



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

May 7, 2020

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

Pursuant to City of Danville Ordinance Number 2020-04.01 (Continuity of Operations Ordinance), the format for the meeting has been modified to decrease the spread of the Coronavirus or COVID-19. The changes are designed to accommodate public input while encouraging the public to continue self-quarantining and practicing social distancing, as recommended by Governor Northam. The public is encouraged to watch the meeting live via River City TV Facebook page, Comcast Channel 10 or Gamewood Channel 122. Because of this State of Emergency and the need for social distancing, the Council is conducting this meeting electronically via Zoom under the authority of the aforementioned Continuity of Operations Ordinance.

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 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. Due to ongoing health concerns related to COVID-19, the City of Danville is modifying the structure of City Council meetings allowing for "virtual" meetings.

Communications from Visitors and Public Hearings

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Though the municipal building is closed to the public, accommodations have been made to still allow public comments by encouraging citizens to provide comments for Communications from Visitors and

Public Hearings on agenda items ahead of time. There will be two options for submissions: online at danvilleva.gov/council or by phone using this number: (434) 857-3348.

Comments submitted via these formats will be collected and distributed to all city council members, and published with the minutes of the May 7, 2020 meeting. Comments will be collected through May 6, 2020 at 5:00 p.m.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - Sherman M. Saunders

COMMUNICATIONS FROM VISITORS

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Comments have been solicited from citizens through the City's website and by telephone.

MEETING MINUTES

- A. Consideration of Approval of Minutes from Regular Council Meeting held on April 7, 2020.
Council Letter Number CL - 2321.

NEW BUSINESS

- A. Consideration of Denying a Special Use Permit at 401 South Ridge Street for Commercial Recreation (Indoor).
Council Letter Number CL - 2323.
 - 1. Public Hearing
 - 2. A Resolution Denying Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 401 South Ridge Street, Otherwise Known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map.
- B. Consideration of Denying a Special Use Permit at 2980 West Main Street for Commercial Recreation (Indoor).
Council Letter Number CL - 2324.
 - 1. Public Hearing
 - 2. A Resolution Denying Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on Behalf of AANT Inc., Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 2980 West Main Street, Otherwise Known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map.

- C. Consideration of Granting a Special Use Permit at 1041 Piney Forest Road.
Council Letter Number CL - 2325.
1. Public Hearing
 2. An Ordinance Granting a Special Use Permit to Allow 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 1041 Piney Forest Road.
- D. Consideration of Approval of the Fiscal Year 2021 Danville Public Schools Budget.
Council Letter Number CL - 2326.
1. Public Hearing
 2. A Resolution Approving the Budget of the School Board of the City of Danville for the Fiscal Year Ending June 30, 2021.
FIRST READING
- E. Consideration of Approving a Moral Obligation with American National Bank for Litehouse Foods.
Council Letter Number CL - 2305.
- A Resolution Approving and Authorizing the Execution of a Moral Obligation Agreement by and Between the City of Danville, Virginia and American National Bank and Trust Company.
- F. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Grant for the Victim Witness Program.
Council Letter Number CL - 2311.
- An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for a Grant from the Commonwealth of Virginia for a Victim Witness Program in the Amount of \$177,083 and Appropriating Same.
FIRST READING
- G. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Domestic Violence Victim Program Grant.
Council Letter Number CL - 2312.
- An Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for a Grant from the Commonwealth of Virginia for a Domestic Violence Victim Program Grant in the Amount of \$44,635 and Appropriating Same.
FIRST READING
- H. Consideration of Canceling the Regular May 19, 2020 Council Meeting of Danville City Council.
Council Letter Number CL - 2329.
- A Resolution Canceling the Regular Meeting of City Council Scheduled for Tuesday, May 19, 2020, and Scheduling a Special Meeting of City Council on Thursday, May 21, 2020.

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-2321

Meeting Minutes A.

City Council Regular Meeting

Meeting Date: 05/07/2020

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 05/07/2020

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on April 7, 2020.

Council Letter Number CL - 2321.

Attachments

Meeting Minutes

April 7, 2020

The Regular April meeting of the Danville City Council was held on April 7, 2020, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Adam J. Tomer, Vice Mayor J. Lee Vogler, Jr., and Madison J.R. Whittle (9). Mr. Buckner and Mr. Tomer attended the meeting electronically.

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. Deputy City Manager Earl Reynolds attended electronically.

Mayor Jones thanked the citizens tuning in to watch the City Council meeting, and noted the notice for this meeting was posted on March 18, 2020 in compliance with the Freedom of Information Act. The Agenda was posted on the City's website on March 31, 2020; the agenda for tonight's meeting may be found at www.mysdanvilleagendas.info, by using Google Chrome. This meeting is being broadcast live on River City TV and the City's Facebook page. A Declaration of Emergency has been declared by the President, the Governor, City Manager and City Council. Because of this State of Emergency, and the need for social distancing, citizens will notice over the next several meetings that things will look very different, as seen tonight. Public Comments and Comments for Public Hearings were solicited prior to the Meeting. Copies were provided to each Council Member before the meeting and will be included with the meeting minutes. Two Council Members, James Buckner and Adam Tomer, will be attending electronically. Anytime they wish to make comments, they will identify themselves when speaking. All votes will be by roll call and recorded in the minutes as usual.

EMERGENCY DECLARATIONS

APPROVING CONTINUITY OF OPERATIONS ASSOCIATED WITH THE PANDEMIC DISASTER

Council Member Saunders **moved** for adoption of an Ordinance entitled,

ORDINANCE NO. 2020-04.01

AN EMERGENCY ORDINANCE TO EFFECTUATE TEMPORARY CHANGES IN CERTAIN DEADLINES AND TO MODIFY PUBLIC MEETING AND PUBLIC HEARING PRACTICES AND PROCEDURES TO ADDRESS CONTINUITY OF OPERATIONS ASSOCIATED WITH PANDEMIC DISASTER

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

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

APPROVING THE DECLARATION OF LOCAL EMERGENCY AND AMENDED DECLARATION OF LOCAL EMERGENCY

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

RESOLUTION NO. 2020-04.01

CONFIRMING THE CITY MANAGER'S DECLARATION AND AMENDED DECLARATION OF A STATE OF LOCAL EMERGENCY AND DISASTER DUE TO THE OCCURRENCE OF THE COVID-19 PANDEMIC IN ACCORDANCE WITH VIRGINIA CODE SECTIONS 44-146.21 AND 44-146.16.

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

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

Rev. Campbell read several Scripture passages to give encouragement to citizens during the COVID-19 pandemic.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Dr. Gary Miller; the Invocation was followed by the Pledge of Allegiance to the Flag.

Mayor Jones encouraged citizens to fill out their census forms.

COMMUNICATIONS FROM VISITORS

All Communications from Visitors were received by telephone or by submission of a form through the City of Danville website. A copy of all submissions has been attached to and made a part of these minutes. Submissions were received from the following citizens:

Sean Thompson (homeless)
Gordon Lyles, 1228 Halifax Road, Danville (by phone)
Valerie Warner, 137 Mabin Street, Danville
Melba Lewis, no address given
Bruce Hedrick, 25 Old Halifax Road, Danville
Crystal Cobbs, DPCS, 245 Hairston Street

CONSENT AGENDA

Council Member Whittle **moved** for adoption of the following Consent Agenda Items:

Approval of Minutes from Regular Council Meeting held on February 18, 2020, and Regular Council Meeting held on March 3, 2020. Draft copies of the minutes had been distributed prior to the meeting.

Budget Amendment – Amending the Fiscal Year 2020 Budget Appropriation Ordinance for Grant Funds for Food Service Operations at W.W. Moore Jr., Detention Home in the Amount of \$45,743.

An Ordinance entitled, Ordinance No. 2020-03.05, presented by its First Reading on March 3, 2020, Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Federal Grant in the

April 7, 2020

Amount of Approximately \$45,743 to Aid the Food Service Operations at W.W. Moore, Jr. Detention Home and Appropriating Same.

Budget Amendment – Amending the Fiscal Year 2020 Budget Appropriation Ordinance for Virginia Juvenile Justice System Grant Funds and Local Match for a Total of \$126,829.

An Ordinance entitled, Ordinance No. 2020-03.06, presented by its First Reading on March 3, 2020, Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice in the Amount of \$86,999 and a Local Share of \$39,830, for a Total Appropriation of \$126,829, to Provide for the Electronic Monitoring and Outreach Detention Programs and Supervision Plan Services for the City of Danville at the W.W. Moore Jr. Detention Home and Appropriating Same.

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

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

APPOINTMENTS

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

Resolution No. 2020-04.02 – Appointing Cheryl Terry to the Airport Commission to fill an unexpired term.

Resolution No. 2020-04.03 – Appointing Michael Sheetz to the Dan River Alcohol Safety Action Program.

Resolution No. 2020-04.04 – Appointing Robert David to the Danville Community College Board to fill an Unexpired Term.

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

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

NEW BUSINESS

PUBLIC HEARING – AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE COST AND REVENUE SHARING AGREEMENT AND APPROVING THE AMENDED BYLAWS OF THE STAUNTON RIVER RIFA

Mayor Jones opened the floor for a Public Hearing regarding Amendments to SR RIFA. Notice of the Public Hearing was published in the *Danville Register & Bee* on March 31, 2020. No one present desired to be heard; City Council did not receive any comments through their on line portal or telephone call in line, and the Public Hearing was closed.

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Approving and Authorizing the Form of the Amended and Restated Staunton River Regional Industrial Facility Authority Cost and Revenue Sharing Agreement

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

RESOLUTION NO. 2020-04.05

APPROVING AND AUTHORIZING THE FORM OF THE AMENDED AND RESTATED STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY COST AND REVENUE SHARING AGREEMENT AMONG THE COUNTY OF PITTSYLVANIA, VIRGINIA, THE TOWN OF HURT, VIRGINIA, AND THE CITY OF DANVILLE, VIRGINIA.

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

Council Member Shanks explained this was a regional cooperation issue where Danville City Council has entered into an agreement with Pittsylvania County and the Town of Hurt. It was an exciting opportunity for regional cooperation, believes it will be a very successful endeavor and looks forward to great things coming out of this. Council Member Saunders noted his agreement regarding regional cooperation, was pleased to serve as Vice Chairman of this group and was glad Danville was involved in it. Vice Mayor Vogler noted his agreement with Mr. Shanks and Mr. Saunders, and stated he was privileged to serve on this board with them. It was an exciting opportunity; they have had a lot of success over the years with the Danville Pittsylvania RIFA, and believes this one will be even more successful and exciting in the months and years ahead.

Council Member Miller noted when he first heard about this, he had some skepticism, but early returns are very favorable; the enthusiasm of the citizens of the Hurt area will justify the City's commitment. Council Member Campbell noted his agreement and asked Mr. Shanks to discuss the cost factor and returns the City will receive for its investment. Mr. Shanks noted it was early to say, but the City has invested a pro rata share into the agreement and as things develop in the northern part of County with this project, the City will receive a pro rata share of the proceeds. It was a wonderful opportunity for the City to expand their regionalism, and will show a great reward.

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

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

Approving and Authorizing the Form of the Amended and Restated Staunton River Regional Industrial Facility Authority Bylaws

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

RESOLUTION NO. 2020-04.06

APPROVING AND AUTHORIZING THE FORM OF THE AMENDED AND RESTATED STAUNTON RIVER REGIONAL INDUSTRIAL FACILITY AUTHORITY BYLAWS AMONG THE COUNTY OF PITTSYLVANIA, VIRGINIA, THE TOWN OF HURT, VIRGINIA, AND THE CITY OF DANVILLE, VIRGINIA.

April 7, 2020

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

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE IN THE AMOUNT OF \$194,876 FOR THE RECREATION ENRICHMENT PROGRAM

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

ORDINANCE NO. 2020-04.02

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FUNDS IN THE AMOUNT OF \$55,220 FOR A RECREATION ENRICHMENT PROGRAM AND THE LOCAL IN-KIND SHARE OF \$139,656 FOR A TOTAL APPROPRIATION OF \$194,876 AND APPROPRIATION OF SAME.

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

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR GRANT FUNDING TO PROMOTE AVIATION AWARENESS AT THE DANVILLE REGIONAL AIRPORT IN THE AMOUNT OF \$15,000

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

ORDINANCE NO. 2020-04.03

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A STATE DEPARTMENT OF AVIATION GRANT FOR THE PURPOSE OF PROVIDING FUNDING TO PROMOTE AVIATION AWARENESS AT THE DANVILLE REGIONAL AIRPORT IN THE AMOUNT OF \$7,500 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$7,500 TO BE PROVIDED BY THE GENERAL FUND SUPPORT OF GRANTS FOR A TOTAL APPROPRIATION OF \$15,000 AND APPROPRIATING SAME.

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

BUDGET AMENDMENT – AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR STATE AVIATION FUNDING, AND LOCAL SHARE FOR A TOTAL AMOUNT OF \$180,000

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

ORDINANCE NO. 2020-04.04

April 7, 2020

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR ADDITIONAL STATE AVIATION FUNDING FOR THE PURPOSE OF COMPLETING TERMINAL BUILDING IMPROVEMENTS TO UPDATE THE HEATING AND AIR CONDITIONING SYSTEM IN THE AMOUNT OF \$150,400 PLUS LOCAL SHARE IN THE AMOUNT OF \$37,600 TO BE PROVIDED BY A TRANSFER FROM THE GENERAL FUND SUPPORT OF SPECIAL GRANTS AND APPROPRIATING SAME.

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

APPROVING AND AUTHORIZING THE SUPPORT OF MINOR LEAGUE BASEBALL IN THE CITY OF DANVILLE

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

RESOLUTION NO. 2020-04.07

A RESOLUTION APPROVING AND AUTHORIZING THE SUPPORT OF MINOR LEAGUE BASEBALL IN THE CITY OF DANVILLE, VIRGINIA.

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

Dr. Miller noted this Resolution was very important; major league baseball planned to eliminate up to 75% of minor league teams. Danville's team was owned by the Atlanta Braves, and the City does not want to lose this valuable asset to the community. They spend money on hotel rooms, donate money to youth groups and was a great claim for Danville to have. If at all possible, they want to save the Danville Braves. Vice Mayor Vogler noted the Danville Braves have been a mainstay in the community for decades and Council wants to do everything they can to support them.

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

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

The meeting adjourned at: 7:21 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2323

New Business A.

City Council Regular Meeting

Meeting Date: 05/07/2020

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 401 S. Ridge Street

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

COUNCIL ACTION

Business Meeting: 05/07/2020

SUMMARY

A request has been filed by Justin Williams and Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 401 South Ridge Street, otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Justin Williams and Michelle Adkins, are requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 401 S. Ridge Street, otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have an indoor gaming facility. General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This facility has been inspected to determine compliance with Certificate of Occupancy requirements. Inspections staff visited the site on Tuesday, November 26, 2019, to count the legal parking spaces; at that time there were 51 parking spaces. The newly painted parking spaces cannot be located at the location provided. There must be a minimum of two 12 foot drive lanes equaling 24 total feet according to the Zoning Ordinance. The lane behind the building only has 21 total feet of clearance. Therefore, that leaves 45 regular spaces and 1 handicap space that were counted. Staff recommended the parking for 401 S. Ridge Street at the meeting on November 14, 2019, which is briefly described below.

One space per three persons	(63 persons divided by 3 = 21 parking spaces)
One machine per 3 persons	(63 persons divided by 3 = 21 machines)
One space per machine	(21 machines = 21 parking spaces)
One space per employee	(4 employees = 4 parking spaces)
Total Parking Spaces	(46, one of which is handicap, existing)
Total Limited Occupant Load	(63 persons)
Total Machines	(21)

It has been stated that the site will have four employees. Provided with this information, the Inspections Division can limit the occupant load to 63 for the amount of parking spaces that exist. An Assembly Card must be posted for the Fire Marshall's Office as well as the new Certificate of Occupancy.

The applicant is also requesting 24-hour operation. Staff has substantial concerns with the opportunity for persons with potentially large sums of cash leaving the facility at early hours of night. Security of patrons, as well as the public in general is a substantial concern.

At their meeting of April 14, the Planning Commission voted 7-0 to recommend denial of the request.

RECOMMENDATION

It is recommended that City Council adopt a resolution denying Special Use Permit Application PLSUP20190000386, filed by Justin Williams and Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 South Ridge Street, otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map.

Attachments

Resolution
Planning Backup

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-_____._____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000386, FILED BY JUSTIN WILLIAMS & MICHELLE ADKINS, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.K, SECTION C, ITEM 5 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED, AT 401 SOUTH RIDGE STREET, OTHERWISE KNOWN AS GRID 2713, BLOCK 021, PARCEL 000008 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 401 South Ridge Street, otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map is hereby received ; and

BE IT FURTHER RESOLVED, that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 401 South Ridge Street, otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map, is hereby denied.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: APRIL 14, 2020
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

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

Harold E Garrison (K16)

Mr. Harold E. Garrison, Chairman

RESPONSES

Forty-two (42) notices were sent to property owners within three hundred (300) feet of the property. Ten (10) property owners returned statements. Four (4) property owners are not opposed to the request (Jeffries, CTED LLC, Gorrell and Danville Redevelopment and Housing Authority). Nine (9) property owners are opposed to the request (Gannon, Piedmont Lands of VA LLC, Buckner, Connecticut Classic Car LLC, Bolton and Bolton).

COMMENTS:

See attached.

NEIGHBORING PROPERTY OWNERS STATEMENT

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

I (we) GANNON SANDRA G

as owner(s) of Lot(s) 410 S RIDGE ST. 412. 414. and 416

X AM OPPOSED

 AM NOT OPPOSED

to the following request filed with the City of Danville:

Special Use Permit application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Signatures(s):

Sandra G Gannon

Comments:

Approving a special use permit to allow gaming is opening the door to gambling. You tabled the issue, (6-0) during your September 2019 meeting because there was no clear distinction between gaming vs. gambling when there is no oversight on the equipment used.

Looking at the previous history of the tenants at 401 South Ridge St., there is no reason to believe allowing unsupervised gaming will improve the neighborhood. Your letter of Oct 28, 2019 describes the property as "existing convenience store." This must be some joke on the city of Danville. The marquee in the front of the store is entitled "Something Special" OVER

The music starts at midnight with beer drinking and dancing in the parking lot and on S Ridge St. Shots fired are not unusual. New Year's Eve several years ago, the police investigated a shot fired into my residence. This was all reported by a Knoxville reporter with WDBT TV. I have spoken directly with Officer Joe Martin with the Knoxville police dept., an ABC investigator, and the police chief Scott Booth. Surely the planning commissioners would want to hear from these agencies regarding violations.

Is this what Knoxville wants for property located between the Old West End and the River District?

Respectfully,
Sandra G. Bann

NEIGHBORING PROPERTY OWNERS STATEMENT

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

I (we) CONNECTICUT CLASSIC CAR LLC

as owner(s) of Lot(s) 729 LOYAL ST

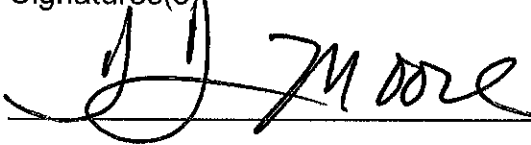
☒ **AM OPPOSED**

☐ **AM NOT OPPOSED**

to the following request filed with the City of Danville:

Special Use Permit application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Signatures(s)



Comments:

THE DEVELOPMENT OF THE RIVER
DISTRICT HAS BEEN OUTSTANDING.
ALLOWING GAMBLING (GAMING)
IN THIS AREA IS TAKING STEPS
BACKWARDS. PLEASE CONTACT ME
IF ADDITIONAL INFO IS NEEDED
IF MOORE 203 586 9290



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

City Planning Commission

City Planning Commission
Meeting of April 14, 2020

Subject:

Special Use Permit application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

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

Staff Analysis and Recommendation:

Both the House and Senate voted to outlaw these types of games. The approved bill is on the Governor's desk and he has until April 11th to take action. Staff will have more information at the meeting of April 14.

Recommendation:

Based on both the House and Senate votes, the staff would recommend denial of the request.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000386 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000386 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000386 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000386 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000386 by Planning Commission.

Attachments:

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



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

City Planning Commission

City Planning Commission
Meeting of February 10, 2020

Subject:

Special Use Permit application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Justin Williams & Michelle Adkins, are requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have an indoor gaming facility.

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

Based on information provided to the Inspections Division, the City can limit the occupant load to 63 for the amount of parking spaces that exists. An Assembly Card must be posted for the Fire Marshall's Office as well as the new C of O.

Recommendation:

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000386, staff recommends the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and

4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions, and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

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

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000386 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000386 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000386 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000386 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000386 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

CASE NUMBER: _____

EXISTING ZONING: _____

PROPOSED ZONING: _____

TAX MAP NUMBER: _____

RECEIVED BY: _____

DATE FILED: _____

PLANNING COMMISSION DATE: _____

CITY COUNCIL DATE: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: 32,620/3,687 Property Address: 401 S. Ridge St.

Property Location: N (S) E W Side of: Danville, VA

Between: Wilson St. and Newton St.

Proffered Conditions (if any, please attach): Suitable for business

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

See typed document (Explanation of Request)
Amusement Parlor

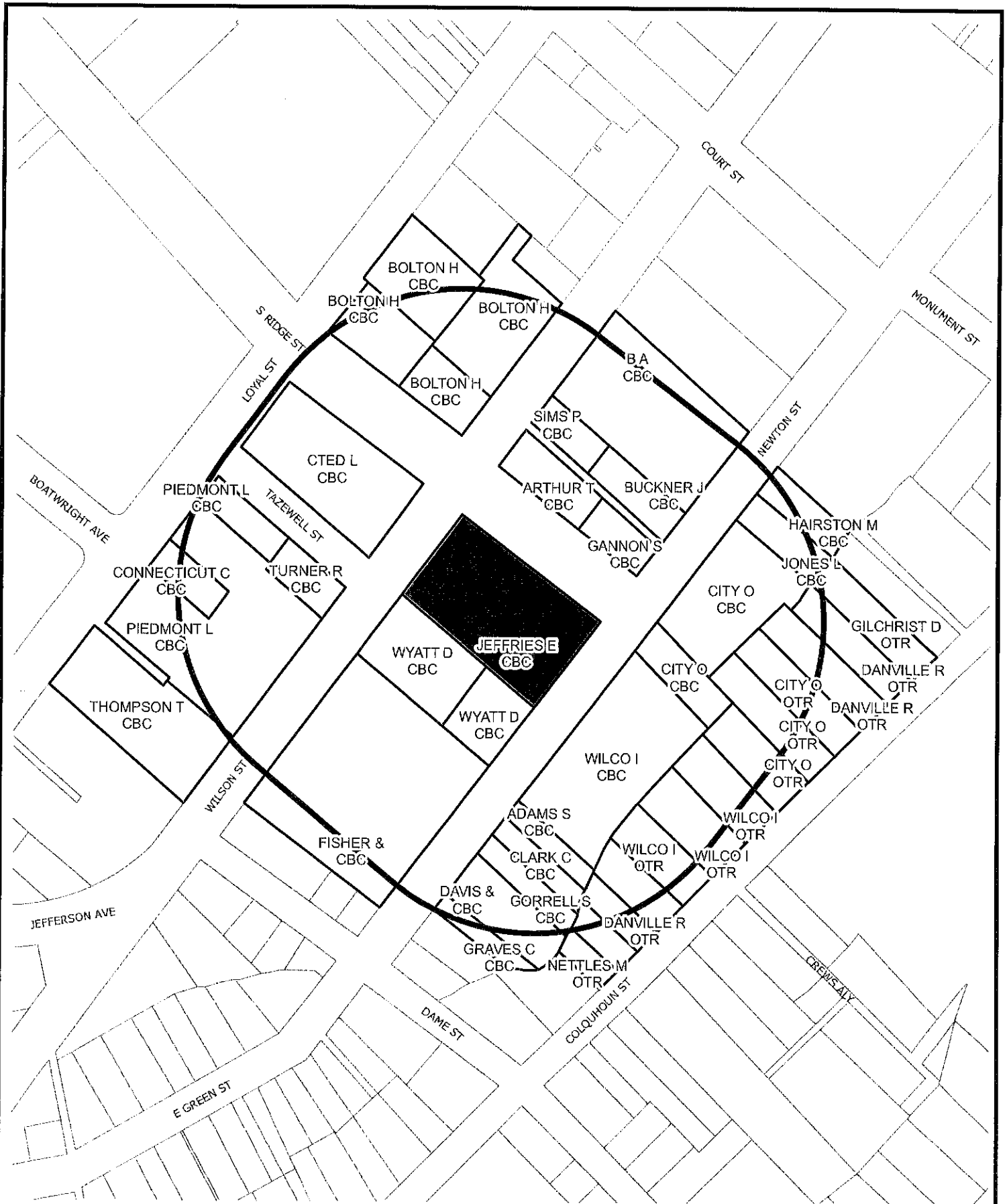
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: ELI Jeffries ^{Tanta} ~~Jeffries~~ TELEPHONE: 434-548-6610
MAILING ADDRESS: 240 Oakwood Cir. Danville VA 24541
SIGNATURE: [Signature] DATE: 17 Sept. 19
SIGNATURE: Tanta Jeffries DATE: 17 Sept. 19
EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

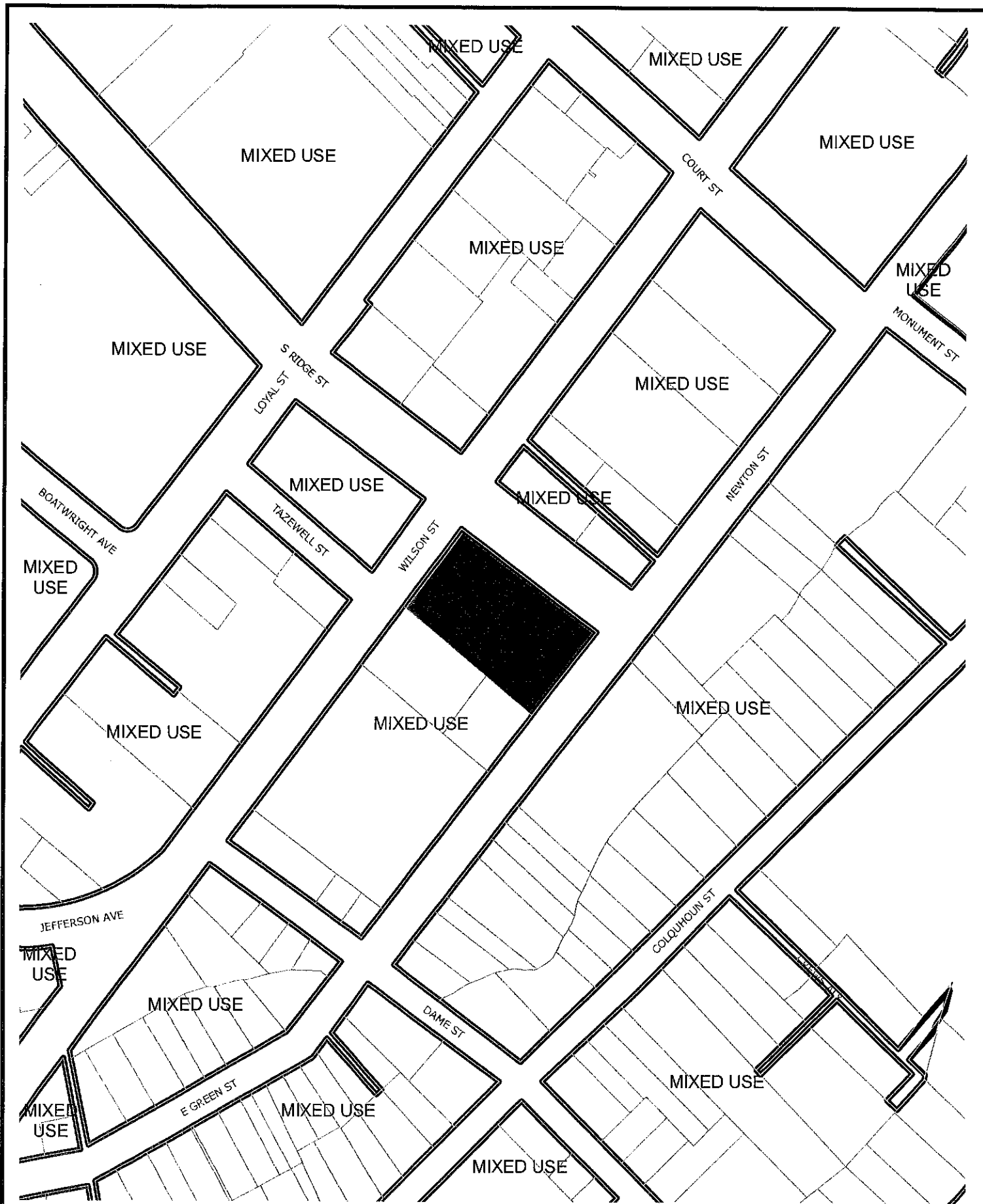
NAME: Justin Williams / Michelle Adkins TELEPHONE: (800) 687-2310 / (434) 707-2604
MAILING ADDRESS: 724 S. Main St #3927 Danville, VA 24541
EMAIL ADDRESS: j.williams@broadstholdings.com
SIGNATURE: [Signature] [Signature] DATE: 23 September 2019



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	October 28, 2019
LOCATION OF PROPERTY:	421 S. Ridge St
PRESENT ZONE:	CB-C Central Business District
PROPOSED ZONE:	CB-C Central Business District
ACTION REQUESTED:	Request a Special Use Permit for Commercial Recreation Indoor. The applicant is proposing to have indoor gaming.
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Indoor Gaming facility
PROPERTY OWNER (S):	Eli & Ianta JEfferies
NAME OF APPLICANT (S):	Justin Williams & Michelle Adkins
PROPERTY BORDERED BY:	Commercial to north and south, west, and east.
ACREAGE/SQUARE FOOTAGE:	.75 acres.
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	S. Ridge St, Wilson St & Newton St.
TRAFFIC VOLUME:	Moderate
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of November 12, 2019



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019

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

Explanation of Request

1. Proposed use for the Special Use Permit:

a. Proposed use of the land: size and location of structures with dimensions to lot lines

"Amusement Parlor" (Danville City Code Chapter 4 - Article II) / 401 S Ridge St Danville VA / 3,687 sqft / stand-alone building with private parking lot. Establishment may consist of 50+ commercial indoor recreational "games" both physical and electronic i.e. "pool tables, billiards, foosball, air hockey, pinball, and video games." We "request" to operate on a 24hr basis Sunday through Saturday / onsite security guards and CCTV will be apart of day-to-day operations.

b. Vehicular circulation system with points of ingress and egress

See aerial photo on page

c. Existing on-site buildings, separation dimensions and paved areas

See aerial photo

d. Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided

This stand-alone building is surrounded by its own private parking lot / total of 40+ marked and available parking spaces

e. Net acreage

.75 Acres

f. Gross and net square footage of building(s) (proposed and existing)

Lot size 32,620 sqft / Building size 3,687 sqft

g. Required landscaping and buffer areas

Bi-weekly landscaping will be conducted / there are three (small) areas of interest as far as this topic is concerned

Broad St. Holdings LLC / (800)687-2310
j.williams@broadstholdings.com

Tab - i

401 S Ridge St, Danville, VA 24541

401 S Ridge St

Danville, VA 24541
USA

Directions

Save

Nearby

Send to your phone

Share

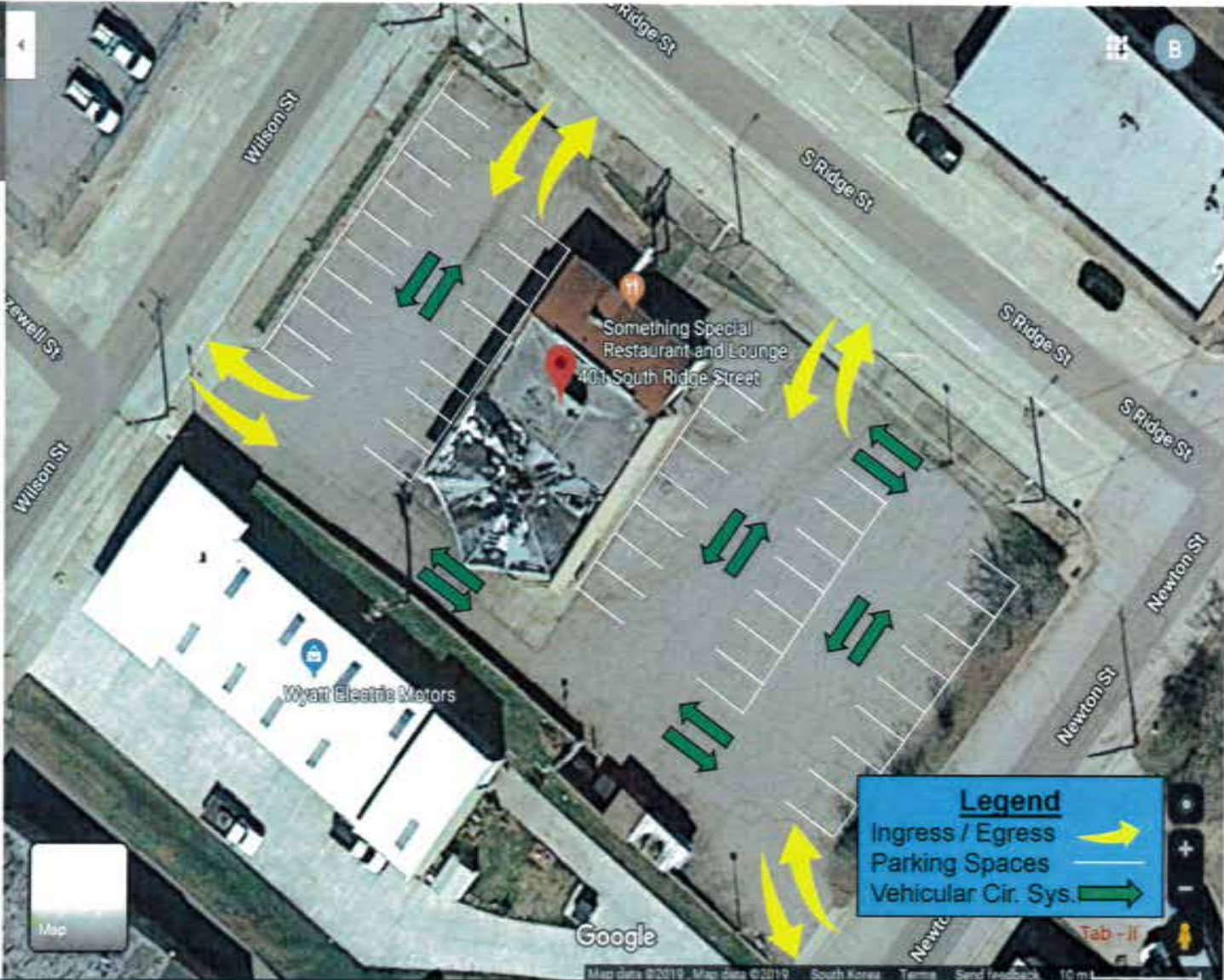
Report a problem on 401 S Ridge St

Add a missing place

Add your business

Add a label

Photos



Council Letter

City of Danville, Virginia



CL-2324

New Business B.

City Council Regular Meeting

Meeting Date: 05/07/2020

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 2980 West Main Street.

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

COUNCIL ACTION

Business Meeting: 05/07/2020

SUMMARY

A request has been filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 2980 West Main Street, otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

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

At their meeting of April 14 the Planning Commission voted 7-0 to recommend denial of the request.

RECOMMENDATION

It is recommended that City Council adopt a Resolution denying Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main Street, otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map.

Attachments

Resolution

Planning Backup

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-_____._____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP202000004, FILED BY SHAZAD TAHSEEN ON BEHALF OF AANT INC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED AT 2980 WEST MAIN STREET, OTHERWISE KNOWN AS GRID 0617, BLOCK 007, PARCEL 0000015 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 West Main Street, otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map is hereby received; and.

BE IT FURTHER RESOLVED, that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 2980 West Main Street, otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map, is hereby denied.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: APRIL 14, 2020
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

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

Harold E. Garrison (KLG)

Mr. Harold E. Garrison, Chairman

RESPONSES

Twenty (20) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) response was received. Four (4) unopposed AANT INC, AANT INC, Poindexter and Meeks) Three (3) was opposed (Berger, Amayra and Danville Commercial Industrial Storage LLC)

COMMENTS:

Comment Attached.

NEIGHBORING PROPERTY OWNERS STATEMENT

According to the record of land ownership you own property that is located within 300 feet of property that is the subject of a public hearing. You are entitled to express an opinion as to whether you are opposed or not opposed to the request by completing the form below. Please check the appropriate box and return it by **FEBRUARY 7, 2020**, 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) FRANCISCO BEVERLY BERNARD JR

as owner(s) of Lot(s) 200 MAYFIELD RD

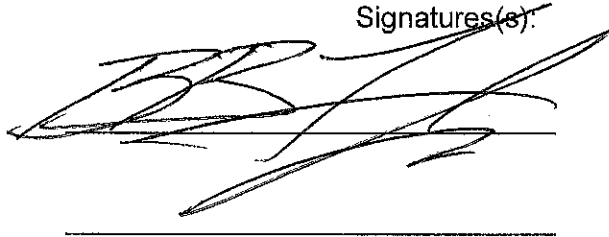
☒ AM OPPOSED

☐ AM NOT OPPOSED

to the following request filed with the City of Danville:

Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Signatures(s):



Comments:

I Am OPPOSED on MANY LEVELS among which ARE THAT THIS STORE HAS LONG BROUGHT A QUESTIONABLE ELEMENT INTO THE AREA AND THESE MACHINES WILL ONLY COMPOUND THE PROBLEM. THIS STORE IS ALREADY AN EYE SORE AND THESE MACHINES WILL NOT HELP.

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 **FEBRUARY 7, 2020**, 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) FRANCISCO BEVERLY B JR

as owner(s) of Lot(s) 108 MAPLE GROVE AVE

☒ AM OPPOSED

☐ AM NOT OPPOSED

to the following request filed with the City of Danville:

Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Signatures(s):



Comments:

I Am OPPOSED on Many Levels, Among which are, This building is owned by Abercrombi oil, which has never cared about the condition its in. it is outdated and there is no space for these machines or anything else. PARKING is Lacking AND The intersection is Already too Congested.



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

City Planning Commission

City Planning Commission
Meeting of April 14, 2020

Subject:

Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

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

Staff Analysis and Recommendation:

Both the House and Senate voted to outlaw these types of games. The approved bill is on the Governor's desk and he has until April 11th to take action. Staff will have more information at the meeting of April 14.

If the Planning Commission does not wish to continue this item, staff would recommend denial of the request.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP202000004 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP202000004 subject to the condition per staff.
3. Recommend approval of Special Use Permit Application PLSUP202000004 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP202000004 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 Aerial)
Year 2030 Land Use Map

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

CASE NUMBER: _____

EXISTING ZONING: _____

PROPOSED ZONING: _____

TAX MAP NUMBER: _____

RECEIVED BY: _____

DATE FILED: _____

PLANNING COMMISSION DATE: _____

CITY COUNCIL DATE: _____

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

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

Gross Area/Net Area: 500 sq Feet Property Address: 2980 W. Main St Danville, VA
24541

Property Location: N S E W Side of: WEST

Between: OLD Mayfield Rd and WITHERS Rd

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

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

1. NAME: SHAZAD TAHSEEN TELEPHONE: 434 713 8559

MAILING ADDRESS: 2980 WEST MAIN ST DANVILLE VA 24541

SIGNATURE: [Signature] DATE: 12-22-19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: Shazad233@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
1/22/2020

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SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on February 10, 2020

LOCATION OF PROPERTY: 2980 W. Main St

PRESENT ZONE: HR-C Highway Retail Commercial District

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial indoor recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Convenience store with gaming machines

FUTURE LAND USE DESIGNATION: Commercial

PROPERTY OWNER (S): AANT Inc.

NAME OF APPLICANT (S): Shazad Tahseen

PROPERTY BORDERED BY: Residential and industrial to the east, commercial and industrial to the south, residential and industrial to the west, commercial and mixed residential to the north

ACREAGE: .81 acres

CHARACTER OF VICINITY: Mixed

INGRESS AND EGRESS: W. Main St. & Mayfield Road

TRAFFIC VOLUME: High and Moderate



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
1/22/2020

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42-0577



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Council Letter

City of Danville, Virginia



CL-2325

New Business C.

City Council Regular Meeting

Meeting Date: 05/07/2020

Subject: Request for a Special Use Permit for a Waiver of Yard Requirements at 1041 Piney Forest Road.

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

COUNCIL ACTION

Business Meeting: 05/07/2020

SUMMARY

A request has been filed by National Restaurant Designers requesting a Special Use Permit to allow 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 1041 Piney Forest Road, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

BACKGROUND

A request has been filed by National Restaurant Designers for a Special Use Permit to allow 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 1041 Piney Forest Road, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

This property is currently developed with a Biscuitville restaurant and accompanying off-street parking spaces. The applicants plan to remodel the interior of the store, as well as add an addition to the front. This addition will allow for internal access to bathrooms as well as reconfigure the dining area. The addition will be approximately 8'10" x 28'3" with an additional 3'6" overhang around the addition. This will make the setback approximately six (6) foot where thirty (30) feet is required.

The new addition will actually reduce the number of seats from 56 to 52 due to the construction of internal bathroom facilities. This addition will result in the loss of one (1) parking space, but due to the reduction in seating capacity, no issue is created since the existing parking lot has sufficient spaces to meet the seating needs. This same request was approved in 2015, but the company decided to postpone construction. The Special Use Permit expired due to lack of activity, so they have reapplied.

At their meeting of April 14, 2020, the Planning Commission voted 7-0 to recommend approval of the request subject to the following conditions:

1. The front yard setback shall not be less than six (6) feet along the Ash Street (south) side of the property.

2. The front yard setback shall not be less than twenty (20) feet along the Piney Forest (east) side of the property.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow 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 1041 Piney Forest Road, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map subject to the following conditions:

1. The front yard setback shall not be less than six (6) feet along the Ash Street (south) side of the property.
2. The front yard setback shall not be less than twenty (20) feet along the Piney Forest (east) side of the property.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020____.____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO ALLOW 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 1041 PINEY FOREST ROAD.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PLSUP20200000081, filed by National Restaurant Designers requesting a Special Use Permit to allow 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 1041 Piney Forest Road, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map, is hereby received, subject to the following conditions:

1. The front yard setback shall not be less than six (6) feet along the Ash Street (south) side of the property.
2. The front yard setback shall not be less than twenty (20) feet along the Piney Forest (east) side of the property.

AND BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PLSUP20200000081, filed by National Restaurant Designers requesting a Special Use Permit to allow 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 1041 Piney Forest Road, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map, is hereby granted and approved, subject to the following conditions:

1. The front yard setback shall not be less than six (6) feet along the Ash Street (south) side of the property.
2. The front yard setback shall not be less than twenty (20) feet along the Piney Forest (east) side of the property.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: APRIL 14, 2020
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit Application PLSUP20200000081, filed by National Restaurant Designers requesting a Special Use Permit to allow 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

RECOMMENDATION:

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

1. The front yard setback shall not be less than six (6) feet along the Ash Street (south) side of the property.
2. The front yard setback shall not be less than twenty (20) feet along the Piney Forest (east) side of the property.

Harold E Garrison (KCB)

Mr. Harold E. Garrison, Chairman

RESPONSES

Ten (10) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Four (4) responses were received. Two (2) were not opposed (Johnson and Walsh). Two (2) was opposed (Skatetown and JHC Properties LLC).

COMMENTS:

See attached



A Division of LMHT Associates

Special Use Permit Application – Biscuitville Introduction

Biscuitville is requesting the setback variance allowance to improve the existing facility and better serve our patrons.

Expansion of the front of the building shall allow renovation of the existing building to include new customer restrooms on the interior of the building. Currently, restrooms are located on rear of building with exterior access only. Proposed renovation shall be in line with current Brand Image to include dining room updates and exterior design modifications as shown in provided rendering. Existing seat count shall not be increased. It is understood that this variance will not impede traffic or neighboring properties negatively and will only increase overall aesthetic and functionality of the building and street.

This Special Use permit application was reviewed and approved by this Commission in 2015. Expansion was postponed while Biscuitville explored other real estate options before committing to updating this site. Biscuitville is asking for the same approval to now proceed with the remodel now.

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 **APRIL 11, 2020**, 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) JHC PROPERTIES LLC

as owner(s) of Lot(s) 115 ASH ST

10 ^{At this time} AM OPPOSED

AM NOT OPPOSED

to the following request filed with the City of Danville:

Special Use Permit Application PLSUP20200000081, filed by National Restaurant Designers requesting a Special Use Permit to allow 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

Where will the sign be located?

Visibility exiting Ash ST
to Piney Forest Rd is
already at a minimum

(mostly due to landscaping)

Not opposed if something can be
done about this visibility issue

Signatures(s):

Cynthia Cochran
for JHC Properties LLC

Comments:



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

City Planning Commission

City Planning Commission
Meeting of April 14, 2020

Subject:

Special Use Permit Applicati, filed by National Restaurant Designers requesting a Special Use Permit to allow 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

Background:

A request has been filed by National Restaurant Designers for a Special Use Permit to allow 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.

This property is currently developed with a Biscuitville restaurant and accompanying off street parking spaces. The applicants plan to remodel the interior of the store, as well as add an addition to the front. This addition will allow for internal access to bathrooms as well as reconfigure the dining area. The addition will be approximately 8'10" x 28'3" with an additional 3'6" overhang around the addition. This will make the setback approximately six (6) foot where thirty (30) feet is required.

The new addition will actually reduce the number of seat from 56 to 52 due to the construction of internal bathroom facilities. This addition will result in the loss of one (1) parking space, but due to the reduction in seating capacity, no issue is created since the existing parking lot has sufficient spaces to meet the seating needs.

This same request was approved in 2015, but the company decided to postpone construction. The Special Use Permit expired due to lack of activity so they have reapplied.

Eight (8) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on April 14, 2020.

Staff Analysis and Recommendation:

Staff believes the expansion will be in keeping with the character of surrounding properties and will not impact traffic along Piney Forest Road and Ash Street. Due to the substantial right-of-way at the intersection of these two (2) roads, the addition will still be approximately twenty-seven (27) feet from the back of the curb on Piney Forest Road, twenty-five (25) feet from the stop bar exiting Ash Street onto Piney Forest. The setback proposed of six (6) feet will be on the Ash Street frontage.

Based on the above analysis, staff recommends approval of Special Use Permit Application PLSUP2020000081, filed by National Restaurant Designers requesting a Special Use Permit to allow 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 1041 Piney Forest Rd, otherwise known as Grid 1811, Block 004, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. Staff recommends approval with the following conditions:

1. The front yard setback shall not be less than six (6) feet along the Ash Street (south) side of the property.
2. The front yard setback shall not be less than twenty (20) feet along the Piney Forest (east) side of the property.

City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP20200000081 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP20200000081 with conditions per Staff.
3. Recommend approval of Special Use Permit Application PLSUP20200000081 with conditions per Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP20200000081.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2019 Aerial)
Year 2030 Land Use Map

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: _____

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

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

Gross Area/Net Area: 1,969 sq. ft. Property Address: 1041 Piney Forest Rd., Danville, VA 24540

Property Location: N S E W Side of: Piney Forest Rd. at the corner of Ash St. and Piney Forest Rd.

Between: Golden Skillet and Skate Town

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

Provide an approximately 12' dining room addition to the front of the existing Biscuitville building at
1041 Piney Forest Rd, in Danville. Existing Building is +/- 1,716 sq. ft. and addition proposed is
+/- 253 sq. ft.

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

I. NAME: Biscuitville TELEPHONE: 336-553-3746
MAILING ADDRESS: 1414 Yanceyville St., Suite 300 Greensboro, NC 27405
SIGNATURE: [Signature] DATE: 3/9/20
SIGNATURE: [Signature] DATE:
EMAIL ADDRESS: blake.jennings@biscuitville.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: National Restaurant Designers (Tyler Alderson) TELEPHONE: 919-544-7251 x 173
MAILING ADDRESS: 3005 Carrington Mill Blvd, Suite 150, Morrisville, NC 27560
EMAIL ADDRESS: talderson@lmht.com
SIGNATURE: [Signature] DATE: 3/13/20

SPECIAL USE PERMIT REQUEST
DATA SHEET

DATE:	April 14, 2020
LOCATION OF PROPERTY:	1041 Piney Forest Rd
PRESENT ZONE:	HR-C Highway Retail Commercial
LAND USE PLAN DESIGNATION:	Community Service
ACTION REQUESTED:	The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.
PRESENT USE OF PROPERTY:	Biscuitville Restaurant.
PROPOSED USE OF PROPERTY:	Expanded Biscuitville Restaurant.
PROPERTY OWNER (S):	RFK Family Limited
NAME OF APPLICANT (S):	National Restaurant Designers
PROPERTY BORDERED BY:	Commercial to the north, east and south, residential to the west.
ACREAGE/SQUARE FOOTAGE:	0.62 acres
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Piney Forest Road and Ash St.
TRAFFIC VOLUME:	High and Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 14, 2020.

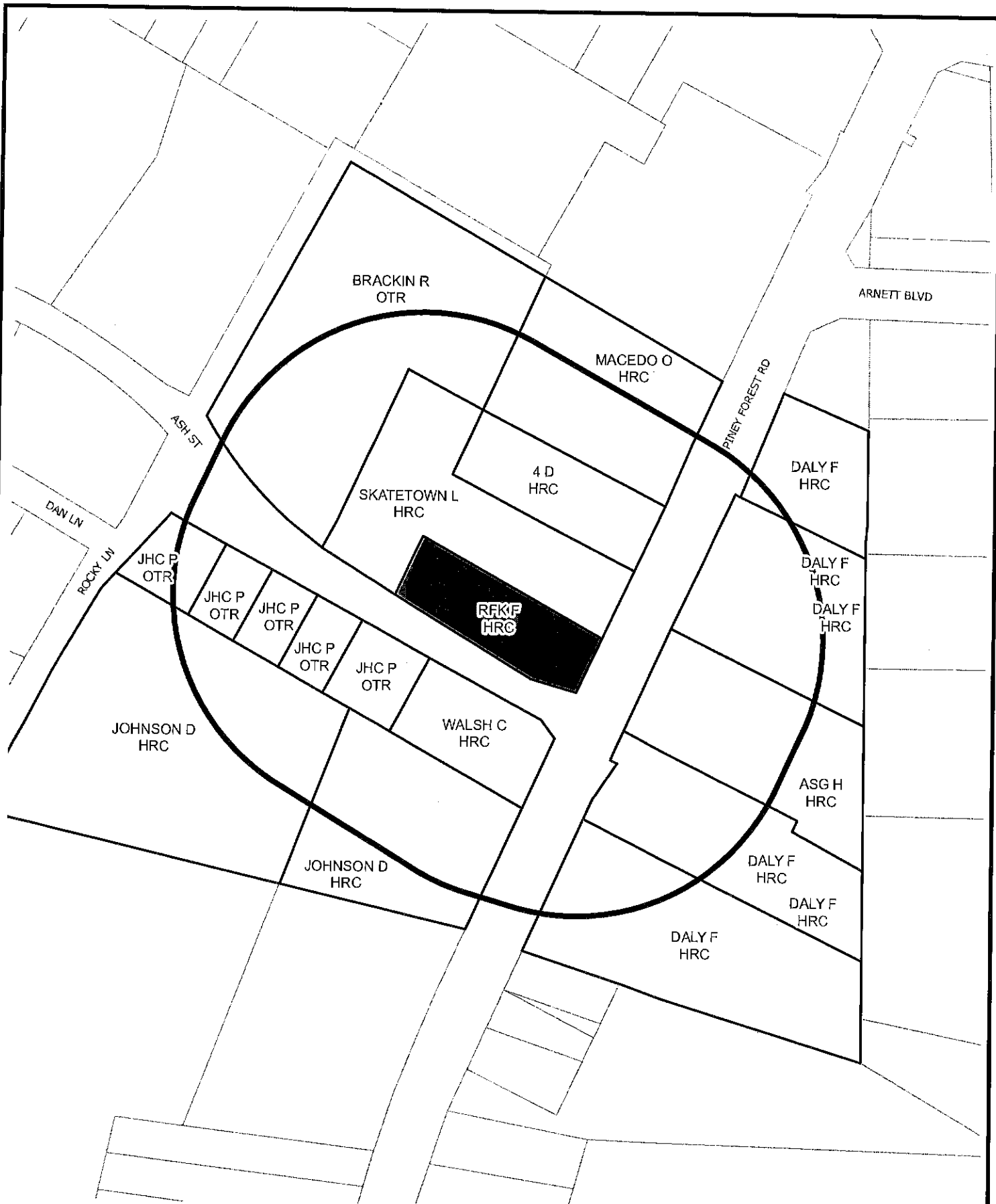


Biscuitville
FRESH SOUTHERN

BV118 Danville, VA, Piney Forest Rd.

Rev. 2: 7-10-15

Restroom Addition



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
3/18/2020

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

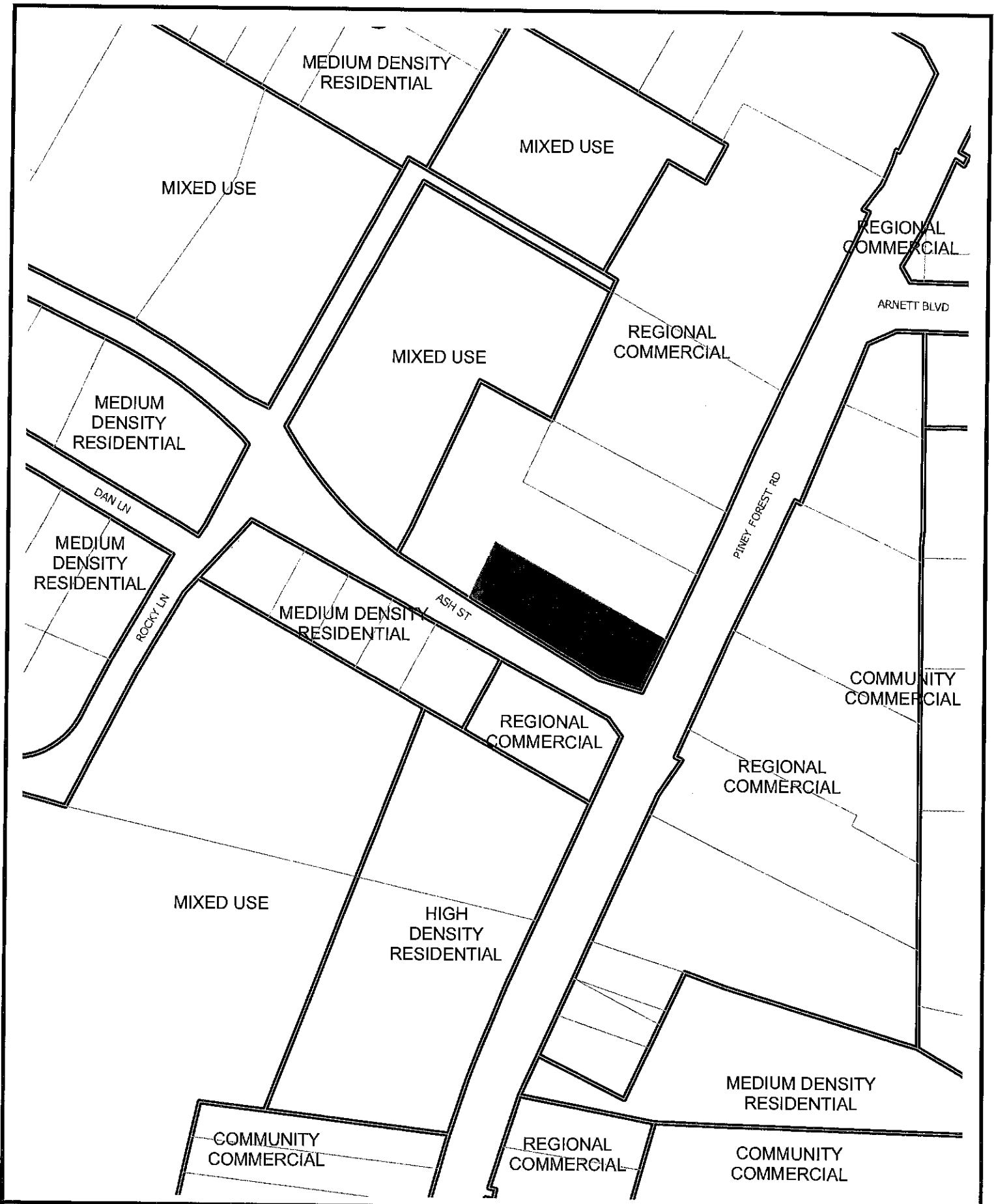
DATE:	April 14, 2020
LOCATION OF PROPERTY:	1041 Piney Forest Rd
PRESENT ZONE:	HR-C Highway Retail Commercial
LAND USE PLAN DESIGNATION:	Community Service
ACTION REQUESTED:	The applicant is proposing to allow a six (6) foot front yard setback where thirty (30) feet is required.
PRESENT USE OF PROPERTY:	Biscuitville Restaurant.
PROPOSED USE OF PROPERTY:	Expanded Biscuitville Restaurant.
PROPERTY OWNER (S):	RFK Family Limited
NAME OF APPLICANT (S):	National Restaurant Designers
PROPERTY BORDERED BY:	Commercial to the north, east and south, residential to the west.
ACREAGE/SQUARE FOOTAGE:	0.62 acres
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Piney Forest Road and Ash St.
TRAFFIC VOLUME:	High and Low
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of April 14, 2020.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/18/2020

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/18/2020

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

Council Letter

City of Danville, Virginia



CL-2326

New Business D.

City Council Regular Meeting

Meeting Date: 05/07/2020

Subject: Consideration of the Fiscal Year 2021 Danville Public Schools Budget

From: Cynthia Thomasson, Budget Director

COUNCIL ACTION

First Reading: 05/07/2020

Final Adoption: 05/21/2020

SUMMARY

The Public Hearing for the Fiscal Year 2021 Preliminary School Board Budget is scheduled for May 7, 2020. The City's Budget for Support of Schools includes \$22,812,500 for Support of Operations, and \$2,498,770 for Debt Service, for a grand total of \$25,311,270. In addition, the Capital and Special Projects Plan includes \$2,000,000 for capital improvements for various school facilities to be funded by General Obligation Bonds.

RECOMMENDATION

It is recommended the City Council approve the attached Resolution for the Fiscal Year 2021 Danville Public Schools Budget.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020- ____ - ____

A RESOLUTION APPROVING THE BUDGET OF THE SCHOOL BOARD OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2021.

WHEREAS, the School Board of the City of Danville presented to the Council its estimate of the amount of money needed for the support of the public schools of the City during Fiscal Year 2021 which estimate reflected total proposed expenditures in the amount of \$71,375,947; and

WHEREAS, the City shall contribute \$22,812,500 for School Operations and \$2,498,770 for School Debt Service for a total appropriation of \$25,311,270; and

WHEREAS, the City Council does not intend by this resolution to guarantee to the School Board of the City of Danville any contribution for support of schools in future fiscal years above that amount required by Virginia law for support of schools; and

WHEREAS, a brief synopsis of the proposed Budget of the School Board for Fiscal Year 2021 was duly published, and, after public notice duly given, a public hearing with respect thereto has been conducted by the Council, after due public notice thereof, and upon consideration of which it is now necessary and desirable to approve the same as prescribed by law.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that pursuant to Section 22.1-93 of the Code of Virginia, 1950, as amended, the attached budget of the School Board of the City of Danville for the Fiscal Year ending June 30, 2021 be, and the same is hereby, approved for educational purposes subject the above recited conditions.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2305

New Business E.

City Council Regular Meeting

Meeting Date: 05/07/2020

Subject: Litehouse Moral Obligation for Up Fit Financing

From: Corrie Bobe, Assistant Director of Economic Development

COUNCIL ACTION

Business Meeting: 05/07/2020

SUMMARY

This action will provide a moral obligation from the City of Danville to American National Bank & Trust Company to finance a project at 145 Cane Creek Boulevard, that is currently leased by the Industrial Development Authority to Litehouse Foods. The project will cover the cost of constructing an approximately 48,000 square foot, refrigerated warehouse and a wastewater pretreatment facility. American National Bank has committed a loan of \$15,450,000 to cover a major portion of the project that is projected to cost approximately \$19,600,000. Litehouse will provide a cash subsidy to cover the shortfall between the bank's commitment and the total cost of the project. This moral obligation agreement between the City and the Bank is the typical agreement that has been used several times in recent years to secure financing for IDA projects.

BACKGROUND

Litehouse Foods purchased Sky Valley Foods and assumed the IDA lease for property located at 145 Cane Creek Boulevard in Airside Industrial Park. The IDA currently owns this property, and it is leased to Litehouse Foods. A major product of Litehouse is refrigerated salad dressings, and to enable the company to begin manufacturing these products in Danville, a refrigerated storage facility is necessary. The total cost of the up fit project planned for the Cane Creek Blvd. facility is estimated to be approximately \$19,600,000. To cover the shortfall between American National Bank's commitment of \$15.45 million, Litehouse has committed to cover the shortfall up to \$4.5 million and it is requested a second lien on the property to cover its participation in the overall cost. Litehouse traditionally has not owned its manufacturing facilities, but in the case of the Danville facility, it has voluntarily accepted a lease/purchase arrangement whereby the mortgage on the property is covered by the monthly rental charge plus a small service fee to the IDA. The fact that Litehouse has agreed to the lease/purchase arrangement, and further that it has agreed to supply cash funds to cover the shortfall of the up fit project cost, provide assurance that the company has solid intentions of remaining in Danville and growing its manufacturing business here to support the eastern United States market.

RECOMMENDATION

Staff recommends that City Council approve the attached Moral Obligation Agreement for City of Danville and the Resolution authorizing the City Manager to enter into such an agreement with American National Bank and Trust Company in the amount of \$15,450,000.

Attachments

Resolution

Moral Obligation Agreement for City of Danville

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION
OF A MORAL OBLIGATION AGREEMENT BY AND BETWEEN THE CITY OF
DANVILLE, VIRGINIA AND AMERICAN NATIONAL BANK AND TRUST COMPANY.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of
Danville, Virginia, that a Moral Obligation Agreement, substantially in the form attached
hereto and made a part hereof, between the City of Danville and American National Bank
and Trust Company be, and the same hereby is, approved; and

BE IT FURTHER RESOLVED, that the City Manager, or his designee,
be, and he is hereby, authorized and directed to execute such Moral Obligation Agreement
on behalf of the City.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

MORAL OBLIGATION AGREEMENT OF CITY OF DANVILLE

THIS MORAL OBLIGATION AGREEMENT made as of the ____ day of _____, 2020, by and between the **CITY OF DANVILLE, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (the “**City**”), and **AMERICAN NATIONAL BANK AND TRUST COMPANY**, a national banking association (“**American National**”), to-wit:

BACKGROUND

A. The Industrial Development Authority of Danville, Virginia (the “**Authority**”), was created under the Industrial Development and Revenue Bond Act (§15.2-4900 et seq.) of the Code of Virginia to promote development, industry and trade.

B. In an effort to induce Litehouse, Inc., an Idaho corporation, and/or its affiliates (“**Litehouse**”), to expand its capabilities and manufacturing operations at the facility which it leases from the Authority in the City of Danville, and thereby promote development and the local economy, the Authority is constructing an approximately 48,000 square foot refrigerated addition (the “**Project**”) at the property and facility located at 145 Cane Creek Blvd. which Litehouse currently leases from the Authority.

C. The Authority has obtained a commitment from American National to finance up to Fifteen Million Four Hundred Fifty Thousand and 00/100 Dollars (\$15,450,000.00)(the “**Loan**”) of the projected costs of construction of the Project, and, as part of that financing commitment, American National requires the moral obligation of the City to repay the Loan with American National in the event that the Authority fails to do so.

NOW, THEREFORE, for and in consideration of the foregoing promises and the mutual benefit to be derived therefrom and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. In the event the Authority fails to repay the indebtedness associated with the Loan, in the principal amount not to exceed Fifteen Million Four Hundred Fifty Thousand and 00/100 Dollars (\$15,450,000.00) provided by American National, in accordance with the terms of its repayment stated therein, the City hereby acknowledges that, to the extent permitted by law, it has a moral obligation to pay American National such amounts otherwise due from and payable by the Authority. In the event of nonpayment by the Authority, American National, by its duly authorized representative, shall submit an appropriation request to the City in the amount sufficient to make current payments on the Loan then due American National by the Authority and other amounts, if any, in order to protect and maintain the Authority’s ownership interest in the Project (collectively, the “**Deficiency Amount**”). Subject to the making of an appropriation pursuant to the provisions of this Paragraph 1, the City shall pay American National the amount of such appropriation as soon as practicable.

2. American National shall apply any funds so appropriated and paid to it by the City pursuant to this Agreement toward the Authority’s obligations under the Loan provided to it by American National.

3. Until such time that there is no longer a Deficiency Amount, the City Manager of the City (the “**City Manager**”) shall include any Deficiency Amount due American National with respect to the Loan in his budget submitted to the City Council for the following fiscal year as an amount to be appropriated to or in respect of the Project. The City Manager shall deliver to American National, within

fifteen (15) days after the adoption of the City's budget for each fiscal year in which a Deficiency Amount was requested as provided herein, but not later than July 15 of each year, a letter, on letterhead of the City Manager's Office, stating whether the City Council has appropriated for payment to American National an amount equal to the Deficiency Amount.

4. If at any time American National believes there is a Deficiency Amount or that amounts appropriated by City Council are insufficient to fulfill the Authority's Loan obligations, American National shall notify the City Manager of the Deficiency Amount or such insufficiency and the City Manager shall request a supplemental appropriation from City Council in the amount necessary to make such payment.

5. The City Manager shall present each request for appropriation pursuant to Paragraph 4 above to City Council and City Council shall consider such request at City Council's next regularly scheduled meeting at which it is possible to satisfy any applicable notification and all other legal requirements. Not later than five (5) business days after such meeting, the City Manager shall notify American National as to whether the amount so requested was appropriated. If City Council shall fail to make any such appropriation, the City Manager shall add the amount of such requested appropriation to the amount to be requested in the next fiscal year.

6. The City Council hereby undertakes a non-binding obligation to appropriate such amounts as may be requested from time to time pursuant to Paragraphs 3, 4 and 5 above, to the fullest degree and in such manner as is consistent with the Constitution and laws of the Commonwealth of Virginia. The City Council, while recognizing that it is not empowered to make any binding commitment to make such appropriations in future fiscal years, hereby states its intent to make such appropriations, as may be necessary, consistent with this Agreement.

7. Nothing herein contained is or shall be deemed to be a lending of the credit of the City to American National, the Authority, the Project or to any other person or entity (unless specifically set forth otherwise), and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the City, nor shall anything herein contained legally bind or obligate the City Council to appropriate funds for the purposes described herein.

8. Any notices or requests required to be given hereunder shall be deemed given if hand-delivered or sent by registered or certified mail, postage prepaid, addressed as follows:

If to the City: City of Danville, Virginia
 Municipal Building, Patton Street
 P. O. Box 3300
 Danville, VA 24543
 Attention: City Manager

With a copy to: The City Attorney's Office
 Municipal Building, Patton Street
 P.O. Box 3300
 Danville, VA 24543
 (434) 799-5122

If to American National: American National Bank and Trust Company
628 Main Street
P. O. Box 191
Danville, VA 24543
Attention: President

9. If any clause, provision, or paragraph of this Agreement shall be held illegal or invalid by a court, the illegality or invalidity of such clause, provision, or paragraph shall not affect any of the remaining clauses, provisions, or paragraphs hereof, and this Agreement shall be construed and enforced as if such illegal or invalid clause, provision, or paragraph had not been contained herein. In case any question should arise as to whether any provision contained herein shall be in violation of law, then such provision shall be construed to be the agreement of the parties hereto to the full extent permitted by law.

10. This Moral Obligation Agreement supersedes all prior understandings and agreements of the parties with respect to the subject matter hereof and contains the entire agreement and understanding of the parties in connection with the transactions contemplated hereby.

IN WITNESS WHEREOF, the City of Danville, Virginia has caused its name to be subscribed hereunto by its City Manager, as authorized and directed by the City Council, City of Danville, and its seal to be hereto affixed and attested by the City Clerk, and American National has caused its name to be subscribed hereunto by Ted R. Laws, its duly authorized representative, all as of the date first above written.

CITY COUNCIL, CITY OF DANVILLE

By: _____
Name: **Ken Larking**
Title: **City Manager**

(SEAL)

Attest:

City Clerk

AMERICAN NATIONAL BANK AND TRUST COMPANY

By: _____
Name: **Ted R. Laws**
Title: **Danville Region Market President**

(SEAL)

Council Letter

City of Danville, Virginia



CL-2311

New Business F.

City Council Regular Meeting

Meeting Date: 05/07/2020

Subject: Victim/Witness Program Grant

From: Cynthia Thomasson, Budget Director

COUNCIL ACTION

First Reading: 05/07/2020

Final Adoption: 05/19/2020

SUMMARY

The City has received notice from the Commonwealth of Virginia, Department of Criminal Justice Services, of the approval of federal and state funding in the amount of \$177,083 for the continuation of the City's Victim/Witness Assistance Program which is operated through the Commonwealth Attorney's Office. The Victim/Witness Program provides assistance to victims of criminal offenses (e.g. rape, felonious assault, child sexual and physical abuse, homicide, domestic violence) occurring in Danville. The program provides direct services, referral services to meet specific needs (e.g. mental health, social services, legal, medical) and filing claims for crime victims' compensation. The program also provides a court escort, an explanation of criminal court procedures, intervenes with employers, collection agencies and landlords when victims' injuries result in loss of income, and monitors court related restitution payments.

BACKGROUND

The goal of the Victim/Witness Program is to alleviate, to whatever degree possible, the confusion, pain and suffering, of innocent victims of violent crime occurring in Danville. This is an annual grant and does not require any local matching funds. For proper account purposes it is necessary to appropriate these funds.

RECOMMENDATION

It is recommended that the Council approve the attached ordinance amending the FY 2020 Budget Appropriation Ordinance to provide for the appropriation of the funds.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE COMMONWEALTH OF VIRGINIA FOR A VICTIM WITNESS PROGRAM IN THE AMOUNT OF \$177,083 AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the Fiscal Year 2020 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues to provide for a grant from the Commonwealth of Virginia, Department of Criminal Justice Services, in an amount of \$177,083 for the purpose of operating a victim witness program within the City of Danville, and appropriating same within the Special Grants Fund, such revenue and appropriation to be a follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Victim Witness Grant		
Categorical Aid -DCJS	60301000-47060	\$ 44,271
Federal Aid	60301000-48055	<u>132,812</u>
	t	<u>\$177,083</u>

EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Victim Witness Program		
Salaries & Wages	60301000-51100	\$138,014
Other Taxable Comp	60301000-51155	5,500
FICA	60301000-51450	9,563
Retirement VRS-State Share	60301000-51501	14,800
Print Shop-Office Supplies	60301000-52655	1,575
Postage	60301000-54050	800
Telephone	60301000-54100	1,192
Materials & Supplies	60301000-55930	925
Membership/Dues	60301000-56242	560
Travel/Training	60301000-54900	3,854
Equipment	60301000-57500	<u>300</u>
	TOTAL	<u>\$177,083</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 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-2312

New Business G.

City Council Regular Meeting

Meeting Date: 05/07/2020

Subject: Domestic Violence Grant Ordinance

From: Cynthia Thomasson, Budget Director

COUNCIL ACTION

First Reading: 05/07/2020

Final Adoption: 05/19/2020

SUMMARY

The Commonwealth Attorney's Office has received notice from the Commonwealth of Virginia, Department of Criminal Justice Services of the award of grant funds to be used to hire an attorney or victim's advocate to work in the Juvenile and Domestic Relations Court dealing with victims of domestic violence. The grant does not require any local matching funds.

RECOMMENDATION

It is recommended that the Council approve the attached ordinance amending the Fiscal Year 2020 budget appropriation ordinance for the appropriation of the funds.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE COMMONWEALTH OF VIRGINIA FOR A DOMESTIC VIOLENCE VICTIM PROGRAM GRANT IN THE AMOUNT OF \$44,635 AND APPROPRIATING SAME.

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 to provide for a grant from the Commonwealth of Virginia, Department of Criminal Justice Services, in an amount of \$44,635 and appropriating same within the Special Grants Fund, such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid – State:		
Domestic Violence Victim Fund	61146000-47060	<u>\$44,635</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Domestic Violence Victim Program 7		
Salaries & Wages	61146000-51100	\$34,200
Other Taxable Compensation	61146000-51155	1,300
FICA	61146000-51450	2,616
Retirement-VRS-Emp Share	61146000-51500	4,006
Travel/Training	61146000-54900	1,788
Print Shop-Office Expenses	61146000-52655	<u>725</u>
	TOTAL	<u>\$44,635</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 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-2329

New Business H.

City Council Regular Meeting

Meeting Date: 05/07/2020

Subject: Consideration of Canceling the May 19, 2020 Council Meetings

From: Ken F. Larking, City Manager

COUNCIL ACTION

Business Meeting: 05/07/2020

SUMMARY

Danville, Virginia's local general elections traditionally fall on the first Tuesday in May; this year they were scheduled for Tuesday, May 5, 2020. Governor Ralph Northam has declared that local general elections in the Commonwealth of Virginia will be postponed until Tuesday, May 19, 2020; therefore the second regular meeting of Danville City Council needs to be moved.

BACKGROUND

The City of Danville General Elections are normally held on the first Tuesday in May. According to the Code of the City of Danville, Virginia, the regular council meeting needs to be moved whenever there is a general election. This year's general election was originally scheduled for Tuesday, May 5, 2020, with the Council Meeting being moved to Thursday, May 7, 2020. Because of the COVID-19 pandemic, Governor Ralph Northam has moved the Virginia general elections to Tuesday, May 19, 2020. Per Danville City Code, therefore, the regular council meeting must be moved to Thursday, May 21, 2020, at 7:00 p.m.

RECOMMENDATION

Staff recommends moving the Second Regular Meeting of Danville City Council to Thursday, May 21, 2020.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2018-____.____

A RESOLUTION CANCELING THE REGULAR MEETING OF CITY COUNCIL SCHEDULED FOR TUESDAY, MAY 19, 2020 AND SCHEDULING A SPECIAL MEETING OF CITY COUNCIL ON THURSDAY, MAY 21, 2020.

WHEREAS, due to the COVID-19 Pandemic Governor Ralph S. Northam has declared that local general elections in the Commonwealth of Virginia will be postponed until Tuesday, May 19, 2020; and

WHEREAS, a regular meeting of Council is scheduled for Tuesday, May 19, 2020 at 7:00 p.m.; and

WHEREAS, it is desirable to cancel the regular meeting of Council scheduled for Tuesday, May 19, 2020 at 7:00 p.m. and schedule a special meeting of Council on Thursday, May 21, 2020 at 7:00 p.m.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that the regular meeting of Council scheduled for Tuesday, May 19, 2020 be, and it is hereby, canceled; and

BE IT FURTHER RESOLVED, that a special meeting of Council is called for Thursday, May 21, 2020 at 7:00 p.m. to consider matters of municipal business.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney