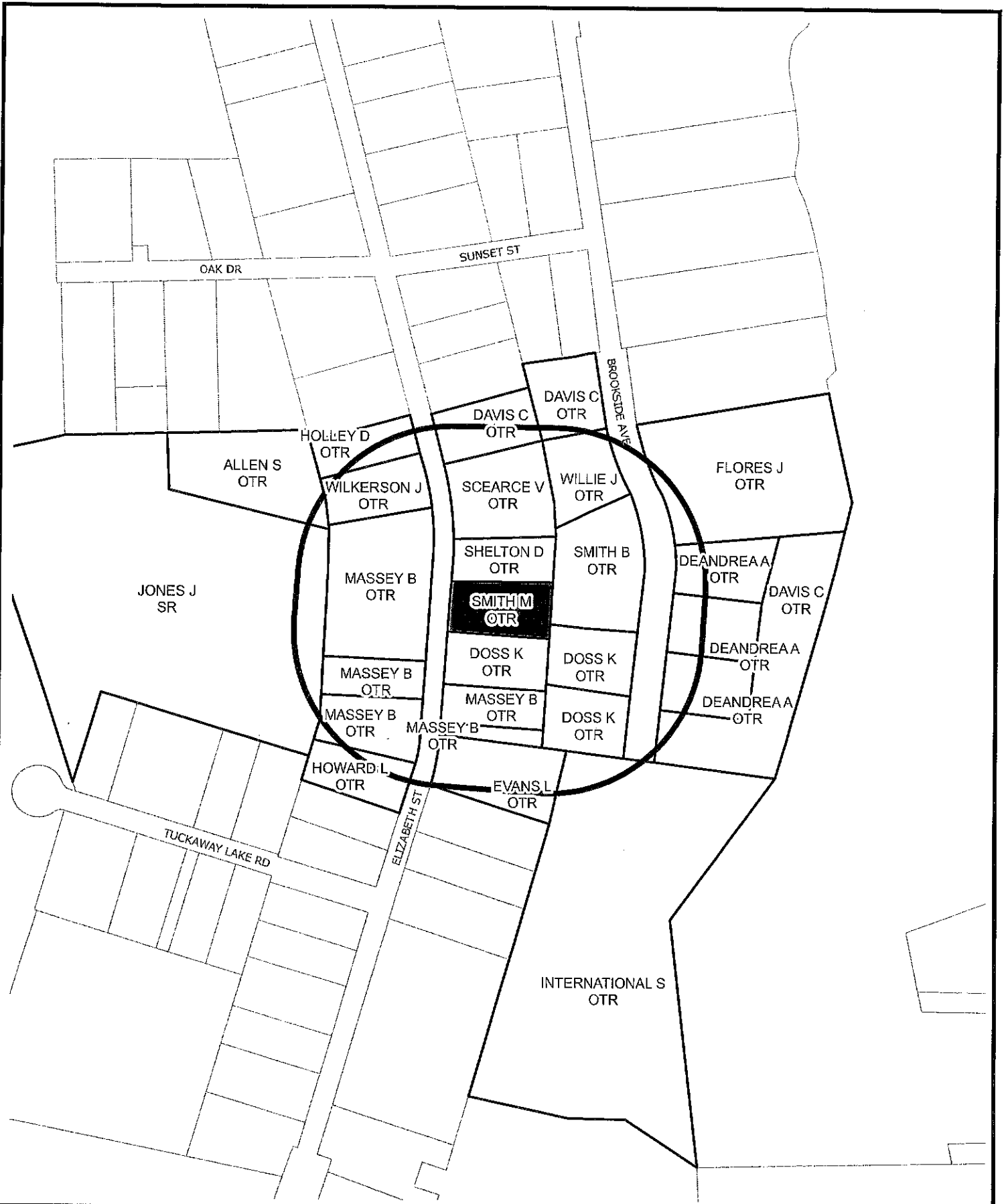
MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP20200000198

PUBLIC HEARING DATES:	PLANNING COMMISSION AT 3PM OCTOBER 13, 2020
LOCATION OF PROPERTY:	598 ELIZABETH STREET
PRESENT ZONE:	OTR, OLD TOWN RESIDENTIAL
PROPOSED ZONE:	NO CHANGE
ACTION REQUESTED:	ESTABLISH URBAN AGRICULTURE – KEEP CHICKENS
PRESENT USE OF PROPERTY:	RESIDENTIAL
PROPOSED USE OF PROPERTY:	ACCESSORY URBAN AGRICULTURE – KEEPING CHICKENS
FUTURE LAND USE DESIGNATION:	RESIDENTIAL
PROPERTY OWNER (S):	MARY SMITH
NAME OF APPLICANT (S):	MARY SMITH
PROPERTY BORDERED BY:	OTHER RESIDENTIAL SINGLE FAMILY DWELLINGS
ACREAGE:	0.477 ACRE
CHARACTER OF VICINITY:	RESIDENTIAL NEIGHBORHOOD
INGRESS AND EGRESS:	ELIZABETH STREET
TRAFFIC VOLUME:	LOW (770 AADT - 2019)



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
9/22/2020

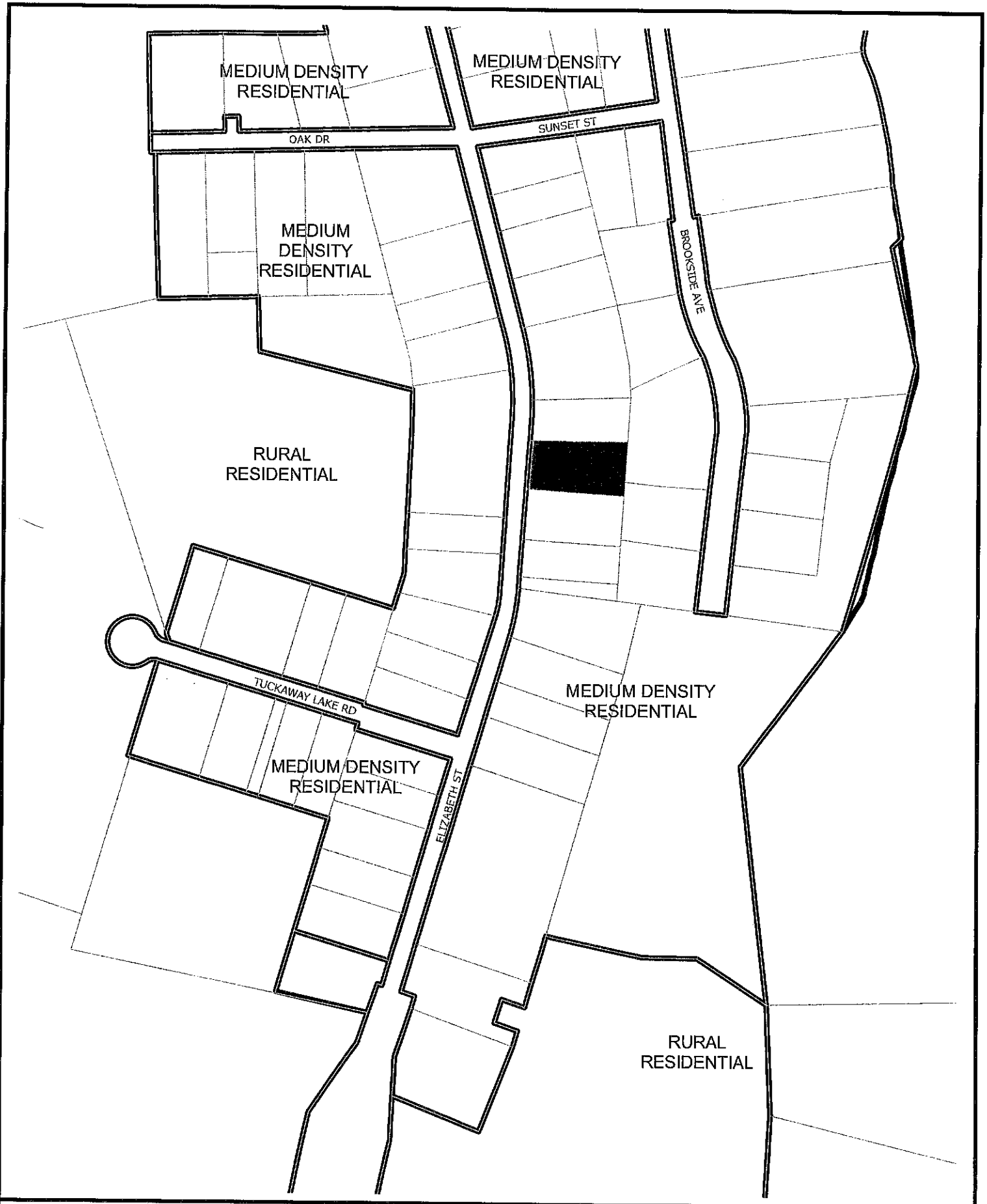
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2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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

Council Letter

City of Danville, Virginia



CL-2437

New Business C.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Consideration of Rezoning from S-R Suburban Residential to OT-R Old Town Residential, a 0.3 acre portion of 188 Stokesland (Parcel ID#75418).

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 11/05/2020

SUMMARY

The application filed by Vera and Mark Hopkins, requests to rezone a 0.3 acre portion of 188 Stokesland Avenue (Parcel ID #75418) from S-R Suburban Residential to OT-R Old Town Residential, also known as Grid 0616, Block 001, Parcel ID#000016, of the City of Danville, Zoning District Map.

BACKGROUND

The applicant proposes the rezoning in conjunction with a land subdivision that adds the subject rezoned property to the parcel at 647 Elizabeth Street, Parcel ID #75724.

The Planning Commission, at their October 13, 2020 meeting, voted 7-0 to recommend approval of Rezoning Application PLRZ20200000203.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance Rezoning a 0.3 acre portion of 188 Stokesland Avenue (Parcel ID #75418) from S-R Suburban Residential to OT-R Old Town Residential, also known as Grid 0616, Block 001, Parcel ID#000016, of the City of Danville, Zoning District Map.

Attachments

Ordinance

PLANNING BACKUP

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020____.____

AN ORDINANCE REZONING FROM THE S-R SUBURBAN RESIDENTIAL ZONING DISTRICT TO THE OT-R OLD TOWN RESIDENTIAL ZONING DISTRICT A 0.3 ACRE PORTION OF 188 STOKESLAND AVENUE (PARCEL ID #75418), OTHERWISE KNOWN AS GRID 0616, BLOCK 001, PARCEL ID#000016 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, Vera and Mark Hopkins have requested to rezone from the S-R Suburban Residential zoning district to the OT-R Old Town Residential zoning district a 0.3 acre portion of 188 Stokesland Avenue (Parcel ID #75418), otherwise known as Grid 0616, Block 001, Parcel ID#000016, 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 Rezoning Application PLRZ20200000203, filed by Vera and Mark Hopkins, requesting to rezone from the S-R Suburban Residential zoning district to the OT-R Old Town Residential zoning district a 0.3 acre portion of 188 Stokesland Avenue (Parcel ID #75418), otherwise known as Grid 0616, Block 001, Parcel ID#000016 of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Rezoning Application PLRZ20200000203, filed by Vera and Mark Hopkins, requesting to rezone from the S-R Suburban Residential zoning district to the OT-R Old Town Residential zoning district a 0.3 acre portion of 188 Stokesland Avenue (Parcel ID #75418), otherwise known as Grid 0616, Block 001, Parcel ID#000016 of the City of Danville, Virginia Zoning District Map, is hereby approved; and

BE IT FINALLY ORDAINED, that a 0.3 acre portion of 188 Stokesland Avenue (Parcel ID #75418), otherwise known as Grid 0616, Block 001, Parcel ID#000016, of the City of Danville, Virginia Zoning District Map are hereby amended to reflect the same.

APPROVED:

MAYOR

ATTEST:

CITY 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 5, 2020
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION (PLRZ20200000203)

REQUEST

Rezoning Application PLRZ20200000203, filed by Vera and Mark Hopkins, requests to rezone a 0.3 acre portion of 188 Stokesland Avenue (Parcel ID #75418) from S-R Suburban Residential to OT-R Old Town Residential, also known as Grid 0616, Block 001, Parcel ID#000016, of the City of Danville, Zoning District Map.

The applicant proposes the rezoning in conjunction with a land subdivision that adds the subject property to the parcel at 647 Elizabeth Street, Parcel ID #75724.

RECOMMENDATION

The Planning Commission voted 7-0 to recommend approval of Rezoning Application PLRZ20200000203.

Mr. Harold E. Garrison, Chair

RESPONSES

One hundred thirteen (113) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Twenty two (22) responses were received. Sixteen (16) were unopposed (Hutson, Hudson, J&B Rentals, Huffman, Wann, Collie, Rich, Toller, Cumbo, Woodring, Garrett, Drumwright, Snow, Hopkins, Rigney and Wilson). Six (6) were opposed (Johnson, Townsend, Massey, Massey, Welch and Smith).

COMMENTS

No Comments.



City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

RE: REZONING APPLICATION - 647 ELIZABETH STREET

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

BACKGROUND

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

STAFF ANALYSIS AND RECOMMENDATION

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

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

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

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

MEMORANDUM

DATE: OCTOBER 13, 2020

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST:

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

RESPONSES:

One hundred thirteen (113) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Twenty two (22) responses were received. Sixteen (16) unopposed (Hutson, Hudson, J&B Rentals, Huffman, Wann, Collie, Rich, Toller, Cumbo, Woodring, Garrett, Drumwright, Snow, Hopkins, Rigney and Wilson). Six (6) was opposed (Johnson, Townsend, Massey, Massey, Welch and Smith).

COMMENTS:

No Comments.

CITY OF DANVILLE }

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: .30 acres Property Address: 647 Elizabeth St.

Property Location: N S E W Side of: Elizabeth St

Between: Sunset and Pumpkin Creek

Proffered Conditions (if any, please attach): _____

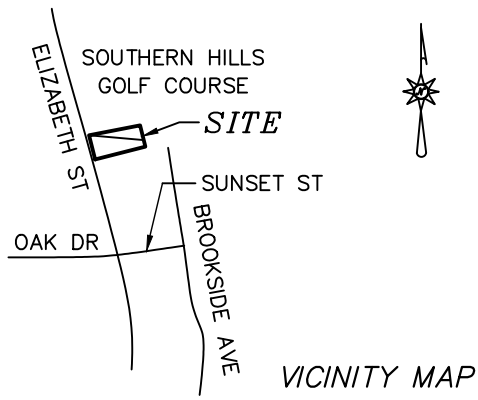
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Mark & Vera G. Hopkins TELEPHONE: 336-587-0616
Mariah Hopkins 336-587-3154
MAILING ADDRESS: 27 Still St. Danville VA 24541
SIGNATURE: Vera G Hopkins DATE: 9-3-20
SIGNATURE: C. Mariah Hopkins DATE: 9-3-20
EMAIL ADDRESS: 4stars20@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

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



SETBACKS:

Minimum yard requirements: Conventional single family lot:

(1) Front yard: 20 feet, When there are buildings on the adjacent lots on both sides, the front yard shall not be required to be greater than the average of the front yards of the buildings on the adjacent lots. However, when one of the adjacent lots is vacant, the structure shall not be required to have a front yard greater than the average front yard of the existing buildings where forty (40%) or more of the frontage on one side of the street within the same block is improved with buildings. The side line of a building on a corner lot shall not be a factor in these calculations.

(2) Side yard (interior lot): 10 feet, Except that the minimum side yard for any lot of record prior to the date of the adoption of this ordinance shall be 6 feet. Side yard (corner lot): 10 feet, except that the minimum side yard for any corner lot of record prior to the date of the adoption of this ordinance shall be 6 feet.

(3) Rear yard: 25 feet (residences). 5 feet (accessory uses)

OWNERS OF RECORD:

MARK W & VERA G HOPKINS

GPIN: 75418

DB 11 PG 2729

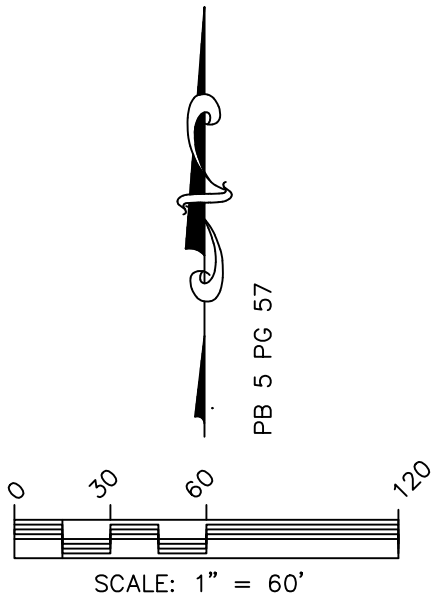
DB 11 PG 2706

ORIGINAL: 106.25± ACRES

THIS PLAT: -0.30 ACRES

REMAINDER: 105.95± ACRES

SOUTHERN HILLS GOLF COURSE



Owner's Certificate:

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

Carmen Mariah Hopkins

Mark W. Hopkins

Vera G. Hopkins

Notary Public; Commonwealth of Virginia

County of Pittsylvania

Commonwealth of Virginia

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

Notary Public's signature

Notary registration number: _____

My commission expires: _____

CITY OF DANVILLE

ZONING ADMINISTRATOR

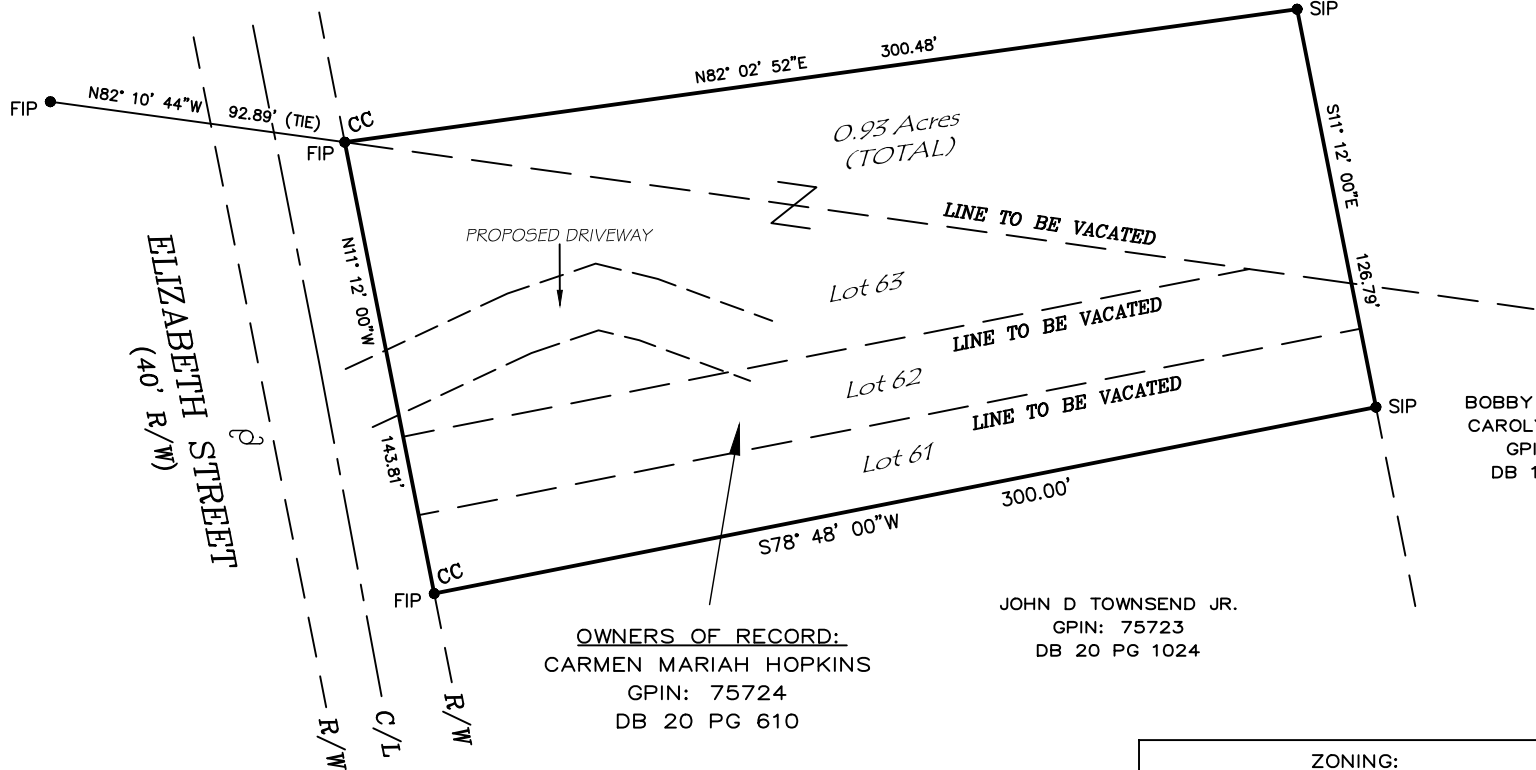
DATE

CITY OF DANVILLE

CITY ENGINEER

DATE

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



OWNERS OF RECORD:

CARMEN MARIAH HOPKINS

GPIN: 75724

DB 20 PG 610

ORIGINAL: 0.63 ACRES

THIS PLAT: +0.30 ACRES

TOTAL: 0.93 ACRES

JOHN D TOWNSEND JR.

GPIN: 75723

DB 20 PG 1024

BOBBY R MASSEY &
CAROLYN J MASSEY

GPIN: 75730

DB 14 PG 1569

ZONING:

PARCEL 75418:

SR - SUBURBAN RESIDENTIAL

PARCEL: 75724:

OTR - OLD TOWN RESIDENTIAL

FLOOD CERTIFICATION

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

GENERAL NOTES:

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

LEGEND

● FIP-FOUND IRON PIN/PIPE

● SIP-SET IRON PIN

△ CALCULATED POINT

CC CONTROL CORNER

GPIN GRID PARCEL ID NUMBER

⊕ POWER POLE

DRAFTSMAN: KLK

REVISION DATE(S):

SURVEYED: 08/19/2020

DRAWN: 08/28/2020

RELIANT

LAND SURVEY

P.L.L.C. P-1735

DRAWN FOR: VERA HOPKINS (336)587-0616

Quality Service. On Time.

DONALD B ABELE LICENSED SURVEYOR

1320 HAWTHORNE LANE BURLINGTON, NC 27215

434-250-4500

PROJECT NAME:

HOPKINS RECOMBINATION

RLS PROJECT No. 3198

RECOMBINATION of the PROPERTY of CARMEN MARIAH HOPKINS AND MARK W. & VERA G. HOPKINS at 647 ELIZABETH STREET DANVILLE, VA 24541 in the CITY OF DANVILLE TOWNSHIP of PITTSYLVANIA COUNTY

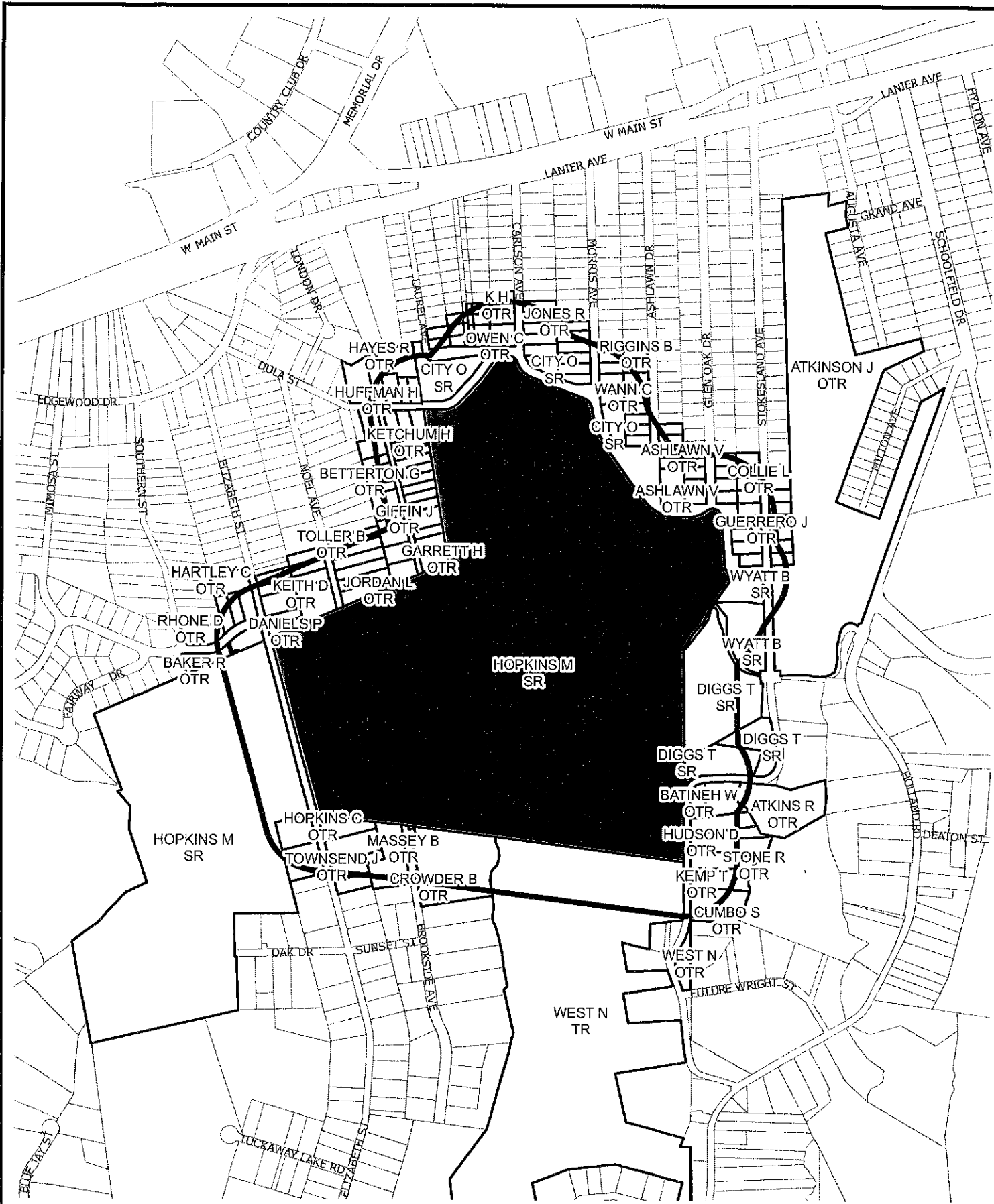
PAGE

1

OF 1

REZONING REQUEST DATA SHEET PLRZ20200000203

PUBLIC HEARING DATES:	PLANNING COMMISSION AT 3PM OCTOBER 13, 2020
LOCATION OF PROPERTY:	PORTION OF 188 STOKESLAND AVENUE ADJACENT TO 647 ELIZABETH STREET
PRESENT ZONE:	S-R, SUBURBAN RESIDENTIAL
PROPOSED ZONE:	OT-R OLD TOWN RESIDENTIAL
ACTION REQUESTED:	REZONE PROPERTY TO TAKE 0.3 ACRES FROM SOUTHERN HILLS GOLD COURSE AND ADD IT TO VACANT ELIZABETH STREET LOT
PRESENT USE OF PROPERTY:	PART OF GOLF COURSE LANDS & VACANT
PROPOSED USE OF PROPERTY:	SINGLE FAMILY RESIDENTIAL
FUTURE LAND USE DESIGNATION:	RESIDENTIAL
PROPERTY OWNER (S):	MARK W & VERA G HOPKINS
NAME OF APPLICANT (S):	MARIAH HOPKINS
PROPERTY BORDERED BY:	OTHER RESIDENTIAL SINGLE FAMILY DWELLINGS
ACREAGE:	0.3 ACRES PLUS ADDITIONAL 0.6 ACRES RESULTS IN 0.9 ACRE BUILDING SITE
CHARACTER OF VICINITY:	RESIDENTIAL NEIGHBORHOOD
INGRESS AND EGRESS:	ELIZABETH STREET
TRAFFIC VOLUME:	LOW (770 AADT - 2019)



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/24/2020

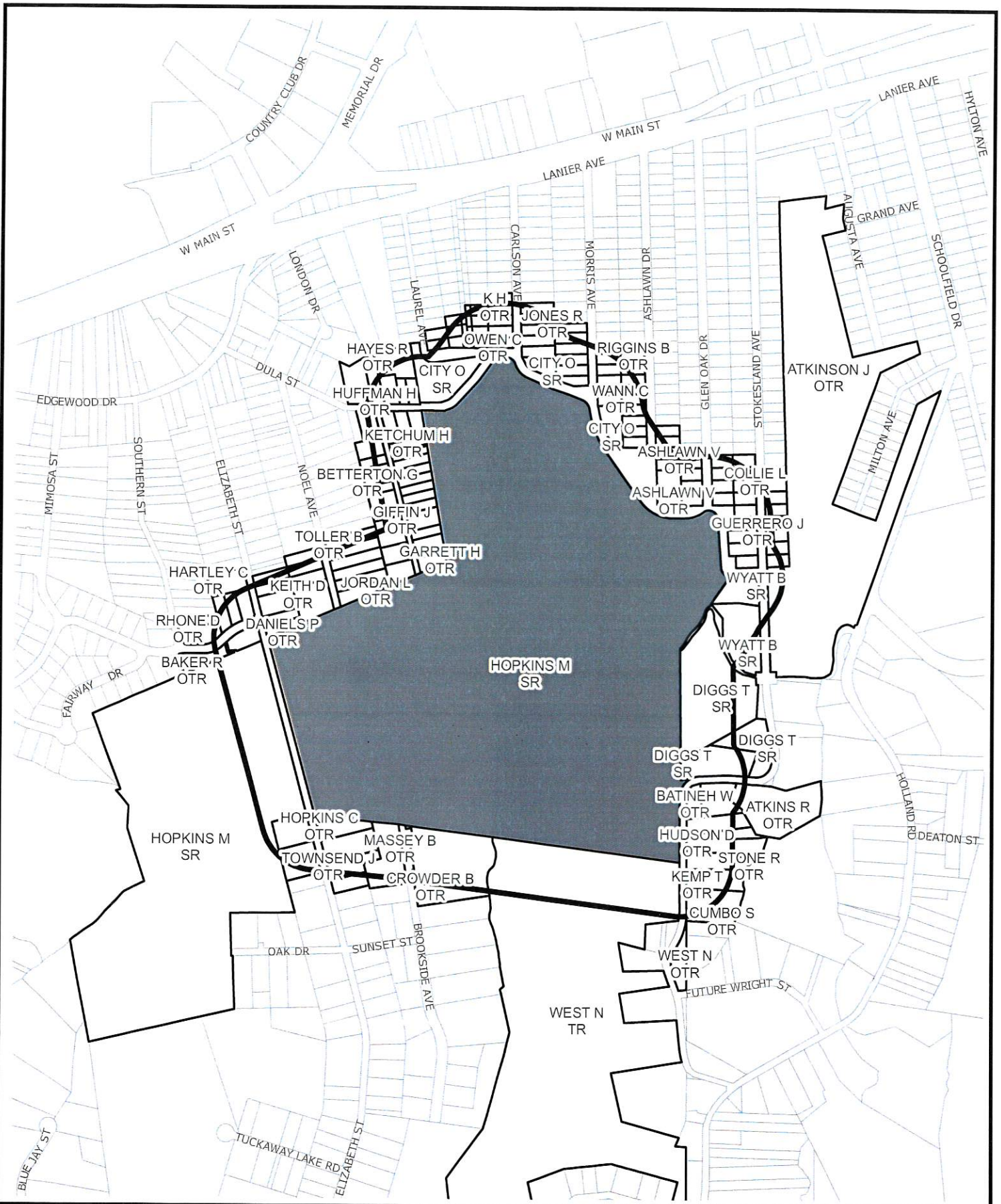
Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions,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



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/24/2020

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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/24/2020

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

Council Letter

City of Danville, Virginia



CL-2438

New Business D.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Consideration of Rezoning a ~4.157 Acre Portion of 3311 Riverside Drive, from PS-C to HR-C Highway Retail Commercial.

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 11/05/2020

SUMMARY

The rezoning application filed by the Daniel Group and Cherney Development Company, Inc., requests to rezone a ~4.157 acre portion of 3311 Riverside Drive, (Parcel ID #51741) from PS-C Planned Shopping Center to HR-C Highway Retail Commercial. The subject parcel is also known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map.

BACKGROUND

The applicant proposes subdividing the property and redeveloping the vacant principal building (former K-Mart) into a self-storage use.

The Planning Commission, at their October 13, 2020 meeting, voted 7-0 to recommend approval of Rezoning Application PLRZ20200000204.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance Rezoning a ~4.157 acre portion of 3311 Riverside Drive, (Parcel ID #51741) from PS-C Planned Shopping Center to HR-C Highway Retail Commercial, The subject parcel is also known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map.

Attachments

Ordinance

PLANNING BACKUP

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020 ____.

AN ORDINANCE REZONING FROM THE PS-C PLANNED SHOPPING CENTER ZONING DISTRICT TO THE HRC HIGHWAY RETAIL COMMERCIAL ZONING DISTRICT A ~4.157 ACRE PORTION OF 3311 RIVERSIDE DRIVE, (PARCEL ID #51741), OTHERWISE KNOWN AS GRID 1713, BLOCK 004, PARCEL ID# 000002 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, the Daniel Group and Cherney Development Company, Inc has requested to rezone from the PS-C Planned Shopping Center zoning district to the HRC Highway Retail Commercial zoning district a ~4.157 acre portion of 3311 Riverside Drive, (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 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 Rezoning Application PLRZ20200000204, filed by the Daniel Group and Cherney Development Company, Inc, requesting to rezone from the PS-C Planned Shopping Center zoning district to the HRC Highway Retail Commercial zoning district a ~4.157 acre portion of 3311 Riverside Drive, (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002 of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Rezoning Application PLRZ20200000204, filed by the Daniel Group and Cherney Development Company, Inc, requesting to rezone from the PS-C Planned Shopping Center zoning district to the HRC Highway Retail Commercial zoning district a ~4.157 acre portion of 3311 Riverside Drive, (Parcel ID #51741) otherwise

known as Grid 1713, Block 004, Parcel ID# 000002 of the City of Danville, Virginia Zoning District Map, is hereby approved; and

BE IT FINALLY ORDAINED that a ~4.157 acre portion of 3311 Riverside Drive, (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002 of the City of Danville, Virginia Zoning District Map are hereby amended to reflect the same.

APPROVED:

MAYOR

ATTEST:

CITY 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 5, 2020
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION (PLRZ20200000204)

REQUEST

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

The applicant proposes subdividing the property and redeveloping the vacant principal building (former K-Mart) into a self-storage use.

RECOMMENDATION

The Planning Commission, at their October 13, 2020 meeting, voted 7-0 to recommend approval of Rezoning Application PLRZ20200000204.


Mr. Harold E. Garrison, Chair

RESPONSES

Twelve (12) notices were sent to surrounding property owners within three hundred (300') feet of the subject property. Two (2) responses were received. Two (2) were unopposed (Danville Riverside Partners and Daniel Group. Zero (0) were opposed.

COMMENTS

No Comments.



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

City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

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

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

Special Use Permit Application PLSUP202000000205, filed by the Daniel Group and Cherney Development Company, Inc. requests a Special Use Permit to waive certain yard requirements in accordance with Article 3.M Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to waive certain yard requirements in conjunction with a land subdivision and a redevelopment proposal that converts the vacant principal building (former K-Mart) into a self-storage use.

BACKGROUND

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

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

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

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

STAFF ANALYSIS AND RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

Rezoning Application

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

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

Special Land Use Permit Application

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

ATTACHMENTS

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

MEMORANDUM

DATE: OCTOBER 13, 2020

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST:

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

RESPONSES:

Twenty five (25) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) response was received. Six (6) unopposed (Danville Riverside Partners LLC, YETI Properties, Innkeeper Motor Lodge West Inc., Trustee of Marshall Revocable Trust, Long Trustee under Marshall Revocable Trust, and Womack). Zero (0) were opposed.

COMMENTS:

No Comments.

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

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

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

Between: Advance Street and Exchange Street and Trade Street

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

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

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

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

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: hburnette@tdanielgroup.com

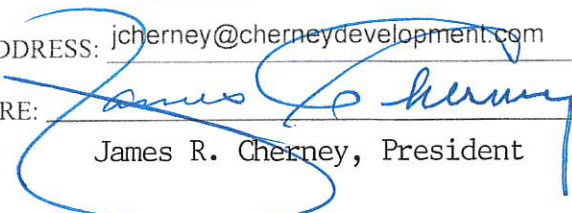
APPLICANT (PLEASE TYPE OR PRINT):

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

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

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

EMAIL ADDRESS: jcherney@cherneydevelopment.com

SIGNATURE:  DATE: 9.8.20

James R. Cherney, President

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

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

Please provide a brief description of the proposed development:

Repurpose the former Kmart building for self storage use

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

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

to allow self storage facilities as a permitted use by right

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

N/A



Commercial Real Estate and
Hotel / Lodging

- Development
- Management
- Leasing

September 8, 2020

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

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

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

A handwritten signature in black ink, appearing to read "Howard Burnette", written over a horizontal line.

Howard Burnette, President

A handwritten date in black ink, "September 8, 2020", written over a horizontal line.

Date

223 Riverview Drive
Danville, Virginia 24541

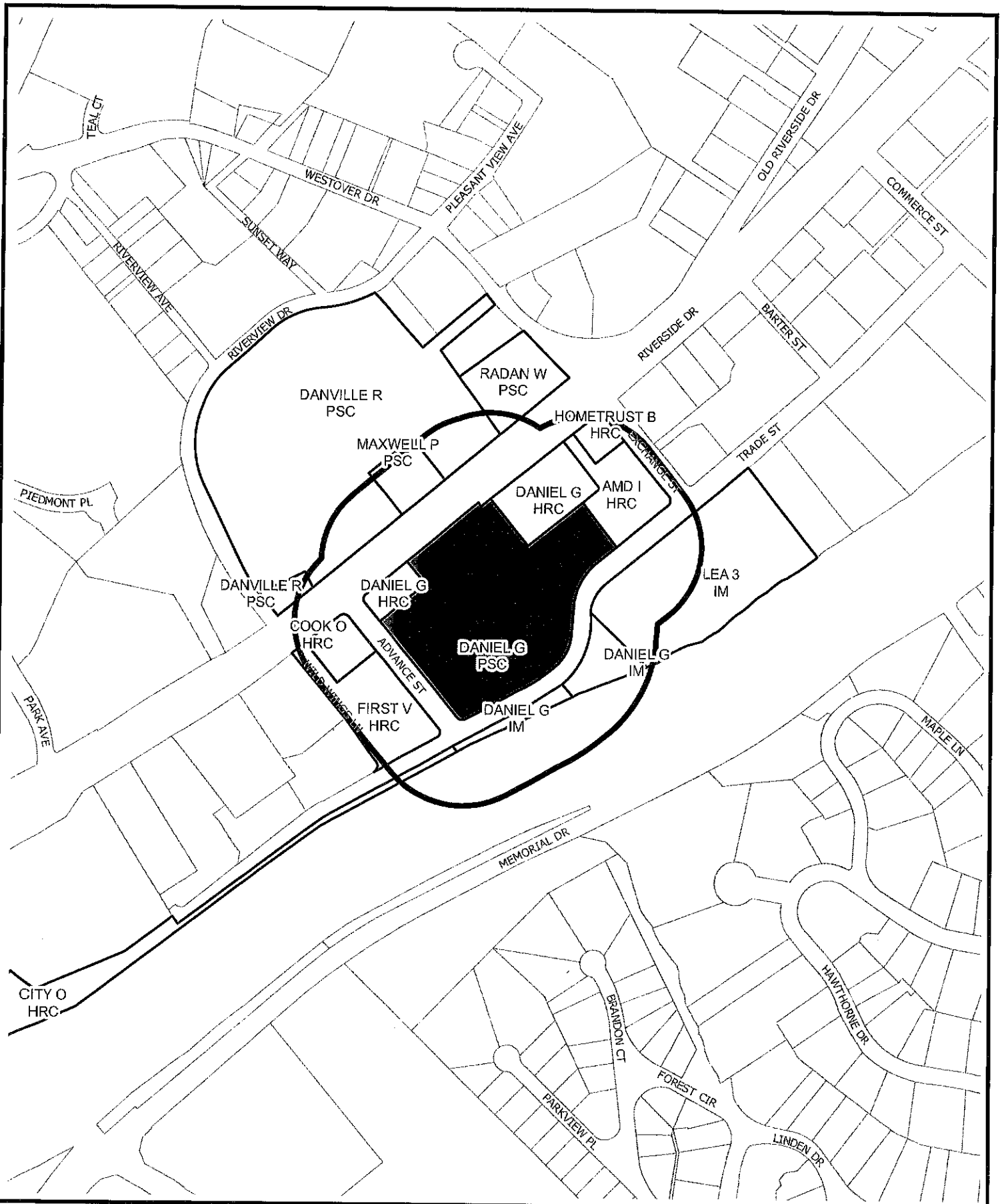
Tel: 434.791.8200

Fax: 434.792.6610

www.tdanielgroup.com

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

PUBLIC HEARING DATES:	PLANNING COMMISSION AT 3PM OCTOBER 13, 2020
LOCATION OF PROPERTY:	3311 RIVERSIDE DRIVE (FORMERLY DANVILLE KMART)
PRESENT ZONE:	PS-C, PLANNED SHOPPING CENTER
PROPOSED ZONE:	HRC, HIGHWAY RETAIL COMMERCIAL
ACTION REQUESTED:	REZONE ~4.157 ACRE PROPERTY TO ALLOW SELF STORAGE USE IN 95,815 SQUARE FOOT BUILDING. SPECIAL USE PERMIT TO WAIVE CERTAIN YARD REQUIREMENTS.
PRESENT USE OF PROPERTY:	VACANT SHOPPING CENTER
PROPOSED USE OF PROPERTY:	SELF STORAGE
FUTURE LAND USE DESIGNATION:	REGIONAL COMMERCIAL
PROPERTY OWNER (S):	THE DANIEL GROUP
NAME OF APPLICANT (S):	CHERNEY DEVELOPMENT COMPANY INC
PROPERTY BORDERED BY:	OTHER HIGHWAY COMMERCIAL AND INDUSTRIAL WAREHOUSING
ACREAGE:	~4.157 ACRES
CHARACTER OF VICINITY:	HIGHWAY COMMERCIAL, INDUSTRIAL
INGRESS AND EGRESS:	RIVERSIDE DRIVE, ADVANCE STREET, TRADE STREET
TRAFFIC VOLUME:	HEAVY (24,000 AADT - 2019)



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

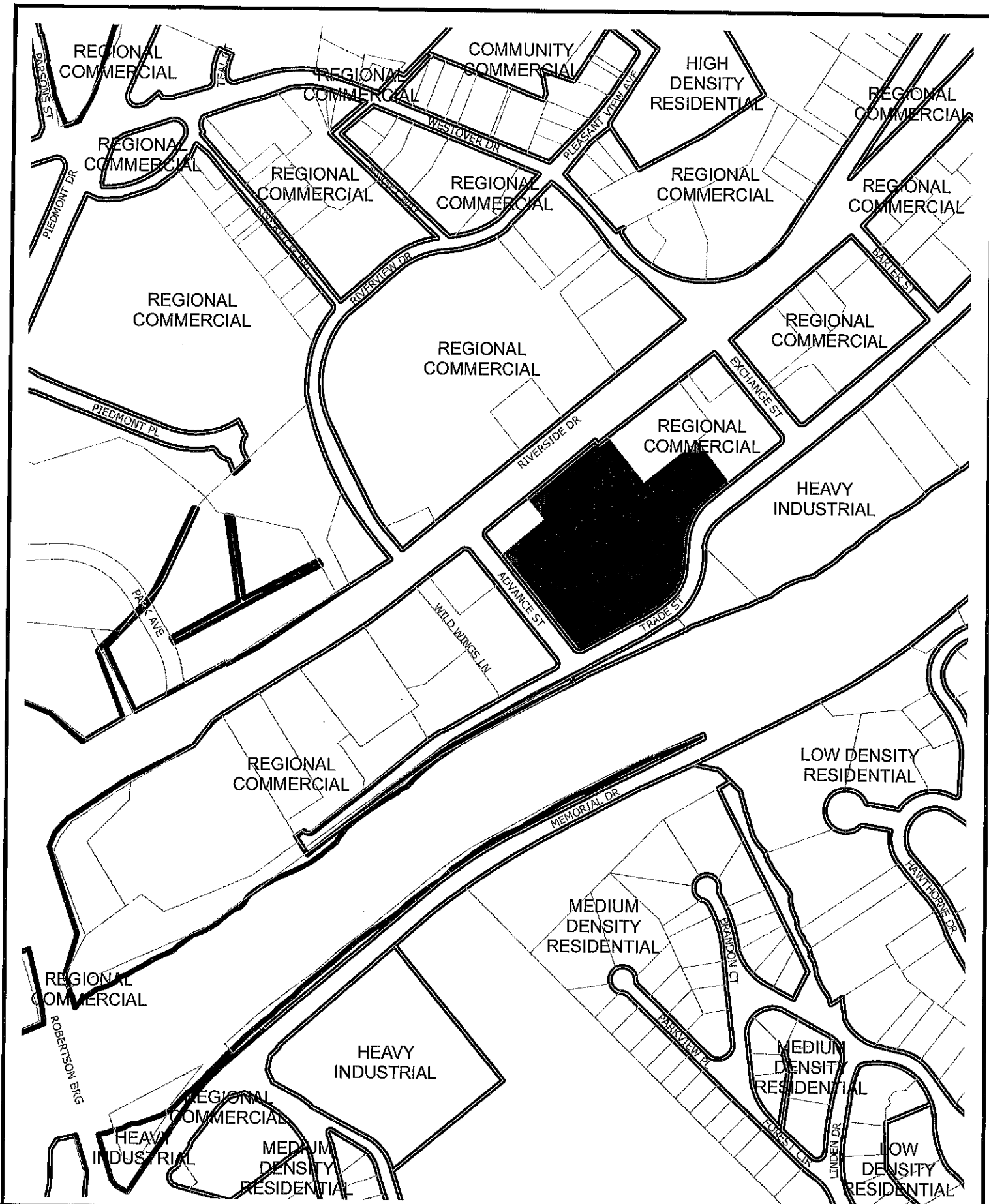
Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation or warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions,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



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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

Council Letter

City of Danville, Virginia



CL-2439

New Business E.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Consideration of a Special Use Permit to Waive Certain Yard Requirements at 3311 Riverside Drive (Parcel ID #51741).

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 11/05/2020

SUMMARY

The application filed by the Daniel Group and Cherney Development Company, Inc. for a Special Use Permit to waive certain yard requirements in accordance with Article 3.M Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map.

BACKGROUND

The applicant requests a Special Use Permit to waive certain yard requirements in conjunction with a land subdivision and a redevelopment proposal that converts the vacant principal building (former K-Mart) into a self-storage use. The proposed land subdivision creates non-conforming yards along Trade and Advance Streets, which is why the development needs this Special Use Permit to move forward. The Planning Commission, at their October 13, 2020 meeting, voted 7-0 to recommend approval of Special Use Permit Application PLSUP20200000205 subject to the following conditions:

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

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to waive certain yard requirements in accordance with Article 3.M Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map subject to the following condition:

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

Attachments

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PLSUP202000000205 TO WAIVE CERTAIN YARD REQUIREMENTS IN ACCORDANCE WITH ARTICLE 3.M SECTION C.21 OF THE CODE OF THE CITY OF DANVILLE VIRGINIA, 1986, AS AMENDED, AT 3311 RIVERSIDE DRIVE (PARCEL ID #51741). OTHERWISE KNOWN AS GRID 1713, BLOCK 004, PARCEL ID# 000002 OF THE CITY OF DANVILLE ZONING DISTRICT MAP.

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 PLSUP202000000205, filed by the Daniel Group and Cherney Development Company, Inc., requesting a Special Use Permit for waive certain yard requirements in accordance with Article 3.M Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map, is hereby received, subject to subject to the condition that future development plans must match the Rezoning Exhibit submitted by LE&D for Cherney Development Company, dated September 9, 2020; and

BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PLSUP202000000205, filed by the Daniel Group and Cherney Development Company, Inc., requesting a Special Use Permit to waive certain yard requirements in accordance with Article 3.M Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map, is hereby approved, subject to the condition that future development plans must match the Rezoning Exhibit submitted by LE&D for Cherney Development Company, dated September 9, 2020.

APPROVED:

MAYOR

ATTEST:

CITY 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 5, 2020
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: **SPECIAL USE PERMIT APPLICATION (PLSUP20200000205)**

REQUEST

Special Use Permit Application PLSUP202000000205, filed by the Daniel Group and Cherney Development Company, Inc. requests a Special Use Permit to waive certain yard requirements in accordance with Article 3.M Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map.

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

RECOMMENDATION

The Planning Commission voted 7-0 to recommend approval of Special Use Permit Application PLSUP202000000205 with the following condition:

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

Mr. Harold E. Garrison, Chair

RESPONSES

Twelve (12) notices were sent to surrounding property owners within three hundred (300') feet of the subject property. Two (2) responses were received. Two (2) were unopposed (Danville Riverside Partners and Daniel Group.) Zero (0) were opposed.

COMMENTS

No Comments.



City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

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

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

Special Use Permit Application PLSUP202000000205, filed by the Daniel Group and Cherney Development Company, Inc. requests a Special Use Permit to waive certain yard requirements in accordance with Article 3.M Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to waive certain yard requirements in conjunction with a land subdivision and a redevelopment proposal that converts the vacant principal building (former K-Mart) into a self-storage use.

BACKGROUND

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

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

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

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

STAFF ANALYSIS AND RECOMMENDATION

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

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

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

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

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

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

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

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

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

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

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

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

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

Rezoning Application

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

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

Special Land Use Permit Application

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

ATTACHMENTS

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

MEMORANDUM

DATE: OCTOBER 13, 2020

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST:

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

Special Use Permit Application PLSUP202000000205, filed by the Daniel Group and Cherney Development Company, Inc. requests a Special Use Permit to waive certain yard requirements in accordance with Article 3.M Section C.21 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 3311 Riverside Drive (Parcel ID #51741), otherwise known as Grid 1713, Block 004, Parcel ID# 000002, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit to waive certain yard requirements in conjunction with a land subdivision and a redevelopment proposal that converts the vacant principal building (former K-Mart) into a self-storage use.

RESPONSES:

Twelve (12) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Two (2) responses were received. Two (2) unopposed (Danville Riverside Partners and Daniel Group. Zero (0) was opposed.

COMMENTS:

No Comments.

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

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

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

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

Between: Advance Street and Exchange Street and Trade Street

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

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

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

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

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

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

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

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: hburnette@ldanielgroup.com

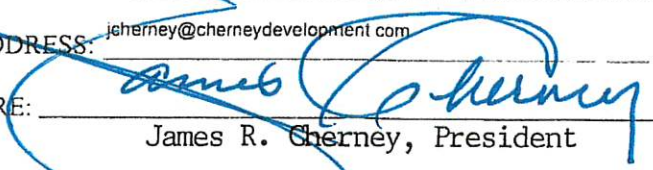
APPLICANT (PLEASE TYPE OR PRINT):

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

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

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

EMAIL ADDRESS: jcherney@cherneydevelopment.com

SIGNATURE:  DATE: 9.8.20
James R. Cherney, President



Commercial Real Estate and
Hotel / Lodging

- Development
- Management
- Leasing

September 8, 2020

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

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

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



Howard Burnette, President



Date

223 Riverview Drive
Danville, Virginia 24541

Tel: 434.791.8200

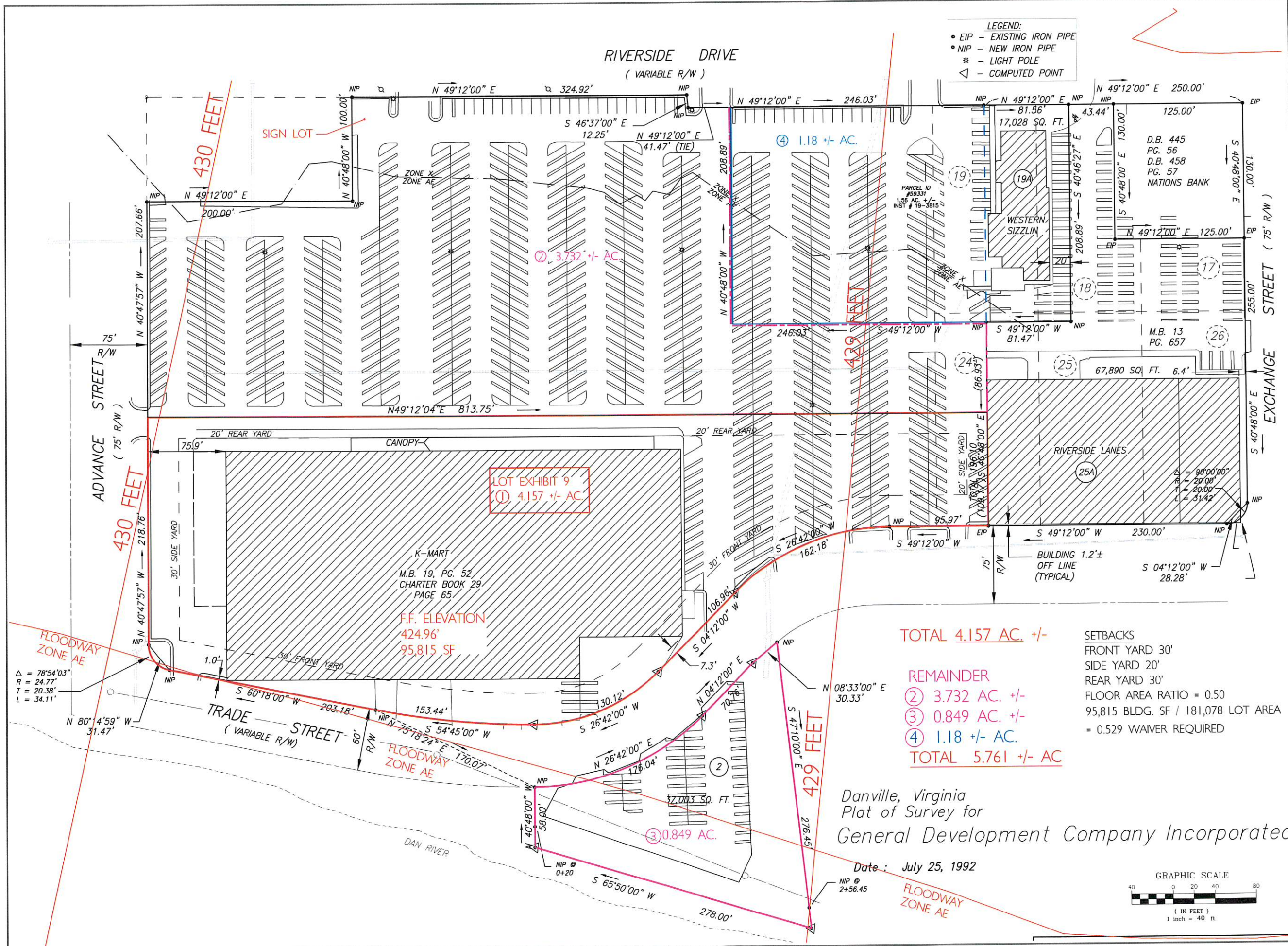
Fax: 434.792.6610

www.tdanielgroup.com

REZONING EXHIBIT

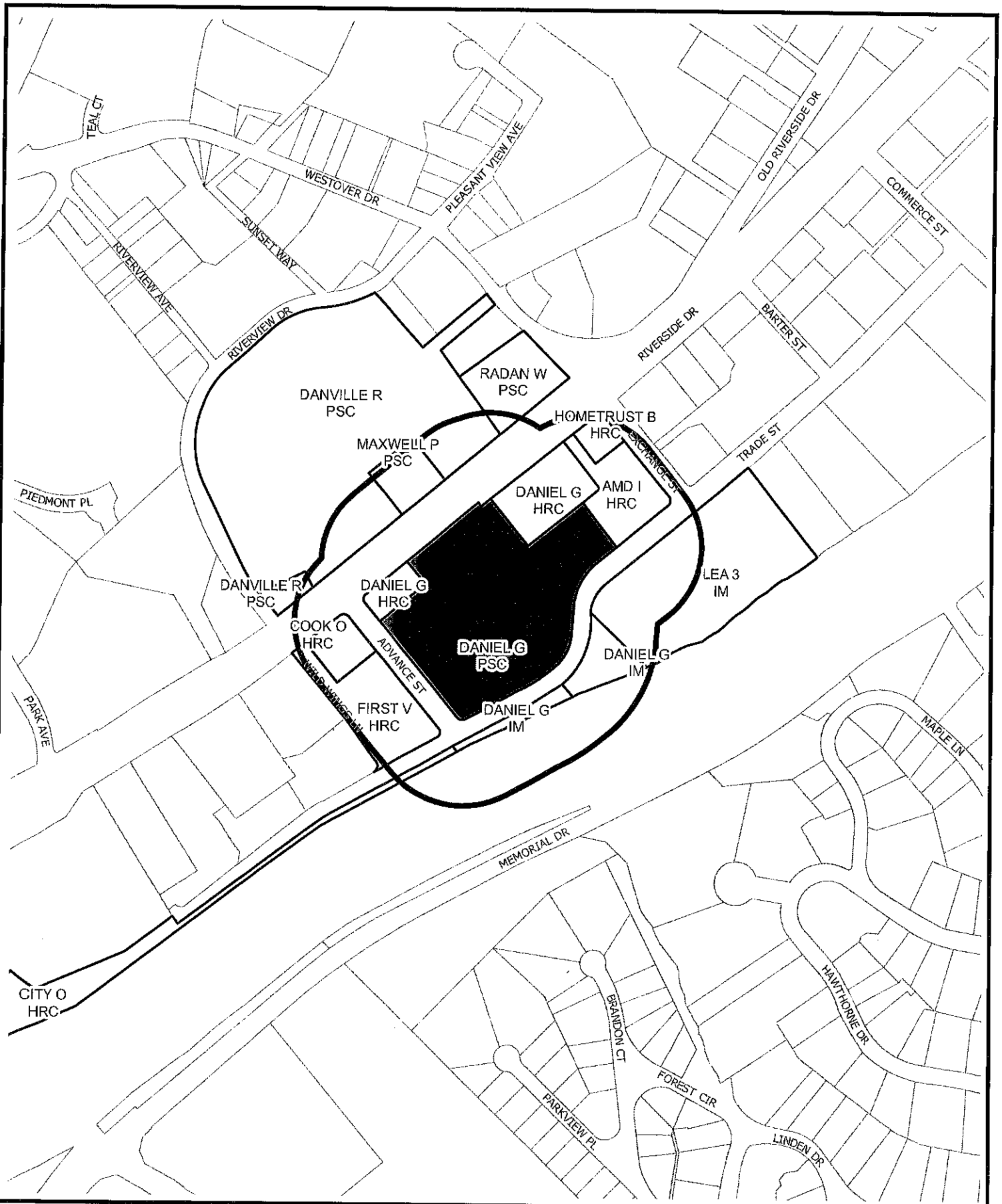
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Sheet No.
1 of **1**
Date: SEPTEMBER 9, 2020
Scale: 1" = 40'
Project No.
VA\GO-KM17\eng\dwg\REZONING EXHIBIT-(9-8-2



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

PUBLIC HEARING DATES:	PLANNING COMMISSION AT 3PM OCTOBER 13, 2020
LOCATION OF PROPERTY:	3311 RIVERSIDE DRIVE (FORMERLY DANVILLE KMART)
PRESENT ZONE:	PS-C, PLANNED SHOPPING CENTER
PROPOSED ZONE:	HRC, HIGHWAY RETAIL COMMERCIAL
ACTION REQUESTED:	REZONE ~4.157 ACRE PROPERTY TO ALLOW SELF STORAGE USE IN 95,815 SQUARE FOOT BUILDING. SPECIAL USE PERMIT TO WAIVE CERTAIN YARD REQUIREMENTS.
PRESENT USE OF PROPERTY:	VACANT SHOPPING CENTER
PROPOSED USE OF PROPERTY:	SELF STORAGE
FUTURE LAND USE DESIGNATION:	REGIONAL COMMERCIAL
PROPERTY OWNER (S):	THE DANIEL GROUP
NAME OF APPLICANT (S):	CHERNEY DEVELOPMENT COMPANY INC
PROPERTY BORDERED BY:	OTHER HIGHWAY COMMERCIAL AND INDUSTRIAL WAREHOUSING
ACREAGE:	~4.157 ACRES
CHARACTER OF VICINITY:	HIGHWAY COMMERCIAL, INDUSTRIAL
INGRESS AND EGRESS:	RIVERSIDE DRIVE, ADVANCE STREET, TRADE STREET
TRAFFIC VOLUME:	HEAVY (24,000 AADT - 2019)



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
9/22/2020

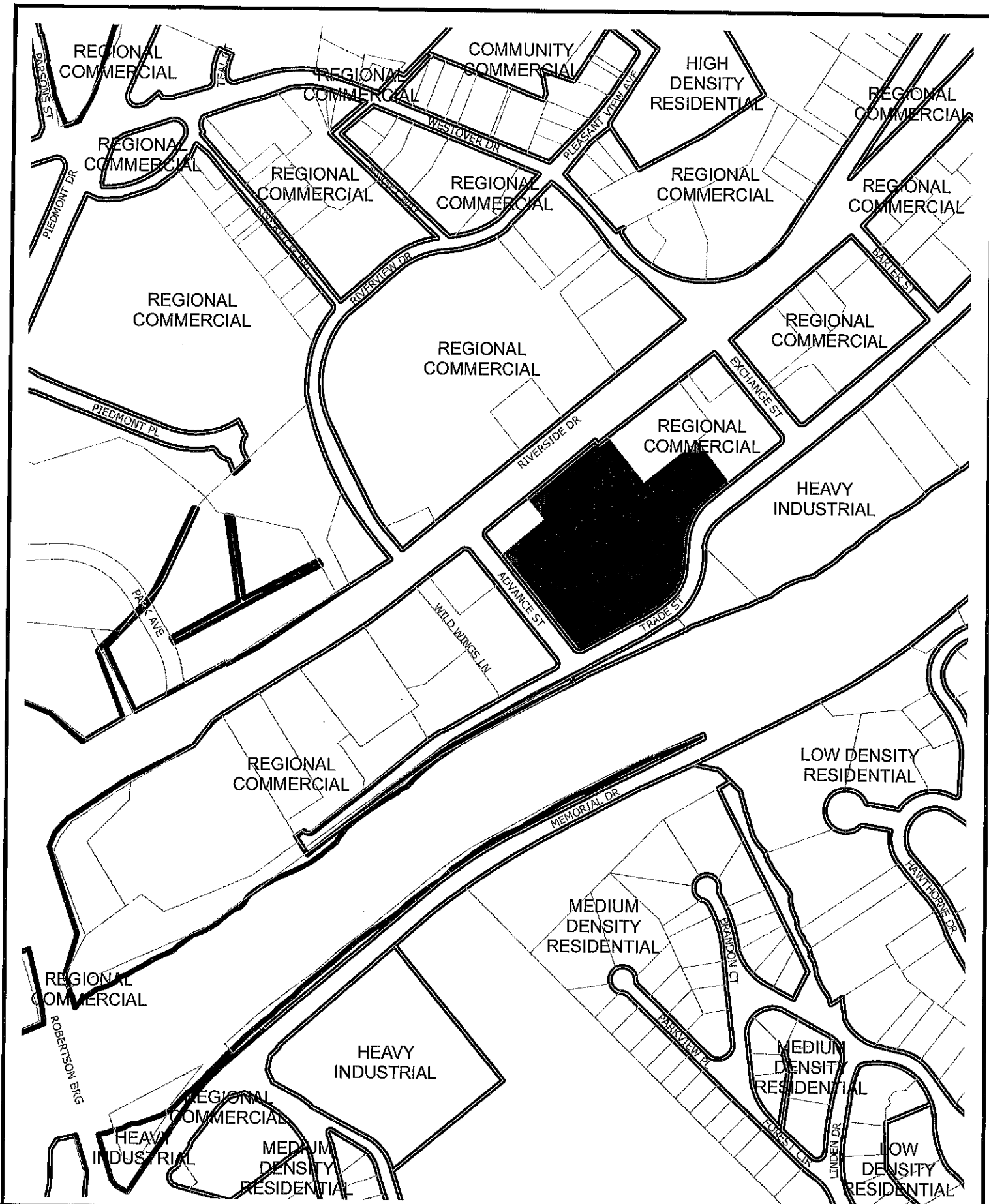
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2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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Council Letter

City of Danville, Virginia



CL-2440

New Business F.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Consideration of Rezoning 116 Maplewood Street (Parcel ID #60494) from HR-C Highway Retail Commercial to LED-I Light Economic Development District.

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 11/05/2020

SUMMARY

The application filed by ROE Enterprises LLC and Sterling Lighting LLC, requests to rezone 116 Maplewood Street (Parcel ID #60494) from HR-C Highway Retail Commercial to LED-I Light Economic Development District also known as Grid 1920 Block 002, Parcel ID #000001.001, of the City of Danville, Zoning District Map. The proposed use is not allowed under HR-C Highway Retail Commercial zoning.

BACKGROUND

The applicant proposes to warehouse, store, and manufacture lighting fixtures and accessories. The Planning Commission, at their October 13, 2020 meeting, voted 7-0 to recommend approval of Rezoning Application PLRZ20200000207.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance Rezoning 116 Maplewood Street (Parcel ID# 60494) HR-C Highway Retail Commercial to LED-I Light Economic Development District also known as Grid 1920 Block 002, Parcel ID#000001.001, of the City of Danville, Zoning District Map.

Attachments

Ordinance

PLANNING BACKUP

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020____.____

AN ORDINANCE REZONING FROM THE HR-C HIGHWAY RETAIL COMMERCIAL ZONING DISTRICT TO THE LED-1 LIGHT ECONOMIC DEVELOPMENT DISTRICT ZONING DISTRICT 116 MAPLEWOOD STREET (PARCEL ID #60494), OTHERWISE KNOWN AS GRID 1920 BLOCK 002, PARCEL ID#000001.001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, ROE Enterprises LLC and Sterling Lighting LLC requested to rezone from the HR-C Highway Retail Commercial zoning district to the LED-1 Light Economic Development District zoning district 116 Maplewood Street (Parcel ID #60494), otherwise known as Grid 1920 Block 002, Parcel ID#000001.001, 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 Rezoning Application PLRZ202000000207, filed by ROE Enterprises LLC and Sterling Lighting LLC, requesting to rezone from the HR-C Highway Retail Commercial zoning district to the LED-1 Light Economic Development District zoning district 116 Maplewood Street (Parcel ID #60494), otherwise known as Grid 1920 Block 002, Parcel ID#000001.001 of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Rezoning Application PLRZ202000000207, filed by ROE Enterprises LLC and Sterling Lighting LLC, requesting to rezone from the HR-C Highway Retail Commercial zoning district to the LED-1 Light Economic Development District zoning district 116 Maplewood Street (Parcel ID #60494), otherwise known as Grid

1920 Block 002, Parcel ID#000001.001 of the City of Danville, Virginia Zoning District Map,
is hereby approved; and

BE IT FINALLY ORDAINED, that 116 Maplewood Street (Parcel ID #60494)
otherwise known as Grid 1920 Block 002, Parcel ID#000001.001, of the City of Danville,
Virginia Zoning District Map are hereby amended to reflect the same.

APPROVED:

MAYOR

ATTEST:

CITY 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 5, 2020
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION (PLRZ20200000207)

REQUEST

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

The applicant proposes to warehouse, store, and manufacture lighting fixtures and accessories.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission, at their October 13, 2020 meeting, voted 7-0 to recommend approval of Rezoning Application PLRZ202000000207.

Mr. Harold E. Garrison, Chair

RESPONSES

Twenty seven (27) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received. Six (6) unopposed (Dishman, Davis, HRNA LLC, ROE Enterprises, Payne and Ruxton Associates). One (1) was opposed (Amayra).

COMMENTS

That change will bring more traffic to the neighborhood. I have a five year old boy and four year old girl. It will be dangerous for them to go outdoors to play sometime.



City Planning Commission

STAFF REPORT

MEETING DATE: October 13, 2020

RE: REZONING APPLICATION - 116 MAPLEWOOD STREET

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

BACKGROUND

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

STAFF ANALYSIS AND RECOMMENDATION

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

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

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

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

ATTACHMENTS

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

MEMORANDUM

DATE: OCTOBER 13, 2020

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST:

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

RESPONSES:

Twenty seven (27) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received. Six (6) unopposed (Dishman, Davis, HRNA LLC, ROE Enterprises, Payne and Ruxton Associates). One (1) was opposed (Amayra).

COMMENTS:

That change will bring more traffic to the neighborhood. I have a five year old boy and four year old girl. It will be dangerous for them to go outdoors to play sometime.

CITY OF DANVILLE

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

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

1. NAME: Roe Enterprises, LLC TELEPHONE: (434) 836-4243
MAILING ADDRESS: 112 Maplewood Street, Danville, VA 24540
SIGNATURE: Melissa Shapberger DATE: 9/10/20
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: MelissaG@masterof.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Sterling Lighting, LLC - Damien Sanchez TELEPHONE: (661) 874-8740
MAILING ADDRESS: 201 Davis Drive, Suite DD, Sterling, VA 20164
EMAIL ADDRESS: damien@slights.com
SIGNATURE: [Signature] DATE: 9/9/2020

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

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

Please provide a brief description of the proposed development:

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

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

Attachment A

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

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

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

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



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



Dewberry®

Dewberry Engineers Inc.

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

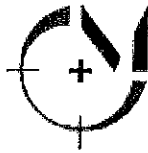
DATE
 08/26/2020
 PROJ. NO.
 50131638

TITLE
 Tax Map
 PROJECT
 Maplewood Street Rezoning

SHEET NO.

1

111 of 141



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

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

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

Danville City Counsel-

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

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

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

Regards,

Melissa Ghaphery
Melissa Ghaphery



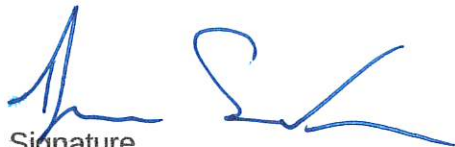
Chelsea R. Piedra
31 Aug 20

AFFIDAVIT OF DAMIEN RAFAEL ROBLES SANCHEZ

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

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

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


Signature

Solemnly affirmed at Aguadilla, Puerto Rico

On this 1st day of September 2020

and signed his name in my presence


notary public.
my commission is lifetime.


AFFIDAVIT OF PATRICK HARDERS

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

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

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

Signature



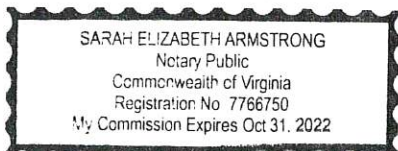
Solemnly affirmed at 201 Davis Dr, Suite G Sterling, VA 20164

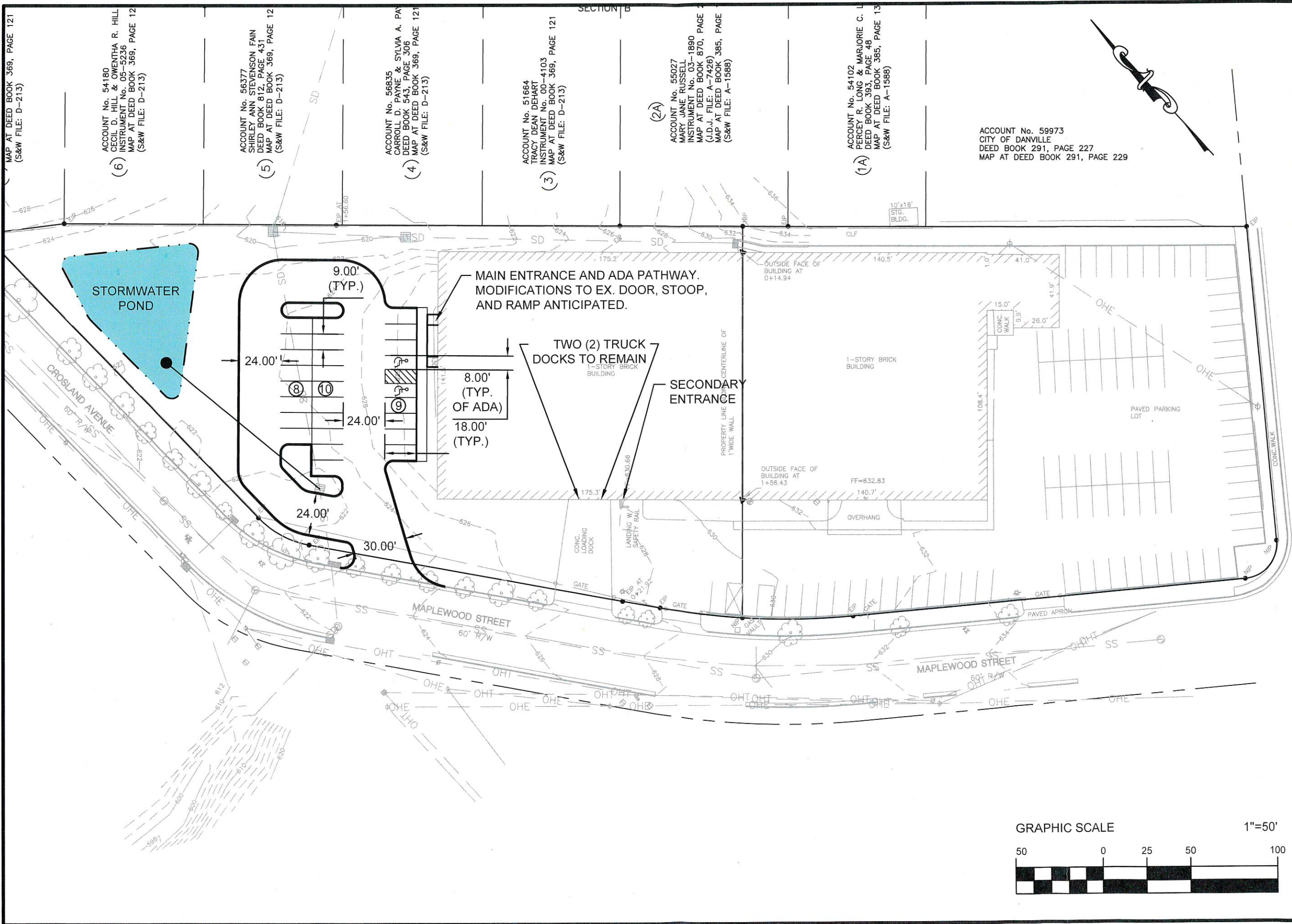
On this 1 day of September, 2020

And signed his name in my presence



*I was commissioned notary
as Sarah Elizabeth Armstrong.*





SHEET NO.

TITLE

SCALE
Master Plan

DATE
08/27/2020

PROJECT
Sterling Lighting Rezoning Application

PROJ. NO.
50131638

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

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

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

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

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



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

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

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

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

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

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

0' 40' 80'

Dewberry

Dewberry & Davis, Inc.

351 PINEY FOREST ROAD
DANVILLE, VA 24040
PHONE 434.787.4497
FAX 434.787.4341
FILE: 50012620/MEADE

Math By	K. M.	Party Chief	EA NES	File No.	V3072B
Checked By	C. E.	Field Bk / Pg	841 / 22		

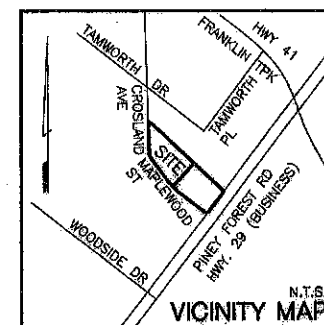
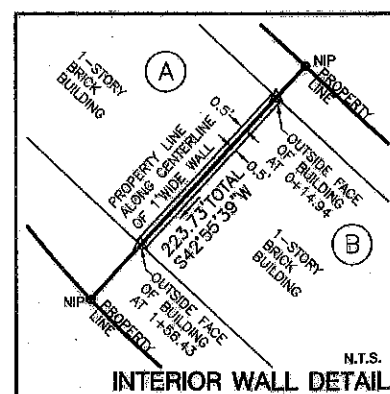
ACCOUNT No. 50019
LARRY RANDAL ABBOTT
INSTRUMENT No. 05-5113
MAP AT DEED BOOK 369,
PAGE 121
(S&W FILE: D-213)

CROSLAND AVENUE
60' R/W

NEW LOT A
1.600 ACRES

PARENT TRACT
ACCOUNT No. 51526
ROE ENTERPRISES, LLC
112 MAPLEWOOD STREET
INSTRUMENT No. 99-2527
MAP BOOK 22, PAGE 238
(D&D FILE: V795B)

MAPLEWOOD STREET
60' R/W

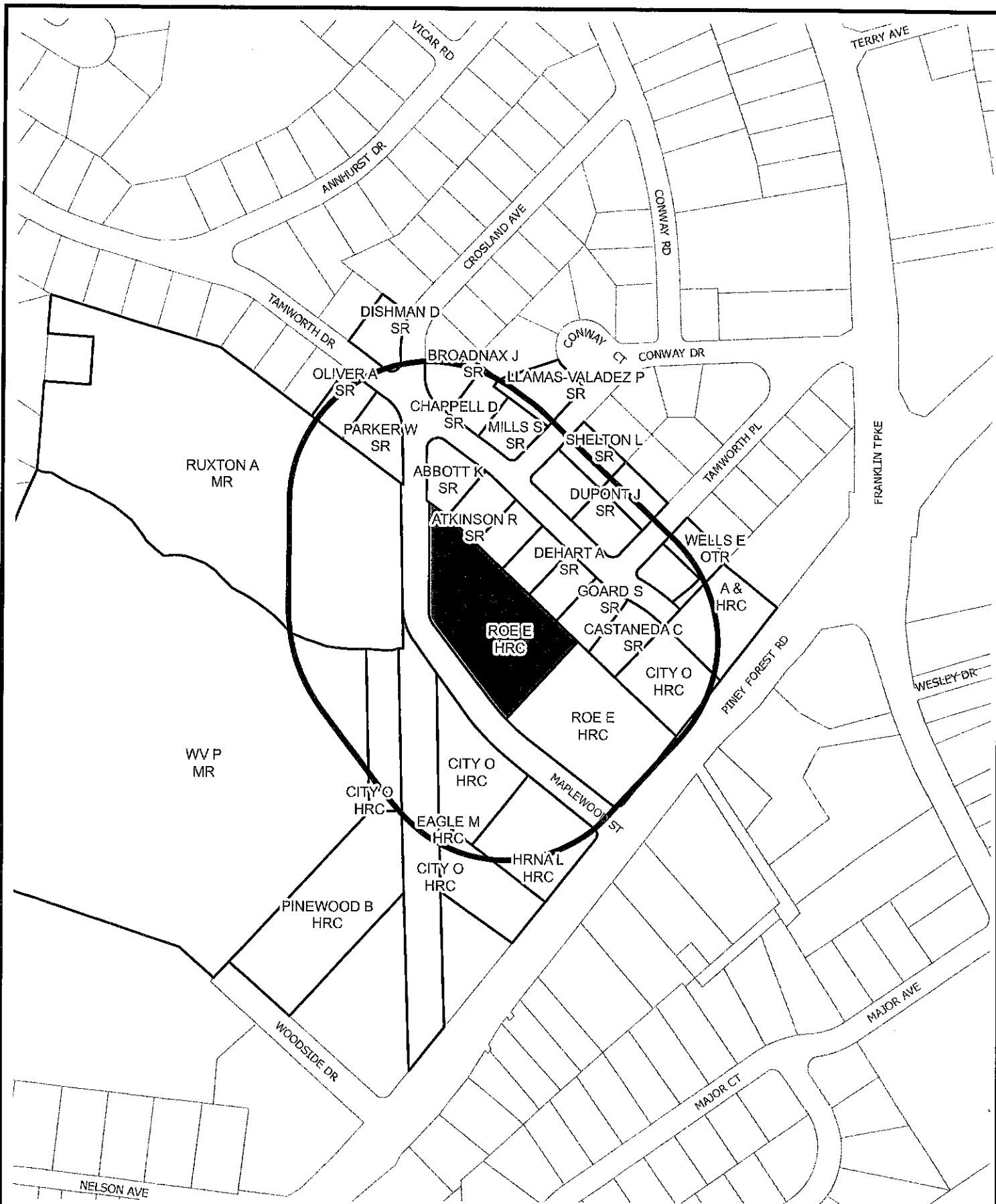


MAP BOOK 23, PAGE 238
(D&D FILE: V795B)

PINEY FOREST ROAD
LAS HIGHWAY No 28
(BUSINESS) 60' R/W

REZONING REQUEST DATA SHEET PLRZ20200000207

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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
9/22/2020

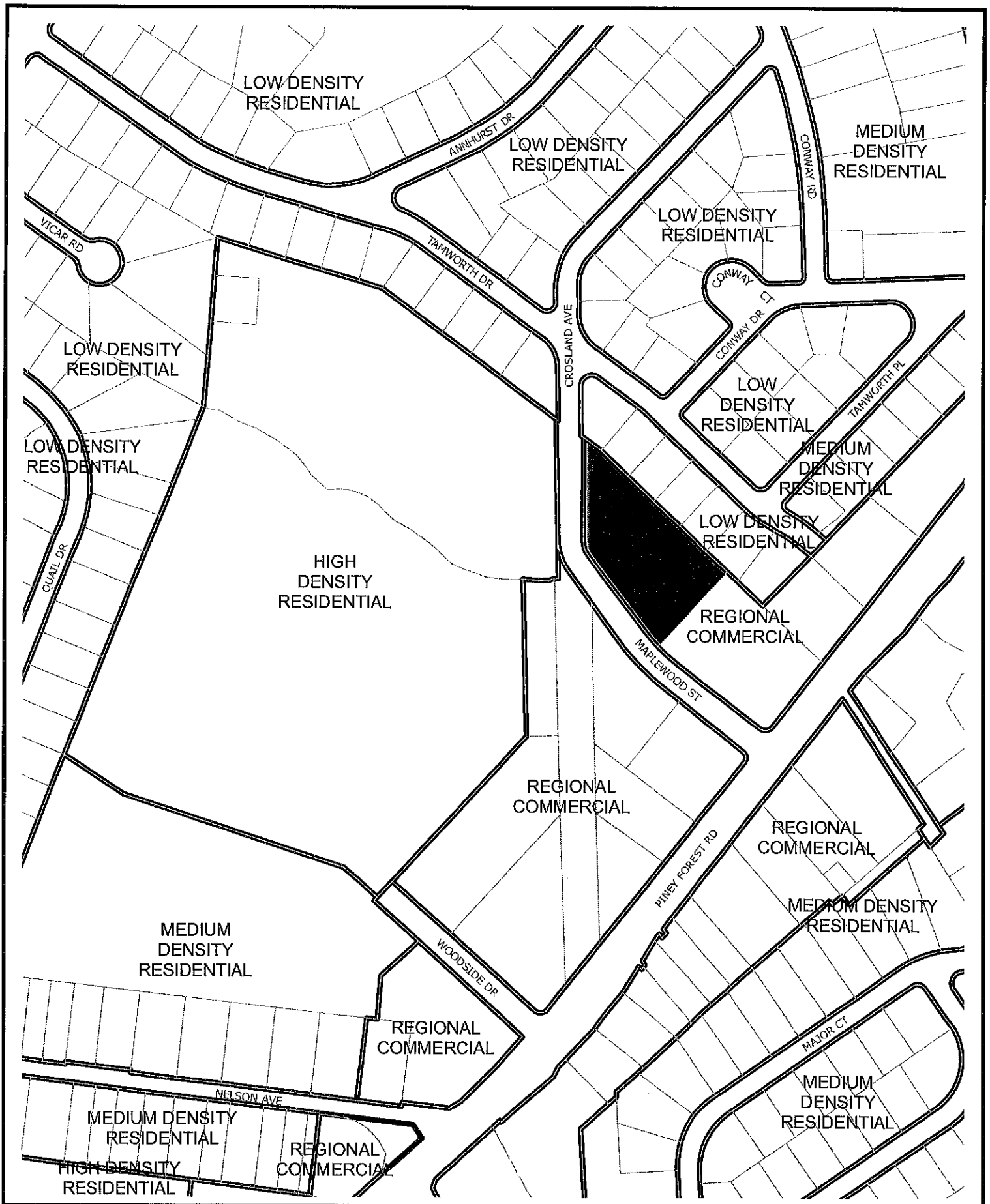
Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions,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



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/22/2020

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

Council Letter

City of Danville, Virginia



CL-2410

New Business G.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Revised Extra Duty Rates for Hiring Off Duty Police Officers

From: Scott Booth, Police Chief

COUNCIL ACTION

Business Meeting: 11/05/2020

SUMMARY

The Danville Police Department is requesting to Revise the Extra Duty Rates for Hiring Off Duty Police Officers. This increase in rates will bring the Danville Police Department in line with agencies comparable in size and activity in this region.

RECOMMENDATION

It is recommended that the City Council adopt the attached Ordinance Revising the Extra Duty Rates for Hiring Off Duty Police Officers.

Attachments

Ordinance

Supporting Informaton

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-_____ - _____

AN ORDINANCE AUTHORIZING AND APPROVING REVISED EXTRA DUTY HOURLY RATES FOR HIRING OFF DUTY POLICE OFFICERS EFFECTIVE DECEMBER 1, 2020.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that revised extra rates effective December 1, 2020, for hiring off duty police officers be, and the same hereby, authorized and approved, such extra duty rates to be as follows:

EXTRA DUTY RATES	CURRENT	PROPOSED
Officer Rate	\$30.00	\$40.00
Supervisor rate	\$35.00	\$45.00
Command Supervisor rate	\$40.00	\$50.00
Holiday rate	\$0.00	\$50.00
Police Vehicle rate	\$0.00	\$10.00

BE IT FURTHER ORDAINED that the City Manager, Kenneth F. Larking, be, and hereby is, authorized and directed to take the appropriate action to implement the above extra duty rates effective December 1, 2020; and

BE IT FINALLY ORDAINED that the City Manager, Kenneth F. Larking, or his designees, is hereby authorized to execute and enter into agreements with third parties for the hiring of extra duty officers consistent with the extra duty rate schedule set forth in this Ordinance.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

CITY ATTORNEY

Supporting Information for Revised Extra Duty Rates for Hiring Off Duty Police Officers

1. Justification for rate increase

The new proposed extra duty hourly rate for the Danville Police Department is \$40.00.

The Danville Police Department last increased their extra duty rate in July of 2011.

The new rates are in line with Roanoke (\$45.00) and Lynchburg (\$35.00), agencies that are similar in size and activity.

2. Breakdown of the rates

Officer hourly rate of \$40.00.

Supervisor hourly rate of \$45.00: (Corporal rank and above for supervising eight officers or less)

Command Supervisor hourly rate of \$50.00: (Lieutenant rank and above for supervising more than eight officers). The need for the supervisor and command supervisor positions are determined by the size of the crowd. Large events up to 1,000 people will need (4) officers and (1) additional officer for every 500 people attending the function.

Holiday hourly rate of \$50.00: (New Year's Eve, New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve and Christmas)

Vehicles requested for assignments hourly rate of \$10: paid to the City of Danville

3. Incentive for officers to work the assignments

Recently, we have noticed a trend where many assignments are not being filled. Due to a lot of mitigating circumstances, families, valued time off, and other issues officers have not been signing up for assignments. Recently, approximately 50% of assignments were not being filled. One of the intents of the rate increase for the officers and on certain holidays is to give officers some extra incentive to leave their family, friends, and sacrifice social events to sign up for all the requested assignments.

4. Additional resources on duty

Most request for off duty, officers are from vendors who have events or functions and they want officers on site for the duration of the program. When the officers sign up to work these events if there is a call for service at the location there are already officers on the scene. This makes for a rapid response and it keeps the on duty officers free to continue to patrol the city. An additional benefit is if there is a major incident in the city, you already have additional work force to use as a resource.

Council Letter

City of Danville, Virginia



CL-2426

New Business H.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Fiscal Year 2020-21 Community Development Programs

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

COUNCIL ACTION

First Reading: 11/05/2020

Final Adoption: 11/17/2020

SUMMARY

The City of Danville is a participating jurisdiction under the U.S. Department of Housing and Urban Development (HUD). Under this designation, the City receives Community Development Block Grant (CDBG) and HOME Investments Partnership Program (HOME) funds annually. The City has received its funding agreement from HUD in the amount of \$1,197,477 and needs to appropriate the money to be used for housing related programs.

BACKGROUND

In July, City Council approved a new five-year Consolidated Plan and Fiscal Year 2020-21 Annual Action Plan, specifying projects and activities that will be funded in the fiscal year. A large majority of the CDBG funds have historically been used for neighborhood revitalization efforts and it is proposed to continue focusing on this effort in the 2020-21 Plan. In addition, there is a public service category which can be funded with up to 15% of the annual allocation. It provides funding to assist non-profit organizations to carry out programs that benefit low- to moderate-income individuals and/or households.

The City has received the program agreement from HUD for a total budget of \$1,197,477 for Fiscal Year 2020-21, comprised of \$880,085 CDBG funds, \$268,392 HOME funds, and \$49,000 estimated program income generated from loan repayments and the sale of houses currently under city programs.

RECOMMENDATION

It is recommended that City Council adopt the attached Budget Appropriation Ordinance appropriating \$1,197,477 from HUD for Fiscal Year 2020-21 for use in Housing related programs.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____.____

A ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR PROJECTS TO BE OR BEING UNDERTAKEN TO IMPROVE THE DANVILLE COMMUNITY FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND ESTIMATED PROGRAM INCOME FOR A TOTAL APPROPRIATION OF \$1,197,477.00.

WHEREAS, the United States Department of Housing and Urban Development has made available \$880,085 in Community Development Block Grant (CDBG) and \$268,392 in HOME Partnership Program (HOME) Entitlement funds to be used for projects to improve the Danville community; and

WHEREAS, it is projected that an aggregated amount of \$24,000 in CDBG program income and \$25,000 in HOME program income will be generated during the period from July 1, 2020 through June 30, 2021 from the Community Development Block Grant and HOME Entitlement funds which will be used to improve the Danville Community.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the estimated/anticipated revenues and appropriation of funds to finance the Budget of the Community Development Block and HOME Partnership Program are hereby, as follows:

**CDBG/HOME FUND
ESTIMATED/ANTICIPATED REVENUES**

<u>Description</u>		<u>Account No.</u>	<u>Amount</u>
Federal Aid-CDBG:	FY2021	61582000-48025	\$880,085
Federal Aid-HOME:	FY2021	61583000-48030	\$268,392
CDBG Program Income:	FY2021	61582000-44381	\$ 24,000
HOME Program Income:	FY2021	61583000-44361	\$ 25,000
		TOTAL:	<u>\$1,197,477</u>

ESTIMATED/ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
H & D ADMIN	FY2021	
Salaries & Wages	61584000-51100	\$49,000
FICA Taxes	61584000-51450	\$3,700
Retirement	61584000-51525	\$3,900
Group Hospital	61584000-51600	\$5,000
Group Life Insurance	61584000-51630	\$200
HSA Cont Exp	61584000-51632	\$900
Maintenance Service Contracts	61584000-52225	\$1,100
Advertising	61584000-52275	\$3,500
Outside Services	61584000-52349	\$10,100
Vehicles	61584000-52550	\$1,800
Print Shop – Print Jobs	61584000-52650	\$100
Print Shop – Supplies	61584000-52655	\$700
Postal Service	61584000-54050	\$7,100
Telephone/Internet	61584000-54100	\$1,000
General Liability Insurance	61584000-54650	\$100
Travel/Training	61584000-54900	\$3,400
Uniforms	61584000-56050	\$200
	TOTAL:	<u>\$91,800</u>

CDBG REHAB ADMIN:	FY2021	
Salaries & Wages	61585000-51100	\$192,000
FICA Taxes	61585000-51450	\$13,000
Retirement	61585000-51525	\$10,000
Group Hospital	61585000-51600	\$28,000
Group Life Insurance	61585000-51630	\$500
HAS Cont Exp	61585000-51632	\$1,800
Legal Services	61585000-52170	\$600
Maintenance Service Contracts	61585000-52225	\$700
Outside Services	61585000-52349	\$6,500
Vehicles Radio	61585000-52500	\$200
Vehicles	61585000-52550	\$5,400
Print Shop - Supplies	61585000-52655	\$500
Postal Service	61585000-54050	\$100
Telephone	61585000-54100	\$2,000
General Liability Insurance	61585000-54650	\$100
Travel/Training	61585000-54900	\$6,000
Materials & Supplies	61585000-55930	\$200
Dues & Memberships	61585000-56242	\$1,000
	TOTAL:	<u>\$268,600</u>

REHABILITATION:	FY2021		
CDBG Housing Rehab Projects		61586000-50	<u>\$285,645</u>
HSG L-TO-P PGM	FY2021		
Lease to Purchase Program		61587000-50	<u>\$2,000</u>
FAIR HOUSING	FY2021		
Fair Housing Admin		61588000-50	<u>\$10,000</u>
PUBLIC SERVICE ACTIVITIES (PSA):	FY2021		
Head Start/CIC		61596068-55005	\$38,000
College Bound		61596069-55005	\$17,000
Center for Housing Counselling		61596117-55005	\$3,000
Big Brothers/Big Sisters		61596122-55005	\$13,000
Neighbors Helping Neighbors		61596125-55005	\$15,000
Haven of the Dan River		61596131-55005	\$9,000
Legal Aid		61596415-55005	\$7,040
Ex-Offenders Program		61596416-55005	\$5,000
		TOTAL:	<u>\$107,040</u>
PRT PUBLIC FACILITIES	FY2021	61593999-50	\$50,000
TEMP SHLTR SGL PARENTS W/CHILDREN	FY2021	61595999-50	\$14,000
HOME ADMIN	FY2021		
Salaries & Wages		61589000-51100	\$15,000
FICA Taxes		61589000-51450	\$1,900
Retirement		61589000-51525	\$1,500
Group Hospital		61589000-51600	\$2,300
Group Life Insurance		61589000-51630	\$100
HSA Cont Exp		61589000-51632	\$200
		TOTAL:	<u>\$21,000</u>
HOME REHABILITATION:	FY2021		
HOME Housing Rehab Projects		61590999-50	<u>\$81,420</u>

HOME CHDO/SOUTHSIDE FY2021

CHDO Set Aside Rehab of Private Property	61591065-52230	\$37,247
CHDO Administration Expense	61591000-55815	\$3,725

TOTAL:	<u>\$40,972</u>
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HOME CHDO/HFH	FY2021	61592065-52230	<u>\$50,000</u>
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DRHA SENIOR HOUSING	FY2021	61597000-52230	<u>\$100,000</u>
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DRHA COMMUNITY CTR	FY2021	61594000-50	<u>\$75,000</u>
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GRAND TOTAL	<u>\$1,197,477</u>
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AND BE IT FURTHER ORDAINED that a flexible budget is hereby authorized whereby appropriations may be increased to the extent that actual revenues from Interest and Program Incomes exceed the original budget amount; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2021 Budget Appropriations 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-2429

New Business I.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Fiscal Year 2021 Bond Appropriation

From: Cynthia Thomasson, Budget Director

COUNCIL ACTION

First Reading: 11/05/2020

Final Adoption: 11/17/2020

SUMMARY

The City Council has authorized the issuance of General Obligation Bonds to fund various projects as specified in the Fiscal Year 2021 Capital Improvements & Special Projects Plan.

BACKGROUND

The City's Fiscal Year 2021 Capital & Special Projects Plan includes funding in the amount of \$6,576,694 for General Fund and Schools projects and \$5,800,000 for Electric Fund Projects. The attached ordinance is a flexible ordinance providing for posting of issuance costs and refinancing of previous bonds to be determined upon the issuance of the bonds.

RECOMMENDATION

It is recommended that the City Council adopt the attached ordinance Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Capital and Special Projects.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-_____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING THE PROCEEDS FROM THE ISSUANCE OF BONDS AND APPROPRIATING SAME FOR ANTICIPATED EXPENDITURES.

WHEREAS, the City Council has authorized the issuance of general obligation bonds to finance various capital projects; and

WHEREAS, City Council desires to appropriate the proceeds to fund the various projects including fire apparatus purchase, various street and building improvements, elevator and roof replacements, emergency generator purchase, park facility improvements, electric system improvements and upgrades, and and estimated bond insurance costs.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2021 Budget Appropriation Ordinance be, and it is hereby, amended by appropriating funds from the sale bonds as follows:

REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Capital Project Fund:		
CCTV System Expansion	61436000-43020	75,000
Police Equipment Replacement	61602000-43020	35,000
Fire Apparatus Eqpt	60184000-43020	553,145
General Street Improvements	60000067-43020	138,420
River District Street Improvements	60906000-43020	222,518
Stormwater Improvements	60022000-43020	200,000
Signal-S Main & Updike Pl	61607000-43020	400,000
Ped Impr-Rvrsd-Piney Forest	61608000-43020	140,200
Sidewalk-Kemper Rd	61609000-43020	87,400
Elevator Replacement	60000437-43020	275,000
Roof Replacements	60000119-43020	250,000
City-Owned Parking Lots	61512000-43020	100,000
Emergency Generator Purchases	60000126-43020	160,000

HVAC Replacement	60000120-43020	275,000
Exterior Painting-City Buildings	61513000-43020	100,000
Recreation-Facility Improvements	60901000-43020	65,000
Park Improvements	60902000-43020	50,000
Park Paving Projects	61076000-43020	50,000
Park Equipment Acquisition	61516000-43020	55,000
Splash Pads	61618000-43020	635,000
City Auditorium Improvements	61603000-43020	500,000
School Improvements	60031000-43020	2,000,000
Runway 13/31 Rehab & Narrow	61604000-43020	210,011
Sub-Total		<u>\$6,576,694</u>
Electric Fund:		
Line Rebuilds/25kV Conversion	60654000-43020	1,800,000
Substation Upgrades	61029000-43020	4,000,000
Sub-Total		<u>\$5,800,000</u>
Total Revenues		<u>\$12,376,694</u>

EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Capital Project Fund:		
CCTV System Expansion	61436999-50	75,000
Police Equipment Replacement	61602999-50	35,000
Fire Apparatus Eqpt	60184999-50	553,145
General Street Improvements	60000067-6999	138,420
River District Street Improvements	60906999-50	222,518
Stormwater Improvements	60022999-50	200,000
Signal-S Main & Updike Pl	61607999-50	400,000
Ped Impr-Rvrsd-Piney Forest	61608999-50	140,200
Sidewalk-Kemper Rd	61609999-50	87,400
Elevator Replacement	60000437-6999	275,000
Roof Replacements	60000119-6999	250,000
City-Owned Parking Lots	61512999-50	100,000
Emergency Generator Purchases	60000126-6999	160,000
HVAC Replacement	60000120-6999	275,000
Exterior Painting-City Buildings	61513999-50	100,000
Recreation-Facility Improvements	60901999-50	65,000
Park Improvements	60902999-50	50,000
Park Paving Projects	61076999-50	50,000
Park Equipment Acquisition	61516999-50	55,000
Splash Pads	61618999-50	635,000

EXPENDITURES (Cont.)

City Auditorium Improvements	61603999-50	500,000
School Improvements	60031999-50	2,000,000
Runway 13/31 Rehab & Narrow	61604999-50	<u>210,011</u>
Sub-Total		<u>\$6,576,694</u>

Electric Fund:		
Line Rebuilds/25kV Conversion	60654999-50	1,800,000
Substation Upgrades	61029999-50	<u>4,000,000</u>
Sub-Total		<u>\$5,800,000</u>

Total Revenues	<u>\$12,376,694</u>
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AND BE IT FURTHER ORDAINED that this is a flexible appropriation as related to refinancing of existing bonds and issuance costs, both to be determined when the bonds are issued; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2021 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-2406

New Business J.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: USDA Grant for Food Services at W. W. Moore, Jr. Detention Home

From: Scott Booth, Police Chief

COUNCIL ACTION

First Reading: 11/05/2020

Final Adoption: 11/17/2020

SUMMARY

Each year, the W. W. Moore, Jr. Detention Home receives funds from the United States Department of Agriculture (USDA) as a result of the detention home's participation in the National School Nutrition Program. The revenue from the USDA offsets some of the costs related to the Food Service Operation at the detention home. It is projected the City will receive \$51,491 for Fiscal Year 2021. The amount of funds received may be more or less depending on changes in the daily population.

BACKGROUND

The W. W. Moore, Jr. Detention Home will participate in the National School Nutrition Program during Fiscal Year 2021. The anticipated revenue is projected, and an appropriation is requested based on utilization rates, reimbursement rates, and the number of days each meal or snack is reimbursed. The USDA reimbursement rates provided by the Department of Juvenile Justice Food Service Operations Unit for Fiscal Year 2021 are as follows: Breakfast - \$2.26; Lunch - \$3.60; and Snack - \$.96. Breakfast and Lunch meals are reimbursed 365 days per year. Snacks are reimbursed 104 days per year. There is no reimbursement for Dinner meals. Based on the Average Daily Population of 23 last Fiscal Year, and the number of days meals and snacks are reimbursed, the W. W. Moore, Jr. Detention Home expects to receive approximately \$51,491. USDA funds are received quarterly by the City of Danville.

RECOMMENDATION

It is recommended that City Council adopt the attached Ordinance appropriating funds within the Special Grants Fund for expenses related to the Food Service Operation at the W. W. Moore, Jr. Detention Home.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____

AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR A FEDERAL GRANT IN THE AMOUNT OF APPROXIMATELY \$51,491 TO AID THE FOOD SERVICE OPERATIONS AT W. W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2021 Budget Appropriation Ordinance be, and it is hereby, amended to anticipate revenues from a grant in the amount of approximately \$51,491 from the United States Department of Agriculture to the W. W. Moore, Jr. Detention Home for the purpose of aiding the food service operations and appropriating same in the Special Grants Fund for Fiscal Year 2021, such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid-State: USDA - Detention Home	60114000-47210	<u>\$51,491</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
W. W. Moore, Jr. Detention Home Food Supplies/Food Services	60114000-55825	<u>\$51,491</u>

AND BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and such appropriations shall carry forward from year to year until such funds are expended for the purpose for which they were 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 2021 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-2418

New Business K.

City Council Regular Meeting

Meeting Date: 11/05/2020

Subject: Virginia Juvenile Community Crime Control Act Funding Appropriation

From: Scott Booth, Police Chief

COUNCIL ACTION

First Reading: 11/05/2020

Final Adoption: 11/17/2020

SUMMARY

The Virginia Juvenile Community Crime Control Act (VJCCCA) requires the locality to develop and submit a plan outlining how the City will serve juvenile offenders before intake on complaints, or from the court on petitions alleging the juvenile is delinquent, in need of services, or in need of supervision, with allocated funds. The locality's plan and funding was approved for Fiscal Year 2021. The VJCCCA Plan for Fiscal Year 2021 will continue to provide the Electronic Monitoring and Outreach Detention Programs. It is projected that ten (10) juveniles will be served in the Outreach Detention Program and thirty-five (35) will be served in the Electronic Monitoring Program. The plan will also offer Prevention Services for Non-DJJ and DJJ youth referred to the program through the City's Youth and Gang Violence Prevention Coordinator. It is projected the program will serve eight (8) juveniles for a period of 90 days. During Fiscal Year 2021, the City will receive \$86,999 from the Department of Juvenile Justice to support the delivery of programs and services to juvenile offenders. The City will provide a match of \$39,830. The total allocation to operate the VJCCCA Programs is \$126,829.

BACKGROUND

In 1995, the General Assembly enacted the Virginia Juvenile Community Crime Control Act (VJCCCA) which appropriated additional funds to localities to implement non-secure detention programs and services to meet the needs of juveniles involved with the Juvenile & Domestic Relations Court Services Unit. The City has been the recipient of VJCCCA funds since its inception. The VJCCCA funding allows the W. W. Moore, Jr. Detention Home to operate an Electronic Monitoring and Outreach Detention Program and provide other identified services based on the needs of the juveniles referred by the Danville Juvenile & Domestic Relations Court. Without these programs and services, it is possible many of these juveniles would be placed in secure detention or an out-of-home placement, resulting in a greater cost to the locality.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance appropriating funds to operate non-secure detention programs to provide services for offenders in the Juvenile Justice System.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE DEPARTMENT OF JUVENILE JUSTICE IN THE AMOUNT OF \$86,999 AND A LOCAL SHARE OF \$39,830, FOR A TOTAL APPROPRIATION OF \$126,829, TO PROVIDE FOR THE ELECTRONIC MONITORING AND OUTREACH DETENTION PROGRAMS AND PREVENTION SERVICES FOR THE CITY OF DANVILLE AT THE W. W. MOORE JR. DETENTION HOME AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2021 Budget Appropriation Ordinance be, and it is hereby, amended to anticipate revenues from a grant in the amount of \$86,999 from the Virginia Juvenile Community Crime Control Act for the purpose of operating programs which provide alternatives to detention and appropriating same in the Special Grants Fund, and \$39,830 be appropriated from the General Fund Account such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid-State: Virginia Juvenile Community Crime Control Act (VJCCCA)	61506000-47240	86,999
Local Share: Transfers from General Fund	61506000-6101	<u>39,830</u>
	TOTAL:	<u>\$126,829</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
W. W. Moore, Jr. Detention Home Electronic Monitoring, Outreach Detention Program And DJJ Youth Prevention Services and Non-DJJ Youth Prevention Services		
FT Sal/Wages Reg	61575000 51100	\$96,369

FICA	61575000 51450	6,301
Retirement ERS	61575000 51525	6,859
Telephone	61575000 54100	800
Materials & Supplies	61575000 55930	3,000
Travel/Train Exp	61575000 54900	7,000
Equipment Leased	61575000 54750	<u>6,500</u>
TOTAL:		<u>126,829</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2021 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