



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

July 2, 2019

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

**CITY COUNCIL
MEMBERS:** James B. Buckner
L.G. "Larry" Campbell, Jr.
Dr. Gary P. Miller
Sherman M. Saunders

Fred O. Shanks, III
Adam J. Tomer
J. Lee Vogler, Jr., Vice Mayor
Madison J. Whittle

STAFF: Ken F. Larking, City Manager
Earl B. Reynolds, Jr., Deputy City Manager

W. Clarke Whitfield, Jr., City Attorney
Susan M. DeMasi, City Clerk

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

Time and Place of Meeting

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

Communications from Visitors

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

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and

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

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - Vice Mayor J. Lee Vogler, 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.

MINUTES

Consideration of Approval of Minutes from Regular Council Meeting held on June 4, 2019.
Council Letter Number CL - 2144.

NEW BUSINESS

- A. Consideration of Authorizing an Application to the Virginia Department of Rail and Public Transportation for Grant Funds.
Council Letter Number CL - 2134.
 - 1. Public Hearing
 - 2. A Resolution Authorizing an Application by the City to the Virginia Department of Rail and Public Transportation for Grants for Operating and Capital Costs for Public Transportation Fiscal Year 2020.
- B. Consideration of Amending the FY 2020 Budget Appropriation Ordinance to Provide for State Demonstration Grant Funds Related to Regional Bus Service.
Council Letter Number CL - 2133.
 - 1. Public Hearing
 - 2. An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for State Demonstration Grant Assistance Funds Related to the Provision of Regional Bus Service by the Danville Transit System to Halifax and Pittsylvania Counties in the Amount of \$183,275, Cash Fare Revenues in the Amount of \$24,192 and for the Local Share in the Amount of \$45,819 for a Total Appropriation of \$253,286 and Appropriating the Same.

FIRST READING

- C. Consideration of Amending the FY 2020 Budget Appropriation Ordinance to Provide for State Department of Aviation Maintenance Grant Funds.
Council Letter Number CL - 2139.

An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for State Department of Aviation Maintenance Grant Funds Related to the Maintenance of Certain Airport Properties in the Amount of \$100,000 and for the Local Share in the Amount of \$52,750 for a Total Appropriation of \$152,750 and Appropriating the Same.

FIRST READING

- D. Consideration of Rezoning from OT-R, Old Town Residential to TW-C, Tobacco Warehouse District, Parcel ID#s 22511 and 26632.
Council Letter Number CL - 2147.

1. Public Hearing
2. An Ordinance Rezoning from OT-R Old Town Residential to TW-C Tobacco Warehouse District Parcels 22511 and 26632, Otherwise Known as Grid 2718, Block 019, Parcels 000012 and 000011 of the City of Danville, Virginia Zoning District Map.

- E. Consideration of Rezoning from N-C, Neighborhood Commercial and S-R, Suburban Residential to "Conditional" NT-R, Neo-Traditional Residential, Portions of Parcel ID#s 59958 and 51032.
Council Letter Number CL - 2148.

1. Public Hearing
2. An Ordinance Rezoning from N-C Neighborhood Commercial and S-R Suburban Residential to "Conditional" NT-R Neo-Traditional Residential District Parcels 59958 and 51032, Otherwise Known as Grid 2918, Block 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map.

- F. Consideration of Amending the Zoning Ordinance to Allow for Short-Term Rentals of Entire Homes within Residential Districts.
Council Letter Number CL - 2145.

1. Public Hearing
2. An Ordinance Amending Chapter 41, Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically Article 2, Entitled "General Regulations", Various Sub-Articles and Sections of Article 3, Entitled "Zoning Districts", and Article 15, Entitled "Definitions", Section B, Entitled "Definitions" to Allow for Short-Term Rentals of an Entire Home within Residential Districts.

- G. Consideration of Granting a Special Use Permit at 500 Plum Street for Short-Term Home Rental.
Council Letter Number CL - 2146.

1. Public Hearing
2. An Ordinance Granting a Special Use Permit for a Short-Term Home Rental in Accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986 As Amended at 500 Plum Street, Otherwise Known as Grid 2710, Block 006, Parcel 000008 of the City of Danville, Virginia Zoning District Map.

- H. Consideration of Amending the Rules of Procedure for Danville City Council.
Council Letter Number CL - 2142.

A Resolution Amending the Rules of Procedure for the Council of the City of Danville, Virginia.

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-2144

Meeting Minutes Item #:

City Council Regular Meeting

Meeting Date: 07/02/2019

Subject: Consideration of Approval of Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 07/02/2019

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on June 4, 2019.

Council Letter Number CL - 2144.

Attachments

Meeting Minutes

June 4, 2019

The Regular June meeting of the Danville City Council was held on June 4, 2019, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Adam J. Tomer was absent (1). *Mr. Whittle entered the meeting at 7:09 p.m.*

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones read a Proclamation entitled LGBTQ Pride Month, and presented it Liz Cervantes. Ms. Cervantes thanked everyone on behalf of Collidescope and the Danville Community for a supportive Council, and invited citizens to their events this month.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Angie Mae Dixon, 330 Center Street, Danville, who asked permission to paint the wall at Green Street, with a Hoops Don't Shoot mural. Also, employees of Lakresha Enterprises at 547 Arnett Boulevard, asked Council for support or sponsorship to assist them in making it possible for the neighborhood children to go to King's Dominion for a summer outing. They have raised \$1,000 and are looking for additional support.

Mayor Jones recognized Rebecca Campbell who invited Council and Citizens to a book signing of Apostle Lawrence Campbell's book, *1963 a Turning Point in Civil Rights*, at Bibleway Cathedral on June 10th; doors open at 6:30 p.m.

Mayor Jones recognized Tim Karhapaa, the summer intern in the Mayor's office, and noted tomorrow was his last day. Mr. Karhapaa thanked the Mayor, Council Members and staff noting he spent five weeks in different departments, and was extremely grateful for the opportunity.

CONSENT AGENDA

Council Member Buckner **moved** for adoption of the following Consent Agenda items:

Minutes from the Regular Council Meeting held on May 7, 2019; draft copies had been distributed prior to the meeting.

Budget Appropriation – Amending the FY2019 Budget Appropriation Ordinance for the Victim Witness Program in the Amount of \$177,083

June 4, 2019

An Ordinance entitled, Ordinance No. 2019-05.07, Presented by its First Reading on May 21, 2019, Amending the Fiscal Year 2019 Budget Appropriation Ordinance to Provide for a Grant from the State for a Victim Witness Program in the Amount of \$177,083 and Appropriating Same.

Budget Appropriation – Amending the FY2019 Budget Appropriation Ordinance for the Domestic Violence Victim Program Grant in the Amount of \$44,635

An Ordinance entitled, Ordinance No. 2019-05.08, Presented by its First Reading on May 21, 2019, Amending the Fiscal Year 2019 Budget Appropriation Ordinance to Provide for a Grant from the State for a Domestic Violence Victim Program Grant in the Amount of \$44,635 and Appropriating Same.

The Motion was **seconded** by Vice Mayor Vogler and adopted by the following vote:

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

OLD BUSINESS

AMENDING THE DANVILLE CITY CODE TO INCREASE THE TAX ON TRANSIENT LODGERS AND IMPLEMENT A ROOM OCCUPANCY TAX

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

ORDINANCE NO. 2019-05.10

AMENDING AND REORDAINING SECTION 37-97 OF THE DANVILLE CITY CODE TO INCREASE THE TAX ON TRANSIENT LODGERS FROM SEVEN (7) PERCENT TO EIGHT (8) PERCENT AND TO IMPLEMENT A \$2.00 PER DAY ROOM OCCUPANCY TAX EFFECTIVE JULY 1, 2019.

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

VOTE: 7-1-1
AYE: Buckner, Campbell, Jones, Miller, Saunders,
Shanks, Vogler (7)
NAY: Whittle (1)
ABSENT: Tomer (1)

AMENDING THE DANVILLE CITY CODE TO INCREASE THE PERSONAL PROPERTY TAX

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

ORDINANCE NO. 2019-05.11

June 4, 2019

AMENDING AND REORDAINING SECTION 37-30 OF THE DANVILLE CITY CODE TO INCREASE THE PERSONAL PROPERTY TAX FROM \$3.50 PER \$100 ASSESSED VALUE TO \$3.60 PER \$100 ASSESSED VALUE EFFECTIVE JANUARY 1, 2020.

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

VOTE: 6-2-1
AYE: Buckner, Campbell, Jones, Miller, Saunders,
Shanks (6)
NAY: Whittle, Vogler (2)
ABSENT: Tomer (1)

AMENDING THE DANVILLE CITY CODE TO INCREASE THE REAL ESTATE TAX

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

ORDINANCE NO. 2019-05.09

AMENDING AND REORDAINING SECTIONS 37-27, 37-28 AND 37-29 OF THE DANVILLE CITY CODE THEREBY INCREASING THE REAL ESTATE TAX FROM EIGHTY (80) CENTS ON EVERY ONE HUNDRED DOLLARS TO EIGHTY-FOUR (84) CENTS ON EVERY ONE HUNDRED DOLLARS OF ASSESSED VALUE EFFECTIVE JULY 1, 2019.

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

Council Member Shanks noted he was supporting this tax this year, it was a compromise, and Council may have to make alternate decisions next year. Some Council Members feel there are other revenue streams that are soon approaching the City. He has not supported a real estate tax increase in the past. In this particular case, thinking about what the school system needs and how important turning the school system around was, he could reasonably support this Resolution. The City needs to have the school system succeed; not to invest in the school system would be more detrimental to the City than failing to pass the tax increase. Next year he will be looking for other revenues to come into place, or the City tightening their belts.

Council Member Campbell noted his agreement, nobody wants a tax increase. Council set priorities, and has to invest in the youth and the community in order to move forward. Council Member Buckner noted his agreement with Mr. Shanks and Reverend Campbell, either Council does the tax increase this year at four cents, or next year it could be a higher amount. It was a tough decision that Council had to make, no one wants to increase taxes, but it was necessary for the good of the children of the City. Council Member Miller also agreed, Council has to do this for schools and public safety. There are projections in the near future where the City will have more revenue and was confident Council will not have to come back next year and raise taxes again. He would be very reluctant for any further tax increases at least for the next two years. Council Member Saunders noted no one wants to see a tax increase, however the increase shows the need for continuous support of the community.

Vice Mayor Vogler stated no one likes to see a tax increase and he has voted against several over the years. Council has spent several months trying to save money and cut spending where it made sense. Unless they considered serious draconian cuts, there was not anything else that could be done this year. If Council was not going to vote for this tonight, he hopes they will share what it was specifically they would like to see cut. Some Council Members

believe very strongly there was going to be a substantial increase in revenue coming soon. If not, they will have to have serious conversations about spending; there cannot be a strong City without a strong, thriving school system. Over the years, the rate was cut, and the City has seen over the last ten to fifteen years, the ramifications of decreased funding in the school system. The City needs to be able to support the school system, and have the best teachers possible. He believes they made progress in the last year or so and wants to make sure that continues. Council Member Whittle noted the school system budget has already been voted on and he voted yes on that. The draconian cuts, he was for them. He will be voting no, but wanted to thank the Mayor for putting Council Members Shanks and Tomer on the committee which made it easier for Council to look at both sides of the equation.

Mayor Jones thanked Council Member Shanks and Council Member Tomer, along with City staff who worked on this budget. When the budget was presented they had other ideas, City staff went back and looked at those ideas, thinking about what was best for the citizens of the City. It has been asked of Council, what are they going to do about accountability for education, and the City now has an Education Compact; he will let the City Manager explain. Mayor Jones thanked Council Member Saunders and Miller for serving on the Education Compact. City Manager Ken Larking explained the compact was recommended by the five year financial advisory committee. There will be a group of citizens, in addition to the two representatives of Council, staff of the City and the school system and two representatives of the school board, who will work together to decide what the vision was for the school system, what they want to see achieved and what resources are necessary to get them to achieve that goal.

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

VOTE: 7-1-1
AYE: Buckner, Campbell, Jones, Miller, Saunders,
Shanks, and Vogler (7)
NAY: Whittle (1)
ABSENT: Tomer (1)

APPOINTMENTS

Vice Mayor Vogler **moved** for adoption of the following Appointment Resolutions:

Resolution No. 2019-06.01 - Reappointing Joseph Miller to the Airport Commission.

Resolution No. 2019-06.02 - Reappointing Michael Duncan to the Airport Commission.

Resolution No. 2019-06.03 - Appointing Daniel Farmer to the Airport Commission.

Resolution No. 2019-06.04 - Reappointing Telly Tucker to the Danville Community College Board.

Resolution No. 2019-06.05 - Reappointing Tammy Warren to the Danville Community Policy & Management Team.

Resolution No. 2019-06.06 - Reappointing Demetrius Crews to the Danville Community Policy & Management Team.

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Resolution No. 2019-06.07- Reappointing Ralph Price to the Danville Development Council.

Resolution No. 2019-06.08 - Reappointing Philip Hall to the Danville Development Council.

Resolution No. 2019-06.09 - Reappointing Frank Wickers to the Danville Pittsylvania Community Services Board.

Resolution No. 2019-06.10 - Reappointing Michael Mondul to the Danville Pittsylvania Community Services Board.

Resolution No. 2019-06.11 - Reappointing Sheila Williamson Branch to the Danville Utility Commission.

Resolution No. 2019-06.12 - Reappointing Paul Liepe to the Danville Utility Commission.

Resolution No. 2019-06.13 - Reappointing Fred O. Shanks, III to the Danville Utility Commission.

Resolution No. 2019-06.14 - Appointing Hampton Wilkins to the Fair Housing Board.

Resolution No. 2019-06.15 - Appointing Cynthia Pruitt Rhodes to the Social Services Advisory Board.

Resolution No. 2019-06.16 - Appointing Kathy Andrews to the Social Services Advisory Board.

Resolution No. 2019-06.17 - Reappointing Judy Keesee to the Transportation Advisory Board.

RESOLUTION No. 2019-06.18 - Reappointing Ralph Price to the Transportation Advisory Board.

RESOLUTION No. 2019-06.19 - Appointing J. Lee Vogler, Jr. to the West Piedmont Planning District Commission.

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

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

NEW BUSINESS

ENDORING A VDOT PROJECT FOR THE PROPOSED CONSTRUCTION OF ROUTE 311 CONNECTOR ROAD TO THE SVM AT BERRY HILL

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

RESOLUTION NO. 2019-06.24

June 4, 2019

ENDORISING A VIRGINIA DEPARTMENT OF TRANSPORTATION INFRASTRUCTURE PROJECT FOR THE PROPOSED CONSTRUCTION OF THE ROUTE 311 CONNECTOR ROAD IN PITTSYLVANIA COUNTY TO THE SOUTHERN VIRGINIA MEGASITE AT BERRY HILL.

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

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

Council Member Shanks explained this project will connect the Route 29 bypass to the Berry Hill Megasite; VDOT has provided the source of funding for this project. It was a major project for the Megasite, and for Danville and Pittsylvania County. City Council wanted to endorse this project as it goes forward through the Commonwealth Transportation Board and hopefully to the final funding.

AMENDING THE PERSONNEL SYSTEM OF THE CITY OF DANVILLE

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

ORDINANCE NO. 2019-06.01

AMENDING THE PERSONNEL SYSTEM OF THE CITY OF DANVILLE PROVIDING FOR THE CLASSIFICATION, COMPENSATION, AND EMPLOYEE DEVELOPMENT FOR EMPLOYMENT POSITIONS OF THE CITY.

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

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

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT FOR WAIVER OF YARD REQUIREMENTS AT 3027 RIVERSIDE DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 3027 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 21, 2019 and May 28, 2019. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-06.02

June 4, 2019

GRANTING A SPECIAL USE PERMIT FOR A WAIVER OF YARD REQUIREMENTS IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 21 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 3027 RIVERSIDE DRIVE, OTHERWISE KNOWN AS GRID 1713, BLOCK 006, PARCEL 000005, OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

PUBLIC HEARING – REZONING FROM N-C NEIGHBORHOOD COMMERCIAL TO “CONDITIONAL” CB-C CENTRAL BUSINESS COMMERCIAL AT 750 MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding Rezoning at 750 Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 21, 2019 and May 28, 2019. R.J. Lackey, the attorney representing the landlord and tenant for this property would answer any questions Council may have. No one further desired to be heard and the Public Hearing was closed.

Vice Mayor Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2019-06.03

REZONING FROM N-C NEIGHBORHOOD COMMERCIAL DISTRICT TO CB-C “CONDITIONAL” CENTRAL BUSINESS COMMERCIAL DISTRICT, 750 MAIN STREET, OTHERWISE KNOWN AS GRID 1716, BLOCK 006, PARCEL 000035 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

VOTE: 7-0-1-1
AYE: Campbell, Jones, Miller, Saunders,
Shanks, Vogler and Whittle (7)
NAY: None
ABSTAIN: Buckner (1)
ABSENT: Tomer (1)

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT FOR INDOOR RECREATION AT 750 MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 750 Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 21, 2019 and May 28, 2019. R.J. Lackey, attorney for the applicant noted the group would be using the old YWCA building, with a restaurant, a hatchet/axe throwing venue and will have a commercial kitchen for food trucks to use to prepare food. No one further desired to be heard and the Public Hearing was closed.

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Vice Mayor Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2019-06.04

GRANTING A SPECIAL USE PERMIT FOR INDOOR RECREATION IN ACCORDANCE WITH ARTICLE 3.K, SECTION C, ITEM 5 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 750 MAIN STREET, OTHERWISE KNOWN AS GRID 1716, BLOCK 006, PARCEL 000035 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

VOTE: 7-0-1-1
AYE: Campbell, Jones, Miller, Saunders,
Shanks, Vogler and Whittle (7)
NAY: None
ABSTAIN: Buckner (1)
ABSENT: Tomer (1)

PUBLIC HEARING – REZONING FROM HR-C HIGHWAY RETAIL COMMERCIAL TO “CONDITIONAL” LED-I LIGHT ECONOMIC DEVELOPMENT INDUSTRIAL, 201 EASTWOOD DRIVE

Mayor Jones opened the floor for a Public Hearing regarding Rezoning at 201 Eastwood Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 21, 2019 and May 28, 2019. Mayor Jones recognized RJ Lackey who noted he was representing both the owner and potential purchaser of the property. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-06.05

REZONING FROM HR-C HIGHWAY RETAIL COMMERCIAL TO “CONDITIONAL” LED-I LIGHT ECONOMIC DEVELOPMENT INDUSTRIAL, 201 EASTWOOD DRIVE, OTHERWISE KNOWN AS GRID 2716, BLOCK 005, PARCEL 000013 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT FOR A WAIVER OF DISTRICT AND YARD SETBACK REQUIREMENTS AT 201 EASTWOOD DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 201 Eastwood Drive. Notice of the Public Hearing was published in the *Danville Register & Bee*

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on May 21, 2019 and May 28, 2019. Mayor Jones recognized RJ Lackey who noted he was representing both the owner and potential purchaser of the property. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-06.06

GRANTING A SPECIAL USE PERMIT FOR A WAIVER OF DISTRICT AND YARD SETBACK REQUIREMENTS IN ACCORDANCE WITH ARTICLE 3.O, SECTION C, ITEMS 19 AND 25 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 201 EASTWOOD DRIVE, OTHERWISE KNOWN AS GRID 2716, BLOCK 005, PARCEL 000013 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

PUBLIC HEARING - AUTHORIZING AND APPROVING CONVEYANCE OF LOT 1 IN AIRSIDE INDUSTRIAL PARK TO THE IDA

Mayor Jones opened the floor for a Public Hearing regarding conveying Lot 1 in Airside Park to the IDA. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 21, 2019. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2019-06.20

AUTHORIZING AND APPROVING THE CONVEYANCE OF 0.843 ACRE OF PROPERTY IDENTIFIED AS LOT 1 IN AIRSIDE INDUSTRIAL PARK TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE, VIRGINIA.

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

VOTE: 7-0-1-1
AYE: Buckner, Campbell, Jones, Miller, Saunders,
Vogler and Whittle (7)
NAY: None
ABSTAIN: Shanks (1)
ABSENT: Tomer (1)

ESTABLISHING A LOCAL PROVIDER ASSESSMENT ON SOVAH DANVILLE FOR A SUPPLEMENTAL MEDICAID PAYMENT PROGRAM

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

RESOLUTION NO. 2019-06.21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA, SUPPORTING THE ADOPTION OF AN ORDINANCE, ALL RELATED ACTIONS IN THE VIRGINIA GENERAL ASSEMBLY AND EXECUTIVE BRANCH AGENCIES FOR THE ESTABLISHMENT OF A LOCAL PROVIDER ASSESSMENT ON SOVAH DANVILLE FOR A SUPPLEMENTAL MEDICAID PAYMENT PROGRAM.

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

Council Member Miller explained this was brought to Council by Alan Larson, CEO of SOVAH. Danville loses about \$9M a year in indigent patient care, but there are Federal funds available at a 2-1 match. This has to go to the General Assembly to be approved, then the City can tax SOVAH; that money will then go to the State, and then to the Federal Government who would send back a 2-1 match. Mr. Larson estimated it would help about \$6M a year of that \$9M loss. Council Member Shanks explained this does not affect any of the customers or clientele of SOVAH; there is no initial cost involved for the people who are using the hospital.

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

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

APPROVAL OF BUDGET OF THE CITY OF DANVILLE, THE CSP AND BUDGET APPROPRIATION ORDINANCE

Mayor Jones opened the floor for a Public Hearing regarding Approval of the Budget of the City of Danville, the CSP and the Budget Appropriation Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 24, 2019. No one present desired to be heard and the Public Hearing was closed.

BUDGET – APPROVING THE BUDGETS OF THE VARIOUS FUNDS OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2020

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, a Resolution entitled:

RESOLUTION NO. 2019-06.22

APPROVING THE BUDGETS OF THE VARIOUS FUNDS OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2020.

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

BUDGET – APPROVING THE FISCAL YEAR 2020 CAPITAL AND SPECIAL PROJECTS PLAN FOR THE CITY OF DANVILLE, VIRGINIA

June 4, 2019

Upon **Motion** by Council Member Shanks and **second** by Council Member Buckner, a Resolution entitled:

RESOLUTION NO. 2019-06.23

APPROVING THE FISCAL YEAR 2020 CAPITAL AND SPECIAL PROJECTS PLAN FOR THE CITY OF DANVILLE, VIRGINIA.

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

BUDGET APPROPRIATION ORDINANCE FOR FISCAL YEAR 2020

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

ORDINANCE NO. 2019-06.07

BUDGET APPROPRIATION ORDINANCE FOR FISCAL YEAR 2020.

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

AMENDING THE FISCAL YEAR 2019 BAO TO PROVIDE FOR A RETIREE BONUS

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

ORDINANCE NO. 2019-06.08

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A RETIREE BONUS TO BE PAID FROM VARIOUS FUNDS' UNASSIGNED BALANCE IN AN AMOUNT NOT TO EXCEED \$275,000 AND APPROPRIATING THE SAME.

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

COMMUNICATIONS

City Manager Ken Larking noted his thoughts and condolences to the people of Virginia Beach, especially the citizens and city officials that were affected by the recent shooting. Earlier this week, Department heads of the City of Danville had a discussion about safety in the City Buildings; there had been some work done in making the City buildings as secure as reasonably possible. This was a public building, there were a lot of customers in the buildings and that was a challenge to deal with. There are ways to make them more secure and staff was looking at the systems and procedures that are in place. If any improvements can be made, they will do that. Mr. Larking noted his thoughts and prayers to Mr. Tomer who is dealing with some health issues.

Deputy City Manager noted his thoughts and prayers also to Council Member Tomer.

June 4, 2019

City Attorney Clarke Whitfield noted he reached out to staff at Virginia Beach to offer any assistance and they requested prayers. His prayers also to Mr. Tomer.

ROLL CALL

Council Members noted their thoughts and prayers were with Mr. Tomer and his family, hoped he was doing better and looked forward to seeing him back at Council soon.

Council Member Shanks noted he and Mr. Tomer worked together over the last few months on the budget and he has a special respect for him. Mr. Shanks stated he has been in those offices in Virginia Beach several times, there are wonderful people working there and people can never expect what would happen. Mr. Shanks stated he believes the City and County have things that hopefully will develop and come to fruition, and thanked Telly Tucker and Economic Development for working on those items.

Vice Mayor Vogler questioned using credit cards in the Financial Center and Mr. Larking explained the Finance Department was working on a system that could be installed there. Staff recommends having a kiosk in the building for anybody who wants to pay their utility bill with a credit card; this will help keep the lines moving, and should be in place shortly. Mr. Vogler noted if someone wants to use a credit card to pay their taxes on line, there was a fee to do so. Mr. Larking explained it was a percentage and the City does charge a fee because it does cost the City to accept credit cards. Mr. Vogler stated he would like Council to have a discussion on those fees.

Council Member Whittle thanked the veterans for their service, and noted his prayers went out to the people in Virginia Beach.

Council Member Buckner noted the Food Truck Rodeo this past weekend was a great event with several thousand people attending.

Council Member Campbell noted his prayers to the people in Virginia Beach and thanked the City Manager and Deputy City Manager for trying to make the buildings safer. Reverend Campbell noted no one wants to see any increases in taxes, but operational costs, schools, retirement, and salaries increase, and the City has to find ways to provide services for the community.

Council Member Miller stated the tragedy in Virginia Beach was unspeakable, it could have been any City, and it was hard to make buildings safe. VML had a great article on Robert David, the City's Gang and Youth coordinator, and Project Imagine, which was an employment program designed to help keep youth away from gangs by providing them with a paid work experience. Dr. Miller commended council and staff on getting the budget finished, and Music on Main starts on Thursdays.

Council Member Saunders noted his prayers to the people in Virginia Beach, people need to be vigilant, if they see something, say something and do the best they can to get along with their neighbors and coworkers. Mr. Saunders stated a special thanks to Chief Booth and public safety for the work they do for the City, they are doing a great job and appreciates the community supporting them. Mr. Saunders noted with regard to gaming, historic horse racing and the casino, there is a lot of confusion with the citizens, and asked the City Manager if there was something that could be done to clear up the confusion.

June 4, 2019

Mayor Jones thanked the City staff who worked on the budget, they did a tremendous job. Mayor Jones noted he had asked people in the community to call him if they had jobs for teens for the summer. He received a call to go to Arnett Boulevard to the car wash there, teens are working cleaning cars and giving out free hot dogs to the kids in the community. There are other businesses in the community that are hiring young people, trying to keep them busy and Mayor Jones thanked them. His thoughts and prayers are with the people in Virginia Beach, and thanked the City's summer intern, Tim, he did a great job. Mayor Jones reminded citizens about the book signing on June 10th at Bibleway.

The meeting adjourned at 8:20 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2134

New Business Item #: A.

City Council Regular Meeting

Meeting Date: 07/02/2019

Subject: FY2020 Federal and State Transit Funding

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

Business Meeting: 07/02/2019

SUMMARY

The City of Danville makes application annually to the Virginia Department of Rail and Public Transportation for federal and state operating and capital assistance. State operating and capital funding levels can vary annually and are approved in June by the Commonwealth Transportation Board. All operating expenses are eligible for federal operating aid except depreciation and interest charges. The Federal Transit Administration will provide financial assistance up to fifty percent of the transit system's operating deficit and provides up to eighty percent of the total cost of capital projects. For small urban and rural transit systems in Virginia, the Virginia Department of Rail and Public Transportation maintains the authority to allocate federal funding for operating and capital assistance.

BACKGROUND

For Fiscal Year 2020, the Virginia Department of Rail and Public Transportation identified that a total of \$1,213,756 will be allocated in federal operating assistance and \$487,325 will be provided in state operating aid. In addition, the state has approved \$25,000 through the state's Senior Transportation Assistance Program for Danville's coordinated senior transportation service with the Southern Area Agency on Aging. The total state operating funding level for Fiscal Year 2020 is \$86,409 more than the state operating allocation provided during Fiscal Year 2019.

The state has also approved matching funds for capital projects that will provide financing to purchase five replacement buses and to complete additional improvements to the propane refueling station located at 522 Spring Street. Specific improvements include the addition of a second dispensing unit so two buses can fuel simultaneously, a canopy and connectivity to Danville's fuel management system. The total estimated cost for all capital projects is \$780,417 and the Virginia Department of Rail and Public Transportation has approved \$624,332 in federal capital assistance and \$124,868 in state capital aid. Therefore, the anticipated local match requirement is \$31,217 for all capital items. The Transportation Advisory Committee has approved these grant requests and recommends approval by City Council.

RECOMMENDATION

It is recommended that City Council adopt the attached Resolution authorizing an application to the Virginia Department of Rail and Public Transportation for Mass Transit funding for Fiscal Year 2020.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2019-____.____

A RESOLUTION AUTHORIZING AN APPLICATION BY THE CITY TO THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION FOR GRANTS FOR OPERATING AND CAPITAL COSTS FOR PUBLIC TRANSPORTATION FISCAL YEAR 2020.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that City Manager, Kenneth F. Larking, be, and he is hereby, authorized to execute and file on behalf of the City an application to the Virginia Department of Rail and Public Transportation for grants of Transportation Special Revenues, as provided by the Federal Transit Administration and the General Assembly of Virginia State Aid for Public Transportation, for operating and capital costs of the City for public transportation during Fiscal Year 2020 for which purpose the Council does hereby certify that:

1. The requested funds, if granted, shall be used in accordance with the requirements of Section 58.1-638 (4) of the Code of Virginia; and
2. The City of Danville shall provide for the payment of its share of said operating and capital costs as required by such Act; and
3. The records of the receipts and expenditures of such funds as are granted to the City of Danville shall be subject to audit by the Virginia Department of Rail and Public Transportation and the Auditor of Public Accounts; and
4. The funds granted to the City of Danville to defray its public transportation fuel, tires and maintenance costs, administrative costs, and capital costs shall be used by the City only for the purposes authorized by the Acts of the General Assembly of Virginia; and
5. The applicant assures that it will comply with Title VI of the Civil Rights Act of 1964 and the US Department of Transportation requirements and
6. It is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent permitted by law, and when possible in connection with this project and that definite procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum construction contracts, supplies, equipment contracts or consultant and other services and
7. That the City Manager, Kenneth F. Larking, be, and he is hereby, authorized to accept, receive, and expend the aforesaid grants of funds in the amount and for the purposes that the same are awarded and to execute such

documents as may be necessary therefore and to furnish to the Virginia Department of Rail and Public Transportation such information and documents as it may require with regard to such application and grants.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2133

New Business Item #: B.

City Council Regular Meeting

Meeting Date: 07/02/2019

Subject: Demonstration Grant for Regional Bus Service

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

First Reading: 07/02/2019

Final Adoption: 07/16/2019

SUMMARY

This spring, the Virginia Department of Rail and Public Transportation recommended approval of a Fiscal Year 2020 state Demonstration grant to provide financing for operating expenses related to bus service that would be provided from Danville to Hurt, Virginia and from Danville to South Boston, Virginia. Last fiscal year, federal and state capital funding was awarded to acquire three small buses that would be used to provide regional bus service by the Danville Transit System. These vehicles have been delivered to the Danville Transit System. In addition, a Tobacco Commission grant was awarded in 2018 to provide funding to support the local cost requirements for operating expenses over a three year period and to acquire buses needed to expand service. Due to the approval of necessary operating and capital funding to support the regional bus service it can now be offered after state Demonstration grant funds are appropriated and necessary staff positions are filled to expand operations.

BACKGROUND

In 2016 the Southern Virginia Higher Education Center partnered with the Virginia Department of Rail and Public Transportation to conduct a transit feasibility study for an eleven county area in Virginia. The study was completed in 2017 and the consultant firm recommended that regional transportation service should initially be provided for two corridors that maintain the greatest demand including the U.S. Route 29 corridor and the U.S. Route 58 corridor. Additional study findings suggested that the Danville Transit System would be the optimal provider to offer service along these corridors to Hurt and South Boston, Virginia.

The primary objective to expand bus service is to provide convenient regional public transportation access that does not presently exist within the the City of Danville, and Pittsylvania and Halifax Counties. The new service would improve employment, educational, shopping and medical opportunities for the region's residents by reducing transportation barriers for many citizens. Planning efforts for the proposed Demonstration project have focused on developing service schedules that align with shift time needs for major employers. In addition, planning efforts have involved developing coordinated service arrangements with the Altavista Community Transit System to offer transfer connections to an extended service area.

Federal and state transit capital funding was awarded last year to purchase three buses that would be used to offer regional bus service. In addition, a Tobacco Commission grant was awarded to the Southern Virginia Higher Education Center to finance the local cost requirements for the three vehicles and for the

anticipated local operating cost for a three year period. This spring the Virginia Department of Rail and Public Transportation recommended to approve Demonstration Grant funding that would finance up to 80% of the operating deficit for the first year of service.

The regional bus operation would involve an additional 24 hours of daily weekday service that would be provided by the Danville Transit System, which equates to a ten percent increase in total service hours. Extra drivers and administrative staff must be hired to support the new operation that involves a very large service area requiring additional oversight and supervision. The new service could begin once the transit system is fully staffed.

RECOMMENDATION

It is recommended that City Council adopt the accompanying Ordinance providing state Demonstration grant funds to support regional bus service to Halifax and Pittsylvania Counties and the required local share to be provided by the Southern Virginia Higher Education Center.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019 - _____ - _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE DEMONSTRATION GRANT ASSISTANCE FUNDS RELATED TO THE PROVISION OF REGIONAL BUS SERVICE BY THE DANVILLE TRANSIT SYSTEM TO HALIFAX AND PITTSYLVANIA COUNTIES IN THE AMOUNT OF \$183,275, CASH FARE REVENUES IN THE AMOUNT OF \$24,192 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$45,819 FOR A TOTAL APPROPRIATION OF \$253,286 AND APPROPRIATING THE SAME.

WHEREAS, a Southern Virginia Transit Feasibility study was completed in May 2017 and recommended two route corridors for possible transit service consideration to Halifax and Pittsylvania Counties; and

WHEREAS, the Halifax and Pittsylvania County Board of Supervisors support receiving bus service from the City of Danville to reduce barriers to education and employment; and

WHEREAS, the Southern Virginia Higher Education Center has agreed to provide the necessary local funding to finance operating costs to receive bus service; and

WHEREAS, the City of Danville maintains an established transit system that could expand bus service to Halifax and Pittsylvania counties; and

WHEREAS, the City of Danville would serve as the grantee to provide regional bus service to Halifax and Pittsylvania counties; and

WHEREAS, the City of Danville's Fiscal Year 2020 Demonstration grant application was approved by the Virginia Department of Rail and Public Transportation for state operating aid to support expanded service to Halifax and Pittsylvania County.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2020 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues from the Commonwealth of Virginia, Virginia Department of Rail and Public Transportation for Demonstration grant operating assistance in the amount of \$183,275, anticipated cash fare revenues in the amount of

\$24,192 and for the local share for \$45,819 provided by Southern Virginia Higher Education Center for an aggregate amount of \$253,286 for the purpose of providing regional bus service to Halifax and Pittsylvania Counties such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Regional bus operation		
State Demonstration Grant Aid	61489000-47630	\$ 183,275
Cash Fare Revenues	61489000-42604	24,192
Southern VA Higher Education Center	61489000-46060	<u>45,819</u>
TOTAL		<u>\$ 253,286</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Salary and Wages, Regular FT	61489000-51100	\$ 100,840
Salary and Wages, Overtime	61489000-51150	6,800
Salary and Wages, Regular PT	61489000-51200	6,200
FICA	61489000-51450	8,709
Retirement ERS	61489000-51525	8,566
Group Hospital Insurance	61489000-51600	17,772
Outside Purchase Services	61489000-52349	4,745
Professional Health Services	61489000-52175	880
Repairs and Maintenance Radio	61489000-52202	2,864
Repairs and Maintenance Vehicle	61489000-52203	19,000
Advertising	61489000-52275	28,833
Telephone/Internet	61489000-54100	1,387
General Liability Insurance	61489000-54650	3,090
Cleaning Supplies	61489000-55900	340
Materials and Supplies	61489000-55930	4,846
Uniforms and Apparel	61489000-56050	1,286
Gas/ Lubricants	61489000-55975	<u>37,128</u>
TOTAL		<u>\$ 253,286</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions
of the Fiscal Year 2020 Budget Appropriation Ordinance, as amended, not hereby

amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2139

New Business Item #: C.

City Council Regular Meeting

Meeting Date: 07/02/2019

Subject: FY 2020 Airport Maintenance Program

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

First Reading: 07/02/2019

Final Adoption: 07/16/2019

SUMMARY

The Virginia Department of Aviation provides airport maintenance funding to assist airports with preserving facilities in a safe and economical operating condition. Maintenance grant funding will allow individual Virginia airports to receive up to \$100,000 in state aid each year. Eligible maintenance activities include scheduled and unscheduled repairs that are not performed each quarter. State maintenance funds can also be used to obtain grounds equipment. Funding levels vary for airport maintenance program activities relative to state policy. Projects that support facility preservation such as crack sealing are funded at higher levels compared to projects that are related to revenue generating facilities or involve the replacement of grounds equipment including mowers and tractors. City Council approval is requested to appropriate state airport maintenance funds for Fiscal Year 2020 to receive state funds for this grant program.

BACKGROUND

During Fiscal Year 2019 state airport maintenance funds were primarily used to complete heating and air conditioning upgrades in the south side of the terminal building including the large conference room. In addition, maintenance funds were used to crack seal a large section of the terminal apron, seal coat the terminal parking lot area, complete bathroom renovations and obtain a snow plow for a pickup truck. For Fiscal Year 2020 state aviation maintenance funds would be used to purchase a pickup truck and snow plow, grounds equipment, replace an air handler located in the terminal building and complete unscheduled repairs.

RECOMMENDATION

It is recommended that City Council approve an Ordinance amending the Fiscal Year 2020 Budget Appropriation Ordinance to provide for Virginia Department of Aviation Airport Maintenance funds and for the local share appropriating the same.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019 - _____ - _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE DEPARTMENT OF AVIATION MAINTENANCE GRANT FUNDS RELATED TO THE MAINTENANCE OF CERTAIN AIRPORT PROPERTIES IN THE AMOUNT OF \$100,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$52,750 FOR A TOTAL APPROPRIATION OF \$152,750 AND APPROPRIATING THE SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2018 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues from the Commonwealth of Virginia, Department of Aviation, in an amount of \$100,000 and the local share for \$52,750 for an aggregate amount of \$152,750 for the purpose of providing for a State funded Airport Maintenance Program at the Danville Regional Airport such funds to be appropriated in the Support of Grants Fund as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY2020 Airport Maintenance		
Categorical Aid – State	61434000-45712	\$100,000
Local Share	61434000-6101	<u>52,750</u>
	TOTAL	<u>\$152,750</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 2020 Airport Maintenance	61434999-50	<u>\$152,750</u>

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

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2147

New Business Item #: D.

City Council Regular Meeting

Meeting Date: 07/02/2019

Subject: Request Rezoning from OT-R, Old Town Residential to TW-C, Tobacco Warehouse Commercial, Parcel ID#s 22511 and 26632

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

COUNCIL ACTION

Business Meeting: 07/02/2019

SUMMARY

A request has been filed by World Media Enterprises, requesting to rezone from OT-R, Old Town Residential to TW-C, Tobacco Warehouse District, Parcel ID#s 22511 and 26632, otherwise known as Grid 2718, Block 019, Parcels 000012 and 000011 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for a downtown parking lot.

BACKGROUND

World Media Enterprises has applied to rezone two vacant properties on Franklin Street from OT-R, Old Town Residential to TW-C, Tobacco Warehouse District. The applicant plans to develop a parking lot to serve nearby downtown properties.

Public records do not indicate any recent uses of either property, which remain undeveloped. The applicant also owns the adjacent property of 700 Monument Street, which is currently used as office space for the Danville Register and Bee.

The current OT-R district is intended to permit medium density housing. The proposed TW-C District is intended to permit mixed-use redevelopment of the historic downtown tobacco warehouse area. The City has targeted this area for mixed-use development, such as permitted in the TW-C District.

At their June 10, 2019 meeting, the Planning Commission voted 6-0 (Commissioner Jones was absent) to recommend approval of the request.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance rezoning from OT-R, Old Town Residential to TW-C, Tobacco Warehouse Commercial District, Parcel ID#s 22511 and 26632 otherwise known as Grid 2718, Block 019, Parcels 000012 and 000011 of the City of Danville, Virginia Zoning District Map.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019____.____

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL TO TW-C TOBACCO WAREHOUSE DISTRICT PARCELS 22511 AND 26632, OTHERWISE KNOWN AS GRID 2718, BLOCK 019, PARCELS 000012 AND 000011 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, World Media Enterprises has requested to rezone from OT-R Old Town Residential to TW-C Tobacco Warehouse District Parcels 22511 and 26632, otherwise known as Grid 2718, Block 019, Parcels 000012 and 000011, 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 PLRZ20190000196, filed by World Media Enterprises, requesting to rezone from OT-R Old Town Residential to TW-C Tobacco Warehouse District Parcels 22511 and 26632, otherwise known as Grid 2718, Block 019, Parcels 000012 and 000011 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 PLRZ20190000196, filed by World Media Enterprises, requesting to rezone from OT-R Old Town Residential to TW-C Tobacco Warehouse District Parcels 22511 and 26632, otherwise known as Grid 2718, Block 019, Parcels 000012 and 000011 of the City of Danville, Virginia Zoning District Map, is hereby approved; and

BE IT FINALLY ORDAINED that Parcels 22511 and 26632, otherwise known as Grid 2718, Block 019, Parcels 000012 and 000011, of the City of Danville, Virginia Zoning District Map are hereby amended to reflect the same.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: JUNE 10, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST
REQUEST:

Rezoning application PLRZ20190000196, filed by World Media Enterprises, requesting to rezone from OT-R Old Town Residential to TW-C Tobacco Warehouse District Parcel ID#s 22511 and 26632, otherwise known as Grid 2718, Block 019, Parcels 000012 and 000011 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for a downtown parking lot.

RECOMMENDATION:

The Planning Commission voted 6-0 (Commissioner Jones was absent) to recommend approval of the request subject.


Mr. Michael Searce, Chairman

RESPONSES:

Sixteen (16) notices were sent to property owners within three hundred (300) feet of the property. Three (3) property owners returned statements. Three (3) property owners are not opposed to the request (Hiett Angela Faye, Danville Redevelopment & Housing Authority, Swanson Cleatis T & Bosman Terry & James & Wayne & Tarpley Tarrence & Bosman Ta). One (1) property owner is opposed to the request (Davis Gary Ronald).

COMMENTS:

There were no additional comments.



City Planning Commission

City Planning Commission
Meeting of June 10, 2019

Subject:

Rezoning application PLRZ20190000196, filed by World Media Enterprises, requesting to rezone from OT-R Old Town Residential to TW-C Tobacco Warehouse District Parcel ID#s 22511 and 26632, otherwise known as Grid 2718, Block 019, Parcels 000012 and 000011 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to rezone to allow for a downtown parking lot.

Background:

World Media Enterprises has applied to rezone two vacant properties on Franklin St. from OT-R, Old Town Residential to TW-C, Tobacco Warehouse District. The properties have no associated addresses, but are identified as Parcel ID#s 22511 and 26632. The applicant plans to develop a parking lot to serve nearby downtown properties.

Public records do not indicate any recent uses of either property which remain undeveloped. The applicant also owns the adjacent property of 700 Monument St., which is currently used as office space for the Danville Register and Bee.

The current OT-R district is intended to permit medium density housing. The proposed TW-C District is intended to permit mixed-use redevelopment of the historic downtown tobacco warehouse area. Although parking lots are a permitted use, the TW-C District does not require parking for most uses.

In considering a rezoning request, the Planning Commission should consider the following factors:

1) Danville 2030 Comprehensive Plan:

The properties are on the edge of the Monument-Berryman Redevelopment Area. The City's long-range plan specifically targets this area for concentrated City rehabilitation and revitalization projects. This redevelopment area is also targeted for mixed-use development, such as permitted in the TW-C District. Any development should relate to the revitalization of nearby downtown.

2) Surrounding Land:

To the west and south, most nearby land is located in the OT-R District. This land has been subject to targeted City redevelopment projects as part of the Monument-Berryman Redevelopment Area. The Danville Redevelopment and Housing

Authority (DRHA) is currently proposing a nearby housing project, and has requested to rezone twenty-one (21) nearby properties to the NT-R, Neo-Traditional Residential District. DRHA's request is not related to this current rezoning application.

On the other side, the edge of the River District is to the north and east of the subject properties. This includes nearby commercial uses, on-street parking, and public parking at the Carrington Pavilion.

Sixteen (16) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on June 10, 2019.

Recommendation:

The Planning staff recommends the City Planning Commission recommend approval of Rezoning application PLRZ20190000196, filed by World Media Enterprises, requesting to rezone from OT-R Old Town Residential to TW-C Tobacco Warehouse District Parcel ID#s 22511 and 26632, otherwise known as Grid 2718, Block 019, Parcels 000012 and 000011 of the City of Danville, Virginia Zoning District Map.

If approved, the two parcels could be developed into a parking lot to serve nearby downtown properties. Both parcels are located outside the River District, therefore development will not require review by the River District Design Commission. The two parcels could also be developed for other uses permitted in the TW-C District, but staff do not anticipate any significant issues with permitted uses at this location. However, there could be potential conflict if the Monument-Berryman area were to be redeveloped into a primarily low density single-family residential neighborhood.

City Planning Commission Options:

1. Recommend approval of Rezoning application PLRZ20190000196
2. Recommend denial of Rezoning application PLRZ20190000196
3. Table Rezoning application PLRZ20190000196

Attachments:

- A. Application
- B. Property Ownership/Zoning Map
- C. Data Sheet
- D. Future Land Use Map
- E. Existing Land Use Map (2015 Aerial)

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: PLR220190000196 EXISTING ZONING: OT-R, Old Town Residential
PROPOSED ZONING: TW-C, Tobacco Warehouse TAX MAP NUMBER: ID# 22511 + 26632
Common
RECEIVED BY: Byce Johnson DATE FILED: May 9, 2019
PLANNING COMMISSION DATE: June 10, 2019 CITY COUNCIL DATE: July 2, 2019

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: .33 +/- 3 AC Property Address: PARCEL IDS: 22511 + 26632
Property Location: N (S) E W Side of: FRANKLIN ST.
Between: MONUMENT ST. and BEAUREGARD ST.
Proffered Conditions (if any, please attach): NONE

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

1. NAME: World Media Enterprises TELEPHONE: 434-791-7926
MAILING ADDRESS: 101 Wyndale DR. Lynchburg VA 24501
SIGNATURE: Keren Todd DATE: 4/25/19
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: ktodd@registerbee.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: World Media Enterprises TELEPHONE: 434-791-7926
MAILING ADDRESS: 101 Wyndale DR. Lynchburg VA 24501
EMAIL ADDRESS: ktodd@registerbee.com
SIGNATURE: Keren Todd DATE: 4/25/19

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.
PARKING
- Vehicular circulation system with points of ingress and egress.
FRANKLIN
- Existing on-site buildings, separation dimensions and paved areas.
TWO RESIDENTIAL LOTS - NO BLDGS.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
NONE
- Net acreage. *.63 PER CITY TAX OFFICE*
- Gross and net square footage of building (s) (proposed and existing).
NONE
- Required landscaping and buffer areas.
NONE

Please provide a brief description of the proposed development:

PARKING

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

SEE ATTACHED

Please provide a brief description of the request:

CHANGE ZONING FROM OTR TO TWC TO
MEET THE AREA'S GROWING NEED FOR PARKING.

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

CHANGE ZONING FROM OTR TO TWC TO
MEET THE AREA'S GROWING NEED FOR PARKING.

Parcel ID: 22511
Address: FRANKLIN ST

Owner: WORLD MEDIA ENTERPRISES
 INC
 101 WYNDALD DR
 LYNCHBURG, VA 24501

Mail-To: WORLD MEDIA ENTERPRISES
 INC
 101 WYNDALD DR
 LYNCHBURG, VA 24501

Value Information	
Land / Use:	\$3,600
Improvement:	\$0
Total:	\$3,600.00

Additional Information			
State Code:	1091 Vac Res Lot Buildable - 1	Approx Acres:	0.33
Land Use:	Residential	Legal Description:	60 (65) FT FRANKLIN ST
Tax Map:	2718-019-000012.000	Zone:	OTR Old Town Residential
Notes:			
Avg Lot: 65.0 X 218.0DB 12-2178: 3 lists incl acct#24904, 22511 & 26632. (Map 89-7-3)			

Building

There is no building information.

Improvements

There are no improvements.

Land

Land Code:	R06 Res FF (50)	Rate:	\$50
Acres:	0.33	Adj. Rate:	\$56
Sq. Ft.:	14,170	Base Value:	\$3,640
Front:	65	Adj. Amount:	-\$40
Effective Front:	65	Value:	\$3,600
Depth:	218		

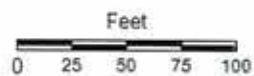
Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 12	2178	\$1,668,300	6/28/2012	MEDIA GENERAL OPERATIONS INC	WORLD MEDIA ENTERPRISES INC
D 00	4237	\$5,325	9/8/2000	BOLTON JR H W	MEDIA GENERAL OPERATIONS INC
D 741	337	\$0	12/9/1986	<i>No Data</i>	<i>No Data</i>

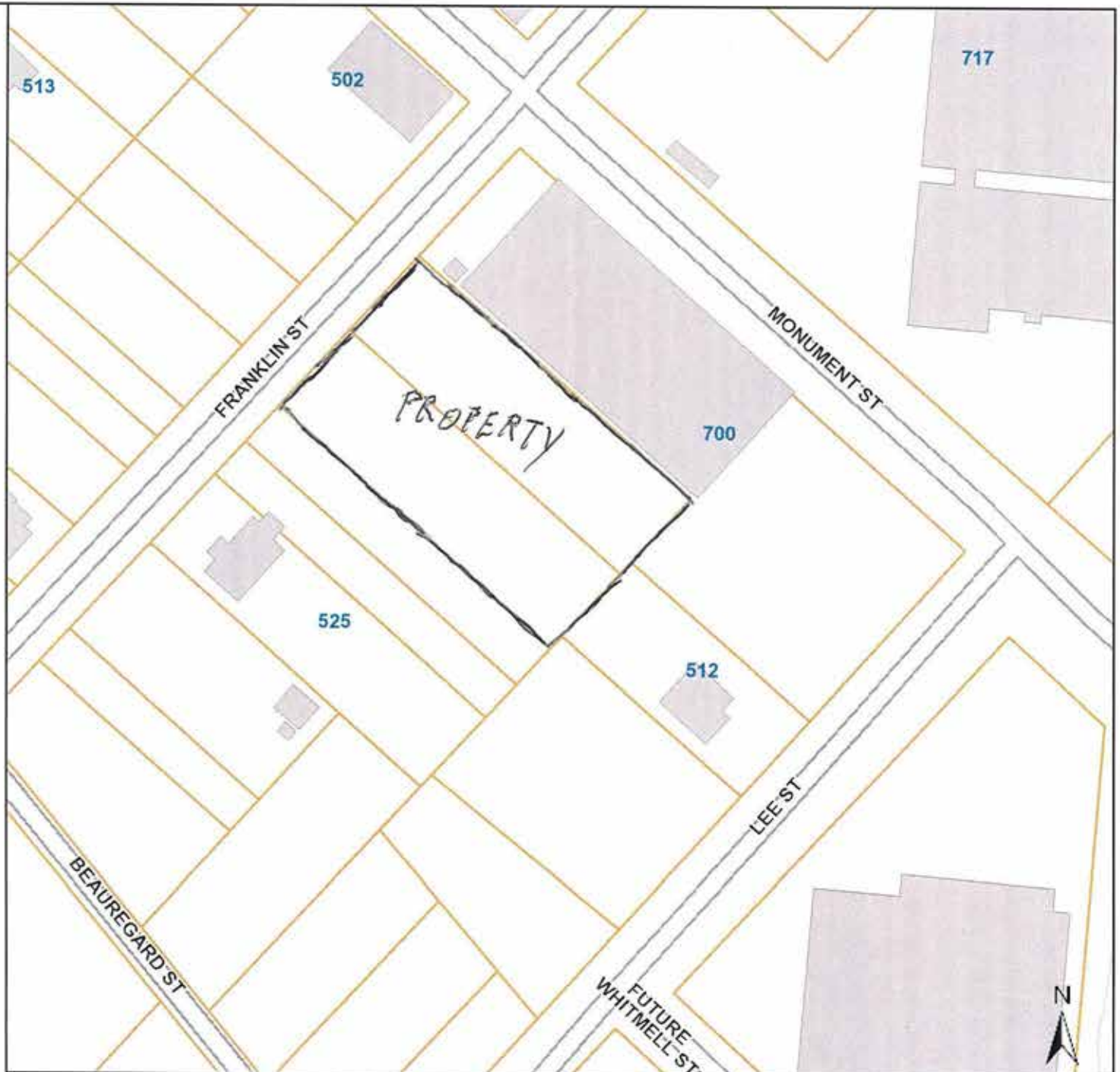
City of Danville

Legend

- Buildings
- Parcels
- Street Names
- House Numbers



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



Title:

Date: 4/24/2019

40 of 142

Assessments

Year	Land	Use	Improvements	Total
2018	\$3,600	\$0	\$0	\$3,600
2017	\$3,600	\$0	\$0	\$3,600
2016	\$3,600	\$0	\$0	\$3,600
2015	\$3,600	\$0	\$0	\$3,600
2014	\$3,600	\$0	\$0	\$3,600
2013	\$5,000	\$0	\$0	\$5,000
2012	\$5,000	\$0	\$0	\$5,000
2011	\$5,000	\$0	\$0	\$5,000
2010	\$5,000	\$0	\$0	\$5,000
2009	\$5,000	\$0	\$0	\$5,000
2008	\$5,000	\$0	\$0	\$5,000
2007	\$5,000	\$0	\$0	\$5,000
2006	\$5,000	\$0	\$0	\$5,000
2005	\$5,000	\$0	\$0	\$5,000
2004	\$5,000	\$0	\$0	\$5,000
2003	\$5,000	\$0	\$0	\$5,000
2002	\$5,000	\$0	\$0	\$5,000
2001	\$6,200	\$0	\$0	\$6,200
2000	\$6,200	\$0	\$0	\$6,200



- Buildings
- Parcels
- Street Names
- House Numbers

Parcel ID: 22511



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Date: 4/24/2019

Parcel ID: 26632
Address: FRANKLIN ST

Owner: WORLD MEDIA ENTERPRISES
 INC
 101 WYNDALE DR
 LYNCHBURG, VA 24501

Mail-To: WORLD MEDIA ENTERPRISES
 INC
 101 WYNDALE DR
 LYNCHBURG, VA 24501

Value Information	
Land / Use:	\$3,400
Improvement:	\$0
Total:	\$3,400.00

Additional Information			
State Code:	1091 Vac Res Lot Buildable - 1	Approx Acres:	0.3
Land Use:	Residential	Legal Description:	60 FT FRANKLIN ST
Tax Map:	2718-019-000011.000	Zone:	OTR Old Town Residential
Notes:			
Avg Lot: 60.0 X 218.0DB 12-2178: 3 lists incl acct#24904, 22511 & 26632. (Map 89-7-4)			

Building

There is no building information.

Improvements

There are no improvements.

Land

Land Code:	R06 Res FF (50)	Rate:	\$50
Acres:	0.3	Adj. Rate:	\$56
Sq. Ft.:	13,080	Base Value:	\$3,360
Front:	60	Adj. Amount:	\$40
Effective Front:	60	Value:	\$3,400
Depth:	218		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 12	2178	\$1,668,300	6/28/2012	MEDIA GENERAL OPERATIONS INC	WORLD MEDIA ENTERPRISES INC
D 00	4238	\$2,675	9/8/2000	FIRST REALTY OF DANVILLE	MEDIA GENERAL OPERATIONS INC
D 98	2775	\$0	5/26/1998	No Data	No Data

Assessments

Year	Land	Use	Improvements	Total
2018	\$3,400	\$0	\$0	\$3,400
2017	\$3,400	\$0	\$0	\$3,400
2016	\$3,400	\$0	\$0	\$3,400
2015	\$3,400	\$0	\$0	\$3,400
2014	\$3,400	\$0	\$0	\$3,400
2013	\$4,500	\$0	\$0	\$4,500
2012	\$4,500	\$0	\$0	\$4,500
2011	\$4,500	\$0	\$0	\$4,500
2010	\$4,500	\$0	\$0	\$4,500
2009	\$4,500	\$0	\$0	\$4,500
2008	\$4,500	\$0	\$0	\$4,500
2007	\$4,500	\$0	\$0	\$4,500
2006	\$4,500	\$0	\$0	\$4,500
2005	\$4,500	\$0	\$0	\$4,500
2004	\$4,500	\$0	\$0	\$4,500
2003	\$4,500	\$0	\$0	\$4,500
2002	\$4,500	\$0	\$0	\$4,500
2001	\$5,600	\$0	\$0	\$5,600
2000	\$5,600	\$0	\$0	\$5,600



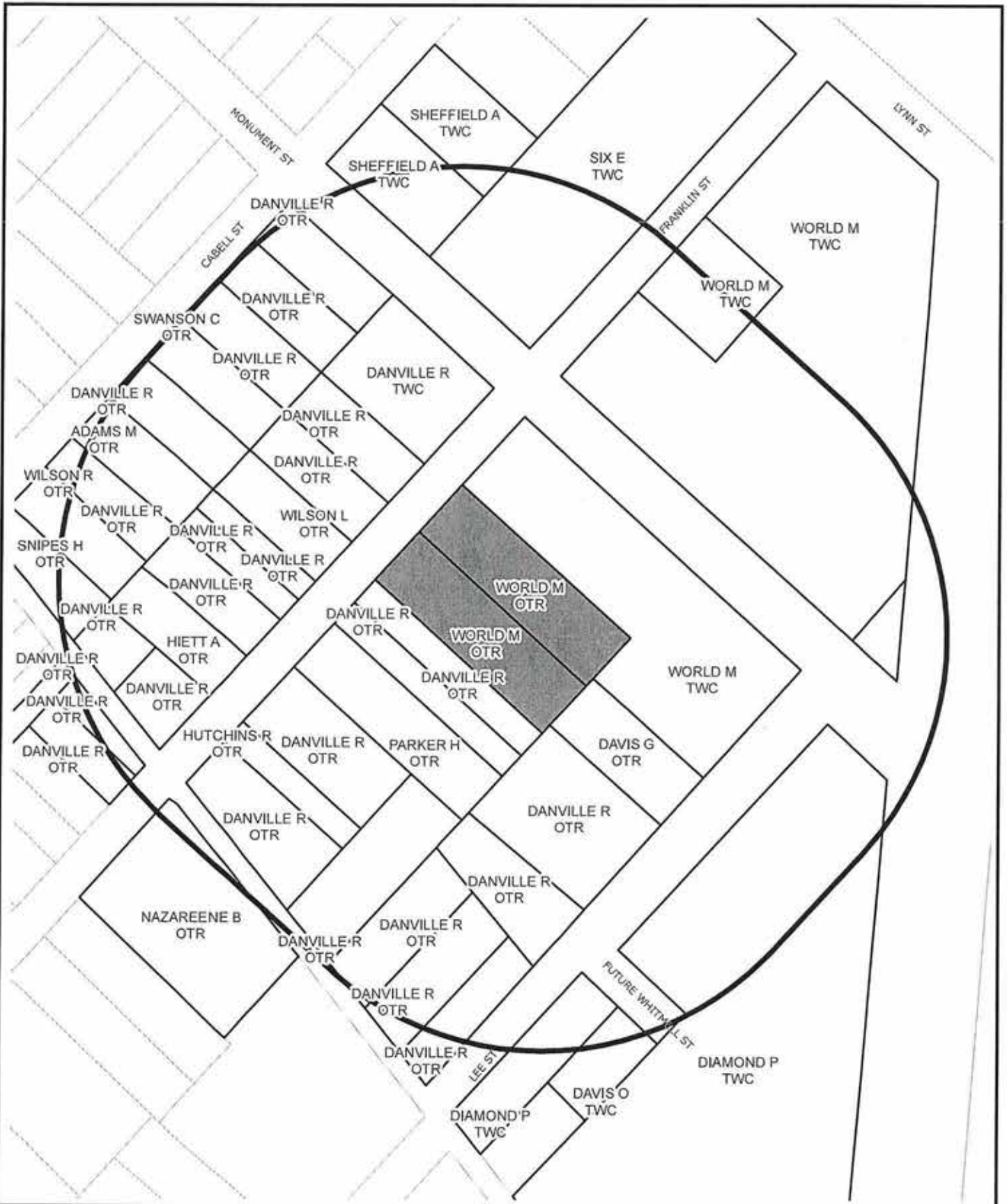
- ☐ Buildings
- ☐ Parcels
- ☐ Street Names
- ☐ House Numbers

Parcel ID: 26632



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Date: 4/24/2019



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
5/21/2019

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REZONING REQUEST DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on June 10, 2019
City Council (tentative) at 7pm on July 2, 2019

LOCATION OF PROPERTY: Parcel ID#s 22511 and 26632 on Franklin St.

PRESENT ZONE: OT-R, Old Town Residential

PROPOSED ZONE: TW-C, Tobacco Warehouse Commercial

ACTION REQUESTED: Rezone from OT-R to TW-C (see above)

PRESENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Parking lot

FUTURE LAND USE DESIGNATION: Mixed-Use (mix of residential and commercial)

PROPERTY OWNER (S): World Media Enterprises

NAME OF APPLICANT (S): World Media Enterprises

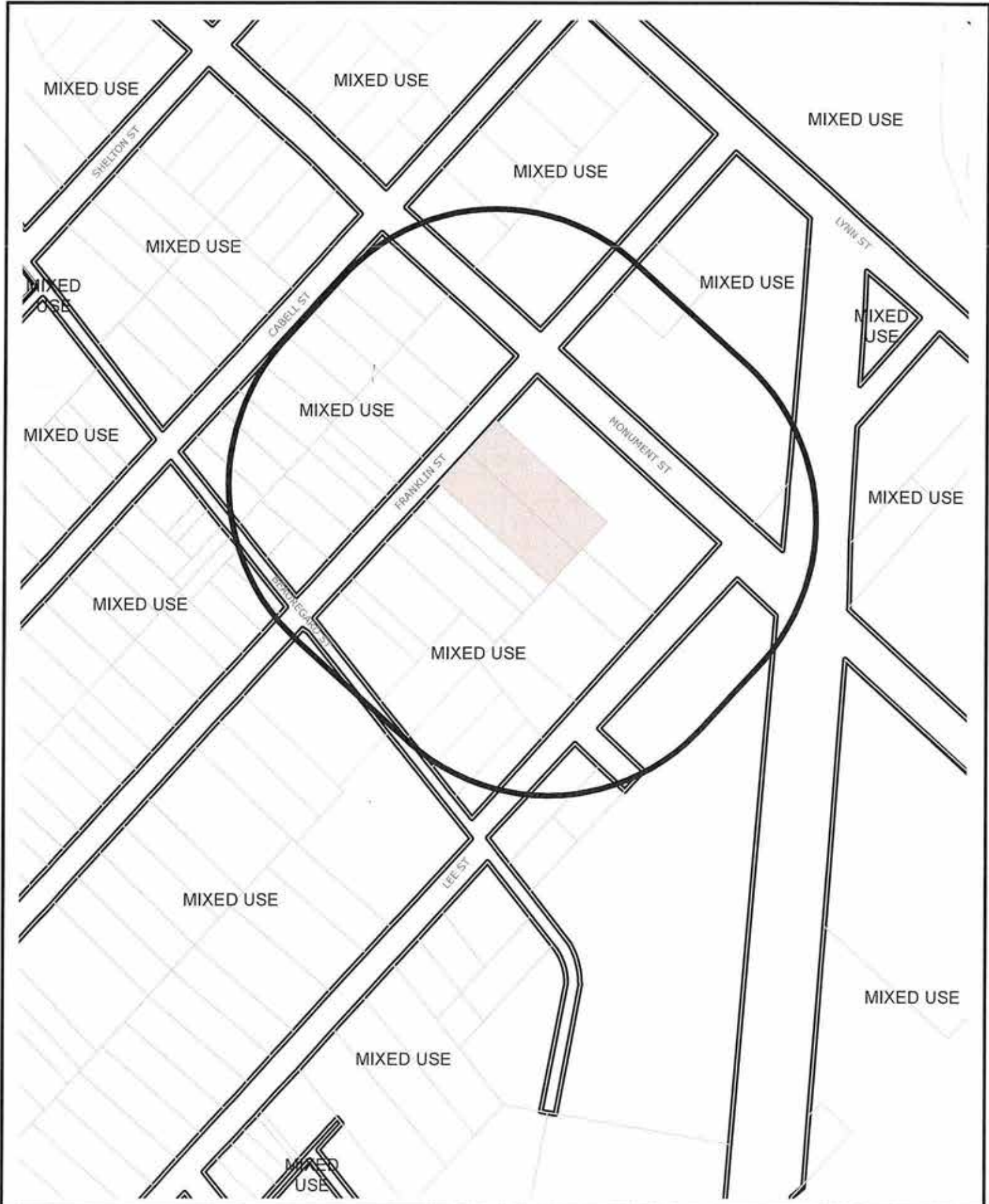
PROPERTY BORDERED BY: Residential to the west and south; mixed-use/commercial to the north and east

ACREAGE: ID# 22511: 0.33 acres (14,375 sq. ft.)
ID# 26632: 0.3 acres (13,068 sq. ft.)
Total: 0.63 acres (27,443 sq. ft.)

CHARACTER OF VICINITY: Residential and mixed-use

INGRESS AND EGRESS: Franklin St

TRAFFIC VOLUME: Low



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/21/2019

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



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/21/2019

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

Council Letter

City of Danville, Virginia



CL-2148

New Business Item #: E.

City Council Regular Meeting

Meeting Date: 07/02/2019

Subject: "Conditional" Rezoning from N-C, Neighborhood Commercial and S-R, Suburban Residential to "Conditional" NT-R, Neo-Traditional Residential District

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

COUNCIL ACTION

Business Meeting: 07/02/2019

SUMMARY

A request has been submitted by Habitat for Humanity for a "Conditional" Rezoning from N-C Neighborhood Commercial and S-R Suburban Residential to "Conditional" NT-R Neo-Traditional Residential District, Parcel ID#s 59958 and 51032, otherwise known as Grid 2918, Block 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map.

BACKGROUND

The Danville-Pittsylvania County Habitat for Humanity has applied to rezone approximately five (5) acres of land to the "Conditional" NT-R, Neo-Traditional Residential District. The applicant seeks to subdivide approximately 2.7 acres from Parcel ID# 59958 in the N-C, Neighborhood Commercial District. The applicant also seeks to subdivide approximately 2.4 acres from Parcel ID# 51032 in the S-R, Suburban Residential District. The applicant wishes to then consolidate the parcels before developing housing.

The land is being donated to Habitat for Humanity from St. Luke's United Methodist Church. The Church currently uses the western portion of Parcel ID# 59958 as its primary place of worship. Records suggest the portions of land being dedicated have never been developed.

The NT-R District is designed to allow compact, single-family residential communities. As a planned development in this district, the housing will be subject to community open-space requirements. This is demonstrated in the Conceptual Master Plan, included with the application.

As proposed, the development will need new roads. For previous projects, developers pay the cost of construction, dedicate land to the public right-of-way, and are reimbursed by the City.

At their June 10, 2019 meeting, the Planning Commission voted 6-0 (Commissioner Jones was absent) to recommend approval of the request, subject to the proffered conditions. The proffer restricts the rezoning to the land being donated to Habitat. This condition would prohibit the rezoning from applying to the entire parcels. Instead, the rezoning would be contingent on the subdivision and consolidation, as indicated with the application.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance rezoning from N-C, Neighborhood Commercial and S-R, Suburban Residential to "Conditional" NT-R, Neo-Traditional Residential District eastern portions of Parcel ID#s 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019____.____

AN ORDINANCE REZONING FROM N-C NEIGHBORHOOD COMMERCIAL AND S-R SUBURBAN RESIDENTIAL TO "CONDITIONAL" NT-R NEO-TRADITIONAL RESIDENTIAL DISTRICT PARCELS 59958 AND 51032, OTHERWISE KNOWN AS GRID 2918, BLOCK, 004, PARCELS 000033 AND 000018 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, Habitat for Humanity has requested to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to "Conditional" NT-R Neo-Traditional Residential District Parcels 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 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 "Conditional" Rezoning Application PLRZZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to "Conditional" NT-R Neo-Traditional Residential District Parcels 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER ORDAINED that in accordance with the Code of the City of Danville, Virginia, the conditions proffered by Habitat for Humanity in conjunction with "Conditional" Rezoning application PLRZZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to "Conditional" NT-R Neo-Traditional Residential District Parcels 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map, as provided in Exhibit "A", attached hereto and made part hereof, be, and the same are hereby, received, accepted, and approved; and

BE IT FINALLY ORDAINED that in consideration of said report and the public hearing this day held by Council, "Conditional" Rezoning application PLRZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to "Conditional" NT-R Neo-Traditional Residential District Parcels 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map, described in Proffer of Conditions by Habitat for Humanity, which is attached hereto as Exhibit "A" and incorporated herein by reference be, and the same hereby, rezoned subject to said conditions from N-C Neighborhood Commercial and S-R Suburban Residential to "Conditional" NT-R Neo-Traditional Residential District Parcels 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map, be and the same hereby amended N-C Neighborhood Commercial and S-R Suburban Residential to "Conditional" NT-R Neo-Traditional Residential District.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: JUNE 10, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

"Conditional" Rezoning application PLRZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to "Conditional" NT-R Neo-Traditional Residential District Parcel ID#s 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop housing.

RECOMMENDATION:

The Planning Commission voted 6-0 (Commissioner Jones was absent) to recommend approval of the request subject to the proffered conditions.

Michael Searce (BWS)

Mr. Michael Searce, Chairman

RESPONSES:

Sixty-two (62) notices were sent to property owners within three hundred (300) feet of the property. Twenty-three (23) property owners returned statements. Eight (8) property owners are not opposed to the request (Woltz Fentriss & Angela H, Jones Odaris, Stewart Michael S & Pamela B, Re Express LLC, Wentz Patricia C, Hedrick Johnson Development Corp, Conner Ernest R Jr, Moore Nettie B). Fifteen (15) property owners are opposed to the request (Robbertson Kenneth D Jr., Thompson Daniel W & Elizabeth R, Dodson Luther B and Lizzie, Jones Michael D & Sharion P, Reynolds Jennifer Paige, Williams James Atlas, Freeze Harvey E Jr & Eveline E (Life) & Jacqueline E (Fee), Jones Raymond J Jr & Tammie C, Booth Richard, Shomali Sheila Marshall Life & Cassell William & Others Fee, Campbell Jill K & Gomes Brenda J, Campbell David O & Jill K, Scarce Debra J, Bloomer Christopher S, Hariston Gary Lee).

COMMENTS:

Please see the attached letter for additional comments from Campbell Jill K & Gomes Brenda J (stated opposed), Campbell David O & Jill K (stated opposed), Bloomer Christopher S (stated opposed), and Hairston Gary Lee (stated opposed).

NEIGHBORING PROPERTY OWNERS STATEMENT

According to the record of land ownership you own property that is located within 300 feet of property that is the subject of a public hearing. You are entitled to express an opinion as to whether you are opposed or not opposed to the request by completing the form below. Please check the appropriate box and return it by **June 7, 2019**, in the enclosed self-addressed, stamped envelope. You are not required to complete this form but may if you desire to express an opinion on this matter.

I (we) BLOOMER CHRISTOPHER S

as owner(s) of Lot(s) 921 SPRINGFIELD RD

☒ AM OPPOSED

☐ AM NOT OPPOSED

to the following request filed with the City of Danville:

Rezoning application PLRZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to NT-R Neo-Traditional Residential District Parcel ID#s 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop housing.

Signatures(s):



P.S. I'm fairly certain, not one person proposing the construction would
Comments: want this to take place in their front yard.

To whom it may concern:

I strongly oppose the construction of low income housing in my front yard. My front door, on the end unit closest to the road faces the planned construction. I never would have purchased this unit, if knew this would transpire. Not only will it drive my property value down, but would
like to express our child's love. Thank you for your time

NEIGHBORING PROPERTY OWNERS STATEMENT

According to the record of land ownership you own property that is located within 300 feet of property that is the subject of a public hearing. You are entitled to express an opinion as to whether you are opposed or not opposed to the request by completing the form below. Please check the appropriate box and return it by **June 7, 2019**, in the enclosed self-addressed, stamped envelope. You are not required to complete this form but may if you desire to express an opinion on this matter.

I (we) HAIRSTON GARY LEE

as owner(s) of Lot(s) 407 SWAIN DR

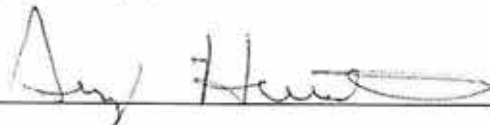
 X AM OPPOSED

 AM NOT OPPOSED

to the following request filed with the City of Danville:

Rezoning application PLRZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to NT-R Neo-Traditional Residential District Parcel ID#s 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop housing.

Signatures(s):




Comments:

We, the property owners of Swain Drive, think it would be a terrible idea to open up the street to thru traffic, because of our elderly and children who occupy this development. Plus, we feel safe as it is now. NO loud and fast traffic. NO suspicious vehicles turning in our neighborhood. This is probably one of a few neighborhoods that feel safe. We must say NO to this project.

NEIGHBORING PROPERTY OWNERS STATEMENT

According to the record of land ownership you own property that is located within 300 feet of property that is the subject of a public hearing. You are entitled to express an opinion as to whether you are opposed or not opposed to the request by completing the form below. Please check the appropriate box and return it by **June 7, 2019**, in the enclosed self-addressed, stamped envelope. You are not required to complete this form but may if you desire to express an opinion on this matter.

I (we) CAMPBELL DAVID O & JILL K

as owner(s) of Lot(s) 402 SWAIN DR

 **AM OPPOSED**

_____ AM NOT OPPOSED

to the following request filed with the City of Danville:

Rezoning application PLRZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to NT-R Neo-Traditional Residential District Parcel ID#s 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop housing.

Signatures(s):

2007
4/11/07

Comments:

Attachment to Neighboring Property Owners Statement

RE: PLRZ20190000201

At the present time, the majority of the neighbors in the Swain Drive area cannot provide approval at this time to the proposed plan of rezoning for Habitat of Humanity developments. Your plan does not outline the subdivision proposal for quantity of lots, type of homes (single family, duplex, triplex or other multifamily units). No preliminary or final plat has been provided to indicate a clearer picture of the development.

It would appear that the ingress and egress will be located on the eastern side through Seminole Dr and Springfield Rd. However, it is not clear to us whether there is any intention of opening up the cul-de-sac at the end of Swain Dr which boundaries part of the proposed land development. This must be made absolutely clear that we would be firmly and totally apposed to any such opening of that cul-de-sac to through traffic. This would turn Swain Dr into a busy cut through for vehicles avoiding the traffic light at Seminole and Piney Forest and, also the access to North Main from Piney Forest.

Since this cul-de-sac and the old parking area down around what was called the Cabin Lake Condo's has had periods of issues with inappropriate conduct in the past and present, we believe that further development of this area joining back toward the apartment complexes on and around Seminole would only further complicate and encourage such conduct.

It would also be an appropriate time since this development has been proposed to address the aforementioned Cabin Lake Condo area and the City of Danville, Virginia's intention toward this now undeveloped and deteriorating land and water area. Since the development would impact this directly with additional opportunity for issues it is incumbent upon the City to address and prepare a proper proactive plan of action for this area.

According to the record of land ownership you own property that is located within 300 feet of property that is the subject of a public hearing. You are entitled to express an opinion as to whether you are opposed or not opposed to the request by completing the form below. Please check the appropriate box and return it by **June 7, 2019**, in the enclosed self-addressed, stamped envelope. You are not required to complete this form but may if you desire to express an opinion on this matter.

I (we) CAMPBELL JILL K & GOMES BRENDA J

as owner(s) of Lot(s) 414 SWAIN DR

gmc V AM OPPOSED

_____ AM NOT OPPOSED

to the following request filed with the City of Danville:

Rezoning application PLRZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to NT-R Neo-Traditional Residential District Parcel ID#s 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop housing.

Signatures(s):

[Signature]

Brenal J. Gomes

Comments:

Attachment to Neighboring Property Owners Statement

RE: PLRZ20190000201

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MEMORANDUM

DATE: JUNE 10, 2019

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS.

REQUEST:

Rezoning application PLRZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to NT-R Neo-Traditional Residential District Parcel ID#s 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop housing

RESPONSES:

Sixty-two (62) notices were sent to property owners within three hundred (300) feet of the property. Twenty-three (23) property owners returned statements. Eight (8) property owners are not opposed to the request (Woltz Fentriss & Angela H, Jones Odaris, Stewart Michael S & Pamela B, Re Express LLC, Wentz Patricia C, Hedrick Johnson Development Corp, Conner Ernest R Jr, Moore Nettie B). Fifteen (15) property owners are opposed to the request (Robbertson Kenneth D Jr., Thompson Daniel W & Elizabeth R, Dodson Luther B and Lizzie, Jones Michael D & Sharion P, Reynolds Jennifer Paige, Williams James Atlas, Freeze Harvey E Jr & Eveline E (Life) & Jacqueline E (Fee), Jones Raymond J Jr & Tammie C, Booth Richard, Shomali Sheila Marshall Life & Cassell William & Others Fee, Campbell Jill K & Gomes Brenda J, Campbell David O & Jill K, Scarce Debra J, Bloomer Christopher S, Hariston Gary Lee).

COMMENTS:

Please see the attached letter for additional comments from Campbell Jill K & Gomes Brenda J (stated opposed), Campbell David O & Jill K (stated opposed), Bloomer Christopher S (stated opposed), and Hairston Gary Lee (stated opposed).



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

City Planning Commission

City Planning Commission
Meeting of June 10, 2019

Subject:

Rezoning application PLRZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to NT-R Neo-Traditional Residential District Parcel ID#s 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop housing.

Background:

The Danville-Pittsylvania Co. Habitat for Humanity has applied to rezone approximately five (5) acres of land to the NT-R, Neo-Traditional Residential District. The applicant seeks to subdivide approximately 2.7 acres from Parcel ID# 59958 in the N-C, Neighborhood Commercial District. The applicant also seeks to subdivide approximately 2.4 acres from Parcel ID# 51032 in the S-R, Suburban Residential District. The applicant wishes to then consolidate the parcels before developing housing.

The land is being donated to Habitat for Humanity from St. Luke's United Methodist Church. The Church currently uses the western portion of Parcel ID# 59958 as its primary place of worship. Records suggest the portions of land being dedicated have never been developed.

The NT-R District is designed to allow compact, single-family residential communities. As a planned development in this district, the housing will be subject to community open-space requirements. This is demonstrated in the Conceptual Master Plan, included with the application.

As proposed, the development will need new roads. For previous projects, developers pay the cost of construction, dedicate land to the public right-of-way, and are reimbursed by the City.

For the request, the Planning Commission should consider the following three factors:

1) Danville 2030 Comprehensive Plan:

The City's long-range plan cautions against new development in low-density areas on the edges of the City. The Plan also designates this land for neighborhood commercial use with easy access to N Main St. The proposed district is classified as residential or mixed-use. However, the Plan does not address the potential subdivision of these properties to create new lots primarily fronting Seminole Dr. and Springfield Dr.

Additionally, the Plan supports compact, walkable communities and quality affordable housing. The Plan also specifically recognizes Habitat for Humanity as a key partner in leveraging resources to provide affordable housing for low-income households. This project is one such example.

2) Surrounding Land:

The subject properties are situated between the N Main St. corridor and nearby housing on the northern edge of the City limits. Nearby commercial activity is currently limited to access from N Main St. and Piney Forest Rd.

The nearby housing includes a mixture of both low density and high density developments.

3) Proffers (voluntary conditions):

The applicant has offered to restrict the rezoning to the land being donated to Habitat. This condition would prohibit the rezoning from applying to the entire parcels. Instead, the rezoning would be contingent on the subdivision and consolidation, as indicated with the application.

The proffer was offered after the original submission of this request. If accepted, the request is now a Conditional Rezoning application, rather than a Rezoning application.

Sixty-two (62) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on June 10, 2019.

Recommendation:

The Planning staff recommends the City Planning Commission recommend approval of "Conditional" Rezoning application PLRZ20190000201, filed by Habitat for Humanity, requesting to rezone from N-C Neighborhood Commercial and S-R Suburban Residential to NT-R Neo-Traditional Residential District Parcel ID#s 59958 and 51032, otherwise known as Grid 2918, Block, 004, Parcels 000033 and 000018 of the City of Danville, Virginia Zoning District Map.

If approved, the applicant may create a new lot to develop a housing project. This lot would be zoned as "Conditional" NT-R, Neo-Traditional Residential District.

City Planning Commission Options:

1. Recommend approval of "Conditional" Rezoning application PLRZ20190000201
2. Recommend denial of "Conditional" Rezoning application PLRZ20190000201
3. Table "Conditional" Rezoning application PLRZ20190000201

Attachments:

- A. Application
- B. Property Ownership/Zoning Map
- C. Data Sheet
- D. Future Land Use Map
- E. Existing Land Use Map (2015 Aerial)

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: PLR2 20190000201 EXISTING ZONING: N-C (59958), S-R (51032)
PROPOSED ZONING: NT-R TAX MAP NUMBER: ID# 59958 + 51032
RECEIVED BY: Bryce Johnson DATE FILED: May 16, 2019
PLANNING COMMISSION DATE: June 10, 2019 CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: _____ Property Address: _____

Property Location: N S E W Side of: _____

Between: _____ and _____

Proffered Conditions (if any, please attach): _____

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

1. NAME: Danville P.H.S. G. Habitat for Humanity TELEPHONE: 434-793-3630

MAILING ADDRESS: PO Box 718, Danville, VA 24541

SIGNATURE: [Signature] DATE: 4/18/19

SIGNATURE: Kimberly M. Ballbridge DATE: 5/14/19

EMAIL ADDRESS: Kim@danvillehabitat.org

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: _____

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:

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:

Rezoning Parcel 59958 and Parcel 51032 to the
Neo-Traditional Residential (NT-R) district



June 3, 2019

Bryce Johnson
City of Danville
P.O. Box 3300
Danville, VA 24543

RE: Rezoning application PLRZ20190000201

Dear Mr. Johnson,

For clarification purposes, please accept this letter as our request to rezone only the portion(s) of the land that is being donated to our organization by St Luke's United Methodist Church. The Parcel ID#s in reference are 59958 and 51032 (see attached survey plat).

The donation of these parcels and the intended use of building a housing community has been voted and approved by the Church Council of St Luke's UMC. Please see the authorized signature below (representative of St Luke's UMC) as proof that Danville Pittsylvania County Habitat for Humanity is only requesting the rezoning of the parcels listed above. Our objective is to have these parcels rezoned from N-C Neighborhood Commercial and S-R Suburban Residential to NT-R Neo-Traditional Residential.

If you require further information please contact me at (434) 793-3630 or by email kim@danvillehabitat.org.

Sincerely,

Kimberly M. Baldridge
Executive Director

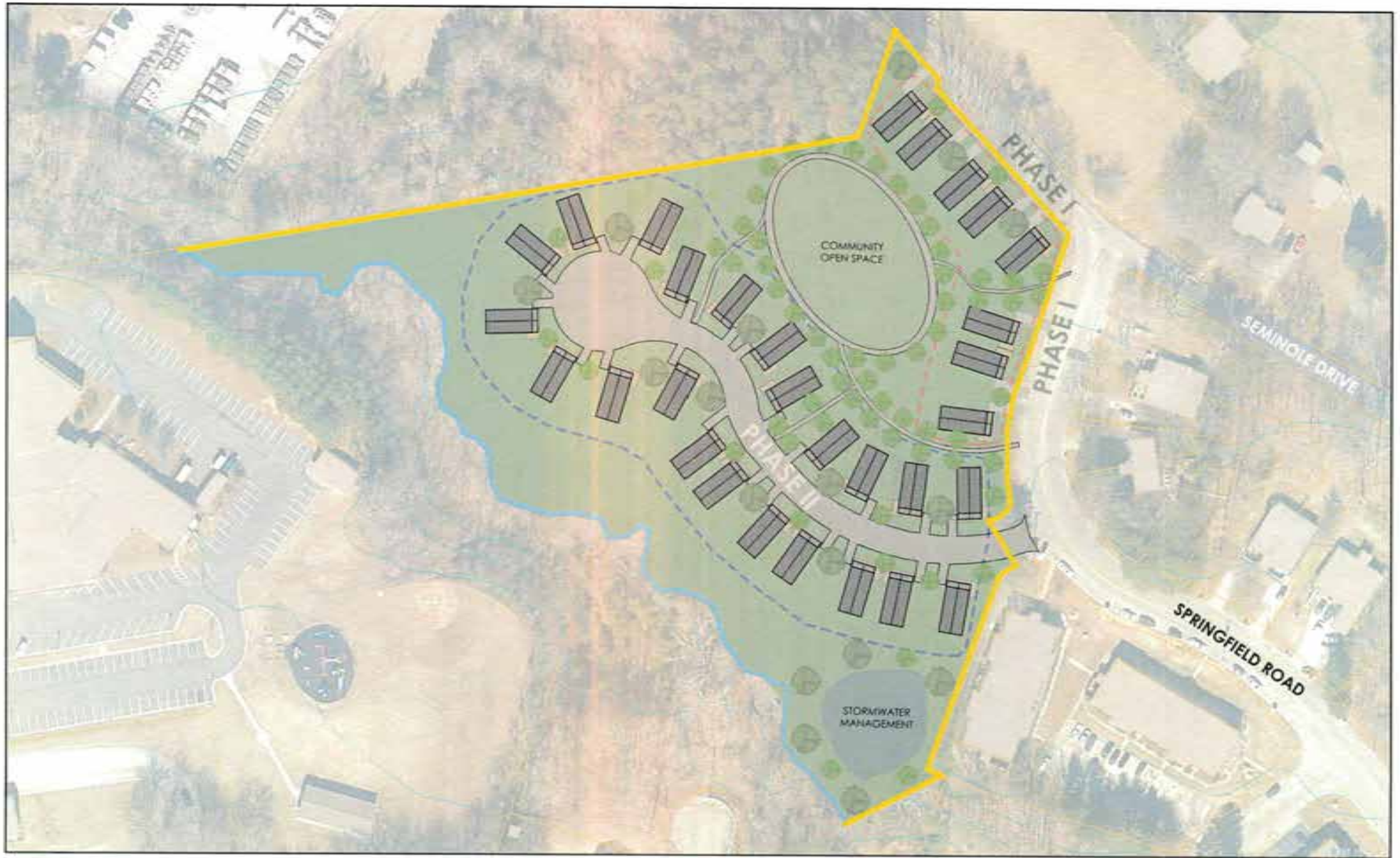
Enclosure

I, Philip Winstead, representative of St Luke's United Methodist Church, authorize the rezoning of the parcels listed above to NT-R that are being donated to Danville Pittsylvania County Habitat for Humanity.

PO Box 718, Danville, VA 24543
2805 Riverside Drive, Danville, VA 24540

email: info@danvillehabitat.org
website: www.danvillehabitat.org
Phone: (434) 793-3630 Fax: (434) 483-2891





Habitat Village | Conceptual Master Plan



1. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS PER DATE OF THIS PLAT AND THERE ARE NO READILY APPARENT EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE, DOES NOT NECESSARILY SHOW ALL ENCUMBRANCES ON THE PROPERTY.
3. THE AREA SHOWN HEREON IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD ZONE PER FEMA FLOOD MAP 51143C0518E EFFECTIVE 9-29-2010.
4. THIS SURVEY DOES NOT ADDRESS THE EXISTENCE, DETECTION, OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED ON THE SURVEYED PREMISES.

SOURCE OF TITLE:

PN 59958
TRUSTEES OF ST. LUKE'S UNITED METHODIST CHURCH
HIST. 97/2229

PN 51032
TRUSTEES OF ST. LUKE'S UNITED METHODIST CHURCH
DB 797 PG 216

PLAT OF REFERENCE:

JR DB/2158

CITY APPROVAL CERTIFICATION:

I CERTIFY THAT THIS PLATTING IS IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND HEREBY APPROVED IN ACCORDANCE WITH CODE OF THE CITY OF DANVILLE 2004, AS AMENDED.

CITY ENGINEER

ZONING ADMINISTRATOR

11.545 ACRES (PN 59958)
= 2.675 ACRES (PARCEL 1)
8.870 ACRES (RESIDUE)

THE SUBDIVISION OF LAND DESCRIBED HEREIN IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LOT AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

OWNER

COMMONWEALTH AT LARGE TO WIT:

STATE OF VIRGINIA

COUNTY/CITY OF

I, _____ A NOTARY PUBLIC IN
AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNER,
(NAME) (TITLE) WHOSE NAME IS SIGNED HEREON

HAS ACKNOWLEDGED THE SAME BEFORE ME THIS _____ DAY
OF _____ 20____ MY COMMISSION

EXPIRES

NOTARY PUBLIC



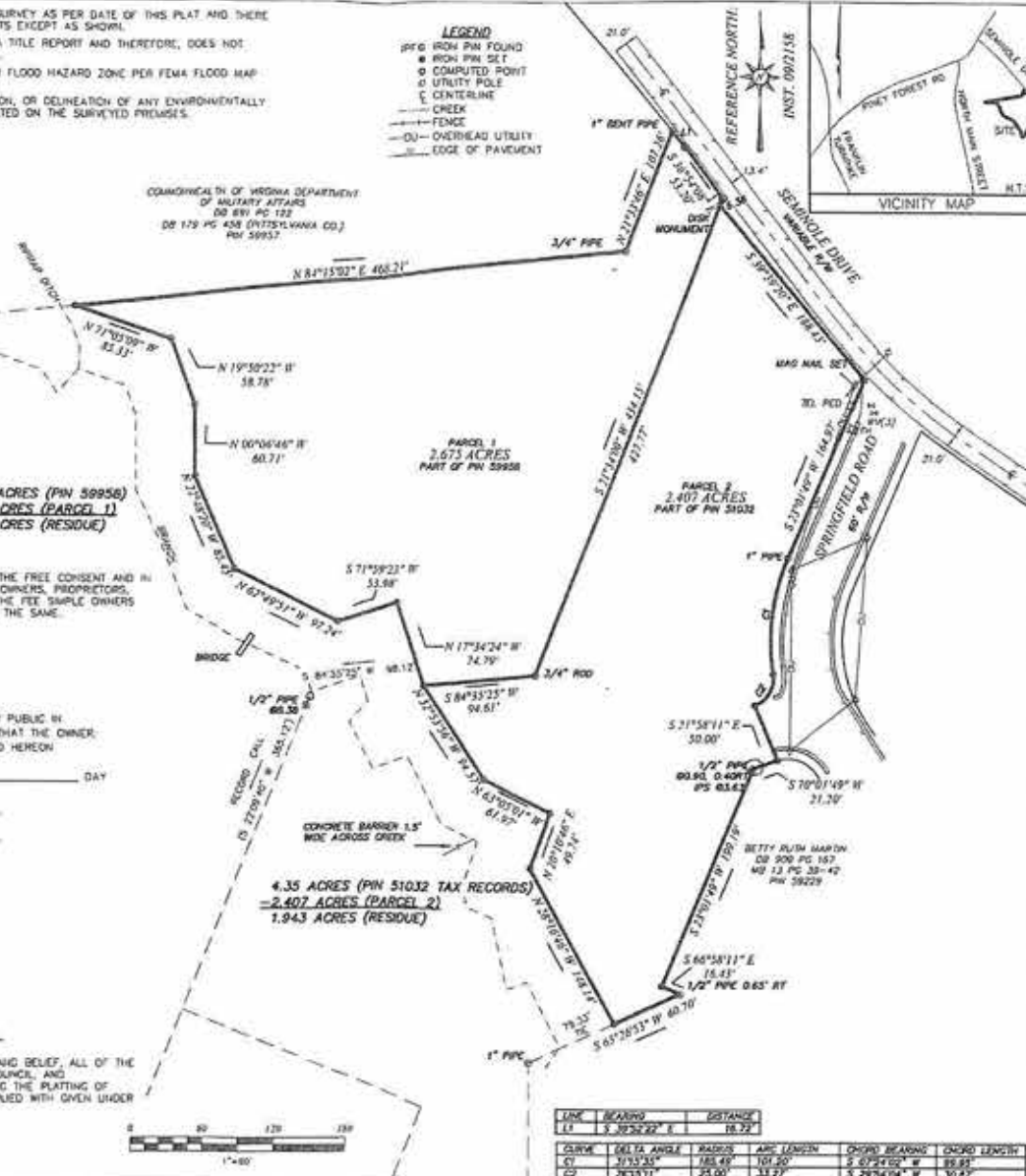
CITY OF DANVILLE SURVEYORS CERTIFICATE (SUBDIVISIONS)

SURVEYORS CERTIFICATE:
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND CITY COUNCIL, AND ORDINANCES OF THE CITY OF DANVILLE, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS, DIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH GIVEN UNDER MY HAND THIS 30th DAY OF MARCH, 2017.

RICHARD B. ARMSTRONG, JR. LS 3017

COMMONWEALTH OF VIRGINIA DEPARTMENT
OF MILITARY AFFAIRS
DB 891 PG 122
DB 179 PG 458 (NORTH CAROLINA CO.)
PN 59957

- LEGEND**
- IPFG IRON PIN FOUND
 - WIPN IRON PIN SET
 - CP COMPUTED POINT
 - UP UTILITY POLE
 - CL CENTERLINE
 - CH CREEK
 - F FENCE
 - OU OVERHEAD UTILITY
 - EP EDGE OF PAVEMENT



110 SOUTH MAIN ST., SUITE B
DANVILLE, VA 22027
434.786.1521



**PLAT SHOWING
RECONFIGURATION OF THE PROPERTY OF
TRUSTEES OF ST. LUKE'S UNITED METHODIST CHURCH
CITY OF DANVILLE, VIRGINIA**

PROJECT: 180107
DATE: 8-12-2018
DRAWN BY: RBA
SHEET 1 OF 1

LINE	BEARING	DISTANCE
11	S 30°22'22" E	10.72'
12	S 66°58'11" E	15.43'
13	S 67°20'53" W	60.70'
14	S 67°20'53" W	60.70'
15	S 67°20'53" W	60.70'
16	S 67°20'53" W	60.70'
17	S 67°20'53" W	60.70'
18	S 67°20'53" W	60.70'
19	S 67°20'53" W	60.70'
20	S 67°20'53" W	60.70'
21	S 67°20'53" W	60.70'
22	S 67°20'53" W	60.70'
23	S 67°20'53" W	60.70'
24	S 67°20'53" W	60.70'
25	S 67°20'53" W	60.70'
26	S 67°20'53" W	60.70'
27	S 67°20'53" W	60.70'
28	S 67°20'53" W	60.70'
29	S 67°20'53" W	60.70'
30	S 67°20'53" W	60.70'

REZONING REQUEST DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on June 10, 2019
City Council (tentative) at 7pm on July 2, 2019

LOCATION OF PROPERTY: Eastern portions of ID# 59958 and ID# 51032

PRESENT ZONE: ID# 59958: N-C, Neighborhood Commercial
ID# 51032: S-R, Suburban Residential

PROPOSED ZONE: NT-R, Neo-Traditional Residential

ACTION REQUESTED: Rezone eastern portions to NT-R

PRESENT USE OF PROPERTY: Vacant (Church on the western half of ID# 59958 is not being rezoned)

PROPOSED USE OF PROPERTY: Residential development

FUTURE LAND USE DESIGNATION: Neighborhood Commercial

PROPERTY OWNER (S): St. Luke's United Methodist Church Trustees

NAME OF APPLICANT (S): Danville-Pittsylvania Co. Habitat for Humanity

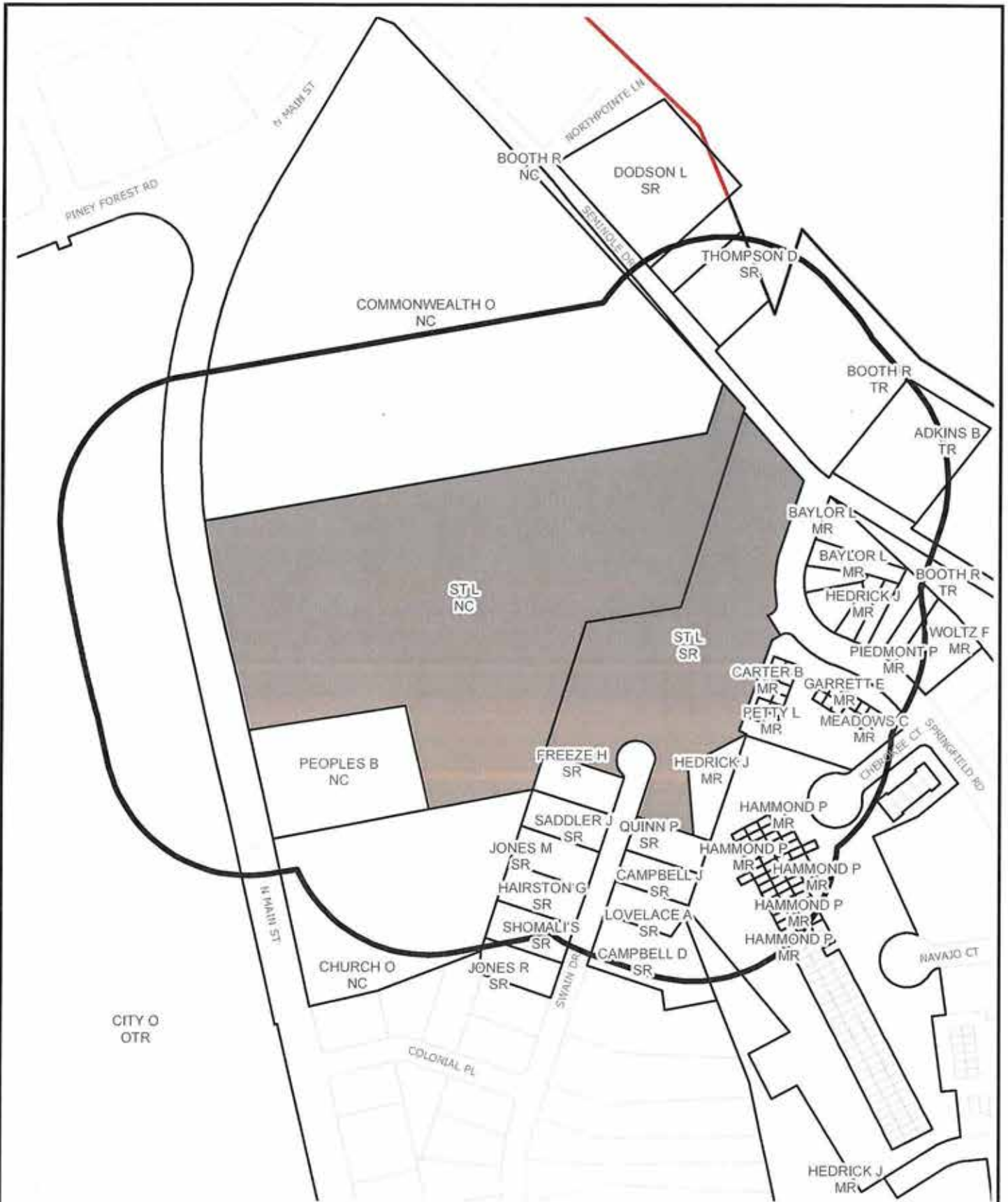
PROPERTY BORDERED BY: Residential on all sides; commercial to the northwest

ACREAGE: Portion of ID# 59958: 2.675 acres (116,523 sq. ft.)
Portion of ID# 51032: 2.407 acres (104,849 sq. ft.)
Total: 5.082 acres (221,372 sq. ft.)

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: Seminole Dr. and Springfield Rd.

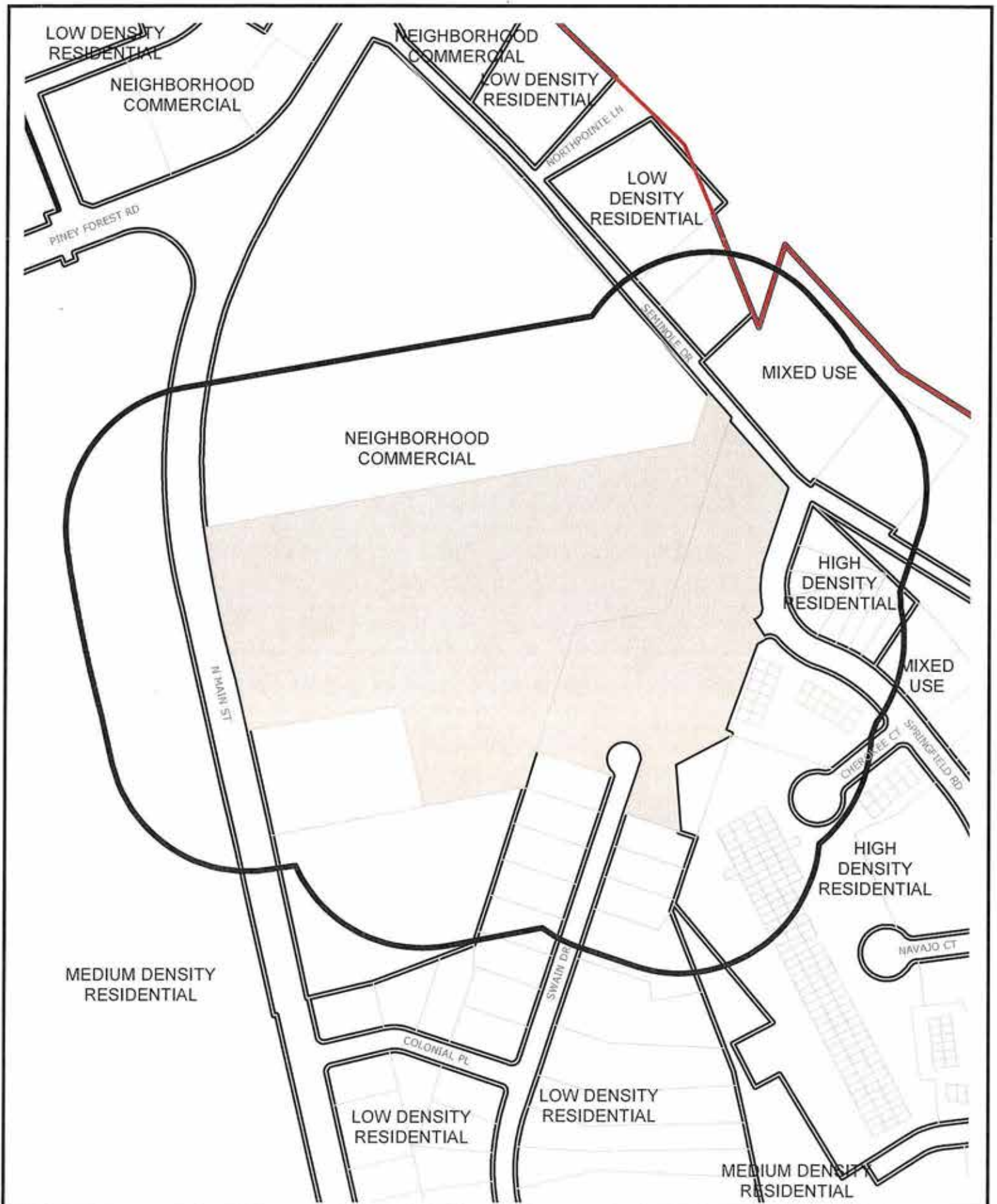
TRAFFIC VOLUME: Low



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/21/2019

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/21/2019

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



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/21/2019

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

Council Letter

City of Danville, Virginia



CL-2145

New Business Item #: F.

City Council Regular Meeting

Meeting Date: 07/02/2019

Subject: Request for a Zoning Code Amendment to Permit Short-Term Rentals of an Entire Home

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

COUNCIL ACTION

Business Meeting: 07/02/2019

SUMMARY

A request has been filed to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, VA 1986, more specifically Article 2 entitled "General Regulations", various sub-articles and sections of Article 3 entitled "Zoning Districts", and Article 15 entitled "Definitions", Section B entitled "Definitions". The purpose is to allow for short-term rentals of an entire home within residential districts.

BACKGROUND

An application has been filed by Barry Davis seeking a Zoning Code Amendment to allow for short-term rentals of an entire home within residential districts. Mr. Davis has also submitted a Special Use Permit application for this use at 500 Plum Street. A similar amendment was approved on May 7 to permit homestays as home occupations.

Short-term rental is a term generally used to describe the use of a building to host visitors from out of town, typically no longer than a week or two. This use may occur in either a residential or commercial building. Across the country, short-term rentals have become an issue due to the prevalent use of online rental platforms which allow residential properties to be used for temporary lodging. This has allowed travelers to opt to stay in residential properties, similar to hotels and motels while traveling. As a result, short term rental uses typically now fall into one of five categories staff classifies as: (1) homestay, (2) whole home rental, (3) bed and breakfast, (4) hotel/motel, and (5) boarding house. The Zoning Ordinance currently addresses most of these uses, except for whole home rental.

When discussing short-term rental zoning regulations, the following issues should be considered: (1) taxation, (2) presence of a host, (3) enforcement, (4) registration, (5) terminology, (6) effect on housing and the neighborhood, and (7) relation to the Comprehensive Plan.

At their meeting on June 10, 2019, the Planning Commission voted 6-0 (Commissioner Jones was absent) to recommend approval of the request to the Zoning Code Amendment.

RECOMMENDATION

It is recommended that City Council adopt an ordinance amending Chapter 41 entitled “Zoning Ordinance” of the Code of the City of Danville, VA 1986, more specifically Article 2 entitled “General Regulations”, various sub-articles and sections of Article 3 entitled “Zoning Districts”, and Article 15 entitled “Definitions”, Section B entitled “Definitions”. The recommended amendment includes zoning definitions, safety standards, and a short-term rental registry.

Planning Commission also recommended that City Council review the taxes and registration fees of short-term rentals, although no specific fees are suggested.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019-____.____

AN ORDINANCE AMENDING CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY ARTICLE 2, ENTITLED "GENERAL REGULATIONS", VARIOUS SUB-ARTICLES AND SECTIONS OF ARTICLE 3, ENTITLED "ZONING DISTRICTS", AND ARTICLE 15, ENTITLED "DEFINITIONS", SECTION B, ENTITLED "DEFINITIONS" TO ALLOW FOR SHORT-TERM RENTALS OF AN ENTIRE HOME WITHIN RESIDENTIAL DISTRICTS.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of amendments to Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, more specifically, Article 2, entitled "General Regulations", various sub-articles and sections of Article 3, entitled "Zoning Districts", and Article 15, entitled "Definitions", Section B, entitled "Definitions" to allow for short-term rentals of an entire home within residential districts, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that Article 2, entitled "General Regulations", various sub-articles and sections of Article 3, entitled "Zoning Districts", and Article 15 entitled "Definitions", Section B entitled "Definitions" of Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

CHAPTER 41. ZONING ORDINANCE

Article 2: - General Regulations

Y. – Specific Use Standards

1. Short-Term Rentals (as defined in Article 15, Section B of this Chapter)
 - a. No host shall operate or advertise a residential property for a short-term rental without first registering with the Zoning Administrator or their designee.
 - b. Registration shall include providing information regarding the host or responsible party, property owner, location of the short-term rental, and acknowledgement of the standards of this Section.
 - c. The host shall register with the Commissioner of Revenue to collect and remit the Town's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation". A business license shall not be required.

- d. The registration shall be valid from January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year, and shall be renewed annually for operation and advertising to continue.
- e. If operating a homestay, the property shall be the primary residence of the host. This shall be indicated through two (2) forms of documentation.
- f. The owner or operator shall permit at least one (1) inspection each year by the Zoning Administrator, or other official(s) designated by the City to ensure compliance with City regulations.
- g. On the property, the host shall only provide short-term occupancy services for compensation for guests including lodging, food, beverages, and other incidental items typically found within a residence. The host shall not prepare food or beverages for the guests, provide event services, or provide unrelated services for compensation.
- h. The minimum contract rental period for guests shall be eighteen (18) hours.
- i. There shall be no on-site outdoor signage as accessories to the short-term rental.
- j. Parking shall be limited to the property containing the short-term rental, or the portion of the street right-of-way immediately adjacent to the property. This shall not apply to the CB-C, Central Business Commercial District.
- k. Every sleeping room shall have at least two (2) means of ingress/egress, including the primary entrance and windows.
- l. There shall be one (1) conspicuously posted placard or similar notice indicating means of ingress/egress posted in each sleeping room.
- m. There shall be one (1) working smoke detector in each sleeping room (for both guests and the operator/owner).
- n. There shall be one (1) one working smoke detector per floor.
- o. There shall be one (1) working carbon monoxide detector per floor.
- p. There shall be one (1) working fire extinguisher per floor, accessible for use by guests.
- q. There shall be a physical booklet or similar notice informing guests of the location of working fire extinguishers, the City requirements for the rental, contact information for the responsible party and Zoning Administrator, and proof of inspection.
- r. Proof of registration shall be indicated on any advertising of the short-term rental.
- s. The Zoning Administrator shall have the authority to revoke registration if there are three (3) or more substantiated complaints, zoning or building violations, or illegal activities within a twelve (12) month time period.

Article 3.A: - SR-R, SANDY RIVER RESIDENTIAL

C. – Uses Permitted by Special Use Permit

25. Short-Term Rental, Entire Furnished Home

Article 3.B: - T-R, THRESHOLD RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

25. Short-Term Rental, Entire Furnished Home

Article 3.C: - S-R, SUBURBAN RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

[29. Short-Term Rental, Entire Furnished Home](#)

Article 3.D: - NT-R, NEO-TRADITIONAL RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

[18. Short-Term Rental, Entire Furnished Home](#)

Article 3.E: - OT-R, OLD TOWN RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

[29. Short-Term Rental, Entire Furnished Home](#)

Article 3.F: - A-R, ATTACHED RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

[22. Short-Term Rental, Entire Furnished Home](#)

Article 3.G: - M-R, MULTIFAMILY RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

[26. Short-Term Rental, Entire Furnished Home](#)

Article 3.I: - TO-C, TRANSITIONAL OFFICE

B. – Permitted Uses

[19. Short-Term Rental, Entire Furnished Home](#)

Article 3.J: - N-C, NEIGHBORHOOD COMMERCIAL

B. – Permitted Uses

[15. Short-Term Rental, Entire Furnished Home](#)

Article 3.K: - CB-C, CENTRAL BUSINESS DISTRICT

B. – Permitted Uses

[30. Short-Term Rental, Entire Furnished Home](#)

Article 3.L: - TW-C, TOBACCO WAREHOUSE DISTRICT

B. – Permitted Uses

43. Short-Term Rental, Entire Furnished Home

Article 15. – DEFINITIONS

B. – Definitions

Primary Residence. The dwelling in which a resident occupies as their usual home. If a person maintains more than one residence, the primary residence shall be the dwelling where the resident lives for more than half the calendar year.

Short-Term Rental, Entire Furnished Home. A furnished structure designed as a single-family dwelling, but used for temporary guest accommodations in exchange for payment. Such lodging shall allow no more than two (2) families or eight (8) guests at any time, whichever is more.

Short-Term Rental. Any furnished residential-style property which provides sleeping accommodations for monetary compensation for a period no more than thirty (30) consecutive calendar days. Such lodging shall have no food prepared for guests by the owner or operator, nor shall banquet/event facilities be provided. This definition specifically excludes establishments which are otherwise licensed as businesses with the City or State such as licensed bed and breakfast establishments, hotels, and motels.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: JUNE 10, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: ZONING CODE AMENDMENT REQUEST

REQUEST:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, VA 1986, more specifically Article 2 entitled "General Regulations", various sub-articles and sections of Article 3 entitled "Zoning Districts", and Article 15 entitled "Definitions", Section B entitled "Definitions". The purpose is to allow for short-term rentals of an entire home within residential districts.

RECOMMENDATION:

The Planning Commission voted 6-0 (Commissioner Jones was absent) to recommend approval.

Michael X. Scarce (DWT)
Mr. Michael Scarce, Chairman



City Planning Commission

City Planning Commission
Meeting of June 10, 2019

Subject:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, VA 1986, more specifically Article 2 entitled "General Regulations", various sub-articles and sections of Article 3 entitled "Zoning Districts", and Article 15 entitled "Definitions", Section B entitled "Definitions". The purpose is to allow for short-term rentals of an entire home within residential districts.

Background:

An application has been filed by Barry Davis seeking a Zoning Code Amendment to allow for short-term rentals of an entire home within residential districts. Mr. Davis has also submitted a Special Use Permit application for this use at 500 Plum St. On April 9, Planning Commission considered a similar request from City Council, but voted to postpone discussion. On May 13, Planning Commission voted to continue discussion of the Zoning Code Amendment in a work session. On June 3, Planning Commission discussed the request, and voted to hear it at the next business meeting.

Short-term rental is a term generally used to describe the use of a building to host visitors from out of town, typically no longer than a week or two. This use may occur in either a residential or commercial building. Visitors who choose to stay in a home are typically no different than those who might use a hotel. They are simply choosing a different venue for temporary lodging. These visitors could include families on vacation, parents visiting children in college, people on business trips, a potential employee in town for a job interview, and other short-term guests. A thirty (30) day limit is often used to describe the difference between a short-term rental and a regular residential rental, which may include a period as short as a month. For zoning purposes, the specific time limit is not as important as the fact that a short-term rental be categorized separately from an ordinary residential rental. The use and its impact is different than an ordinary residential rental.

Across the country, short-term rentals have become an issue due to the prevalent use of online rental platforms which allow residential properties to be used for temporary lodging. This has allowed travelers to opt to stay in residential properties, similar to hotels and motels while traveling. As a result, short term rental uses typically now fall into one of five categories staff classify as: (1) homestay, (2) whole home rental, (3) bed and breakfast, (4) hotel/motel, and (5) boarding house. The table below very briefly summarizes typical zoning regulations of these uses, when a locality addresses them.

Table 1: Typical Types of Short-Term Rentals and Related Restrictions

(Note that definitions and terminology widely varies for homestays and whole home rentals)

Classification	Primary Residence of Host?	Food Provided?	Permitted in Residential Districts?	Addressed in Danville Zoning Code?
Homestay	Yes	No	By Right	Yes
Whole Home Rental	No	No	Special Use Permit (if at all) or By Right, subject to limited frequency of visits and other restrictions (if at all)	No
Bed and Breakfast	Yes	Yes	Special Use Permit in specific districts (if at all)	Yes
Hotel/Motel	No	Yes/Optional	No	Yes
Boarding House	Yes	No	Special Use Permit in specific districts (if at all)	Yes

The following issues should be considered when discussing short-term rentals:

- 1) **Taxation:** Danville currently imposes a lodging tax which applies to all short-term rentals.
- 2) **Presence of a Host:** Like most localities, Danville currently requires a host be present for residential short-term rentals. Most localities still require an on-site host. When a host is not present, the short-term rental is likely in violation of local zoning regulations, is located in a specific zoning district, or is limited to a specific number of guest visits each year.
- 3) **Enforcement:** Regulations regarding short-term rentals can be difficult to enforce. This specifically applies to limitations on the number of guests, and the frequency of visits.
- 4) **Registration:** Virginia law permits localities to require an annual registration of short-term rentals. This registration may require a fee in order to maintain and enforce the registry. However, registration excludes short-term rentals which are otherwise licensed as a business, such as hotels.
- 5) **Terminology:** There is not yet much consistency in the names used for new types of short-term rentals. Some localities have begun to use a single term for all short-term rentals in residential districts, and number the types as "Type 1, Type 2, etc..." Other localities still use different terms, such as presented in this report.

- 6) **Effect on Housing and the Neighborhood:** Research and case studies indicate that short-term rentals can reduce the availability of quality affordable housing. Short-term rentals can also result in residential areas which are primarily for tourist housing, rather than housing for local residents.
- 7) **Relation to the Comprehensive Plan:** The *Danville: 2030 Comprehensive Plan* contains goals which recommend the City support housing rehabilitation, specifically in distressed and historic neighborhoods. The *Plan* also suggests the continued use and reuse of existing buildings.

Recommendation:

Staff recommend that Planning Commission recommend an amendment to Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, VA 1986, more specifically Article 2 entitled "General Regulations", various sub-articles and sections of Article 3 entitled "Zoning Districts", and Article 15 entitled "Definitions", Section B entitled "Definitions". The code amendment should include zoning definitions, safety standards, and a short-term rental registry. Staff's suggested code amendment is attached.

Staff also recommend that Planning Commission acknowledge that short-term rentals may be taxed. As discussed during the Commission's June 3 work session, staff recommend that the financial issue be handled by City Council.

City Planning Commission Options (Code Amendment):

1. Recommend approval of the requested code amendment
2. Recommend approval of the requested code amendment with modifications by City Planning Commission
3. Recommend denial of the requested code amendment
4. Table the requested code amendment

City Planning Commission Options (Taxes):

1. Recommend City Council review the taxes and registration fees of short-term rentals, although no specific fees are suggested.
2. Recommend City Council consider short-term rental taxes/fees, with specifics provided by Planning Commission.
3. Make no motion regarding taxes and registration fees.

Attachments:

- A. Code Amendment
- B. Application
- C. Sample Short-Term Rental Application
- D. Chart Comparing Local Regulations to Other Virginia Cities
- E. Regulations and Definitions from Other Virginia Cities

Article 2: - General Regulations

Y. – Specific Use Standards

1. Short-Term Rentals (as defined in Article 15, Section B of this Chapter)
 - a. No host shall operate or advertise a residential property for a short-term rental without first registering with the Zoning Administrator or their designee.
 - b. Registration shall include providing information regarding the host or responsible party, property owner, location of the short-term rental, and acknowledgement of the standards of this Section.
 - c. The host shall register with the Commissioner of Revenue to collect and remit the Town's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation". A business license shall not be required.
 - d. The registration shall be valid from January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year, and shall be renewed annually for operation and advertising to continue.
 - e. If operating a homestay, the property shall be the primary residence of the host. This shall be indicated through two (2) forms of documentation.
 - f. The owner or operator shall permit at least one (1) inspection each year by the Zoning Administrator, or other official(s) designated by the City to ensure compliance with City regulations.
 - g. On the property, the host shall only provide short-term occupancy services for compensation for guests including lodging, food, beverages, and other incidental items typically found within a residence. The host shall not prepare food or beverages for the guests, provide event services, or provide unrelated services for compensation.
 - h. The minimum contract rental period for guests shall be eighteen (18) hours.
 - i. There shall be no on-site outdoor signage as accessories to the short-term rental.
 - j. Parking shall be limited to the property containing the short-term rental, or the portion of the street right-of-way immediately adjacent to the property. This shall not apply to the CB-C, Central Business Commercial District.

- k. Every sleeping room shall have at least two (2) means of ingress/egress, including the primary entrance and windows.
- l. There shall be one (1) conspicuously posted placard or similar notice indicating means of ingress/egress posted in each sleeping room.
- m. There shall be one (1) working smoke detector in each sleeping room (for both guests and the operator/owner).
- n. There shall be one (1) one working smoke detector per floor.
- o. There shall be one (1) working carbon monoxide detector per floor.
- p. There shall be one (1) working fire extinguisher per floor, accessible for use by guests.
- q. There shall be a physical booklet or similar notice informing guests of the location of working fire extinguishers, the City requirements for the rental, contact information for the responsible party and Zoning Administrator, and proof of inspection.
- r. Proof of registration shall be indicated on any advertising of the short-term rental.
- s. The Zoning Administrator shall have the authority to revoke registration if there are three (3) or more substantiated complaints, zoning or building violations, or illegal activities within a twelve (12) month time period.

Article 3.A: - SR-R, SANDY RIVER RESIDENTIAL

C. – Uses Permitted by Special Use Permit

25. Short-Term Rental, Entire Furnished Home

Article 3.B: - T-R, THRESHOLD RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

25. Short-Term Rental, Entire Furnished Home

Article 3.C: - S-R, SUBURBAN RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

29. Short-Term Rental, Entire Furnished Home

Article 3.D: - NT-R, NEO-TRADITIONAL RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

18. Short-Term Rental, Entire Furnished Home

Article 3.E: - OT-R, OLD TOWN RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

29. Short-Term Rental, Entire Furnished Home

Article 3.F: - A-R, ATTACHED RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

22. Short-Term Rental, Entire Furnished Home

Article 3.G: - M-R, MULTIFAMILY RESIDENTIAL DISTRICT

C. – Uses Permitted by Special Use Permit

26. Short-Term Rental, Entire Furnished Home

Article 3.I: - TO-C, TRANSITIONAL OFFICE

B. – Permitted Uses

19. Short-Term Rental, Entire Furnished Home

Article 3.J: - N-C, NEIGHBORHOOD COMMERCIAL

B. – Permitted Uses

15. Short-Term Rental, Entire Furnished Home

Article 3.K: - CB-C, CENTRAL BUSINESS DISTRICT

B. – Permitted Uses

30. Short-Term Rental, Entire Furnished Home

Article 3.L: - TW-C, TOBACCO WAREHOUSE DISTRICT

B. – Permitted Uses

43. Short-Term Rental, Entire Furnished Home

Article 15. – DEFINITIONS

B. – Definitions

Primary Residence. The dwelling in which a resident occupies as their usual home. If a person maintains more than one residence, the primary residence shall be the dwelling where the resident lives for more than half the calendar year.

Short-Term Rental, Entire Furnished Home. A furnished structure designed as a single-family dwelling, but used for temporary guest accommodations in exchange for payment. Such lodging shall allow no more than two (2) families or eight (8) guests at any time, whichever is more.

Short-Term Rental. Any furnished residential-style property which provides sleeping accommodations for monetary compensation for a period no more than thirty (30) consecutive calendar days. Such lodging shall have no food prepared for guests by the owner or operator, nor shall banquet/event facilities be provided. This definition specifically excludes establishments which are otherwise licensed as businesses with the City or State such as licensed bed and breakfast establishments, hotels, and motels.

CODE CHANGE AMENDMENT

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL

Application is hereby made for the Code Change Amendment as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: PLCA20190000162 DATE FILED: April 11, 2019
RECEIVED ^{By} FROM: Bryce Johnson
SECTION AFFECTED: Article 3 - 29N + Article 15
PLANNING COMMISSION DATE/ACTION: April May 13, 2019
CITY COUNCIL DATE/ACTION: June 4, 2019

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section: article 3 - E + 15

Purpose for proposed amendment: short term rental
Whole House

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

1. NAME (PLEASE PRINT OR TYPE): BARRY DAVIS
ADDRESS: 406 PLUM ST.
DANVILLE, VA. 24540

EMAIL:

TELEPHONE:

SIGNATURE:

2. NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

TELEPHONE:

SIGNATURE:

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

NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

EMAIL:

TELEPHONE:

SIGNATURE:



Residential Short-Term Rental Application

City of Danville Planning Division • P.O. Box 3300 • Danville, VA 24543

434-799-5260 office • 434-797-8919 fax • johnsbw@danvilleva.gov

Site Information	
Property Owner	
Rental Type (Circle)	Homestay Whole Home
Address	
City, State, Zip	
Phone	
Email	

Responsible Party	
An individual must be identified as the responsible party for emergencies or concerns related to the rental property.	
Name	
Address	
City, State, Zip	
Phone	
Email	

I have read the attached regulations regarding short-term rentals and understand that any City approvals or permits may be revoked if I fail to comply with the provisions of City Code. I give my consent to City Zoning Administrator, or their designee, to verify compliance with the requirements and grant a right of access to make necessary inspections to ensure compliance.

Property Owner Signature

Date

Responsible Party (if different than property owner)

Date



City of Danville
Community Development
Planning Division

Short-Term Rental Requirement Checklist:

- ☐ Photo copy of two (2) forms of documentation indicating the property is the permanent residence of the owner or operator.
- ☐ If required, a Special Use Permit has been obtained (Whole Home Rental only)
- ☐ The owner or operator shall permit at least one (1) inspection each year by the Zoning Administrator to ensure compliance with City regulations.
- ☐ No additional services provided on-site (ex: prepared food, event services)
- ☐ No on-site advertising for the rental
- ☐ Parking is limited to the property or portion of street immediately adjacent to property (not applicable in the CB-C, Central Business Commercial District)
- ☐ Site Inspection:
 - ☐ Every sleeping room has at least two (2) means of ingress/egress, including the primary entrance.
 - ☐ One (1) conspicuously posted placard or similar notice indicating means of ingress/egress in each sleeping room.
 - ☐ One (1) working smoke detector in each sleeping room (for both guests and the operator/owner).
 - ☐ One (1) one working smoke detector per floor.
 - ☐ One (1) working carbon monoxide detector per floor.
 - ☐ One (1) working fire extinguisher per floor, accessible for use by guests.
 - ☐ A physical booklet or similar notice notifying guests of the location of working fire extinguishers, the City requirements for the rental, contact information for the responsible party and Zoning Administrator, and proof of inspection (copy of this signed form).

Certification:

To the best of my knowledge, this property has been inspected and meets the requirements for a short-term rental in the City of Danville, Virginia.

Property Address

Zoning Administrator

Date



Types of Residential Short-Term Rentals:

Short-Term Rental (Broad Category for both Homestay and Whole Home Rental)	
Definition	Any residential-style property which provides sleeping accommodations on a daily, weekly, or similar short-term basis for monetary compensation. Such lodging shall have no food prepared for guests by the owner or operator, nor shall banquet/event facilities be provided. This definition specifically excludes establishments which are otherwise licensed as businesses with the City or State such as licensed bed and breakfast establishments, hotels, and motels.
Requirements	Zoning inspection to ensure compliance with Zoning Ordinance Safety requirements listed on approval form
Homestay	
Definition	A single family dwelling, occupied by its owner or operator, containing sleeping accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no food prepared for guests by the owner or operator, no more than two (2) room accommodations, no more than five (5) guests at any time, and a thirty (30) consecutive calendar day limit for any guests.
Requirements	Host must live on the property No more than two (2) sleeping rooms or more than five (5) guests at any time See Short-Term Rental for additional standards
Whole Home Rental	
Definition	A structure designed as a single-family dwelling, but used for temporary guest accommodations in exchange for payment. Such lodging shall allow no more than two (2) families or eight (8) guests at any time, whichever is more.
Requirements	Special Use Permit if in a residential district No more than two (2) families or eight (8) guests at any time, whichever is more See Short-Term Rental for additional standards

Table 1: Short-Term Rental Regulations Comparison¹

City	Types	Permitted in Residential Districts?	Additional Comments
Blacksburg	Homestay Type A Rental	By Right: all residential districts Special Use: no residential districts	Subject to registration Subject to additional regulations and safety standards
	Homestay Type B Rental	By Right: all residential districts Special Use: no residential districts	Host must be present for Type A Rental
Bristol	None defined		Short-term rentals can be permitted by Special Use Permit if the City finds them to be compatible with the zoning district
Charlottesville	Homestay	Ry Right: most residential districts (excludes only the mobile home district) Special Use: no residential districts	Annual registration for all short-term rentals, with \$100 annual fee Subject to additional regulations, including safety standards
	Bed and Breakfast	By Right: some medium and high density residential districts Special Use: no residential districts	Host must be present for all rentals
	Inn	By Right: no residential districts Special Use: some medium and high density residential districts	
Christiansburg	Homestay	By Right: all residential districts Special Use: no residential districts	Annual registration for all homestays Subject to additional regulations, including safety standards Host must be present

¹ For detailed information, please consult the related zoning regulations for each City.

City	Types	Permitted in Residential Districts?	Additional Comments
Colonial Heights	Bed and breakfast:	By Right: over half of the residential districts, which are medium and high density residential districts Special Use: no residential districts	Host must be present
Danville	Bed and Breakfast	By Right: no residential districts Special Use: all residential districts	Currently reviewing regulations
	Homestay	By Right: all residential districts Special Use: no residential districts	
Franklin	Bed and Breakfast	By Right: no residential districts Special Use: some low, medium, and high density residential districts	Host must be present
Hopewell	Bed and Breakfast	By Right: some low, medium, and high density residential districts Special Use: no residential districts	Host must be present
Lynchburg	Bed and Breakfast	By Right: no residential districts Special Use: all residential districts	The City is currently revising its regulations; City Council last heard the issue at their May 24 meeting, but postponed discussion until August Potential new regulations will include new definitions and safety standards

City	Types	Permitted in Residential Districts?	Additional Comments
Manassas	Bed and Breakfast	By Right: no residential districts Special Use: some low and medium density residential districts	Host must be present
Martinsville	Bed and Breakfast Homestay	By Right: some medium-high residential districts Special Use: no residential districts	Host must be present for Bed and Breakfast Homestay
	Bed and Breakfast Inn	By Right: one medium-high residential district Special Use: one medium-high residential district	
Petersburg	Bed and Breakfast	By Right: No residential districts Special Use: some medium and high density residential districts	Host must be present
Richmond	Lodginghouse	By right: By Right: some high density residential districts Special Use: no residential districts	Annual registration for all short-term rentals, and a \$50 annual fee Although not specifically defined yet, Short-Term Rentals are permitted as an accessory use with a Special Use Permit in any residential district The City has been reviewing Short-Term Rental regulations since 2015
	Tourist Home on Highway	By Right: some high density residential districts Special Use: no residential districts	
	Tourist Home Off Highway	By Right or Special Use no residential districts	

City	Types	Permitted in Residential Districts?	Additional Comments
Roanoke	Bed and Breakfast	By Right: one agricultural residential district Special Use: some low, medium, and high density residential districts	Host must be present Subject to additional regulations
	Boarding House	By Right: no residential districts Special Use: one high density residential district	
	Homestay	By Right: no residential districts Special Use: all residential districts	
	Short-Term Rental	By Right: no residential districts Special Use: no residential districts	
Staunton	Bed and Breakfast	By Right or Special Use: no residential districts	Annual registration with a \$50 annual fee
	Homestay	By Right: all residential districts as an accessory use Special Use: no residential districts	Subject to additional regulations Host must be present
Waynesboro	Bed and Breakfast	By Right: some medium and high density residential districts Special Use: some medium and low density residential districts	Host must be present

Blacksburg

Homestay means the accessory or secondary use of a residential dwelling unit or a portion thereof by a host to provide room or space that is intended for short term transient rental purposes in exchange for a charge for the occupancy. The primary use of the homestay unit shall remain residential. For each booking transaction, all applicable taxes must be collected and remitted to the town as required by chapter 22 by either the host or the associated hosting platform. Such accessory or secondary use shall not create a landlord/tenant relationship.

Type A rentals means rentals where the host is present during the homestay and no more than two (2) bedrooms of the homestay unit are rented.

Type B rentals means all other rentals, including ones where more than two (2) bedrooms of the homestay unit are rented or the host is not present during the homestay.

Notes by staff:

- Permitted in all districts
- Subject to registration and specific use/safety standards

Bristol

No definitions

Charlottesville

Bed and breakfast ("B & B") means a temporary lodging facility operated within a residential dwelling, which is owner occupied and managed or having a resident manager; having no more than eight (8) guest rooms; and wherein food service shall be limited to breakfast and light fare.

Bed and breakfast (Inn) means temporary lodging facility operated within a residential dwelling; which is owner occupied and managed or having a resident manager, having no more than (15) guest rooms; and wherein food service may be provided.

Homestay means a home occupation in which an individual who owns a dwelling and uses it as his or her permanent residence within a dwelling hires out, as lodging: (i) such dwelling, or any portion thereof, or (ii) a lawful accessory dwelling.

Notes by staff:

- "B & B" is permitted in the medium and high density residential districts
- "Inn" is permitted in medium and high density districts, subject to a Special Use Permit
- Homestay is permitted in all residential districts
- All short-term rentals require annual registration and specific use/safety standards

Christiansburg

Homestay means an accessory use to a dwelling where the host occupant offers their primary residence or a portion thereof to a guest party for short-term occupancy for compensation in accordance with Sec. 42-664.

Notes by staff:

- Permitted in all residential districts as a home occupation
- Subject to registration and specific use/safety standards

Colonial Heights

BED AND BREAKFAST - A dwelling, occupied by the owner, in which not more Than five (5) bedrooms are provided for overnight guests for compensation, on daily or weekly basis, with or without meals.

Notes by staff:

- Permitted in the medium and high density residential districts
- Includes specific use/safety standards

Franklin

BED AND BREAKFAST INN

A single-family dwelling which, incidental to single-family occupancy, offers not more than six bedrooms for short-term transient occupancy for compensation and where food service for resident guests is limited to breakfast only.

Notes by staff:

- Permitted in over half of the residential districts, subject to the equivalent of a Special Use Permit. These districts vary in terms of character and density.

Hopewell

Bed and breakfast: A private, owner-occupied business with four (4) to six (6) rooms where overnight accommodations and a morning meal are provided to transients for compensation and where the bed-and-breakfast inn is operated primarily as a business.

Notes by staff:

- Permitted in less than half of the residential districts, which vary in character and density

Lynchburg

Bed and breakfast or tourist home: A dwelling, occupied as such, in which sleeping accommodations in less than six rooms with not more than four persons per room are provided or offered for transient guests for compensation, under the management of the occupants of that dwelling for dwelling purposes. A tourist home or bed and breakfast shall not be deemed a home occupation.

Notes by staff:

- Permitted in all residential districts, subject to a the equivalent of a Special Use Permit
- Subject to limitations on the number of rooms and visitors (number depends on the district)
- The City is currently reviewing new regulations, including specific use/safety standards

Manassas

Bed and breakfast means the use of land as an owner-occupied, single-family detached dwelling offering transitory lodging or sleeping accommodations to the public for compensation in accordance with the requirements of section 130-91.

Notes by staff:

- Permitted in over half of the residential districts, by Special Use Permit only. These districts are typically low and medium density districts.
- Includes specific use/safety standards

Martinsville

Bed and breakfast home stay. Owner occupied business that has less than five (5) rooms and serves only a morning meal and only to overnight guests. The property is shared as a business and a residence.

Bed and breakfast inn. Small owner operated business offering overnight lodging and meals with less than ten (10) rooms. Owner may or may not live on site and business may operate a restaurant. The building's primary use is as a business.

Notes by staff:

- Homestay is permitted in the medium and high density residential districts
- Inn is permitted in one medium-high residential district

Petersburg

Bed-and-breakfast inn. A structure or building containing sleeping and eating accommodations for compensation and allowing only overnight transient guests and which is operated in accordance with all pertinent city code requirements and regulations.

Notes by staff:

- Permitted in less than half of the residential districts, by Special Use Permit only. These districts tend to be medium and high density districts.
- Includes use/safety standards

Richmond

Lodginghouse means a building containing any number of lodging units, when the total of all such units in the building are occupied or intended to be occupied by a total of more than two persons, with or without board, and not available for occupancy for periods of less than one week, as distinguished from a group home or shelter, as defined in this section, and from a tourist home, hotel or motel where occupancy is available to transient guests on a daily basis. In addition to the foregoing, existence of any one or more of the following characteristics constitutes prima facie evidence that a dwelling use is being used as a lodginghouse: separate rental agreements for different occupants; exterior locking mechanisms on interior doors of rooms for occupants; separate entrances from the exterior of the building for individual occupants; and normally common areas of dwelling unit, such as the living room, family room or dining room, being used as sleeping areas or not being available on an equal or common basis to all occupants.

Tourist home means a building containing not more than ten guestrooms, with or without kitchens and with or without board, intended to be rented for compensation for occupancy by the traveling public and similar transient guests on a daily basis and in which access to individual guestrooms is provided exclusively from within the building, as distinguished from a hotel, motel, lodginghouse, group home, shelter or similar form of housing.

(Not yet adopted, but under review for adoption) Short-term rental means a room or group of rooms, all within a single unit of a dwelling use permitted in the district in which such dwelling use is located, used or intended for use as temporary lodging by the traveling public and similar transient guests in return for compensation on a daily basis. The term "short-term rental" is intended to be distinguished from hotels, motels, tourist homes and lodginghouses, shelters, group homes, and similar forms of housing.

Notes by staff:

- Although, Short-Term Rental is not currently defined, the City is currently it in all residential districts by a Special Use Permit only. Short-Term Rental is being treated as an accessory use to a residential dwelling.
- Since 2015, the City has been reviewing zoning code amendments for short-term rentals, including specific use/safety standards
- Lodginghouses and Tourist Homes are permitted in some multifamily residential districts

Roanoke

Bed and breakfast: A building or buildings in which bedrooms are provided for overnight guests for compensation on a daily basis, and, which may offer breakfast meals to such guests. A bed and breakfast use may include meeting hall functions as an accessory use where permitted by this Chapter.

Homestay: An establishment that offers for compensation a portion of any dwelling unit for overnight stays to guests, and not meeting the definition of a bed and breakfast.

Short-term rental: An accommodation for transient guests where, in exchange for compensation, a dwelling unit is provided for lodging for thirty (30) days or less and which is not a "boarding house" or "group care facility" as defined in this chapter. Such use may or may not include an on-site manager. For the purposes of this definition, a dwelling unit shall include only dwelling, single family, attached; dwelling single-family detached; dwelling, two-family; dwelling multifamily; dwelling townhouse or rowhouse; and accessory apartment, and shall exclude other group living or other lodging uses specifically listed or defined in this chapter.

Notes by staff:

- Bed and breakfasts are permitted By Right in one residential district characterized as agricultural-residential
- Bed and breakfasts are permitted in most residential districts, subject to a Special Use Permit
- Homestay is permitted in all residential districts, subject to a Special Use Permit
- Short-term rentals are limited to use in the mixed-use districts
- All short-term rentals are subject to specific use/safety standards

Staunton

"Homestay" means the use of a residential dwelling unit or a portion thereof for occupancy for lodging purposes in exchange for charge for occupancy. The duration of any period of occupancy may not exceed 30 days; however, there shall be no limit to the frequency in which rentals to occupants may occur.

Notes by staff:

- Although not specifically defined, bed and breakfasts are limited in use to one commercial district
- Homestays are permitted in all residential districts as an accessory use
- Homestays are subject to annual registration and specific use/safety standards

Virginia Beach

Bed and breakfast inn. A residential structure of historical significance in which not more than thirteen (13) rooms are provided for lodging transients, for compensation, on daily or weekly terms, with breakfast.

Home sharing. A dwelling in which a room or rooms are offered for rental for compensation for a period of less than thirty (30) consecutive days by an owner who utilizes the dwelling as his principal residence and occupies the dwelling during any such rental period.

Principal residence. Principal residence shall be the location where a person lives fifty (50) percent or more of the time. A person shall not have more than one (1) principal residence.

Short term rental. A dwelling that does not meet the definition of home sharing in which a room or rooms, or the entire dwelling are rented for less than thirty (30) consecutive days for compensation.

Notes by staff:

- Short-term rentals generally require the equivalent of a Special Use Permit in most residential districts
- Short-term rentals are permitted by right in one preexisting overlay district. Other neighborhoods may apply to be incorporated into a Short-Term Rental Overlay District.
- All short-term rentals must be registered and are subject to specific use/safety standards

Waynesboro

BED AND BREAKFAST: A building containing up to five guest rooms for an overnight stay which are rented at a daily rate and where breakfast is typically the only meal served to guests. (See also §4.4.4.)

INN: A lodging establishment providing overnight accommodations with 6 or more but less than 20 guest bedrooms in accordance with the applicable requirements of §4.4.4.

Notes by staff:

- Bed and breakfasts are permitted in most residential districts, but require a Special Use Permit in the more restrictive districts which are low density
- Inns are permitted in two residential districts, which are characterized as medium-high density
- All short-term rentals are subject to specific use/safety standards

Council Letter

City of Danville, Virginia



CL-2146

New Business Item #: G.

City Council Regular Meeting

Meeting Date: 07/02/2019

Subject: Request for a Special Use Permit for a Short-Term Rental at 500 Plum Street

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

COUNCIL ACTION

Business Meeting: 07/02/2019

SUMMARY

A request has been filed by Barry Davis for a Special Use Permit for a short-term home rental in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986 as amended at 500 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop a house to rent on Airbnb.

BACKGROUND

Barry Davis, the applicant, is requesting to operate an entire home as a short-term rental without an on-site host at 500 Plum Street. This property is located in the OT-R, Old Town Residential District.

The site is currently vacant. A house was previously located on the property, but was demolished earlier this year. The applicant now has a building permit to build a new single-family dwelling. He is waiting to start construction until he has approval to use the new structure as a short-term rental without a host.

On September 4, 2018, the applicant was granted a Special Use Permit for a bed and breakfast at 418 Plum Street, about fifty (50) feet northwest of 500 Plum St. Since that time, the issue of short-term rentals, including bed and breakfast establishments, has been a major topic of consideration by both Planning Commission and City Council. As part of the discussion, a separate request has been submitted to define and permit the requested use.

At their meeting on June 10, 2019, the Planning Commission voted 6-0 (Commissioner Jones was absent) to recommend approval of the request.

RECOMMENDATION

It is recommended that City Council adopt an ordinance granting a Special Use Permit for a short-term home rental in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986 as amended at 500 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000008 of the City of Danville, Virginia Zoning District Map.

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019____.____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A SHORT-TERM HOME RENTAL IN ACCORDANCE WITH ARTICLE 3.E, SECTION C, ITEM 29 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986 AS AMENDED AT 500 PLUM STREET, OTHERWISE KNOWN AS GRID 2710, BLOCK 006, PARCEL 000008 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 for PLSUP 20190000161, filed by Barry Davis requesting a Special Use Permit for a short-term home rental in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986, as amended, at 500 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000008 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, PLSUP 20190000161, filed by Barry Davis requesting a Special Use Permit for a short-term home rental in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia, 1986, as amended, at 500 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000008 of the City of Danville, Virginia Zoning District Map, is hereby granted and approved.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: JUNE 10, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: ZONING CODE AMENDMENT REQUEST

REQUEST:

Special Use Permit application PLSUP 20190000161, filed by Barry Davis requesting a Special Use Permit for a short-term home rental in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986 as amended at 500 Plum St., otherwise known as Grid 2710, Block 006, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop a house to rent on Airbnb.

RECOMMENDATION:

The Planning Commission voted 6-0 (Commissioner Jones was absent) to recommend approval.

Michael X Searce (BWS)

Mr. Michael Searce, Chairman

RESPONSES:

Forty (40) notices were sent to property owners within three hundred (300) feet of the property. Ten (10) property owners returned statements. Nine (9) property owners are not opposed to the request (Massie Ramon Amon, Davis Tiffany Jean, Stuart HR, Davis Barry Gene, Spotlight Express LLC, White Karen Totten, Martin Wanda Starr, Garrett Joseph Marshall, and Walters Roosevelt & Patricia Ford). One (1) property owners is opposed to the request (Bowie Isiah D.).

COMMENTS:

There were no additional comments.



City of Danville

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

City Planning Commission

City Planning Commission

Meeting of June 10, 2019

Subject:

Special Use Permit application PLSUP 20190000161, filed by Barry Davis requesting a Special Use Permit for a short-term home rental in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986 as amended at 500 Plum St., otherwise known as Grid 2710, Block 006, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to develop a house to rent on Airbnb.

Background:

Barry Davis, the applicant, is requesting to operate an entire home as a short-term rental without an on-site host at 500 Plum St. This property is located in the OT-R, Old Town Residential District. The only permitted short-term rentals in this district require a host to live on the property. The applicant has also requested a code amendment to allow an entire home to be rented for temporary lodging, without the presence of an on-site host. That code amendment is presented separately.

The property includes two parcels (Parcel ID#s 00708 and 03466) which were consolidated on March 27, but do not yet reflect on the tax map. The site is currently vacant. A house was previously located on the property, but was demolished earlier this year. The applicant now has a building permit to build a new single-family dwelling. He is waiting to start construction until he has approval to use the new structure as a short-term rental without a host.

On September 4, 2018, the applicant was granted a Special Use Permit for a bed and breakfast at 418 Plum St., about fifty (50) ft. northwest of 500 Plum St. Since that time, the issue of short-term rentals, including bed and breakfast establishments, has been a major topic of consideration by both Planning Commission and City Council. Part of that discussion should address the term used to classify this type of use.

Forty (40) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on May 13, 2019.

Recommendation:

Staff recommends the City Planning Commission recommend approval of Special Use Permit application PLSUP 20190000161, filed by Barry Davis requesting a Special Use Permit for a short-term home rental (or other designated term for short-term rental of an entire home) in accordance with Article 3.E, Section C, Item 29 of the Code of the City of Danville, Virginia 1986 as amended at 500 Plum St., otherwise known as Grid 2710, Block 006, Parcel 000008 of the City of Danville, Virginia Zoning District Map.

The Special Use Permit would permit the applicant to rent out an entire home as a short-term rental, but without any permanent on-site host. Conditions are not necessary if City Council adopts an ordinance specifying standards for all short-term rentals.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP 20190000161 as submitted.
2. Recommend approval of Special Use Permit application PLSUP 20190000161 subject to conditions by the Planning Commission.
3. Recommend denial of Special Use Permit application PLSUP 20190000161 as submitted.
4. Tabling of Special Use Permit application PLSUP 20190000161 by Planning Commission.

Attachments:

- A. Application
- B. Property Ownership/Zoning Map
- C. Data Sheet
- D. Existing Land Use Map (2015 Aerial)

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: whole home short-term rental

CASE NUMBER: PLSUP20190000161

EXISTING ZONING: OT-R, Old Town Residential

PROPOSED ZONING: No change

TAX MAP NUMBER: ID# 03466 or 2710-006-000008

RECEIVED BY: Bryce Johnson

DATE FILED: April 11, 2019

PLANNING COMMISSION DATE: May 13, 2019

CITY COUNCIL DATE: June 4, 2019

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

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

Gross Area/Net Area: _____ Property Address: 500 PLUM ST

Property Location: N S E W Side of: _____

Between: _____ and _____

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

I. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

AIR B&B
Whole Home

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

1. NAME: BARRY DAVIS TELEPHONE: 434 797 1422

MAILING ADDRESS: 406 PLUM ST. DANVILLE, VA. 24540

SIGNATURE:  DATE: 4-11-19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: barry davis fx @ 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: _____

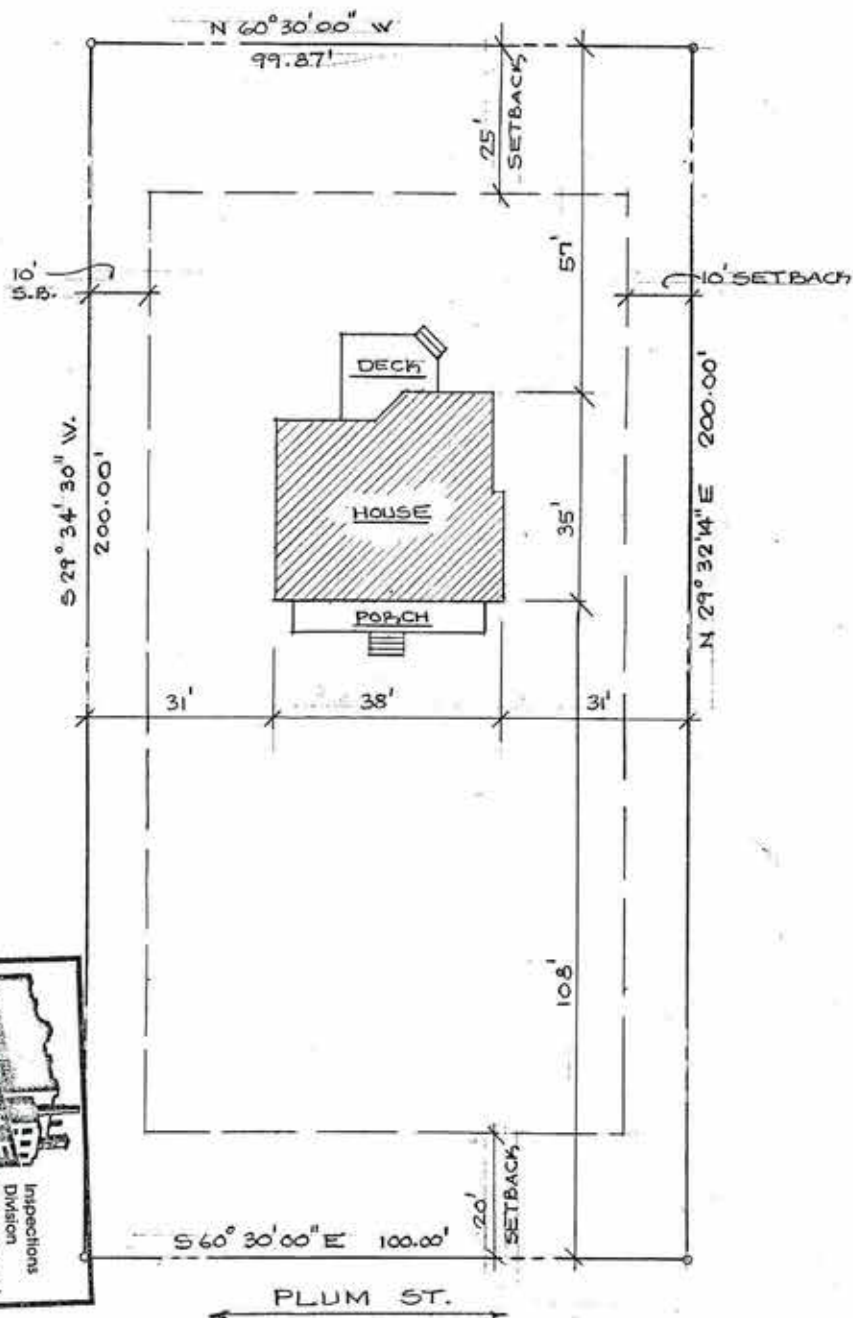
MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____



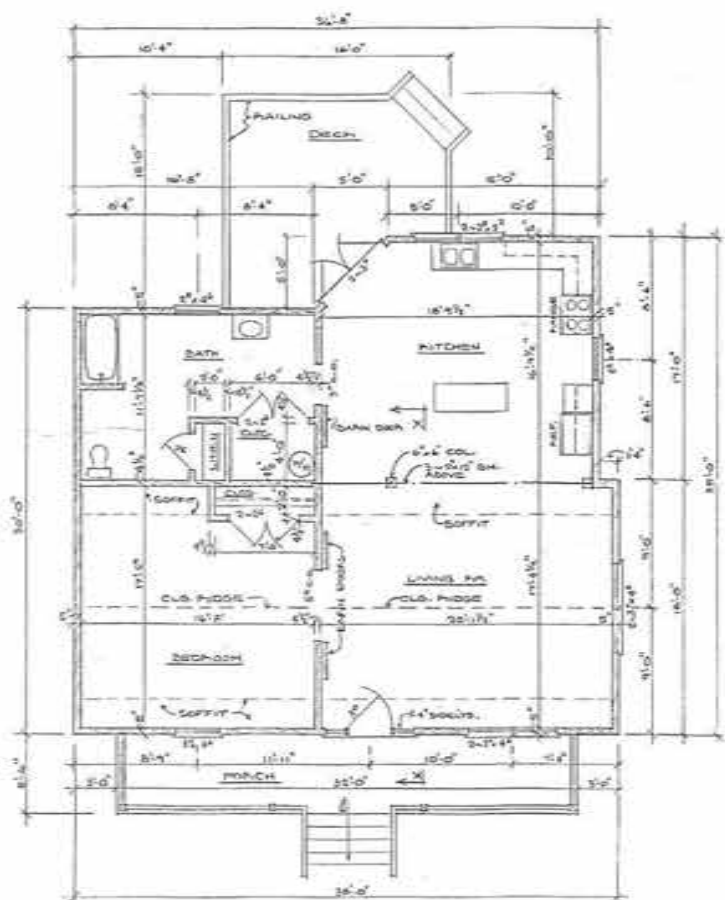
INSPECTIONS
 APR 02 2019
 RECEIVED
 Answered



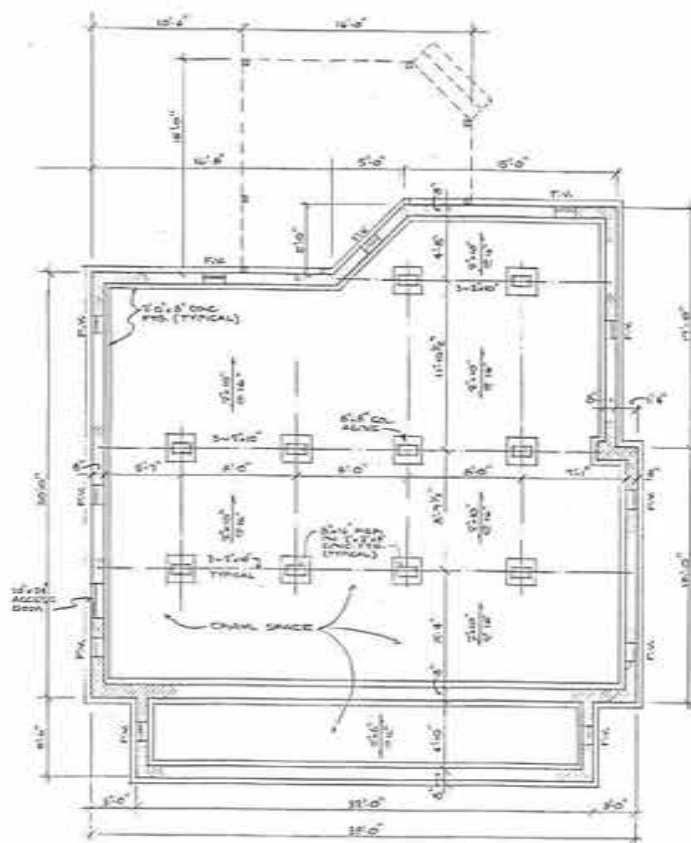
SITE PLAN

1" = 20'-0"

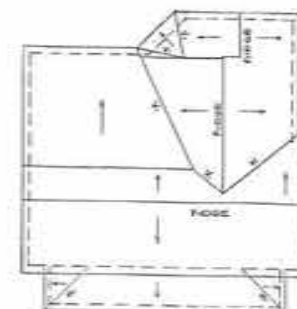
WESTERN RANCH HOUSE
 BARRY DAVIS
 PLUM ST. DANVILLE, VA.



FLOOR PLAN
1/4" = 1'-0"



FOUNDATION PLAN
1/4" = 1'-0"



ROOF PLAN
1/4" = 1'-0"

SANNT DAVID (A/P 515)
WESTERN RANCH HOUSE
PLAN ST. DAVENPORT, VA.





2/10/19

Parcel ID: 03466
Address: PLUM ST
Owner: SPOTLIGHT EXPRESS LLC

Mail-To: DAVIS BARRY G
406 PLUM ST
DANVILLE, VA 24540

Value Information	
Land / Use:	\$1,400
Improvement:	\$7,700
Total:	\$9,100.00

Building Information	
Year Built:	1910
Total Rooms:	3
Bedrooms:	2
Full Bathrooms:	1
Half Bathrooms:	0
Finished Square Feet:	1,005

Additional Information			
State Code:	1091 Vac Res Lot Buildable - 1	Approx Acres:	0.23
Land Use:	Residential	Legal Description:	50 FT NO 25 SEC 5 PLUM ST
Tax Map:	2710-006-000008.000	Zone:	OTR Old Town Residential
Notes:			
Avg Lot: 50.0 X 200.0DB 18-4757: 2 lists incl acct#03466 & 00708. (Map 111-5-25)			

Building

Building Information - 1			
Property Class:	Residential	Finished Square Feet:	1,005
Style:	No Data	Basement Square Feet:	0
Year Built:	1910	Total Rooms:	3
Condition:	No Data	* Bathrooms are not included in total room count.	
Story Height:	One Story		
Bedrooms:	2		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	1		
Half Bath:	0		
Features:		Size:	
Metal, Formed Seams		100 %	
Slab Porch with Roof		161 SF	
Floor Furnace		100 %	
Frame, Siding, Metal		100 %	
Foundation - Cinder Block		0	

Improvements

There are no improvements.

Land

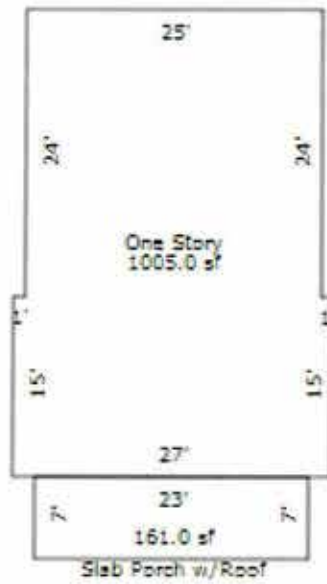
Land Code:	R02 Res FF (25)	Rate:	\$25
Acres:	0.23	Adj. Rate:	\$28
Sq. Ft.:	10,000	Base Value:	\$1,390
Front:	50	Adj. Amount:	\$10
Effective Front:	50	Value:	\$1,400
Depth:	200		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 18	4757	\$10,500	12/20/2018	DAVIS RENTAL REAL ESTATE	SPOTLIGHT EXPRESS LLC
D 98	245	\$0	1/20/1998	<i>No Data</i>	<i>No Data</i>

Assessments

Year	Land	Use	Improvements	Total
2018	\$1,400	\$0	\$7,700	\$9,100
2017	\$2,800	\$0	\$8,300	\$11,100
2016	\$2,800	\$0	\$8,300	\$11,100
2015	\$2,800	\$0	\$8,700	\$11,500
2014	\$2,800	\$0	\$8,700	\$11,500
2013	\$2,800	\$0	\$9,600	\$12,400
2012	\$2,800	\$0	\$9,600	\$12,400
2011	\$2,800	\$0	\$10,500	\$13,300
2010	\$2,800	\$0	\$10,500	\$13,300
2009	\$2,800	\$0	\$10,800	\$13,600
2008	\$2,800	\$0	\$10,800	\$13,600
2007	\$2,800	\$0	\$10,600	\$13,400
2006	\$2,800	\$0	\$10,600	\$13,400
2005	\$2,800	\$0	\$10,600	\$13,400
2004	\$2,800	\$0	\$10,600	\$13,400
2003	\$2,800	\$0	\$10,300	\$13,100
2002	\$2,800	\$0	\$10,300	\$13,100
2001	\$2,800	\$0	\$10,000	\$12,800
2000	\$2,800	\$0	\$10,000	\$12,800

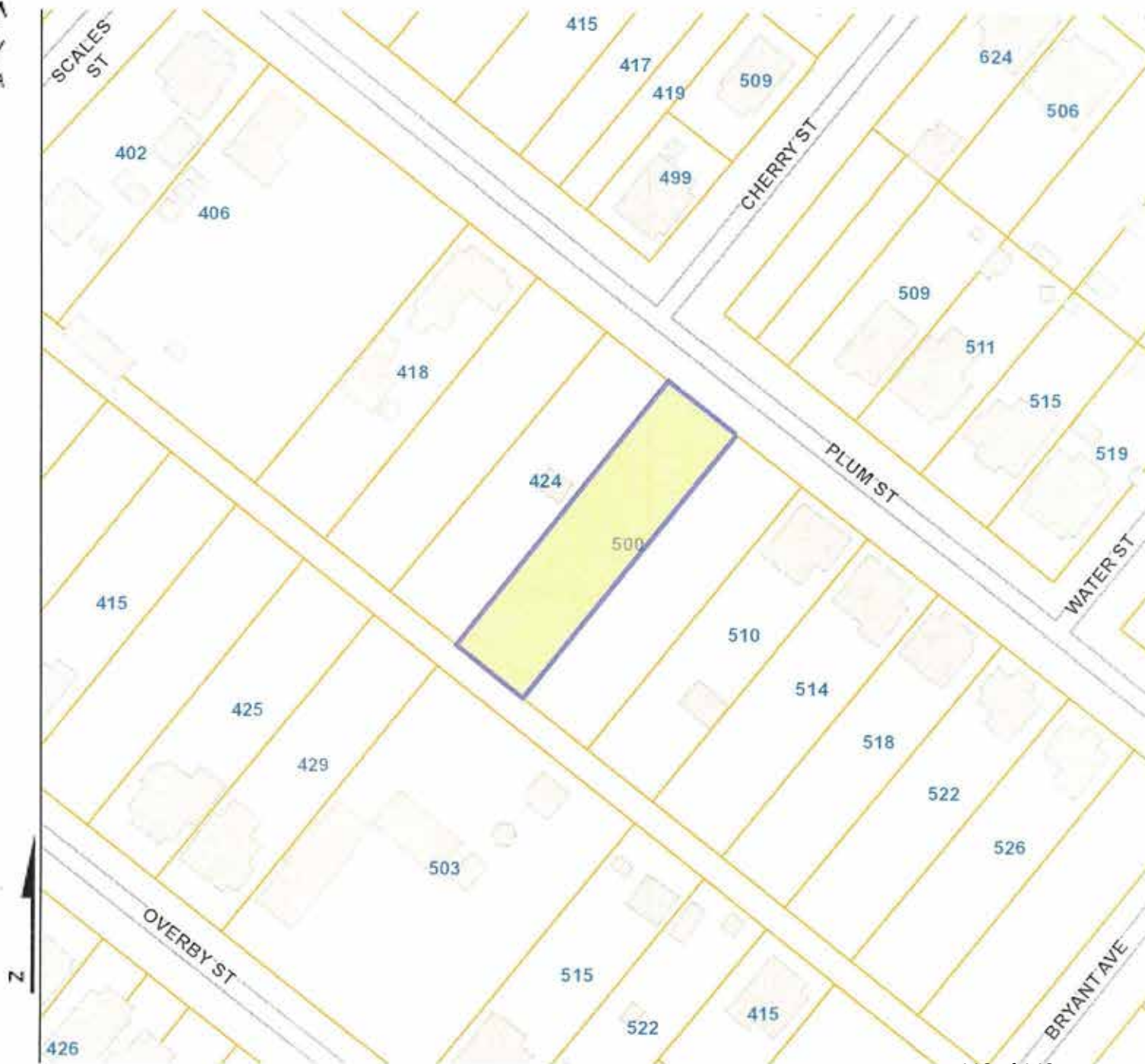


Sketch by Apex Medina™



- Buildings
- Parcels
- Street Names
- House Numbers

Parcel ID: 03466



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. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Date: 4/11/2019

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on May 13, 2019
City Council (tentative) at 7pm on June 4, 2019

LOCATION OF PROPERTY: 500 Plum St.

PRESENT ZONE: OT-R, Old Town Residential

PROPOSED ZONE: Unchanged

ACTION REQUESTED: Special Use Permit to rent an entire home to guests on a short-term basis via Airbnb

PRESENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Short-term home rental (after construction of a new house)

PROPERTY OWNER (S): Spotlight Express LLC

NAME OF APPLICANT (S): Barry Davis

PROPERTY BORDERED BY: Residential on all sides

ACREAGE: 0.46 acres (20,037.6 sq. ft.)

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: Plum St.

TRAFFIC VOLUME: Low



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/11/2019

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

Council Letter

City of Danville, Virginia



CL-2142

New Business Item #: H.

City Council Regular Meeting

Meeting Date: 07/02/2019

Subject: Amendments to Council's Rules of Procedure

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

COUNCIL ACTION

Business Meeting: 07/02/2019

SUMMARY

Mayor Jones has requested that Council amend section 4-3 entitled "Prohibited Conduct". This amendment is designed to promote civility and more substantive public discourse.

BACKGROUND

City Council Adopted Rules of Procedure in January of 2015. Since that time, Council amended the rules in 2016 to better manage Public Hearings. This proposed amendment would be the second since the rules were initially adopted.

RECOMMENDATION

It is recommended that City Council adopt the amendments to Section 4-3 relating to prohibited conduct.

Attachments

Resolution

Amended Rules of Procedure

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2016-____.____

A RESOLUTION AMENDING THE RULES OF PROCEDURE FOR THE
COUNCIL OF THE CITY OF DANVILLE, VIRGINIA.

WHEREAS, Danville City Charter Section 2-11 grants City Council the power
to adopt its' own rules of procedure; and

WHEREAS, on January 6, 2015 the Council of the City of Danville adopted
rules of procedure designed for the benefit and convenience of the Council to help Council
conduct its affairs in a timely and efficient manner, while protecting the rights of each
individual Council member, preserving a spirit of cooperation among Council members, and
affording every opportunity to citizens to witness the operations of their government; and

WHEREAS, the Council has determined that the attached amendments to
section 4-3 entitled Prohibited Conduct would improve the designed goal of the Rules of
Procedure.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville,
Virginia, that is does hereby authorize and approve the Amended Danville City Council Rules
of Procedure attached hereto and made a part hereof, as if fully set out herein; and

BE IT FURTHER RESOLVED that these rules may be further amended from
time to time by future resolutions of this Council at any regular scheduled meeting or properly
called special meeting.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

DANVILLE CITY COUNCIL RULES OF PROCEDURE

(Adopted July 2, 2019)

Introduction

These rules of procedure were designed and adopted for the benefit and convenience of the Danville City Council. Their purpose is to help City Council conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before City Council. Further, City Council reserves the right to suspend or amend the rules of procedure whenever a majority of Council decides to do so. When City Council's rules of procedure do not address a procedural issue, Council may consider the most recent edition of *Robert's Rules of Order* for guidance. The failure of City Council to strictly comply with the rules of procedure shall not invalidate any action of City Council.

(Charter 1986, § 2-11)

SECTION 1 - PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of Rules of Procedure

- A. To enable the Danville City Council to transact business fully, expeditiously and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Council member;
- C. To preserve a spirit of cooperation among Council members; and
- D. To determine the will of City Council on any matter.

Section 1-2. Basic Principles Underlying Rules of Procedure

- A. The business of the City Council should proceed in the most efficient manner possible;
- B. City Council's rules of procedure must be followed consistently;
- C. City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one subject may claim the attention of City Council at one time;
- E. Each item presented for consideration is entitled to full and free discussion;

- F. Every member has equal rights to participate and vote on all issues;
- G. Every member must have equal opportunity to participate in decision making;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- I. The Council must act as a body.

SECTION 2 -- MEETINGS

Section 2-1. When and Where Regular Meetings are Held

Regular meetings of the Council shall be held in the Council Chamber at 7:00 p.m. on the first and third Tuesdays of each month; provided, however, that whenever the day for a regular meeting of the Council falls on the first day of January, the third day or fourth day of July or on the date of a general election, then such meeting shall be held on the following Thursday at the same hour and place.

When it reasonably appears that a quorum will not be present at a subsequent regular meeting of Council, Council may by resolution adopted at any prior regular meeting cancel such subsequent regular meeting. The City Clerk shall publish notice of the cancellation of the meeting in a local newspaper not less than seven (7) days prior to the date on which the meeting was to be held. However, no more than one (1) regular meeting in any calendar month may be cancelled.

The Council may hold additional meetings or work sessions at other locations and times, or may change the locations and times of regularly scheduled meetings or work sessions as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings or work sessions shall be provided to the public and the press as required by State Code. Additional meetings shall be referred to as “additional scheduled meetings” and shall be approved by Council during a regularly scheduled meeting or work session. (Code 1986, § 2-50)

Section 2-1.1. Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the Council members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 2-2. Special Meetings

- A. The Council may hold such special meetings, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Section 15.2-1417 of the Code of Virginia (1950) and Section 2-51 of the City Code.
- B. The Mayor or any three (3) members of the Council may call a special meeting of the Council to be held at any time, date or place and for any purpose.
- C. Written notice of each special meeting of the Council shall, except in the case of an emergency, be given to each member of the Council, to the City Manager and to the City Attorney at least three (3) hours before the time designated for such special meeting. The notice shall specify the time, date and place for and the purposes of the special meeting. If any person to whom such notice is required to be given may not be found at his or her residence or place of business, then it shall constitute sufficient notice if the written notice of the special meeting is delivered to a member of the family, a business associate or an employee of that person.
(Code 1986, § 2-51)

Section 2-3. Adjourned or Recessed Meetings

- A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings and after the recess business is resumed where it left off.
- B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, additional scheduled or special meeting.

Section 2-5. Cancellation or Rescheduling of Meetings

A regularly scheduled meeting may be cancelled or rescheduled, in special circumstances and for the convenience of Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change and the remaining members of the Council shall be immediately notified of the change and the reason therefore. If any member of the Council objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no member of the Council objects, the public and the media shall be notified promptly of the change.

Section 2-6. Inaugural or organizational meeting; mayor and vice mayor generally

- A. An inaugural or organizational meeting of the Council shall take place in the Council Chamber in the municipal building at twelve o'clock noon on the first day of July of each even-numbered year, or if such day shall fall on Saturday or Sunday, then on the following Monday. The meeting shall be called to order by the City Clerk, who shall administer the oath of office to the newly elected members of the Council. In the absence or inability of the City Clerk, the meeting may be called to order and the oath administered by the City Attorney. The first business of the Council shall be the election of a Mayor and Vice Mayor pursuant to subsection B below. Until this business has been completed, the Council shall not adjourn for a period longer than forty-eight hours.
- B. At the inaugural or organizational meeting provided for in subsection A above, the Council shall choose, by majority vote of all members thereof, one of its members to be Mayor and one to be Vice Mayor for the ensuing two years. The Mayor shall act as president of the Council, shall preside at meetings of the Council and shall perform such other duties consistent with his office as may be imposed by the Council. He shall be entitled to vote and speak as other members, but shall possess no veto power. He shall be recognized as the head of the city government for all ceremonial purposes, the purposes of military law and the service of civil process. He may use the title of Mayor in any case in which the execution of contracts or other legal instruments in writing, or other necessity arising from the general laws of the State, may so require, but this shall not be construed as conferring upon him the administrative functions or other powers or functions of a Mayor under the general laws of the State.
- C. The Vice Mayor shall, in the absence or disability of the Mayor, perform the duties of Mayor, and if a vacancy shall occur in the office of Mayor, shall become Mayor for the unexpired portion of the term. In the absence or disability of both the Mayor and Vice Mayor, the Council members shall, by majority vote of those present, choose one of their number to perform the duties of Mayor.

(Charter 1986, § 2-5)

Section 2-7. Procedure for Election of Mayor and Vice Mayor

- A. The City Attorney shall preside over the election of the Mayor and Vice Mayor.
 - 1. The presiding officer shall call for nominations from the membership.
 - 2. Any Council member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.

3. After all nominations have been made the presiding officer shall close the nominating process and open the floor for discussion.
 4. After discussion the presiding officer shall call for the vote.
 5. The membership shall vote by stating the last name of the nominee he or she wishes to be elected Mayor/ Vice Mayor.
 6. In the case of three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.
 7. A majority vote of all members shall be required to elect the Mayor and Vice Mayor.
- B. The Mayor and Vice Mayor shall serve each for a two year term.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

- A. The Mayor, while the Council is in session, shall have general supervision of the Council Chamber, with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Stenographers and reporters for the press, wishing to take down the proceedings of the Council, may be admitted by the Mayor, who shall cause to be assigned them such places on the floor as shall not interfere with the convenience of the members, and no person, except officers of the City or their deputies or clerks in the exercise of an official duty, shall be admitted within the bar unless by permission of the Mayor. No person, other than members, shall be permitted to occupy the seat of any member during a session of the Council. The Mayor shall have the right to invite to the floor such persons as he shall deem deserving of the privilege, but the right of admission under such invitation shall not be extended beyond the day on which it shall be given.
- B. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Council members present shall choose one of their members as temporary presiding officer.
(Code 1986, § 2-26)

Section 3-2. Clerk

The Clerk of Council shall be appointed by the Council. He or she shall attend all Council meetings, and shall keep an accurate record of the proceedings.

Section 3-3. Parliamentarian

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure and the Code of Virginia (1950), as amended, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Council members. If the City Attorney is unavailable, the City Manager shall serve as the Parliamentarian.

Section 3-4. Preservation of Order

- A. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:
 - 1. To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes;
 - 2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
 - 3. To entertain and answer questions of parliamentary law or procedure;
 - 4. To call a brief recess at any time;
 - 5. To adjourn in an emergency.
- B. A decision by the presiding officer under any of the first three powers listed above may be appealed to the Council upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two exceptions to this right of appeal. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members.

SECTION 4 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 4-1. Order of Business

- A. At every regular meeting of the Council the order of business shall be as follows:
 - 1. Meeting called to order.
 - 2. Roll call.

3. Invocation.
 4. Pledge of allegiance.
 5. Special recognitions and announcements.
 6. Communications from visitors.
 7. Old business.
 8. Appointments.
 9. New business.
 10. Consent agenda.
 11. Communications from the City Manager, City Attorney, City Clerk and members of the Council.
 12. Adjournment.
- B. The above order of business may be modified to facilitate the business of the Council.
- C. Council work sessions are less formal meetings and the agenda may be as determined by the City Manager and Council to best facilitate the business of the Council.
(Code 1986, § 2-52)

Section 4-2. Communications from Visitors

A. At any regular meeting of the Council, visitors who desire to speak upon matters other than those on the agenda for such meeting may do so only at the time for communications from visitors. Matters brought to the attention of the Council at that time which require action by the Council shall be referred to the City Manager for a report at a subsequent meeting of the Council. Persons who desire to speak upon a matter of business which is on the agenda of the meeting may do so only at the time the matter is considered by the Council.

B. Communications from Visitors

1. Communications from Visitors shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
2. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.
3. The presiding officer shall open the Communications from Visitors.
4. Each speaker shall clearly state his or her name and address. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking.
5. There shall be a time limit for each individual speaker of 3 minutes.

6. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.
 7. Speakers are not permitted to donate time to other speakers.
 8. There shall be no comment during Communications from Visitors on a matter for which a public hearing is scheduled during the same meeting.
 9. There shall be no comment during Communications from Visitors on a matter that has already been the subject of a previous public hearing where no final vote has been taken.
 10. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting or work session by a majority vote.
 11. Council members shall not discuss issues raised by the public except by consent of a majority of the Council members present.
 12. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of the Council present and voting.
 13. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Council members at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.
- C. Other than as stipulated above or during public hearings, no person shall be permitted to address the council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the members of the Council present at such meeting.
- D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Council members present.
- E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit nine (9) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 4-3.

Prohibited Conduct

A. Persons appearing before the Council will be courteous in their language and in their presentations. Persons appearing before the Council will be respectful in their remarks, and will not be allowed to:

1. Campaign for public office;
 2. Promote private business ventures;
 - ~~3.~~ Use profanity or vulgar language or gestures;
 - ~~3-4.~~ Make comments which are harmful, discriminatory or embarrassing to any citizens, officials, or employees of City of Danville or make comments in the form of personal attacks.
 - ~~4-5.~~ Use language which insults or demeans any person or which, when directed at a public official or employee is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
 - ~~5-6.~~ Make non-germane or frivolous statements;
 - ~~6-7.~~ Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
 - ~~7-8.~~ Engage in behavior that intimidates others;
 - ~~8-9.~~ Address the Council on issues that do not concern the services, policies or affairs of the city.
- B. The presiding officer shall preserve order and decorum at Council meetings. He or she may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion a period not to exceed one year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Section 4-4. Public Hearings

- A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.
- B. The presiding officer shall conduct all public hearings.
- C. The order of public hearings shall be as follows:
 - 1. The presiding officer shall open the public hearing.
 - 2. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the City Manager. The presentation shall summarize the facts about the issue and the staff recommendation. Council members may seek clarification during the presentation.
 - 3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s).
 - 4. There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.
 - 5. 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. If the speaker is uncomfortable stating his or her address in public, he or she may provide that information privately to the Clerk of Council after speaking. 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 Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.
 - 6. 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.
 - 7. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.
- D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Council members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission,

committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

- E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

SECTION 5 – RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 5-1. Quorum

- A. As provided by Section 15.2-1415 of the Code of Virginia and Section 2-10 of the City Charter, a majority of all members of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.
- B. Quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.
- C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

Section 5-2. Priority in Speaking on the Council

When two or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 5-3. Comments, Queries of Council Members

Council members are to observe the following rules during the discussion of agenda items:

- A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.
- B. A member of the Council desiring to speak shall respectfully address "Mr. Mayor." No member shall proceed until he has been recognized by the Mayor, and during the time allowed him he shall confine himself strictly to the question before the Council. No member, while speaking, shall be disturbed in any manner by private conversation or otherwise.
(Code 1986, § 2-52)

- C. Council members may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Council members' questions. All legal questions should be addressed to the City Attorney.

Section 5-4. Action by the Council

Items of business will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

Section 5-5. Motions

- A. Informal discussion of a subject is permitted while no motion is pending.
- B. Any member, including the presiding officer, may make a motion.
- C. Members are required to obtain the floor before making motions or speaking, which they can do while seated.
- D. A member may make only one motion at a time.
- E. All motions require a second and a motion dies for lack of a second.

Section 5-6. Substantive Motions

- A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.
- B. A substantive motion is out of order while another substantive motion is pending.

Section 5-7. Procedural Motions

- A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.
- B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.
2. Motion To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.
3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending
4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules that state requirements imposed by law on the Council. No rule shall be suspended by the Council, unless two-thirds of the whole number of members elected to the Council shall vote in the affirmative.
5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:
 - (a) The motion to “lay on the table” is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to “take from the table” is needed to bring the item back before the public body for discussion.
 - (b) The motion to “postpone” delays debate on an item of business so that it may be considered at a later date. An item of business may be “postponed definitely,” when it is continued to a definite time or date or “postponed indefinitely” if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it

takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.

- (c) Section 15.2-2286 of the State Code requires that a zoning petition must be “acted upon” within a “reasonable time,” not exceeding one year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.

- 6. Call the Question. The motion to call the question is not in order until every member of the Council has had an opportunity to speak once and the deliberation by the Council on an item of business has exceeded thirty (30) minutes. The motion is not amendable or debatable.
- 7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.
- 8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the matter is decided. No more than one (1) substitute motion may be made.
- 9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.
- 10. Motion to Reconsider. The Council may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a member who voted with the prevailing side. In the event of a tie vote on the original motion any Council member may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to

reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. Motion to Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership (4) of the Council. If adopted, the restriction imposed by the motion remains in effect for six months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules

Section 5-8. Debate

- A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:
 1. The maker of the motion is entitled to speak first;
 2. No member shall speak more than once until all others have spoken who have a desire to do so, nor more than twice without the consent of a majority of the members present;
 3. No member shall speak more than ten (10) minutes at one time.
 4. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
 5. A member of the Council may vote against his or her motion, but may not speak against his or her motion.
 6. The presiding officer may participate in the debate prior to declaring the matter ready for a vote.
 7. Council members shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

Section 5-9. Duty to Vote

- A. Every member present at a Council meeting shall be required to vote on all questions as presented, unless he shall have such an interest therein as would disqualify him under the provisions of the Comprehensive Conflict of Interests Act.
- B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining for the record.
(Code 1986, § 2-28)

Section 5-10. Method of Voting

- A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.
- B. All questions submitted to the Council shall be determined by a majority vote of all the members of Council on any such question, unless otherwise required by special or general law.
- C. An “affirmative vote” by five (5) members of Council is necessary to adopt a motion, a tie vote means that the motion has been rejected. When a motion fails on a tie vote, the “noes” prevail.
- D. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition by a call of one member. When voting has commenced by call of the roll, members shall respond only a "yea" or "nay" vote, or in a proper case, an abstention. In any case, the presiding officer shall announce the results of the vote

Section 5-11. Decisions on Points of Order

Any Council member may raise a point of order without being recognized by the presiding officer. The presiding officer shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Council member may appeal the ruling of the presiding officer to the full Council which shall decide the matter by majority decision.

SECTION 6 -- GENERAL OPERATING POLICY

Section 6-1. Broadcasting Council Meetings

Regular meetings and work sessions of the Council shall be broadcast live on River City TV and the Internet.

Section 6-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. Example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 6-3. Minutes of the Council Meetings

The minutes of the Council meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record Council votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

Section 6-4. Amending the Rules of Procedure

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of four (4) members of the Council.

Section 6-5. Special Rules of Procedure

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

AMENDMENTS: