



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

February 5, 2019

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL MEMBERS:	James B. Buckner	Fred O. Shanks, III
	L.G. "Larry" Campbell, Jr.	Adam J. Tomer
	Dr. Gary P. Miller	J. Lee Vogler, Jr., Vice Mayor
	Sherman M. Saunders	Madison J. Whittle

STAFF:	Ken F. Larking, City Manager	W. Clarke Whitfield, Jr., City Attorney
	Earl B. Reynolds, Jr., Deputy City Manager	Susan M. DeMasi, City Clerk

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

Time and Place of Meeting

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

Communications from Visitors

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

Guidelines for Public Hearings

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

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

MEETING CALLED TO ORDER

ROLL CALL

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

PLEDGE OF ALLEGIANCE TO THE FLAG

COMMUNICATIONS FROM VISITORS

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

MEETING MINUTES

- A. Consideration of Approval of Minutes from Regular Council Meeting held on January 3, 2019.
Council Letter Number CL - 2060.

NEW BUSINESS

- A. Consideration of Granting a Special Use Permit for a Yard Setback Waiver at 1716 Lanier Avenue.
Council Letter Number CL - 2061
 - 1. Public Hearing
 - 2. An Ordinance Granting a Special Use Permit for a Yard Setback Waiver in Accordance with Article 3.Q, Section B, Item 23 and Article 3.O, Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, As Amended, at 1716 Lanier Avenue, Otherwise Known as Grid 0612, Block 004, Parcel 00001 of the City of Danville, Virginia Zoning District Map.
- B. Consideration of Authorizing the City Manager to Accept a Grant Agreement from the Virginia Department of Aviation and Amending the Fiscal Year 2019 Budget Appropriation Ordinance for a State Department of Aviation Grant.
Council Letter Number CL - 2062
 - 1. A Resolution Authorizing the City Manager to Accept a Grant Agreement from the Virginia Department of Aviation to Promote Aviation Awareness at the Danville Regional Airport.

2. An Ordinance Amending the Fiscal Year 2019 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.
FIRST READING

COMMUNICATIONS FROM:

- A. City Manager
- B. Deputy City Manager
- C. City Attorney
- D. City Clerk
- E. Roll Call

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-2060

Meeting Minutes Item #: A.

City Council Regular Meeting

Meeting Date: 02/05/2019

Subject: Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 02/05/2019

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on January 3, 2019.

Council Letter Number CL - 2060.

Attachments

Meeting Minutes

January 3, 2019

The Regular January meeting of the Danville City Council was held on January 3, 2019, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Vice Mayor J. Lee Vogler, Jr., Adam J. Tomer and Madison J.R. Whittle (9). *Mr. Whittle entered the meeting at 7:07 p.m.*

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Garland Lewis, 244 Grove Park Circle, Danville who would like Council to consider new businesses, such as strip clubs, be under the same regulations that other cities in Virginia may have them.

Mayor Jones recognized Sherita Howard, 154 Mulberry Road, whose son was sentenced to 45 years in prison and wanted to know what steps can be taken to propose a bill to have all parties held accountable for their roles. Mayor Jones asked the City Attorney to speak with Ms. Howard after the meeting.

Mayor Jones recognized Reverend Cecil Bridgeforth, 709 Edmonds Street, Danville, Virginia who spoke about senior citizens and handicapped people not able to afford to pay the lump sum fee for backyard pickup at the beginning of the year. Rev. Bridgeforth also spoke about the potholes in the City and questioned if the City would reimburse him for damage to his car.

MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, Minutes of the Regular Council Meeting held on December 4, 2018 were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

NEW BUSINESS

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL RECREATION ESTABLISHMENT AND RESTAURANT AT 760, 762 AND 764 WESTOVER DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 760, 762 and 764 Westover Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 20, 2018 and December 27, 2018.

Mayor Jones recognized Mr. James Shaw, 4738 Golf Club Road, owner with his wife, of the Kings Cudgel Game Center and Bistro, who noted this will not be a gambling establishment

January 3, 2019

and will not sell alcohol. Their vision is to serve not only the youth, but anybody in the Danville area that would like to come enjoy a family game and also have a good meal. People in Danville have had to drive 30-40 miles away to Greensboro, Roanoke or Lynchburg for gaming spots. Council Member Shanks questioned Mr. Shaw if he agreed with the terms of the proffers and Mr. Shaw noted he did, and explained they actually proposed that no alcohol be served; they want to keep this a family environment. Council Member Miller noted it was refreshing to see someone developing the abandoned strip malls and appreciates Mr. Shaw's and his wife's efforts. Vice Mayor Vogler thanked Mr. Shaw for doing this.

Mayor Jones recognized Wendy Shaw, co-owner, who noted she was thrilled to be able to bring this to the City, stating it will be a safe, family environment. Ms. Shaw thanked the City for allowing the Danville Comic Con this year, they worked with Stephen Collins, who has since passed, and they are possibly looking at doing a second one in 2019.

Mayor Jones recognized Interim County Administrator Dan Sleeper who noted his son works with the applicants, it will be a good family business and appreciated Council's support.

No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-01.01

GRANTING A SPECIAL USE PERMIT FOR A COMMERCIAL RECREATIONAL ESTABLISHMENT (LIMITED TO INDOOR USES) AND A RESTAURANT IN ACCORDANCE WITH ARTICLE 3:J SECTION C, ITEM 2 AND ITEM 13 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED AT 760, 762, 764 WESTOVER DRIVE, OTHERWISE KNOWN AS GRID 0715, BLOCK 003, PARCEL 000007 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

RESOLUTION IN SUPPORT OF NEW LEGISLATION TO ENABLE A LOCAL REFERENDUM TO CONSIDER ALLOWING A DEVELOPER TO CONSTRUCT A RESORT AND CASINO IN THE CITY OF DANVILLE

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

RESOLUTION NO. 2019-01.01

RESOLUTION OF THE COUNCIL OF THE CITY OF DANVILLE, VIRGINIA SUPPORTING NEW LEGISLATION THAT WOULD ENABLE A LOCAL REFERENDUM IN THE CITY OF DANVILLE TO CONSIDER ALLOWING A DEVELOPER TO CONSTRUCT AND DEVELOP A RESORT AND CASINO IN THE CITY OF DANVILLE

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

January 3, 2019

Council Member Shanks noted he has received a great deal of correspondence on this matter, more than 90% to 95% was in favor of this and stated he will be supporting this motion.

Vice Mayor Vogler stated he has received a lot of feedback and the majority has been in favor of this. This is the most significant Economic Development opportunity Danville has seen in his lifetime. It will bring nearly 7,000 jobs and over \$1B into the local economy over the next decade. What Council is doing tonight does not mean a resort and casino will be built here. It simply means they are supporting the General Assembly taking the next step in what will ultimately be decided by the citizens of Danville. There will be a voting referendum on the ballot if this continues forward, where Danville voters will get to choose yes or no. Mr. Vogler stated he will support whatever decision the citizens make, but it should be their choice to make. The City has been presented with an opportunity to create thousands of good paying jobs and receive millions of dollars of tax revenue, revenue that can improve the schools, that can provide more funding for police and firefighters, and revenue that could upgrade aging infrastructure. Mr. Vogler noted he believes in the people, and will be supporting this tonight.

Council Member Saunders noted this was an emotional issue on both sides, but it comes down to revenue, which he thinks is the key. The City can only tax the residents for so much, what are the options to raise the money for the City. Mr. Saunders stated he knows people have strong feelings about gambling, casinos and the lottery. Danville in the past voted against the Virginia Lottery, however, since the lottery passed, Danville Public Schools have been receiving millions each year in lottery funds. Mr. Saunders stated that the people will make the decision, Council tonight is not voting for a casino in Danville. The State has to allow the residents of Danville to vote on it; Council cannot make that decision, the State lets the voters decide.

Council Member Campbell noted his agreement with a lot of what has been said, and has also received phone calls. Some people have stated there will be an increase in crime, but if the City does not have more jobs, there will be an increase in crime. People have to look at the total picture, to see the possibility of growth in the City, and the City moving forward with things already in place that will be developed. The schools need capital improvements of over \$100M; he will vote yes to move forward on this issue. As Mr. Saunders said, Council is not the one to make the decision, but are just moving this to the State.

Council Member Buckner noted he has been receiving many phone calls, mostly in support of this. This was a no-brainer, it has the potential of 7,000 new jobs and over \$1B in new spending in the City over the next ten years. If the City doesn't allow the citizens this opportunity, it would be a great injustice to the citizens of Danville.

Council Member Tomer thanked Delegate Danny Marshall and members of the Virginia legislature for working on this. Mr. Tomer noted it was very important what Mr. Marshall is trying to do, bringing revenue back to the area, to grow the economy. Mr. Marshall brought this decision to Council and ultimately to the citizens of Danville; that is how democracy works, letting the people vote on it. Mr. Tomer stated he thought it would be foolish to walk away from this opportunity. The City needs a new police station, and the schools have major capital improvement projects. The City wants to bring jobs to the area and grow the economy; this would potentially bring \$20M in additional revenue yearly and that could be used to go out and attract other employers, jobs, rebuild the local economy, fight crime and do the things the citizens ask Council to do. Mr. Tomer noted this is an important vote and could end up being one of the monumental votes that he will ever cast while on City Council. There has been a lot of feedback based on moral issues, but it is not the government's job to push morals on

January 3, 2019

people. Citizens should choose for themselves and don't try to tell other people what to do. A referendum will let the people decide and noted he will support this measure.

Council Member Miller thanked Delegate Marshall for bringing Danville this opportunity and noted most of the calls and emails he has received are positive. Dr. Miller indicated there are three reasons he is supporting this and one of them is schools. A recent consultants report stated \$126M is needed to renovate four schools in the City; City schools are aging. The City's police station is antiquated, it is not safe for the Police or the Public. Lastly, jobs; Amazon is moving to northern Virginia and creating 5,500 jobs. The area has to spend billions in infrastructure and incentives; this is not going to cost the City of Danville anything. Dr. Miller noted this was Danville's Amazon with 5,000 to 7,000 jobs and less cost than it cost the State of Virginia to get Amazon. This could do so much for the City and the area.

Mayor Jones stated he has heard from all Council Members, and has received many calls and emails as well. Delegate Marshall came to the City to explain the project, wanted to know what Council thought and showed his respect to the community. As Council members, they have a duty to the people. The schools in the City are aging, just to up fit the schools will be \$126M dollars. Mayor Jones noted he asked the City Manager what a tax increase would cost to pay for those renovations. City Manager Ken Larking explained if the City had to borrow \$126M through a referendum, there would be an annual debt service of about \$700,000 per year over thirty years (with a 3.75% interest rate) which would equate to about 31.4 cents of tax. The City would have to increase taxes 31.4 cents which would put Danville above the average for cities in Virginia as far as real estate taxes. Mayor Jones noted, it was stated earlier, this is not up to City Council, all Council is doing is voting on a Resolution of support. If this passes the General Assembly, the registered voters of the City will have an opportunity to cast their vote in favor or against this.

Council Member Whittle thanked Delegate Marshall and noted it comes down to jobs, jobs and jobs, and noted he would vote in favor of this.

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

COMMUNICATIONS

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

ROLL CALL

Council Member Miller noted he has been to Las Vegas, he doesn't gamble, but the shows and entertainment are great, and a convention center such as this will attract good entertainment. Tomorrow night, Parks and Recreation will be at the Pepsi Building to hear citizen input regarding the Riverwalk Trail, to expand the Trail into communities; Dr. Miller encouraged citizens to go and give their input. Dr. Miller wished everyone a Happy New Year, it is going to be a great year in Danville.

January 3, 2019

Council Member Saunders welcomed Mr. Sleeper and asked the City Manager to speak with him about VIR and the water issue. Mr. Saunders thanked the City Manager and his staff for the work they are doing in Economic Development. The last Economic Development announcement had five hundred new jobs and was a big plus for the City with an average wage of \$38,000 per year. The City has had challenges, it is making progress but they are not where they were. Good things have happened and continue to happen.

Council Member Shanks noted he felt very optimistic about the community, things that happened in the past year, and things to come. He is proud of the work of City Council, the Economic Development staff and the entire City Staff. It is a team effort to recruit businesses, feels the City has had a good year and the year to come is going to be as good. Mr. Shanks wished everyone a Happy New Year and is looking forward to working with Council this year.

Vice Mayor Vogler noted Council Member Shanks and Council Member Saunders both made a lot of the points he was going to make, and stated 2019 is going to be the year of Danville, Virginia.

Council Member Campbell noted the City of Danville is blessed, it had challenges last year, but things are moving forward and 2019 will be a great year. They have a good Council that works well together where other municipalities have division. The City also works well with the County and its delegates. Reverend Campbell reminded everyone of the SCLC March this month.

Mayor Jones noted Park Avenue School has also been accredited, thanked everyone for attending the meeting and encouraged citizens to attend anytime.

The meeting adjourned at 7:40 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2061

New Business Item #: A.

City Council Regular Meeting

Meeting Date: 02/05/2019

Subject: Request for a Special Use Permit to Waive Yard Setback Requirements at 1716 Lanier Avenue

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

COUNCIL ACTION

Business Meeting: 02/05/2019

SUMMARY

A request has been filed by Cameron and Gerri Jewell, requesting a Special Use Permit to waive yard requirements for a yard setback waiver in accordance with Article 3.Q, Section B, Item 23 and Article 3.O, Section C, Item 25 of the Code of the City of Danville, Virginia 1986, as amended at 1716 Lanier Ave, otherwise known as Grid 0612, Block 004, Parcel 00001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to reduce the side yard setback to 0 ft. and the front yard setbacks to 30 ft.

BACKGROUND

An application has been filed by Cameron and Gerri Jewell, requesting a Special Use Permit to waive yard requirements for a yard setback waiver in accordance with Article 3.Q, Section B, Item 23 and Article 3.O, Section C, Item 25 of the Code of the City of Danville, Virginia 1986, as amended at 1716 Lanier Ave, otherwise known as Grid 0612, Block 004, Parcel 00001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to reduce the side yard setback to 0 ft. and the front yard setbacks to 30 ft.

The property has begun to be used to store trucks and similar equipment. There is one unused building along Lanier Ave. A separate building immediately north of the property in the right-of-way is not currently associated with this property. The property was previously used as a coal yard.

The existing building on the property is approximately four (4) ft. from the right-of-way at Lanier Ave., and considered to be legal nonconforming regarding the required fifty (50) ft. front yard setback. This front setback requirement applies to three sides of the property because of road frontage along Augusta Ave., Lanier Ave., and Stokesland Ave. The applicant wishes to reduce the setback from Augusta Ave. (eastern front lot line) and Stokesland Ave. (western front lot line) from fifty (50) ft. to thirty (30) ft.

The northern property line abuts the right-of-way associated with the railroad. Because all other property lines are front lot lines, this northern property line is considered to be a side lot line. The property contains no rear lot line, nor a rear yard. The applicant wishes to reduce this side yard setback from fifty (50) ft. to zero (0) ft.

The applicant wishes to use the property for a storage yard and an associated office for a construction company. This use is permitted within the M-I, Industrial Manufacturing District, but is not permitted within any surrounding residential district. The current higher yard setbacks of fifty (50) ft. can help separate this

use from surrounding residential property. However, the reductions still maintain the separation while also respecting the topography of the site.

The requested setback reductions are not explicitly permitted in the M-I, Industrial Manufacturing District. Instead, these reductions are permitted by Special Use Permit in the LED-I, Light Economic Development District. However, any use permitted by right or by Special Use Permit in the LED-I District is permitted within the M-I District.

The Planning Commission voted 6-0 (Commissioner Dodson absent) to recommend approval subject to the following conditions:

1. The existing trees along the western property line shall be maintained to provide a buffer between the property and nearby residential properties. If the trees are removed, they shall be replaced with similar vegetation or screening to maintain a buffer.
2. The front yard setbacks shall only be reduced to thirty (30) feet, although, the existing structure will continue to be considered legal nonconforming.
3. No commercial vehicles, tractor trailers, or heavy work trucks shall enter or leave the property between the hours of 11:00 P.M. and 6:00 A.M.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to waive yard requirements for a yard setback waiver in accordance with Article 3.Q, Section B, Item 23 and Article 3.O, Section C, Item 25 of the Code of the City of Danville, Virginia 1986, as amended at 1716 Lanier Ave, otherwise known as Grid 0612, Block 004, Parcel 00001 of the City of Danville, Virginia Zoning District Map, subject to the following conditions:

1. The existing trees along the western property line shall be maintained to provide a buffer between the property and nearby residential properties. If the trees are removed, they shall be replaced with similar vegetation or screening to maintain a buffer.
2. The front yard setbacks shall only be reduced to thirty (30) feet, although, the existing structure will continue to be considered legal nonconforming.
3. No commercial vehicles, tractor trailers, or heavy work trucks shall enter or leave the property between the hours of 11:00 P.M. and 6:00 A.M.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019____.____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A YARD SETBACK WAIVER IN ACCORDANCE WITH ARTICLE 3.Q, SECTION B, ITEM 23 AND ARTICLE 3.O, SECTION C, ITEM 25 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1716 LANIER AVENUE, OTHERWISE KNOWN AS GRID 0612, BLOCK 004, PARCEL 00001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20180000330, filed by Cameron and Gerri Jewell, requesting a Special Use Permit to waive yard requirements for a yard setback waiver in accordance with Article 3.Q, Section B, Item 23 and Article 3.O, Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended, at 1716 Lanier Avenue, otherwise known as Grid 0612, Block 004, Parcel 00001 of the City of Danville, Virginia Zoning District Map, is hereby received, subject to the following conditions:

- 1) The existing trees along the western property line shall be maintained to provide a buffer between the property and nearby residential properties. If the trees are removed, they shall be replaced with similar vegetation or screening to maintain a buffer.
- 2) The front yard setbacks shall only be reduced to thirty (30) feet, although the existing structure will continue to be considered legal nonconforming.
- 3) No commercial vehicles, tractor trailers, or heavy work trucks shall enter or leave the property between the hours of 11:00 P.M. and 6:00 A.M.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council PLSUP20180000330, filed by Cameron and Gerri Jewell, requesting a Special Use Permit to waive yard requirements for a yard setback waiver in accordance with Article 3.Q, Section B, Item 23 and Article 3.O, Section C, Item 25 of the Code of the City of Danville, Virginia, 1986, as amended, at 1716 Lanier Avenue, otherwise known as Grid 0612, Block 004, Parcel 00001 of the City of Danville,

Virginia Zoning District Map, is hereby granted and approved, subject to the following conditions:

- 1) The existing trees along the western property line shall be maintained to provide a buffer between the property and nearby residential properties. If the trees are removed, they shall be replaced with similar vegetation or screening to maintain a buffer.
- 2) The front yard setbacks shall only be reduced to thirty (30) feet, although the existing structure will continue to be considered legal nonconforming.
- 3) No commercial vehicles, tractor-trailers, or heavy work trucks shall enter or leave the property between the hours of 11:00 P.M. and 6:00 A.M.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: JANUARY 7, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20180000330, filed by Cameron and Gerri Jewell, requesting a Special Use Permit to waive yard requirements for a yard setback waiver in accordance with Article 3.Q, Section B, Item 23 and Article 3.O, Section C, Item 25 of the Code of the City of Danville, Virginia 1986, as amended at 1716 Lanier Ave, otherwise known as Grid 0612, Block 004, Parcel 00001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to reduce the side yard setback to 0 ft. and the front yard setbacks to 30 ft.

RECOMMENDATION:

Planning Commission voted 6-0 (Commissioner Dodson absent) to recommend approval subject to the following conditions:

- 1) The existing trees along the western property line shall be maintained to provide a buffer between the property and nearby residential properties. If the trees are removed, they shall be replaced with similar vegetation or screening to maintain a buffer.
- 2) The front yard setbacks shall only be reduced to thirty (30) feet, although, the existing structure will continue to be considered legal nonconforming.
- 3) No commercial vehicles, tractor trailers, or heavy work trucks shall enter or leave the property between the hours of 11:00 P.M. and 6:00 A.M.

Michael J. Searce (HWR)

Mr. Michael Searce, Chairman

RESPONSES:

Thirty-four (34) notices were sent to property owners within three hundred (300) feet of the property. Two (2) property owners returned statements. Two (2) property owners are not opposed to the special use permit (Susan G. Yates, Tommy Lovelace). Zero (0) property owners are opposed to the special use permit.

COMMENTS:

There were no additional comments.



City Planning Commission

City Planning Commission

Meeting of January 7, 2019

Subject:

Special Use Permit application PLSUP20180000330, filed by Cameron and Gerri Jewell, requesting a Special Use Permit to waive yard requirements for a yard setback waiver in accordance with Article 3.Q, Section B, Item 23 and Article 3.O, Section C, Item 25 of the Code of the City of Danville, Virginia 1986, as amended at 1716 Lanier Ave, otherwise known as Grid 0612, Block 004, Parcel 00001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to reduce the side yard setback to 0 ft. and the front yard setbacks to 30 ft.

Background:

An application has been filed by Cameron and Gerri Jewell, requesting a Special Use Permit to waive yard requirements for a yard setback waiver in accordance with Article 3.Q, Section B, Item 23 and Article 3.O, Section C, Item 25 of the Code of the City of Danville, Virginia 1986, as amended at 1716 Lanier Ave, otherwise known as Grid 0612, Block 004, Parcel 00001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to reduce the side yard setback to 0 ft. and the front yard setbacks to 30 ft.

The property has begun to be used to store trucks and similar equipment. There is one unused building along Lanier Ave. A separate building immediately north of the property in the right-of-way is not currently associated with this property. The property was previously used as a coal yard.

The existing building on the property is approximately four (4) ft. from the right-of-way at Lanier Ave., and considered to be legal nonconforming regarding the required fifty (50) ft. front yard setback. This front setback requirement applies to three sides of the property because of road frontage along Augusta Ave., Lanier Ave., and Stokesland Ave. The applicant wishes to reduce the setback from Augusta Ave. (eastern front lot line) and Stokesland Ave. (western front lot line) from fifty (50) ft. to thirty (30) ft.

The northern property line abuts the right-of-way associated with the railroad. Because all other property lines are front lot lines, this northern property line is considered to be a side lot line. The property contains no rear lot line, nor a rear yard. The applicant wishes to reduce this side yard setback from fifty (50) ft. to zero (0) ft.

The applicant wishes to use the property for a storage yard and an associated office for a construction company. This use is permitted within the M-I, Industrial Manufacturing District, but is not permitted within any surrounding residential district. The current higher yard setbacks of fifty (50) ft. can help separate this use from surrounding

residential property. However, the reductions still maintain the separation while also respecting the topography of the site.

The requested setback reductions are not explicitly permitted in the M-I, Industrial Manufacturing District. Instead, these reductions are permitted by Special Use Permit in the LED-I, Light Economic Development District. However, any use permitted by right or by Special Use Permit in the LED-I District is permitted within the M-I District.

Thirty-four (34) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on January 7, 2019

Recommendation:

The Planning staff recommends approval of Special Use Permit application PLSUP20180000330, filed by Cameron and Gerri Jewell, requesting a Special Use Permit to waive yard requirements for a yard setback waiver in accordance with Article 3.Q, Section B, Item 23 and Article 3.O, Section C, Item 25 of the Code of the City of Danville, Virginia 1986, as amended at 1716 Lanier Ave, otherwise known as Grid 0612, Block 004, Parcel 00001 of the City of Danville, Virginia Zoning District Map, subject to the following condition:

- The existing trees along the western property line shall be maintained to provide a buffer between the property and nearby residential properties. If the trees are removed, they shall be replaced with similar vegetation or screening to maintain a buffer.
- The required front yard setback along Lanier Ave. shall remain fifty (50) ft., although the existing structure will continue to be considered legal nonconforming.
- No commercial vehicles, tractor trailers, or heavy work trucks shall enter or leave the property between the hours of 11:00 P.M. and 6:00 A.M.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20180000330 as submitted.
2. Approval of Special Use Permit application PLSUP20180000330 subject to conditions by staff.
3. Approval of Special Use Permit application PLSUP20180000330 subject to conditions by the Planning Commission.
4. Denial of Special Use Permit application PLSUP20180000330 as submitted.
5. Tabling of Special Use Permit application PLSUP20180000330 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: construction office + storage (permitted by right), and
waiver for entire rear setback

CASE NUMBER: PLSUP20180000330

EXISTING ZONING: I-M, Industrial Manufacturing

PROPOSED ZONING: No change

TAX MAP NUMBER: 0612-004-000001

RECEIVED BY: Bryce Johnson

DATE FILED: 12/4/2018

PLANNING COMMISSION DATE: 1/2/19

CITY COUNCIL DATE: 2/5/19

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

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

Gross Area/Net Area: 1.398 Ac Property Address: 1716 LANIER AVE.

Property Location: N S E W Side of: LANIER AVE.

Between: STOKELAND and AUGUSTA

Proffered Conditions (if any, please attach): None

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:

CONSTRUCTION OFFICE AND STORAGE FACILITY
REQUESTING WAIVER FOR REAR SET BACK
AND REDUCTION IN SIDE SETBACK BY 20' TO 30'

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

1. NAME: Camaron + Gerri Jewell TELEPHONE: 305 797-0239

MAILING ADDRESS: 1502 South St Key West, FL 33040

SIGNATURE:  DATE: 12/4/18

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: CameronRJewell@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: _____



Parcel ID: 51500
Address: 1716 LANIER AVE

Owner: JEWELL CAMERON R &
 GERALDINE L
 1502 SOUTH ST
 KEY WEST, FL 33040

Mail-To: JEWELL CAMERON R &
 GERALDINE L
 1502 SOUTH ST
 KEY WEST, FL 33040



Value Information	
Land / Use:	\$10,500
Improvement:	\$8,700
Total:	\$19,200.00

Building Information	
Year Built:	1946
Total Rooms:	0
Bedrooms:	0
Full Bathrooms:	0
Half Bathrooms:	0
Finished Square Feet:	1,782

Additional Information			
State Code:	4321 Textile Manufacturing	Approx Acres:	1.4
Land Use:	Commercial	Legal Description:	1.398 AC TRACT NO 45 COAL YARD LANIER AVE
Tax Map:	0612-004-000001.000	Zone:	IM Manufacturing District
Notes: Storage Building (Coal Yard)DB 18-969: Same 2 lists.WB 17-22: George died 10/3/16 & 6 lists.DB 08-3953: 2 lists incl acct#51500 & 51499.DB 08-96: 5 lists.(Map 40-1-1)			

Building

Building Information - 1			
Property Class:	Commercial	Finished Square Feet:	1,782
Style:	No Data	Basement Square Feet:	0
Year Built:	1946	Total Rooms:	0
Condition:	No Data	* Bathrooms are not included in total room count.	
Story Height:	No Data		
Bedrooms:	0		
Dining Rooms:	0		
Family Rooms:	0		
Living Rooms:	0		
Full Bath:	0		
Half Bath:	0		
Features:		Size:	
Concrete Block		100 %	

Improvements

Bldg #:	Improvement:	Size:
1	Fence 8 ft	600

Land

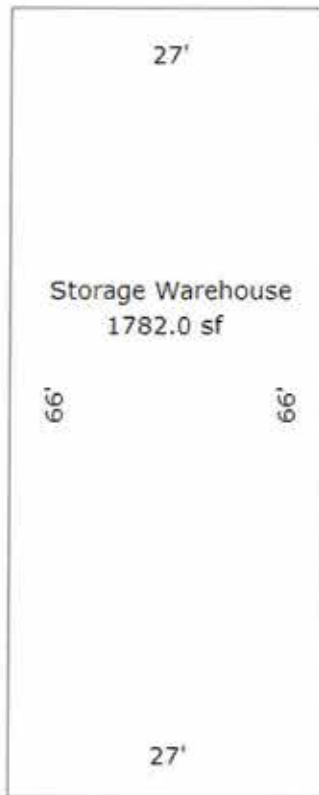
Land Code:	CA30 CA30 7500	Rate:	\$7,500
Acres:	1.4	Adj. Rate:	\$7,500
Sq. Ft.:	60,897	Base Value:	\$10,490
Front:	0	Adj. Amount:	\$20
Effective Front:	0	Value:	\$10,500
Depth:	0		

Transfers

Deed	Page	Sale Price	Sale Date	Previous Owner	Owner
D 18	969	\$36,000	3/7/2018	CRAFT ARTHUR	JEWELL CAMERON R & GERALDINE L
D 18	967	\$15,000	3/7/2018	GAMMON GEORGE R HEIRS	CRAFT ARTHUR
W 17	22	\$0	1/26/2017	GAMMON GEORGE R	GAMMON GEORGE R HEIRS
D 08	3953	\$28,000	10/9/2008	DAN RIVER PROPERTIES LLC	GAMMON GEORGE
D 08	96	\$0	1/9/2008	DAN RIVER INC	DAN RIVER PROPERTIES LLC
D 887	26	\$0	10/21/1992	<i>No Data</i>	<i>No Data</i>
D 836	368	\$0	6/15/1990	<i>No Data</i>	<i>No Data</i>

Assessments

Year	Land	Use	Improvements	Total
2018	\$10,500	\$0	\$8,700	\$19,200
2017	\$10,500	\$0	\$8,800	\$19,300
2016	\$10,500	\$0	\$8,800	\$19,300
2015	\$10,500	\$0	\$9,300	\$19,800
2014	\$10,500	\$0	\$9,300	\$19,800
2013	\$10,500	\$0	\$10,400	\$20,900
2012	\$10,500	\$0	\$10,400	\$20,900
2011	\$10,500	\$0	\$10,100	\$20,600
2010	\$10,500	\$0	\$10,100	\$20,600
2009	\$10,500	\$0	\$8,000	\$18,500
2008	\$11,000	\$0	\$8,000	\$19,000
2007	\$11,000	\$0	\$7,300	\$18,300
2006	\$11,000	\$0	\$7,300	\$18,300
2005	\$11,000	\$0	\$7,000	\$18,000
2004	\$11,000	\$0	\$7,000	\$18,000
2003	\$11,000	\$0	\$7,000	\$18,000
2002	\$11,000	\$0	\$7,000	\$18,000
2001	\$11,000	\$0	\$4,000	\$15,000
2000	\$11,000	\$0	\$4,000	\$15,000



Sketch by Apex Medina™

Parcel ID: 51500

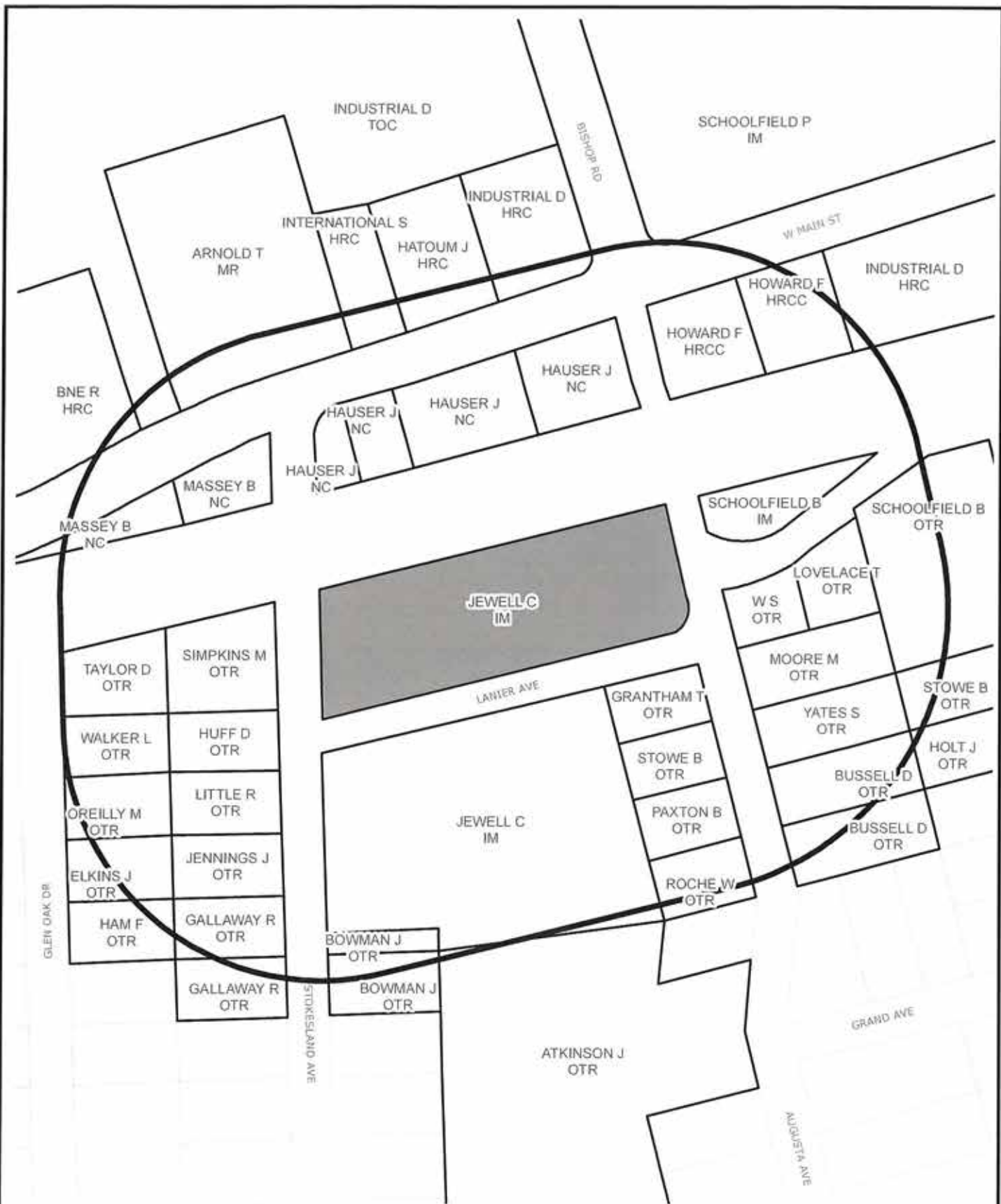


- Buildings
- Parcels
- Street Names
- House Numbers



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, it's accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features. No responsibility is assumed for damages or other liabilities due to the accuracy, availability, use or misuse of the information herein provided.

Date: 12/4/2018



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
12/10/2018

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATE: January 7, 2019

LOCATION OF PROPERTY: 1716 Lanier Ave.

PRESENT ZONE: M-I, Industrial Manufacturing District

PROPOSED ZONE: Unchanged

ACTION REQUESTED: Special Use Permit to reduce rear yard setback to 0 ft. and side yard setbacks to 20 ft.

PRESENT USE OF PROPERTY: Vacant

PROPOSED USE OF PROPERTY: Construction office and storage space

PROPERTY OWNER (S): Cameron R. and Geraldine L. Jewell

NAME OF APPLICANT (S): Cameron R. and Geraldine L. Jewell

PROPERTY BORDERED BY: Commercial to the North; vacant to the immediate south; residential to the East, South, and West.

ACREAGE: 1.4 acres (60,984 square feet)

CHARACTER OF VICINITY: Mixture of residential and commercial

INGRESS AND EGRESS: Lanier Ave.

TRAFFIC VOLUME: Low



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
12/10/2018

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-2062

New Business Item #: B.

City Council Regular Meeting

Meeting Date: 02/05/2019

Subject: Aviation Promotion Grant

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

First Reading: 02/05/2019

Final Adoption: 02/19/2019

SUMMARY

The Virginia Department of Aviation has approved an Aviation Promotion grant to support an Airport Open House and Young Eagles Rally at the Danville Regional Airport. The event would be scheduled for Saturday, June 22, 2019 with a rain date planned for the following Saturday on June 29, 2019.

Young Eagle rallies are completed nationwide by local aircraft chapters that offer children ages 8 to 17 the opportunity to complete a free plane ride. The airport hosted Young Eagles rallies in the past and approximately 200 children completed a plane ride the last time the event was held in Danville.

The Young Eagles event would be held in conjunction with an Airport Open House. Tours would also be provided by airport staff and the Civil Air Patrol, Averett University Flight Center and General Aviation Inc.

BACKGROUND

The Danville Regional Airport has planned an Airport Open House and an event for children to complete a free plane ride. This past summer the airport obtained support from an aircraft chapter located in Apex, North Carolina to coordinate a Young Eagles rally that would involve completing free flights for children ages 8 to 17. In addition, tours and educational activities would be completed by airport staff, Civil Air Patrol, Averett University Flight Center and General Aviation Inc. to facilitate aviation awareness.

An Aviation Promotion Grant has been approved by the Virginia Department of Aviation to provide funding for this activity. Related expenses that can be financed through this grant include refreshments for the public, aviation fuel for pilots supporting the free fly day and advertising charges. It is anticipated that 10 or more pilots including local pilots would be involved with offering free flights for children. Parents would be able to register online in advance of the event to schedule a plane ride.

The Airport Open House and Free Fly Day would be scheduled for Saturday June 22, 2019 from 9 am until 2 pm with a rain date planned for June 29, 2019.

RECOMMENDATION

It is recommended that City Council approve the attached Budget Appropriation Ordinance appropriating Aviation Promotion grant funds to hold an Airport Open House and Free Fly Day for children.

Attachments

Resolution

Ordinance

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2019-____.____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A GRANT AGREEMENT FROM THE VIRGINIA DEPARTMENT OF AVIATION TO PROMOTE AVIATION AWARENESS AT THE DANVILLE REGIONAL AIRPORT.

WHEREAS, the Virginia Department of Aviation has approved an application to promote aviation awareness at the Danville Regional Airport.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia that the City Manager be, and he is hereby, authorized to accept and execute on behalf of the City a grant agreement with the Virginia Department of Aviation for funds in the amount of \$7,500, to provide for aviation promotion activities at the Danville Regional Airport; and

BE IT FURTHER RESOLVED that the local share in the amount of \$7,500 be provided through the Support of Grant Funds as the matching share of the grant; and

BE IT FINALLY RESOLVED that the City Manager, be, and he is hereby, authorized to accept funds from such Virginia Department of Aviation grant in such amount for such purpose as may be awarded, to execute all documents as may be required therefore, and to furnish to the Virginia Department of Aviation such documents and other information as may be required for processing the grant request.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2019____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 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.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the 2019 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for a grant from the Commonwealth of Virginia, Department of Aviation, in an amount of \$7,500 for promotion activities at the Danville Regional Airport, and the local share for said grant in an amount of \$7,500 to be provided by the General Fund Support of Grants for an aggregate amount of \$15,000, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Airport Promotion – 2019		
Categorical Aid –State:	61472000-45712	\$ 7,500
Local Share:		
General Fund Support of grants	61472000-6101	<u>7,500</u>
	TOTAL	<u>\$15,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Outside Services	61472000-52349	\$ 9,000
Advertising	61472000-52275	<u>6,000</u>
	TOTAL	<u>\$15,000</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the 2019 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney