



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

February 2, 2021

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL MEMBERS: James B. Buckner
L.G. "Larry" Campbell, Jr.
Bryant Hood
Barry P. Mayo

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

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

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

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

Time and Place of Meeting

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

Communications from Visitors

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

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer

may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - Vice Mayor Gary P. Miller

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 the January 5, 2021 Regular Council Meeting.
Council Letter Number CL - 2485.

NEW BUSINESS

- A. Consideration of Granting a Special Use Permit at 1208 Piney Forest Road.
Council Letter Number CL - 2489.
 - 1. Public Hearing
 - 2. An Ordinance Granting Special Use Permit Application PLSUP2020-284 for a Waiver of Yard Requirements in Accordance with Article 3.M Section C.21. of the Code of the City of Danville Virginia, 1986, as amended, at 1208 Piney Forest Road (Parcel ID #54171) also known as Grid 1808, Block 004, Parcel 000075 of the City of Danville Zoning District Map.

COMMUNICATIONS FROM:

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

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-2485

Meeting Minutes A.

City Council Regular Meeting

Meeting Date: 02/02/2021

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 02/02/2021

SUMMARY

Consideration of Approval of Minutes from the January 5, 2021 Regular Council Meeting.
Council Letter Number CL - 2485.

Attachments

Meeting Minutes

January 5, 2021

The Regular January meeting of the Danville City Council was held on January 5, 2021, 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., Bryant Hood, Mayor Alonzo L. Jones, Barry P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

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

INVOCATION

The Invocation was given by L.G. "Larry" Campbell, Jr., and followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Proclamation: Human Trafficking Awareness Month
Presented to: Julissa Booth and Detra Betts, Haven of the Dan River Region.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Angela Williams, and Program Director Ms. Alexis, from Focus Point Mental Health. Ms. Williams noted they wanted to introduce a new program to the City of Danville called PEARLS, Programs to Encourage Active and Rewarding Lives. Ms. Williams explained the program and distributed flyers to Council. Mayor Jones thanked Ms. Williams and her staff.

Mayor Jones recognized Tommy Bennett, President of the Danville Branch of the NAACP, who noted they lost their oldest member, Mrs. Anna Thorpe, 112, who passed away on December 24th. Mr. Bennett thanked the various City Departments and Council Members who helped provide a birthday party for Ms. Thorpe on April 16th of last year. Mr. Bennett also noted the loss another member, Coach Dennis Saunders.

CONSENT AGENDA

Mayor Jones opened the floor for a Public Hearing regarding Budget Appropriation Items on the Consent Agenda. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 29, 2020. No one present desired to be heard and the Public Hearing was closed.

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

Consideration of Approval of Minutes from the Regular Council Meeting held on December 1, 2020. Draft copies of the Minutes had been distributed prior to the meeting.

Budget Amendment - Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for the Edward Byrne Memorial JAG Program in the Amount of \$29,787

An Ordinance entitled Ordinance No. 2020-12.09, Amending the Fiscal Year 2021 Budget Appropriation Ordinance by Increasing Revenue for the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award in the Amount of \$29,787 to be Used to Implement a Speed Trailer Project.

January 5, 2021

Budget Amendment – Consideration of Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Economic Development Incentive Funds in the Amount of \$1,269,875

An Ordinance entitled Ordinance No. 2020-12.10 Amending the Fiscal Year 2021 Budget Appropriation Ordinance for Three Commonwealth Opportunity Fund Grants from the Virginia Economic Development Partnership in the Amounts of \$275,000, \$150,000, and \$780,000 Respectively and One Tobacco Region Opportunity Fund Grant from the Virginia Tobacco Region Revitalization Commission in the Amount of \$64,875 for a Total of \$1,269,875 as Economic Development Incentives for Taxable Capital Investments and Job Creation in the Commonwealth of Virginia.

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

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

NEW BUSINESS

PUBLIC HEARING – CONSIDERATION OF REZONING 540 WOODLAWN DRIVE

Mayor Jones opened the floor for a Public Hearing regarding rezoning 540 Woodlawn Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 22, 2020 and December 29, 2020. Mayor Jones recognized Bonnie Gosney, owner of the property who noted she was there to answer any questions. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2021-01.01

REZONING 540 WOODLAWN DRIVE, PARCEL ID #72449, ALSO KNOWN AS GRID 817, BLOCK 1, PARCEL #9 OF THE CITY OF DANVILLE, ZONING DISTRICT MAP, PARCEL ID #72474, ALSO KNOWN AS GRID 817, BLOCK 1, PARCEL #7 OF THE CITY OF DANVILLE, ZONING DISTRICT MAP, AND PARCEL ID #72454, ALSO KNOWN AS GRID 818, BLOCK 2, PARCEL #1 FROM T-R THRESHOLD RESIDENTIAL TO SR-R SANDY RIVER RESIDENTIAL.

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

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

PUBLIC HEARING – CONSIDERATION OF REZONING 535 WOODLAWN DRIVE

Mayor Jones opened the floor for a Public Hearing regarding rezoning 535 Woodlawn Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 22, 2020 and December 29, 2020. No one present desired to be heard and the Public Hearing was closed.

January 5, 2021

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

ORDINANCE NO. 2021-01.02

REZONING 535 WOODLAWN DRIVE, PARCEL ID #72457, ALSO KNOWN AS GRID 818, BLOCK 2, PARCEL #2 FROM T-R THRESHOLD RESIDENTIAL TO SR-R SANDY RIVER RESIDENTIAL

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

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

PUBLIC HEARING – CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 280 PINEY FOREST ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 280 Piney Forest Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 22, 2020 and December 29, 2020. Mayor Jones recognized Jeff Bond of Solex Architecture, 641 Main Street, representing Jeff Smith, Danville Family Vet, owner of the property. They were looking to add a covered canopy to better serve their patrons, and were there to answer any questions. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2021-01.03

GRANTING SPECIAL USE PERMIT APPLICATION 2020-258 A WAIVER OF YARD REQUIREMENTS, SUBJECT TO THE PROHIBITION OF PARKING IN FRONT YARDS, IN ACCORDANCE WITH ARTICLE 3.M, SECTION C.21, OF THE CODE OF THE CITY OF DANVILLE VIRGINIA, 1986, AS AMENDED, AT 280 PINEY FOREST ROAD (PARCEL ID#60550) ALSO KNOWN AS GRID 1706, BLOCK 2, PARCEL # 4.1 OF THE CITY OF DANVILLE ZONING DISTRICT MAP.

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

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

CONSIDERATION OF ACCEPTING PARCEL #56289 ON RIVERSIDE DRIVE

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

RESOLUTION NO. 2021-01.01

ACCEPTING A GIFT OF CERTAIN REAL PROPERTY ON RIVERSIDE DRIVE TO ALLOW FOR FLOOD CONTROL IMPROVEMENTS.

January 5, 2021

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

Council Member Whittle asked for more information on this item and Assistant City Attorney Ryan Dodson explained this was the outlet of the creek as it enters the Dan River on Riverside; it already had some flood control improvements, largely rocks to prevent erosion. Public Works has been in talks with the owner about expanding the flood control improvements and the owner has offered to donate the land to City to allow them to do that. In response to Mr. Whittle, Mr. Dodson noted he could not speak to the addition of a retention pond.

Council Member Vogler stated the flooding on Riverside the last several years has been a major concern to the citizens, they have had several issues with it and asked Mr. Dodson to explain what area this was. Mr. Dodson noted there were several creeks and tributaries that flow directly into the river, one was Apple Branch where this was located.

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

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

**BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2021
BUDGET APPROPRIATION ORDINANCE FOR LITTER CONTROL AND RECYCLING GRANT
FUNDS**

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

ORDINANCE NO. 2021-01.04

AMENDING THE FISCAL YEAR 2021 BUDGET APPROPRIATION ORDINANCE TO ANTICIPATE GRANT FUNDS FROM THE COMMONWEALTH OF VIRGINIA FOR LITTER CONTROL AND RECYCLING EFFORTS IN THE AMOUNT OF \$8,611 AND APPROPRIATING SAME.

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

COMMUNICATIONS

City Manager Ken Larking noted Council Members have tee shirts at their desks with the logo used during the All American City contest; they were available for sale to the public at the Welcome Center, along with other items related to the All American City contest. All the proceeds will be used for future All American City related events and potential applications. In response to Dr. Miller, Mr. Larking noted the funding was in place for the stoplight at the intersection of Updike Place and South Main Street. It was a large intersection and they have to obtain specially made mast arms and equipment, and it does take several months to order the appropriate materials to install the traffic signal. Staff was also studying the locations for additional crosswalks in the city.

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

Council Member Mayo wished everyone a Happy New Year and hoped everyone had a good

January 5, 2021

Christmas. Mr. Mayo remembered Mrs. Thorpe stating she would be missed, and noted he had had an opportunity to work with Focus; they do good work with mental health services. Mr. Mayo asked for continued prayers for victims of the pandemic, encouraged citizens to follow guidelines and also to pray for the family of Dennis Saunders.

Vice Mayor Miller noted COVID was rampant in the community, hospital beds were overflowing and there were problems finding beds for non-COVID patients. Dr. Miller encouraged citizens to wash their hands and wear their masks. He has had one vaccine and had no problem with it, was looking forward to the second one and encouraged citizens to get their vaccine when they have the chance.

Council Member Saunders noted a Happy New Year to everyone stating the pandemic was hitting close to home for everyone. Mr. Saunders thanked Mr. Bennett for coming to Council to recognize Mrs. Thorpe, she will be missed and they will be praying for her. Mr. Saunders thanked the City Manager and Deputy City Manager for their leadership, trying to keep employees and citizens safe, and thanked the Vice Mayor for encouraging citizens to get the vaccine. He was looking forward to receiving the vaccine himself, and thanked the Mayor for his leadership.

Mayor Jones noted he spoke with Council Member Saunders, when it was their turn to receive the vaccine, they were willing to take their shots publicly to show citizens they were safe.

Council Member Vogler noted his agreement, when it was his time for the vaccine, he was happy to let citizens see him take the shot. Mr. Vogler noted he was pleased to note that Neighborhood Oriented Policing was a reality in Danville as of January 1st. It means the City was divided into sectors and each sector had the same officers in the same neighborhoods working to build a level of trust and respect between the officers and the residents. It has been very successful in other places. It was reported at the end of this last year, Danville had the lowest crime rate in thirty years, violent crime was down and crime across the board was down. Mr. Vogler thanked Chief Booth and the entire police department for the work they were doing.

Council Member Whittle noted he would like to echo what everyone else has said and would like to wish everyone a Happy New Year.

Council Member Buckner wished everyone a Happy New Year, their thoughts went out to the family of Mrs. Thorpe, and noted when Mayor Jones and Council Member Saunders were getting their vaccines, if he was in the same group, he would be more than happy to do it on camera to show people it was safe. COVID numbers were on the rise, and he encouraged people to take precautions and get the vaccine when it was available to them. Mr. Buckner noted he had said this during his year-end summary, his three W's, wash your hands often, wear a mask and wait six feet apart; Mr. Buckner encouraged citizens to make 2021 the best year they have had.

Council Member Campbell wished everyone a Happy New Year and noted his agreement with what has been said. It was a dangerous time with the pandemic. Mr. Campbell noted he was one of Mrs. Thorpe's neighbors, she was a special lady and she will be missed.

Council Member Hood wished the City a Happy New Year and his thoughts went out to the Thorpe and Saunders families; he was thankful for Focus Point Mental Health for bringing the PEARLS program to the City. Mr. Hood thanked the citizens of Danville for staying resilient, staying in support of one another and encouraged them to stay safe, safely distanced and wearing masks. Mr. Hood noted two words for moving forward in 2021, Togetherness and Gratitude; Danville has shown a lot of that, and thanked the staff and city workers.

January 5, 2021

Mayor Jones noted Mr. Buckner mentioned the three W's, Mayor Jones noted he had the three B's: be encouraged, be kind and be nice. Mayor Jones thanked the City Manager and Deputy City Manager for all their work, and noted his appreciation of all the city staff, council members, and the citizens in the community. Mayor Jones noted to Mr. Bennett, there was a lot of information that comes to Council and the NAACP, they need that information to be put together to help the citizens. Mayor Jones noted JaMall Dones had also passed away suddenly; his mother Sharon Dones formerly served on the School Board. He encouraged people to be kind, be nice and be encouraged.

ADJOURNED: 7:48 P.M.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2489

New Business A.

City Council Regular Meeting

Meeting Date: 02/02/2021

Subject: Consideration of Granting a Special Use Permit to Waive Yard Requirements at 1208 Piney Forest Road (Parcel ID#54171).

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 02/02/2021

SUMMARY

Sekiv Solutions filed Special Use Permit Application PLSUP2020-284 for a waiver of yard requirements on behalf of property owner Realty Income Properties 21 LLC, in accordance with Article 3.M Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1208 Piney Forest Road (Parcel ID#54171), otherwise known as Grid 1808, Block 004, Parcel 000075, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for a yard requirements waiver.

BACKGROUND

The applicant requests a Special Use Permit for a waiver of yard requirements to remove and replace the existing fast food restaurant building at 1208 Piney Forest Road. They will maintain the existing front building line setback 20' from the Piney Forest Road right-of-way line.

The Planning Commission, at their January 11, 2021 meeting, voted 7-0 to recommend approval of Special Use Permit Application PLSUP2020-284.

RECOMMENDATION

The Planning Commission recommended that City Council adopt an Ordinance granting a Special Use Permit to waive yard requirements in accordance with Article 3.M Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1208 Piney Forest Road (Parcel ID#54171), otherwise known as Grid 1808, Block 004, Parcel 000075, of the City of Danville, Zoning District Map.

Attachments

Ordinance

PLANNING BACKUP

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2021____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PLSUP2020-284 FOR WAIVER OF YARD REQUIREMENTS IN ACCORDANCE WITH ARTICLE 3.M SECTION C.21. OF THE CODE OF THE CITY OF DANVILLE VIRGINIA, 1986, AS AMENDED, AT 1208 PINEY FOREST ROAD (PARCEL ID #54171) ALSO KNOWN AS GRID 1808, BLOCK 004, PARCEL 000075 OF THE CITY OF DANVILLE ZONING DISTRICT MAP.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PLSUP2020-284, filed by applicant Sekiv Solutions on behalf of property owner Realty Income Properties 21, LLC, requesting a Special Use Permit for waiver of yard requirements in accordance with Article 3.M Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1208 Piney Forest Road (Parcel ID #54171), otherwise known as Grid 1808, Block 004, Parcel 000075, of the City of Danville, Zoning District Map, is hereby received.

AND BE IT FURTHER ORDAINED THAT in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PLSUP2020-284, filed by applicant Sekiv Solutions on behalf of property owner Realty Income Properties 21, LLC, requesting a Special Use Permit for waiver of yard requirements in accordance with Article 3.M Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1208 Piney Forest Road (Parcel ID #54171), otherwise known as Grid 1808, Block 004, Parcel 000075, of the City of Danville, Zoning District Map, is hereby approved.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency

CITY ATTORNEY



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

City Planning Commission

MEMORANDUM

DATE: JANUARY 14, 2021
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION 2020-0284

REQUEST

Sekiv Solutions filed Special Use Permit Application PLSUP2020-284 for a waiver of yard requirements on behalf of property owner Realty Income Properties 21 LLC, in accordance with Article 3.M Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1208 Piney Forest Road (Parcel ID#54171), otherwise known as Grid 1808, Block 4, Parcel ID#75, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for a yard requirements waiver.

The applicant requests a Special Use Permit for to rebuild the existing fast food restaurant at 1208 Piney Forest Road. They will maintain the existing front building line setback 20' from the Piney Forest Road right-of-way line.

RECOMMENDATION

The Planning Commission, at their January 11, 2021 meeting, voted 7-0 to recommend approval of Special Use Permit Application 2020-284.

Mr. Harold E. Garrison, Chair

RESPONSES

Seventeen (17) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) responses were received, Six (6) unopposed (Cobbs, Dalton, Dodson Group, Hyler, Pooja Investments LLC and Smith).

COMMENTS

N/A



City of Danville

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

City Planning Commission

STAFF REPORT

MEETING DATE: JANUARY 11, 2020

RE: SPECIAL USE PERMIT APPLICATION - 1208 PINEY FOREST ROAD

Special Use Permit Application PLSUP2020-284 filed by Sekiv Solutions on behalf of REALTY INCOME PROPERTIES 21 LLC, requests a Special Use Permit for a waiver of yard requirement in accordance with Article 3.M Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1208 Piney Forest Road (Parcel ID#54171), otherwise known as Grid 1808, Block 4, Parcel ID#75, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for a waiver of yard requirements in the HR-C Highway Retail Commercial Zoning District.

BACKGROUND

The applicant proposes replacing the existing Taco Bell building with a new building. They would like to retain the existing building placement that is within the required front yard setback. The applicant proposes a landscape plan that includes enhancing the development with grassy sod areas, 71 shrubs, and 58 flowering perennials to enhance the development.

The Planning Division sent 18 notices to surrounding property owners within 300' feet of the subject property.

STAFF ANALYSIS AND RECOMMENDATION

The applicant, Sekiv Solutions, applied to the Planning Division for a Special Use Permit to reduce the front yard setbacks to rebuild the Taco Bell on the east side of Piney Forest Road. The application is attached to this report.

The City may waive yard requirements, subject to the prohibition of parking in front yards, with a Special Use Permit in the HR-C Highway Retail Commercial zoning district. (Chapter 41 Zoning Ordinance, Article 3.N. §C.21.). Specifically, the applicant requests a waiver to reduce the 30' foot front yard setback from the Piney Forest Road right of way line to front of the building to 20' feet.

The Comprehensive Plan puts the subject property in the Piney Forest Road planning area. The future land use designation for the subject parcel is 'Commercial.' If approved, the Special Use Permit is in harmony with the Highway Retail – Commercial District's purpose and intent to provide suitable locations in Danville's heavily traveled collector streets and arterial highways for those commercial and business uses which are oriented to the automobile and which require regional access characteristics independent of the marketplace attributable to adjoining neighborhoods or pedestrian trade.

The neighboring adjacent properties on Piney Forest Road are commercial. If granted, this proposed Special Use Permit is in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development, is adequately serviced by streets, drainage, fire protection and public water + sewer, will not negatively impact any ecological, scenic,

or historic community assets, and will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

Danville City Code allows City Council impose any conditions necessary to assure that the proposed use will conform to zoning ordinance requirements. The Planning Division recommends approving this project as proposed including the landscape plan on sheet C-2 dated October 9, 2020. The Planning Division recommends the Planning Commission endorse Special Use Permit Application PLSUP2020-284 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

1. Recommend approval of Special Use Permit Application PLSUP2020-284 as submitted;
2. Recommend approval of Special Use Permit Application PLSUP2020-284 with conditions per Staff;
3. Recommend approval of Special Use Permit Application PLSUP2020-284 with conditions per Planning Commission; or
4. Recommend denial of Special Use Permit Application PLSUP2020-284.

ATTACHMENTS

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

MEMORANDUM

DATE: JANUARY 11, 2021

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST:

Special Use Permit Application PLSUP2020-284 filed by Sekiv Solutions on behalf of REALTY INCOME PROPERTIES 21 LLC, requests a Special Use Permit for a waiver of yard requirement in accordance with Article 3.M Section C.21. of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 1208 Piney Forest Road (Parcel ID#54171), otherwise known as Grid 1808, Block 4, Parcel ID#75, of the City of Danville, Zoning District Map. The applicant requests a Special Use Permit for a waiver of yard requirements in the HR-C Highway Retail Commercial Zoning District.

RESPONSES:

Seventeen (17) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) responses were received, Six (6) unopposed (Cobbs, Dalton, Dodson Group, Hyler, Pooja Investments LLC and Smith).

COMMENTS:

Please see attachments.

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: 1.175 acres Property Address: 1208 Piney Forest Road

Property Location: N ☒ E ☐ W Side of: Piney Forest Road

Between: Wilbourne Avenue and Fairlawn Drive

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

The owner wishes to demolish the existing building and dumpster enclosure and then construct a new building and dumpster enclosure as well as repave the entire parking lot with asphalt and concrete. The special use permit is required because the proposed building will sit in the same location as the existing building, which encroaches into the front building setback.

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

1. NAME: REALTY INCOME PROPERTIES 21 LLC TELEPHONE: 877-924-6266

MAILING ADDRESS: 11995 El Camino Real, San Diego, CA 92130

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: propertymanagement@realtyincome.com

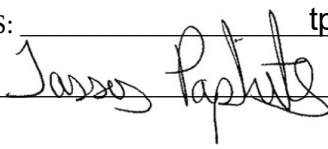
APPLICANT (PLEASE TYPE OR PRINT):

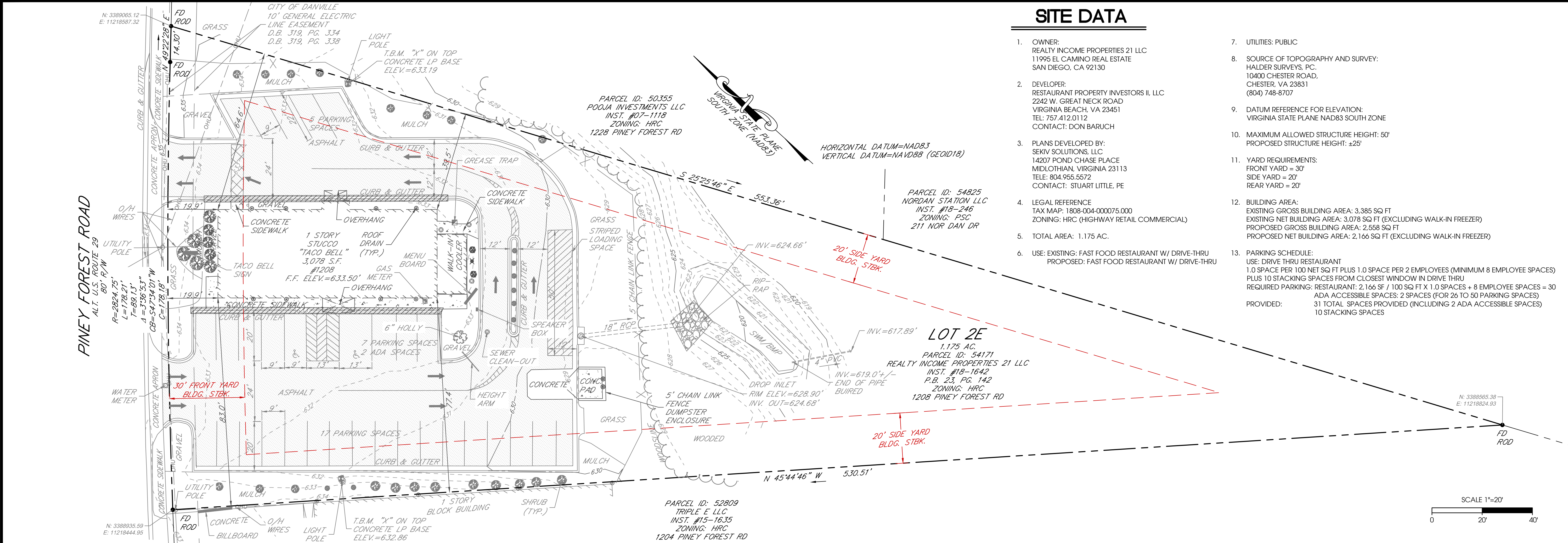
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: BurgerBusters XI, LLC TELEPHONE: 757-412-0112

MAILING ADDRESS: 2242 W. Great Neck Road, Virginia Beach, VA 23451

EMAIL ADDRESS: tpaphites@burgerbusters.com

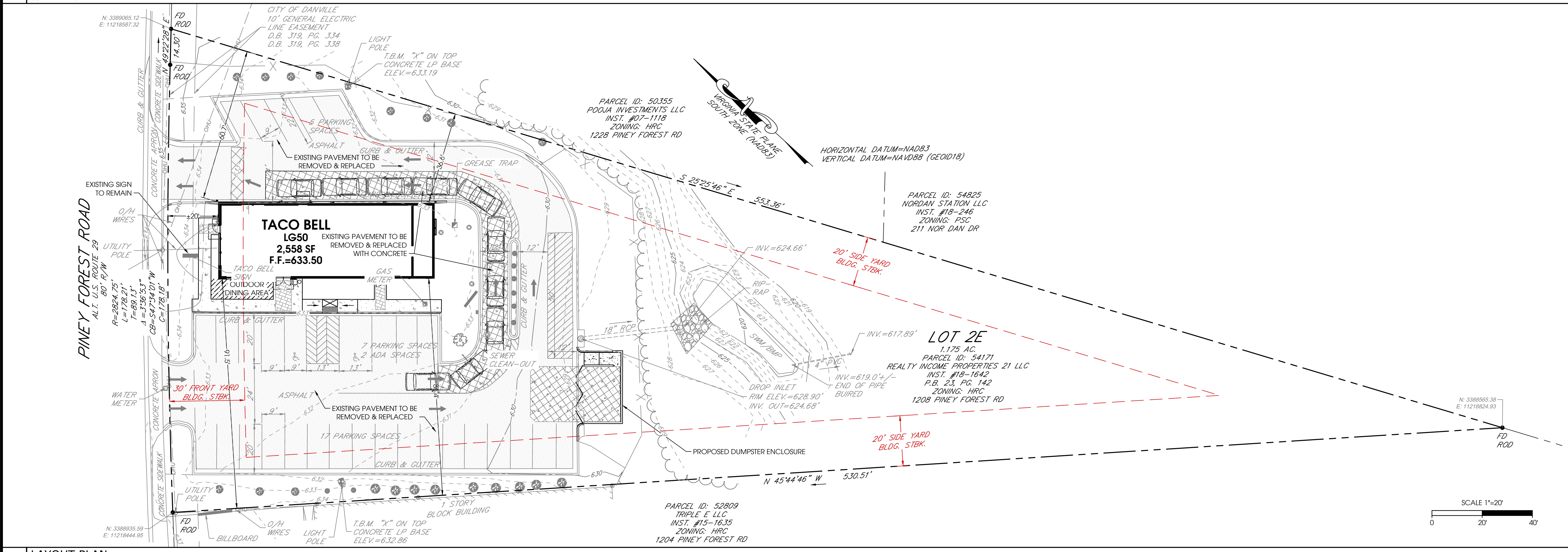
SIGNATURE:  DATE: 11/6/20



SITE DATA

- OWNER: REALTY INCOME PROPERTIES 21 LLC
11995 EL CAMINO REAL ESTATE
SAN DIEGO, CA 92130
- DEVELOPER: RESTAURANT PROPERTY INVESTORS II, LLC
2242 W. GREAT NECK ROAD
VIRGINIA BEACH, VA 23451
TEL: 757.412.0112
CONTACT: DON BARUCH
- PLANS DEVELOPED BY: SEKIV SOLUTIONS, LLC
14207 POND CHASE PLACE
MIDLOTHIAN, VIRGINIA 23113
TEL: 804.955.5572
CONTACT: STUART LITTLE, PE
- LEGAL REFERENCE: TAX MAP: 1808-004-000075.000
ZONING: HRC (HIGHWAY RETAIL COMMERCIAL)
- TOTAL AREA: 1.175 AC.
- USE: EXISTING: FAST FOOD RESTAURANT W/ DRIVE-THRU
PROPOSED: FAST FOOD RESTAURANT W/ DRIVE-THRU
- UTILITIES: PUBLIC
- SOURCE OF TOPOGRAPHY AND SURVEY: HALDER SURVEYS, PC.
10400 CHESTER ROAD,
CHESTER, VA 23831
(804) 748-8707
- DATUM REFERENCE FOR ELEVATION: VIRGINIA STATE PLANE NAD83 SOUTH ZONE
- MAXIMUM ALLOWED STRUCTURE HEIGHT: 50'
PROPOSED STRUCTURE HEIGHT: ±25'
- YARD REQUIREMENTS:
FRONT YARD = 30'
SIDE YARD = 20'
REAR YARD = 20'
- BUILDING AREA:
EXISTING GROSS BUILDING AREA: 3,385 SQ FT
EXISTING NET BUILDING AREA: 3,078 SQ FT (EXCLUDING WALK-IN FREEZER)
PROPOSED GROSS BUILDING AREA: 2,558 SQ FT
PROPOSED NET BUILDING AREA: 2,166 SQ FT (EXCLUDING WALK-IN FREEZER)
- PARKING SCHEDULE:
USE: DRIVE THRU RESTAURANT
1.0 SPACE PER 100 NET SQ FT PLUS 1.0 SPACE PER 2 EMPLOYEES (MINIMUM 8 EMPLOYEE SPACES)
PLUS 10 STACKING SPACES FROM CLOSEST WINDOW IN DRIVE THRU
REQUIRED PARKING: RESTAURANT: 2,166 SF / 100 SQ FT X 1.0 SPACES + 8 EMPLOYEE SPACES = 30
ADA ACCESSIBLE SPACES: 2 SPACES (FOR 26 TO 50 PARKING SPACES)
PROVIDED:
31 TOTAL SPACES PROVIDED (INCLUDING 2 ADA ACCESSIBLE SPACES)
10 STACKING SPACES

1 EXISTING CONDITIONS
SCALE: 1" = 20'



2 LAYOUT PLAN
SCALE: 1" = 20'

sekiv solutions
OPTIMIZING YOUR DEVELOPMENT WORLD
14207 POND CHASE PLACE | MIDLOTHIAN, VA | 23113
TELEPHONE NO. 804.938.8864 | www.sekivsolutions.com

COMMONWEALTH OF VIRGINIA
Stuart G. Little
Lic. No. 39974
10-9-2020
PROFESSIONAL ENGINEER

DATE : October 9, 2020

REVISION BLOCK	
DATE	DESCRIPTION

BURGER BUSTERS XI, LLC.
2242 W. GREAT NECK ROAD
VIRGINIA BEACH, VIRGINIA 23451
ATTN : DON BARUCH
TELEPHONE : 757.412.0112

**TACO BELL
PINEY FOREST**

DANVILLE, VIRGINIA

**EXISTING
CONDITIONS &
LAYOUT PLAN**

SHEET NO.
C1

SCALE : AS SHOWN PROJECT NO. : PROJECT MANAGER : STUART LITTLE QUALITY ASSURANCE : STIG OWENS

PINEY FOREST ROAD
ALT. U.S. ROUTE 29
80' R/W

N: 3389065.12
E: 11218587.32

FD
ROD

CITY OF DANVILLE
10' GENERAL ELECTRIC
LINE EASEMENT
D.B. 319, PG. 334
D.B. 319, PG. 338

EXISTING SHRUBS IN
THIS AREA TO REMAIN,
MULCH TO BE REPLACED

LIGHT
POLE

T.B.M. "X" ON TOP
CONCRETE LP BASE
ELEV.=633.19

PARCEL ID: 50355
POOJA INVESTMENTS LLC
INST. #07-1118
ZONING: HRC
1228 PINEY FOREST RD

TACO BELL
SIGN
O/H
WIRES

UTILITY
POLE

TACO BELL
LG50
2,558 SF
F.F.=633.50

OUTDOOR
DINING AREA

EXISTING 6' HOLLY TO REMAIN

7 PARKING SPACES
& 2 ADA SPACES

SEWER
CLEAN-OUT

WATER
METER

30' FRONT YARD
BLDG. STBK.

ASPHALT

17 PARKING SPACES

EXISTING SHRUBS IN THIS AREA
TO REMAIN, MULCH TO BE REPLACED

T.B.M. "X" ON TOP
CONCRETE LP BASE
ELEV.=632.86

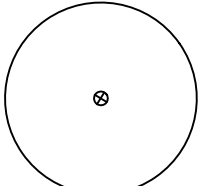
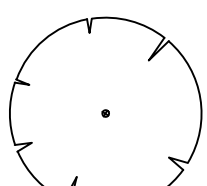
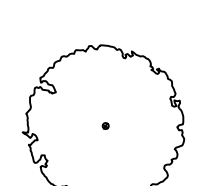
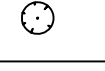
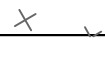
1 STORY
BLOCK BUILDING

BILLBOARD

O/H
WIRES

LIGHT
POLE

VIRGINIA STATE PLANE
SOUTH ZONE (NAD83)

PLANTING SCHEDULE					
SYMBOL	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE	TYPE
TREES					
	2 EACH	QUERCUS RUBRA 'NORTHERN RED OAK'	NORTHERN RED OAK	3" CAL	B&B
	3 EACH	X CUPRESSOCYPARIS LEYLANDII	LEYLAND CYPRESS	3" CAL	B&B
	2 EACH	MAGNOLIA STELLATA	SAUCER MAGNOLIA	3" CAL	B&B
SHRUBS					
	4 EACH	ILEX CORNUTA 'CARISSA'	CARISSA HOLLY	18" TALL	CONT.
	20 EACH	YUCCA FLACCAIDA	ADAMS NEEDLE	18" TALL	CONT.
	25 EACH	RHAPHIOLEPSIS INDICA	INDIAN HAWTHORN	18" TALL	CONT.
	5 EACH	VIBURNUM	VIBURNUM	18" TALL	CONT.
	14 EACH	LIGUSTRUM	LIGUSTRUM	18" TALL	CONT.
	3 EACH	BERBERIS SPP.	BARBERRY	18" TALL	CONT.
FLOWERING					
	31 EACH	ASTILBE X ARENDsii 'FANAL'	FANAL ASTILBE	18" TALL	CONT.
	27 EACH	TRACHELOSPERMUM JASMINOIDES	STAR JASMINE	18" TALL	CONT.
		TENNESSEE RIVER ROCK	PROVIDE OWNER A SAMPLE FOR APPROVAL	3" DEPTH 1"-3" DIA.	RINSE IN BED FOLLOWING INSTALLATION
		DOUBLE SHREDDED HARDWOOD MULCH	COLOR AS BROWN		3" DEPTH
		SOD (FESCUE/BLUEGRASS MIX)			
LANDSCAPE FEATURE					
	4 EACH	RED GRANITE BOULDER	TO MATCH TENNESSEE RIVER ROCK	12"-36"	

2 PLANTING SCHEDULE
No Scale

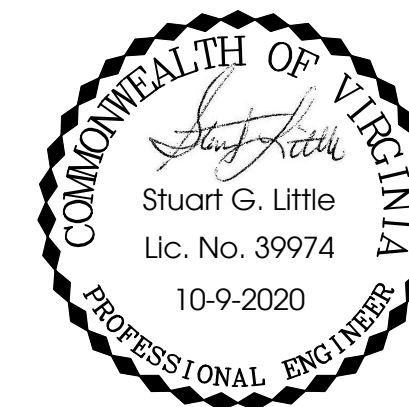
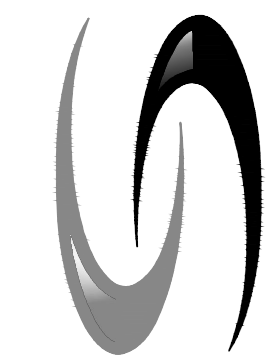
DROP INLET
RIM ELEV.=628.90'
INV. OUT=624.68'

INV.=619.0' +/-
END OF PIPE
BUIED INV.=617.89

SCALE 1"=20'
0 20' 40'

PARCEL ID: 52809
TRIPLE E LLC
INST. #15-1635
ZONING: HRC
1204 PINEY FOREST RD

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TELEPHONE NO. 804.938.8864 | www.sekivolutions.com



DATE : October 9, 2020

REVISION BLOCK

DATE DESCRIPTION

BURGER BUSTERS XL LLC,
2242 W. GREAT NECK ROAD
VIRGINIA BEACH, VIRGINIA 23451
ATTN : DON BARUCH
TELEPHONE : 757.412.0112

**TACO BELL
PINEY FOREST**

DANVILLE, VIRGINIA

LANDSCAPE PLAN

SHEET NO.

C2

QUALITY ASSURANCE : STIG OWENS

PROJECT MANAGER : STUART LITTLE

PROJECT NO. :

SCALE : AS SHOWN

SPECIAL USE PERMIT REQUEST DATA SHEET PLSUP 2020-284

PUBLIC HEARING DATES:	JANUARY 11, 2021 PLANNING COMMISSION AT 3PM
LOCATION OF PROPERTY:	1208 PINEY FOREST ROAD; EAST SIDE OF PINEY FOREST ROAD, ~750 FEET SOUTHWEST OF NOR DAN DRIVE
PRESENT ZONE:	HR-C HIGHWAY RETAIL COMMERCIAL
PROPOSED ZONE:	NO CHANGE
ACTION REQUESTED:	GRANT A SPECIAL USE PERMIT FOR WAIVER OF YARD REQUIREMENTS
PRESENT USE OF PROPERTY:	FAST FOOD RESTAURANT
PROPOSED USE OF PROPERTY:	NO CHANGE
FUTURE LAND USE DESIGNATION:	COMMERCIAL
PROPERTY OWNER (S):	REALTY INCOME PROPERTIES 21 LLC
NAME OF APPLICANT (S):	SEKIV SOLUTIONS ON BEHALF OF REALTY INCOME PROPERTIES 21 LLC
PROPERTY BORDERED BY:	HIGHWAY COMMERCIAL ON EAST, SOUTH, WEST AND NORTH SIDES
ACREAGE:	1.52 ACRES TOTAL
CHARACTER OF VICINITY:	HIGHWAY COMMERCIAL
INGRESS AND EGRESS:	PINEY FOREST ROAD
TRAFFIC VOLUME:	2019 VDOT PUBLICATION – 27000 AADT



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
12/9/2020

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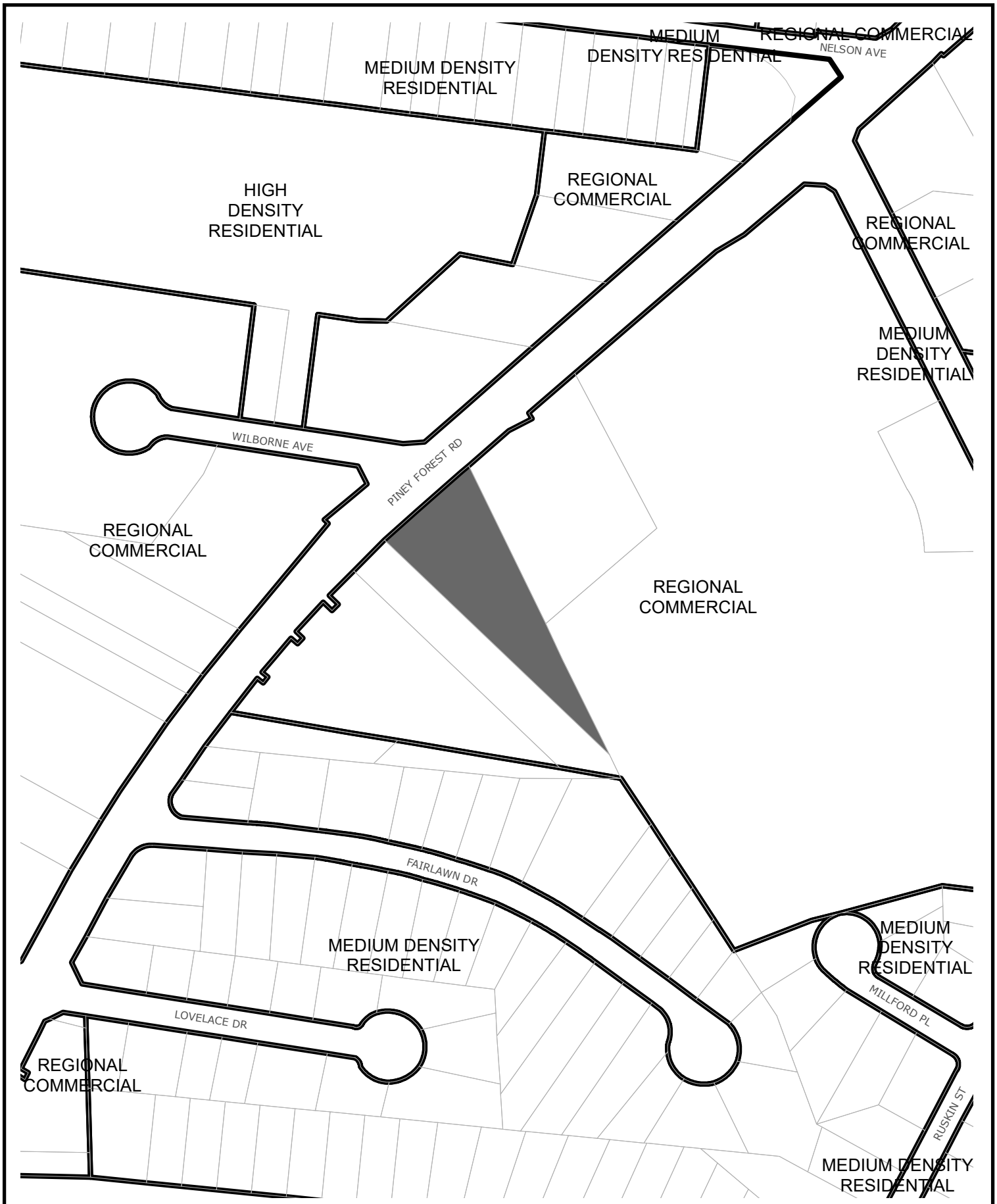


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
12/9/2020

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
12/9/2020

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