



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

February 1, 2022

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

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Update on the Danville Otterbots
Austin Scher, General Manager

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 4, 2022.
Council Letter Number CL - 2703.

NEW BUSINESS

- A. Consideration of Amending Chapter 41 of Danville City Code to Address Differential Yards on Corner Lots.
Council Letter Number CL - 2693.
 - 1. Public Hearing
 - 2. An Ordinance Amending and Reordaining Chapter 41, Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically Various Sections and Subsections of Article 2, Entitled "General Regulations", Article 3, Entitled "Zoning Districts, and Article 15, Entitled "Definitions" to Address Differential Yards on Corner Lots.
- B. Consideration of Rezoning 1113 Franklin Turnpike.
Council Letter Number 2708.
 - 1. Public Hearing
 - 2. An Ordinance Rezoning 1113 Franklin Turnpike (Parcel IDs 70167, 70166, & 70046) from N-C Neighborhood Commercial to "Conditional" HR-C Highway Retail Commercial.

- C. Consideration of Amending Chapter 41 of Danville City Code Regarding Medical Cannabis Dispensing Facilities.
Council Letter Number CL 2707.
1. Public Hearing
 2. An Ordinance Amending Chapter 41, Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia Removing Cannabis Dispensing Facilities as Permitted Uses in the N-C Zoning District, Allowing Cannabis Dispensing Facilities as Permitted Uses Only in the HR-C Zoning District, and Amending the Definition of Cannabis Dispensing Facilities to Include All Cannabis Products.

- D. Consideration of Releasing the Existing Lien and Associated Collection Costs Affecting Parcel #25163 on Gray Street.
Council Letter Number CL - 2689.

A Resolution Approving and Authorizing the Release of a City-Held Lien Against Real Property Identified as Parcel #25163 Gray Street to Facilitate its Sale.

- E. Consideration of Amending the Fiscal Year 2022 Budget Appropriation Ordinance for State Aviation Capital Grant Funding.
Council Letter Number CL - 2697.

An Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance to Provide for Additional State Aviation Funding for the Purpose of Completing Airport Terminal Building Renovations in the Amount of \$834,929 Plus the Local Share in the Amount of \$227,321 to be Provided Through the Fiscal Year 2022 Issuance of Bonds for Capital and Special Projects and Appropriating Same.

FIRST READING

- F. Consideration of Amending the Fiscal Year 2022 Budget Appropriation Ordinance for Litter Control and Recycling Grant Funds.
Council Letter Number CL - 2679.

An Ordinance Amending the Fiscal Year 2022 Budget Appropriation Ordinance to Anticipate Grant Funds from the Commonwealth of Virginia for Litter Control and Recycling Efforts in the Amount of \$12,124.00 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-2703

Meeting Minutes A.

City Council Regular Meeting

Meeting Date: 02/01/2022

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 02/01/2022

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on January 4, 2022.

Council Letter Number CL - 2703.

Attachments

Meeting Minutes

January 4, 2022

The Regular January meeting of the Danville City Council was held on January 4, 2022, at 7:00 pm in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: Bryant Hood, Mayor Alonzo L. Jones, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (6). James B. Buckner, L.G. "Larry" Campbell Jr., Barry P. Mayo were absent (3); *Mr. Whittle entered the meeting at 7:02 pm.*

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.

INVOCATION

The Invocation was given by J. Lee Vogler, Jr., followed by the Pledge of Allegiance.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Anthony Jones, Danville, who noted he felt called to preach in the City.

MEETING MINUTES

Upon **Motion** by Vice Mayor Miller and **second** by Council Member Whittle, Minutes from the Regular Council Meeting held on December 7, 2021 were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

APPOINTMENTS

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

Resolution No. 2022-01.01 – Reappointing Sherman M. Saunders as a Member of the Danville-Pittsylvania Regional Industrial Facility Authority.

Resolution No. 2022-01.02 – Reappointing J. Lee Vogler, Jr., as a Member of the Danville-Pittsylvania Regional Industrial Facility Authority.

Resolution No. 2022-01.03 – Reappointing Gary P. Miller as an Alternate Member of the Danville-Pittsylvania Regional Industrial Facility Authority.

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

VOTE: 6-0-3
AYE: Hood, Jones, Miller, Saunders, Vogler and Whittle (6)
NAY: None
ABSENT: Buckner, Campbell, Mayo (3)

NEW BUSINESS

PUBLIC HEARING – REZONING 125 JEFFERSON AVENUE FROM N-C NEIGHBORHOOD COMMERCIAL TO M-R, MULTIFAMILY RESIDENTIAL DISTRICT

Mayor Jones opened the floor for a Public Hearing regarding rezoning 125 Jefferson Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 21, 2021 and December 28, 2021. No one present desired to be heard and the Public Hearing was closed.

January 4, 2022

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

ORDINANCE NO. 2022-01.01

AN ORDINANCE REZONING 125 JEFFERSON AVENUE (PARCEL ID# 23123) FROM N-C NEIGHBORHOOD COMMERCIAL DISTRICT TO M-R, MULTIFAMILY RESIDENTIAL DISTRICT

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

VOTE: 6-0-3
AYE: Hood, Jones, Miller, Saunders, Vogler and Whittle (6)
NAY: None
ABSENT: Buckner, Campbell, Mayo (3)

PUBLIC HEARING – CONSIDERATION OF VACATING A PORTION OF AN ALLEY ADJACENT TO 467 WEST MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding vacation of a portion of an alley. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 28, 2021 and January 3, 2022. Mayor Jones recognized Isabelle Julian, 467 West Main Street, who thanked Council for considering her request. 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. 2022-01.02

AN ORDINANCE VACATING APPROXIMATELY 952 SQUARE FEET OF PUBLIC RIGHT-OF-WAY ADJACENT TO 467 WEST MAIN STREET.

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

VOTE: 6-0-3
AYE: Hood, Jones, Miller, Saunders, Vogler and Whittle (6)
NAY: None
ABSENT: Buckner, Campbell, Mayo (3)

PUBLIC HEARING – CONSIDERATION OF VACATING A RIGHT OF WAY ADJACENT TO 200 OLD US 29 HIGHWAY

Mayor Jones opened the floor for a Public Hearing regarding vacating a right of way. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 28, 2021 and January 3, 2022. Mayor Jones recognized Ryan Gatewood, LED Professionals, representing Hi & Dri Storage, the applicant. They were requesting the vacation as they own the property on either side, and the existing right of way bisects the two properties. They wish to combine those two, include the right of way and utilize the old roadbed as the entrance to their property. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-01.03

January 4, 2022

VACATING APPROXIMATELY 0.464 ACRES OF PUBLIC RIGHT-OF-WAY ADJACENT TO 200 OLD US 29 HIGHWAY.

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

VOTE: 6-0-3
AYE: Hood, Jones, Miller, Saunders, Vogler and Whittle (6)
NAY: None
ABSENT: Buckner, Campbell, Mayo (3)

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR GRANT FUNDS FROM HUD, FROM HEALTHY HOMES, AND A LOCAL MATCH FOR A TOTAL APPROPRIATION OF \$1,634,769

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

ORDINANCE NO. 2022-01.04

AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR GRANTS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES IN AN AGGREGATE AMOUNT OF \$1,634,769, AND A LOCAL SHARE IN THE AMOUNT OF \$145,231 TO BE PROVIDED BY UNSPENT CDBG FUNDS, FOR A TOTAL APPROPRIATION OF \$1,780,000 AND APPROPRIATING THE SAME

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

Council Member Whittle questioned Director of Community Development Ken Gillie if any homes in Danville qualify to have lead abatement. Mr. Gillie noted they will; they will use the funding to assess one hundred homes, and they anticipate fixing approximately eighty-three of them with this first round. It was anticipated they will be able to get future funding to do additional houses, and staff believes there were more than one hundred houses in the City that suffer from lead. They were patterning this after the program in Roanoke who were in their fifth phase of funding. Once the City establishes the program, they will set guidelines on who can apply for the funding; it will probably be income based. They will then get a lead assessor to go out and determine whether the home has lead issues. Just because there was lead paint in the house doesn't necessarily mean there was an issue with it; there were ways to address it. If it was a problem, the City can use the funds to help remediate the problem in the house.

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR STATE OF GOOD REPAIR PROGRAM FUNDS IN THE AMOUNT OF \$1,493,298

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

ORDINANCE NO. 2022-01.05

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE FOR ROADWAY MAINTENANCE PROJECTS TO BE UNDERTAKEN WITHIN THE CITY AND TO BE FINANCED ANTICIPATING REVENUES FROM VIRGINIA

January 4, 2022

DEPARTMENT OF TRANSPORTATION (VDOT) STATE OF GOOD REPAIR / PRIMARY
EXTENSION FUNDS IN THE AMOUNT OF \$1,493,498

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

COMMUNICATIONS

City Manager Ken Larking expressed his appreciation to the public for their patience as the Utilities Department worked to restore power. This particular storm had a lot of heavy snow, and there were a lot of scattered outages. With scattered outages throughout the system, crews had to go to multiple sites and there were only so many crew members. They got help from the City of Wilson, who sent ten linemen to the City to help restore power. They have been working 24/7 since the event, to get people's power restored. The Utility Director has indicated there were under one hundred customers currently without power in the system and they anticipated that everyone should be restored this evening. Mr. Larking expressed his appreciation to the City's lineman, working in sometimes very hazardous conditions restoring power as quickly as possible, in a safe manner.

Council Member Vogler thanked the lineman and all those working to get the power back on; he believes Danville does get their power back up as well or better than other places. Mr. Vogler questioned reporting outages, he has heard the website does not work properly a lot of the time, the outage map does not work a lot of the time and people have a hard time getting through on the phone. Mr. Vogler questioned when the last time was the City evaluated upgrading the system or looked for ways to improve the process to report power outages, was that something the City can look at. Mr. Larking explained the outage map had been out for a few weeks, he spoke to the IT director about it the day of the storm when people starting losing power; there was an update rolled out in the midst of that. The Director noted within the next few minutes, the outage map should be up and running. He had not checked to see if it worked better than the previous version, but staff will monitor that. If there was anything the City could do to improve the way customers can report, they will do their best to try and make things better.

In response to Council Member Saunders regarding trees and limbs falling, Mr. Larking explained that was the problem with this particular storm, the heavy snow created a lot of issues with limbs falling off trees and trees falling over. They had over sixty trees fall down throughout the City, several of them impacting lines. That was time consuming because if there was a tree on a line, Public Works cannot remove it until Utilities had a chance to make sure the line was de-energized and safe to work around. They have to take the time to cut the tree off the line and the crews have to come out and repair it. As far as infrastructure that makes bringing power to people possible, the City was in really good shape, they have a number of substations that have recently been completed as far as renovations or were on the list to be improved. The City was constantly doing what they could to try improving reliability and look into other options.

Mayor Jones commended Mark Aron, along with Arnold Hendrix, for letting the public know what was going on during the storm, the police officers working the accidents, and Public Works working around the clock; the teams were absolutely phenomenal. Mr. Larking encouraged citizens to sign up on the City's website for alerts to get information and status updates.

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

Vice Mayor Miller noted he has had several people ask him when they were going to start doing something at Schoolfield; he drove by there Saturday and they were moving dirt on the site. He has also been asked when they were going to start blowing up the finishing building. Mr. Larking

January 4, 2022

explained he does not know if they have decided on how they were going to take down that building, there were various methods for doing that. Vice Mayor Miller noted a study out of Chapel Hill now shows that in as little as three months or as much as fifteen, people lose their antibodies from the COVID infection and can get COVID again. Even if people have had COVID, they need to get the vaccine.

Council Member Saunders congratulated Chairman Ingram, Vice Chairman Barksdale and members of the Pittsylvania County Board of Supervisors.

Council Member Vogler noted how grateful he was to live in this City and serve on this City Council.

Council Member Whittle wished everyone a Happy New Year; they celebrated his mother's ninety-seventh birthday over the holidays.

Council Member Hood thanked the Utility Department, Public Works and the lineman from Wilson for working countless hours to restore power throughout the City. In 2021, they saw what can happen in Danville; in 2022 he sees the City continuously working together and continuing to improve.

Mayor Jones wished Mr. Whittle's mother a happy ninety-seventh birthday, and wished everyone a wonderful New Year.

ADJOURNED: 7:41 P.M.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2693

New Business A.

City Council Regular Meeting

Meeting Date: 02/01/2022

Subject: Consideration of a Zoning Ordinance Text Amendment Differentiating Corner Property Yards

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 02/01/2022

SUMMARY

Zoning Ordinance amendment PLCA2021-415, initiated by the City Planning Commission, proposes amending the Code so that corner lots have a front yard and a street-side yard instead of two (2) front yards. This amendment also addresses regulations that rely on the new street-side yard definition including definitions, general regulations, and zoning districts dimensional standards.

BACKGROUND

The Board of Zoning Appeals heard multiple cases regarding air conditioner or generator placement in front yards and the Planning Commission requested the differentiation, so those mechanical units could be placed in street side yards without variances. The additional changes clarify the distinction throughout the ordinance.

The Planning Commission, at their December 13, 2021 meeting, voted 6-0 to recommend approval of Rezoning Application 2021-415.

RECOMMENDATION

The Planning Commission recommends that City Council adopt an ordinance, so corner lots have a front yard and a street-side yard instead of two (2) front yards. This amendment also addresses regulations that rely on the new street-side yard definition including definitions, general regulations, and zoning districts dimensional standards.

Attachments

Ordinance

EXHIBIT A

PLANNING BACKUP

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-____.____

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY VARIOUS SECTIONS AND SUBSECTIONS OF ARTICLE 2, ENTITLED "GENERAL REGULATIONS", ARTICLE 3, ENTITLED "ZONING DISTRICTS, AND ARTICLE 15, ENTITLED "DEFINITIONS" TO ADDRESS DIFFERENTIAL YARDS ON CORNER LOTS.

WHEREAS, the current Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, does not differentiate different yard orientation on corner lots and should specifically do so as allowed under the Code of Virginia of 1950, as amended.

NOW THEREFORE, BE IT ORDAINED, that amendments to Article 2, entitled "General Regulations", Article 3 "Zoning Districts", and Article 15 "Definitions" of Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, be added as attached hereto and made a part hereof, as if fully set forth herein.

APPROVED:

Mayor

ATTEST:

Clerk

Approved as to
Form and Legal Sufficiency:

Assistant City Attorney

EXHIBIT "A"

Zoning ordinance amendment to distinguish street side yards from front yards on corner properties and establish interior side yards.

CHAPTER 41. ZONING ORDINANCE

ARTICLE 2. GENERAL REGULATIONS

P. - Accessory Uses and Structures.

5. No accessory ~~structure shall be located~~ **building may be** in a front or **street side yard**. ~~except for flagpoles, fences and walls.~~
- ~~10. Except as otherwise provided, an ornamental fence or wall not more than four (4) feet in height may project into or enclose any front or side yard from the street line or side lot line to the main building for a depth equal to that of the front yard. Ornamental fences or walls may project into or enclose other required yards, provided such fences and walls do not exceed a height of eight (8) feet. This provision shall not be interpreted to prohibit the erection of an open mesh type fence enclosing any school or playground site or business or industrial activity for security purposes.~~
10. **Fences or walls up to four (4) feet tall may project into or enclose front and street side yards. Fences or walls up to eight (8) feet tall may project into or enclose interior side and rear yards.**
11. Satellite dish antennas, satellite receiving dishes, satellite earth stations, and similar antenna structures are allowed accessory structures in any zoning district under the following conditions:
 - a. Satellite dishes greater than three (3) feet in diameter:
 - i. May not be in a front **or street side** yard;
13. In all residential zoning districts, accessory mechanical appliances may be in **an interior or street** side yard if they are:

Q. - Walls and Fences.

1. ~~No walls or fences located within front yards shall exceed a height of forty-eight (48) inches as measured from the grade at the point of placement.~~ **Fences and walls in front and street side yards may not be taller than four (4) feet.** No walls or fences or similar items other than landscaping within side and rear yards shall exceed a height of eight (8) feet. Barbed wire will be allowed only in the SR-R, Sandy River Residential, and T-R, Threshold Residential districts on walls or fences between the heights of six (6) and eight (8) feet located outside the public right-of-way.

V. ~~Let~~ Property and Yard Requirements and Modifications.

6. Swimming pools may project into required side and rear yards, provided that these projections be at least ten (10) feet from any side or rear property line or from any primary structure. Swimming pools are not ~~permitted~~ **allowed** in front **or street side** yards. Swimming pools shall be fenced and/or landscaped in a manner satisfactory to the Director of Planning/Zoning Administrator
- ~~7. Corner lots shall provide a setback equal to the required front setback for all yards adjoining a public street.~~ **Corner properties' front and street side yards must have an equal setback.**

ARTICLE 3.A: - SR-R, SANDY RIVER RESIDENTIAL (Single Family Residential District)

F. – Bulk Regulations

2. Minimum yard requirements:
 - (2) **Interior and street** side yards: 50' feet.

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

F. – Bulk Regulations

2. Minimum yard requirements:
 - B. **Interior and street** side yards: 15 feet.

ARTICLE 3.C: - S-R, SUBURBAN RESIDENTIAL DISTRICT (Single Family Residential District)

F. – Bulk Regulations

2. Minimum yard requirements:
 - A. Conventional lot:
 - (2) **Interior and street** side yards: 15 feet.
 - B. Cluster lot:
 - (2) **Interior and street** side yards: (6) feet.

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

F. – Bulk Regulations

2. Minimum yard requirements

B. Side yard:

(1) Interior side yard: 6 feet.

~~0 feet, for zero lot line by special use permit.~~

(2) ~~Corner lot (yard siding a private or public street):~~ **Street side yard:** 15 feet.

ARTICLE 3.E: - OT-R, OLD TOWN RESIDENTIAL DISTRICT (Urban Areas Single Family Residential District)

F. – Bulk Regulations.

2. Minimum yard requirements

A. Conventional single family lot:

(2) **Interior** Side yard (~~interior lot~~): 10 feet, **unless a lot of record then 6 feet.** ~~Except that the minimum side yard for any lot of record prior to the date of the adoption of this ordinance shall be 6 feet.~~

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

B. Duplex lot:

(2) **Interior** Side yard (~~interior lot~~): 12 feet.

Street Side yard (~~corner lot~~): 20 feet. **If a lot of record, then accessory building setback if 5 feet.** ~~except that the minimum side yard for accessory uses for any lot of record prior to the date of the adoption of this ordinance shall be 5 feet.~~

ARTICLE 3.F: - A-R, ATTACHED RESIDENTIAL DISTRICT (Townhouse and Attached Residential District)

F. – Bulk Regulations.

2. Minimum yard requirements for attached, duplex and two-family dwellings:

A. Front yard: 20 feet, ~~for any yard fronting a public right of way.~~

~~10 feet, for any yard fronting a private travelway and/or parking bay, provided that the minimum yard depth be measured from the face of building to either (1) the back of vehicular pavement curbing or (2) the back of sidewalk if located between building and vehicular pavement curbing, whichever dimension is closer to the building front.~~

~~20 feet, for any yard fronting a private travelway and/or parking bay serving a residential dwelling with a garage.~~

- B. ~~Street~~ side yard: 16 feet, ~~for any side yard fronting a public right of way,~~
~~14 feet, for any side yard abutting a private travelway and/or parking bay,~~
~~12 feet, for any side yard abutting an adjacent lot line.~~

~~Interior side yard: twelve (12') feet.~~

ARTICLE 3.G: - M-R, MULTIFAMILY RESIDENTIAL DISTRICT (Multifamily Residential District)

F. – Bulk Regulations

2. Minimum yard requirements for multifamily dwellings:

B. ~~Street~~ Side yard: ~~15~~ 30 feet, ~~provided that where a side yard fronts a public right of way, the side yard shall be 30 feet.~~

~~Interior side yard: 15 feet.~~

6. Minimum yard requirements for attached and duplex dwellings:

A. Front yard: 25 feet, ~~for any yard fronting a public right of way,~~

~~12 feet, for any yard fronting a private travelway and/or parking bay, provided that the minimum yard depth be measured from the face of building to either (1) the back of vehicular pavement curbing or (2) the back of sidewalk if located between building and vehicular pavement curbing, whichever dimension is closer to the building front.~~

~~20 feet, for any yard fronting a private travelway and/or parking bay serving a residential dwelling with a garage.~~

B. ~~Street~~ side yard: ~~25~~ 16 feet, ~~for any side yard fronting a public right of way,~~
~~16 feet, for any side yard abutting a private travelway and/or parking bay,~~

~~Interior side yard 12 feet. for any side yard abutting an adjacent lot line.~~

ARTICLE 3.I: - TO-C, TRANSITIONAL OFFICE (Transitional Residential/Office District)

F. – Bulk Regulations

2. Minimum yard requirements:

B. Interior and street side yard: 15 feet, without parking in those yards. If parking is in an interior or street side yard, the required setback is the parking area width plus 15 feet. If the property's interior side yard abuts a residential zoning district, then the required setback is 20 feet. ~~provided that no parking is located within a side yard. If parking is provided in a side yard, the side yard shall be the depth of the~~

~~parking plus 15 feet. Where the lot adjoins an existing residential district, the side yard must then be at least 20 feet.~~

ARTICLE 3.J: - N-C, NEIGHBORHOOD COMMERCIAL (Neighborhood Retail Commercial District).

E. – Bulk Regulations

2. Minimum yard requirements:

- B. ~~Interior and street~~ side yards: 15 feet. ~~Parking may be located within a side yard if the N-C zoned property is adjacent to a property zoned in one of the following districts: Parking is allowed in an interior or street side yard if the property is adjacent to a property zoned TO-C, HR-C, PS-C, CB-C, or TW-C. and includes #~~ parking is provided in a side yard, the yard shall include a 2.5 foot landscape buffer. ~~Where the lot adjoins an existing residential district, the side yard must then be at least 20 feet.~~ If the property's interior side yard abuts a residential zoning district, then the required setback is 20' feet.

ARTICLE 3.K: - CB-C, CENTRAL BUSINESS DISTRICT (Central Business Commercial District).

E. – Bulk Regulations

2. Minimum yard requirements

- b. ~~Interior and street~~ side yard: ~~no setback except: Not regulated.~~
- ~~(1) Side yard shall be at least 10 feet or as otherwise required by buffer yard criteria where adjacent to any residential district; and~~
- ~~(2) Side yard shall be at least 5 feet where adjacent to an alley which is recorded as an access easement or public right of way.~~
- (1) If the property's interior side yard abuts a residential zoning district, then the required setback is ten (10') feet; and
- (2) If the property's street side yard abuts an alley, then the required setback is five (5) feet.

ARTICLE 3.M: - HR-C, HIGHWAY RETAIL COMMERCIAL (Highway Retail Commercial District)

E. – Bulk Regulations

2. Minimum yard requirements

- b. ~~Interior and street~~ side yards: 20 feet. ~~Unless the property's interior side yard abuts a residential zoning district, then the required setback is 30' feet. provided, where side yard abuts a residential district, the side yard shall be 30 feet.~~

ARTICLE 3.N: - PS-C, PLANNED SHOPPING CENTER COMMERCIAL (Planned Shopping Center District).

E. – Bulk Regulations

2. Minimum yard requirements

- b. ~~Interior and street~~ side yards: 40 feet, ~~=Unless the property's interior or street side yard abuts a residential zoning district, then the required setback is 60 feet. provided that if side yard is adjacent to a residential district or right-of-way contiguous thereto, the side yard shall be 60 feet.~~

ARTICLE 3.O: - LED-I, INDUSTRIAL DISTRICT (Light Economic Development District).

G. – Bulk Regulations

2. Minimum yard requirements:

- B. ~~Interior and street~~ side yards: 50 feet, from a property line ~~on the industrial park boundary, which is the exterior boundary of the industrial park property.~~ 30 feet, from a property line interior to the industrial park. ~~property.~~

ARTICLE 3.P: - CP-1, CYBER PARK ONE DISTRICT (Cyber Park One Economic Development District).

F. – Bulk Regulations

2. Minimum yard requirements:

- B. ~~Interior and street~~ side yards: 80 feet, ~~provided, where~~ ~~Unless the property's interior or street side yard abuts a residential zoning district, the side yard shall be~~ ~~then the required setback is~~ 100 feet.

ARTICLE 3.Q: - M-I, INDUSTRIAL DISTRICT (Industrial Manufacturing District).

G. – Bulk Regulations

2. Minimum yard requirements:

- B. ~~Interior and street~~ side yard: 25 feet. ~~Unless the Property's interior or street provided, where side yard abuts a public right-of-way or residential district, the side yard shall be~~ ~~then the required setback is~~ 50 feet;

ARTICLE 3.V: - C-E CASINO ENTERTAINMENT DISTRICT

E. – Bulk Regulations

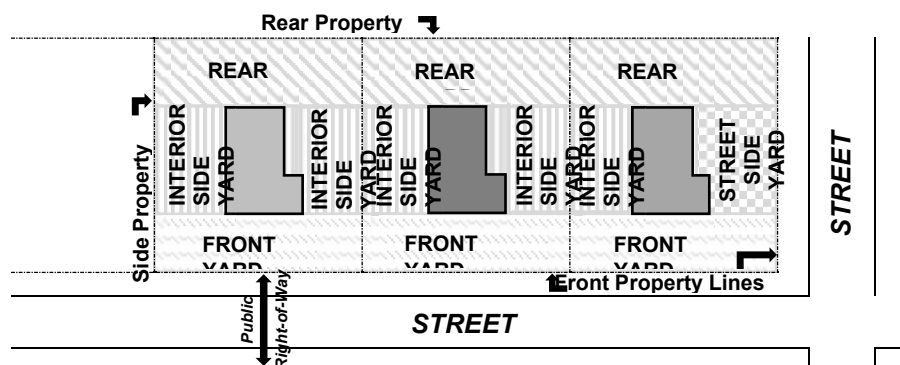
3. Minimum yard requirements:
 - b. Interior and street side yards: 40 feet.

ARTICLE 15. DEFINITIONS

B. - Definitions

Frontage. ~~The portion of a property adjacent to a right-of-way. That side of a lot abutting on a street. A lot shall be deemed to have frontage on a street if one (1) property line of a lot abuts an accessible public street right of way. On corner lots the frontage may be determined by the owner, but shall be consistent with the the orientation of neighboring lots.~~

Figure 15.1 Yards and Property Lines



Yard. Any open space on a property the same lot with a principal building or group of buildings group lying between the building or building group and the nearest lot line, unobstructed from the ground upward and or a use that is unoccupied and unobstructed from the ground up except by specific uses and structures allowed in such open space by the provisions of unless allowed by this ordinance. On any lot which is occupied by an attached dwelling, no minimum required yard shall be occupied by any part of a vehicular travel way or parking space that is owned and maintained by a homeowners' association, condominium or by the public

Yard, front. ~~A The yard between the front property line and the nearest part of the principal building or use that extends extending across the full property width of a lot, measured perpendicular to the front lot line and extending to the principal building. On a corner lot, all yards lying between the principal building and the intersecting streets shall be deemed front yards.~~

Yard, rear. ~~The A yard extending across the full width of the lot and lying between the rear lot property line of the lot and the and the nearest part of the principal building or use that extends across the full property width. group.~~

~~Yard, side. A yard between the side lot line of the lot and the principal building, and extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front or rear lot lines.~~

Yard, interior side. The yard between an interior side property line and the nearest part of the principal building or use that extends from the front yard to the rear yard.

Yard, street side. The yard between a street side property line and the nearest part of the principal building or use that extends from the front yard to the rear yard.



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

City Planning Commission

RECOMMENDATION

DATE: DECEMBER 16, 2021
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION 2021-415

REQUEST

Zoning Ordinance amendment PLCA2021-415, initiated by the City Planning Commission, proposes amending the code so that corner lots have a front yard and a street-side yard instead of two (2) front yards. This amendment also addresses regulations that rely on the new street-side yard definition including definitions, general regulations, and zoning districts dimensional standards.

RECOMMENDATION

The Planning Commission, at their December 13, 2021 meeting, voted 6-0 to recommend approval of Rezoning Application 2021-415.

Mr. Harold E. Garrison, Chair



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

City Planning Commission

MEMORANDUM

DATE: December 10, 2021

TO: Danville City Planning Commission

FROM: Doug Plachcinski, AICP, Planning Division Director + Zoning Administrator

RE: PLRZ 2021-245 Side Yard

Zoning Ordinance amendment PLCA2021-415, initiated by the City Planning Commission, proposes amending the code so that corner lots have a front yard and a street-side yard instead of two (2) front yards. This amendment also addresses regulations that rely on the new street-side yard definition including definitions, general regulations, and zoning districts dimensional standards.

Council Letter

City of Danville, Virginia



CL-2708

New Business B.

City Council Regular Meeting

Meeting Date: 02/01/2022

Subject: Consideration of Rezoning 1113 Franklin Turnpike

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 02/01/2022

SUMMARY

Rezoning Application PLRZ2020-029, filed by Gerald Kelly on behalf of TriCor Properties LLC, requests to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels, (Parcel #s 70167, 70166 & 70046). The applicant proposes a mini-storage warehouse on the property.

BACKGROUND

The applicant proffered out uses in the HR-C zoning district but intends to develop a climate-controlled mini storage building.

RECOMMENDATION

The Planning Commission, at their January 10, 2022 meeting, voted 6-0 to recommend approval of Rezoning PLRZ2020-029.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022____.____

AN ORDINANCE REZONING 1113 FRANKLIN TURNPIKE PARCEL ID #70166 AND THE TWO ADJOINING PARCELS ON EITHER SIDE IDENTIFIED AS PARCEL ID #70046 AND PARCEL ID #70167 FROM N-C NEIGHBORHOOD COMMERCIAL TO "CONDITIONAL" HR-C HIGHWAY RETAIL COMMERCIAL.

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, Gerald Kelly on behalf of TriCor Properties LLC requested to rezone 3 lots fronting on Franklin Turnpike identified as Parcel ID #'s 70166, 70046, and 70167 (Hereinafter referred to as 1113 Franklin Turnpike) from the N-C Neighborhood Commercial zoning district to "conditional" HR-C Highway Retail Commercial zoning district.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Rezoning Application 2020-29, filed by Gerald Kelly on behalf of TriCor Properties LLC requesting to rezone 1113 Franklin Turnpike from the N-C Neighborhood Commercial zoning district to "conditional" HR-C Highway Retail Commercial zoning district, is hereby received; and

BE IT FURTHER ORDAINED, that the conditions proffered by Gerald Kelly on behalf of TriCor Properties LLC requesting to rezone 1113 Franklin Turnpike from N-C Neighborhood Commercial zoning district to "conditional" HR-C Highway Retail Commercial zoning district, in attached EXHIBIT A and made a part hereof by reference are approved and accepted; and

BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Rezoning Application 2020-29, filed by Gerald Kelly on behalf of TriCor Properties LLC requesting to rezone 1113 Franklin Turnpike from N-C Neighborhood Commercial zoning district to "conditional" HR-C Highway Retail Commercial zoning district, is hereby approved; and

BE IT FINALLY ORDAINED, that 1113 Franklin Turnpike on the City of Danville,
Virginia Zoning District Map is hereby amended to reflect the same.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney

EXHIBIT A

ARTICLE 3.M: - HR-C, HIGHWAY RETAIL COMMERCIAL (Highway Retail Commercial District)

B. - Permitted Uses.

An individual use or structure intended for a single use with 60,000 square feet gross floor area or less, incorporating the following uses:

1. ~~Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).~~
2. Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage).
3. Banks and financial institutions.
4. Business services and office supply establishments.
5. ~~Car washes.~~
6. Churches and places of worship.
7. Convenience stores (with or without gasoline sales).
8. ~~Fast food restaurants.~~
9. ~~Funeral homes.~~
10. ~~Gasoline sales establishments.~~
11. Health club, spa or fitness center.
12. Hospitals and health care facilities with inpatient services.
13. ~~Hotels and motels.~~
14. ~~Laundromats/dry cleaners.~~
15. Light intensity wholesale trade establishments (with no outdoor sales or display of products).
16. Medical offices and outpatient care facilities.
17. Mini-storage warehouses, with no exterior storage.
18. ~~Movie theaters.~~
19. Offices (general and professional).
20. Parking lots (private and public with off-street parking as the principal use).

21. Personal service establishments.
22. Private post office and delivery service.
23. Public uses.
24. ~~Repair service establishments (exclusive of automobile and light vehicle service and repair, with no outdoor storage).~~
25. Restaurants.
26. Retail sales and leasing establishments, with screened outdoor sales or display of products limited to no greater than 15% of the net developable lot area. (See Additional Regulations.)
27. Schools, colleges and universities (public and private).
28. Seasonal retail uses.
29. Temporary retail sales.
30. Exterminator.
31. Bicycle shop.
32. Adult day support services.
33. Child therapeutic day support services.
34. ~~Contractor's offices and shops.~~

C. - Uses Permitted by Special Use Permit.

An individual use otherwise permitted hereinabove by-right in the HR-C District, but having greater than 60,000 square feet gross floor area, or any of the following uses:

1. Auction establishments.
2. Bed and breakfast, inn or tourist home (as defined).
3. ~~Bus stations.~~
4. Commercial recreation facilities (indoor and outdoor).
5. Conference centers.
6. Day care centers (adult and child).
7. Kennels, commercial.
8. Light warehousing uses related to an adjunct retail use permitted either by-right or special permit, provided that warehousing space does not exceed 50% of the gross floor area.
9. ~~Drive-in movie theaters.~~
10. Parking garages and structures.
11. Pet clinics.

12. Plant nurseries.
13. Public utilities.
14. ~~Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. All assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.~~
15. Schools, colleges and universities (public or private).
16. Taxidermists.
17. ~~Uses with lot frontage on the Dan River.~~
18. ~~Vehicle sale, rental and ancillary service establishments, including mobile homes.~~
19. Veterinary clinics.
20. Waiver for increase in building heights to over 50 feet.
21. Waiver of yard requirements, subject to the prohibition of parking in front yards.
22. Caretaker's residence.
23. Homeless shelter.
24. ~~Microbrewery or micro winery.~~
25. Wholesale sales.
26. ~~Indoor shooting facilities.~~
27. ~~Distillery.~~
28. Urban agriculture.
29. ~~Contractor's offices and shops with storage yards.~~



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

City Planning Commission

RECOMMENDATION

DATE: JANUARY 14, 2022
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PLRZ2020-29

REQUEST

Rezoning Application PLRZ2020-029, filed by Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two (2) adjacent parcels (Parcel #s 70167, 70166, & 70046). The applicant proposes mini-storage warehouses on the property.

RECOMMENDATION

The Planning Commission, at their January 10, 2022 meeting, voted 6-0 to recommend approval of Rezoning PLRZ2020-029.

Mr. Harold E. Garrison, Chair



City of Danville

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

City Planning Commission

City Planning Commission

Meeting of January 10, 2022

Subject:

Rezoning Application PLRZ2020000029, filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, & 70046), otherwise known as Grid 1916, Block 011, Parcel ID's 000039, 000040 &, 000041 of the City of Danville, Zoning District Map. The applicant is proposing to build mini-storage warehouses on the property.

Background:

A rezoning application has been filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, & 70046).

The site is served by all City utilities. The applicant is requesting to rezone to allow for the addition of mini-storage warehouses. Currently that use is not permitted in the N-C District. The applicant has requested to change the Zoning to "Conditional" HR-C to allow for this use. The applicant has proffered out all uses that differ between the HR-C and N-C district, except for ministorage warehouses. Thus the only use not currently permitted would be the addition of mini-warehouses.

The surrounding area is developed with a mixture of single-family dwellings, church automobile service station, hair salon, and offices. The site is located on a 5 lane commercial roadway.

Thirty-five (35) 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 March 9, 2020.

Staff Analysis and Recommendation:

Staff recommends approval of Rezoning Application PLRZ2020000029, filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, &

70046), otherwise known as Grid 1916, Block 011, Parcel ID's 000039, 000040 &, 000041 of the City of Danville, Zoning District Map. The applicant is proposing to build mini-storage warehouses on the property.

City Planning Commission Alternatives:

1. Recommend approval of Rezoning Application PLSUP202000029 as submitted.
2. Recommend approval of Rezoning Application PLSUP202000029 subject to conditions by the Planning Commission.
3. Recommend denial of Rezoning Application PLSUP202000029 as submitted.

Attachments:

Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2019 Aerial)
Year 2020 Land Use Map

CITY OF DANVILLE

REZONING APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

Application is hereby made for the rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 3 Acres Property Address: 1113 Franklin Turn Pike

Property Location: N SE W Side of: Franklin Turnpike

Between: Aanhurst Dr and Vicar Pl

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

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

1. NAME: Tricar TELEPHONE: (434) 770-2276
MAILING ADDRESS: 1000 Mountain Valley Rd, Axton VA 24054
SIGNATURE: Gerald W Kelly DATE: 1-28-20
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: geraldw.kelly@hotmail.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: Gerald W Kelly Owner Manager TELEPHONE: (434) 251-5796
MAILING ADDRESS: 137 Dakota Dr Danville, VA 24540
EMAIL ADDRESS: geraldw.kelly@hotmail.com
SIGNATURE: Gerald W Kelly DATE: 1-28-20

EXPLANATION OF REQUEST:

1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

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

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

Please provide a brief description of the proposed development:

2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

Request of rezoning for Mini Storage Buildings at
1113 Franklin Turnpike.

3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

10. In addition to landscaping and screening requirements, there shall be a minimum landscaped buffer strip of 10 feet in depth along all N-C District property frontage. This buffer area may include the yard setbacks described in subsection E. Bulk Regulations of this district. No parking is permitted within the buffer strip.
11. Where a lot is contiguous to property located in a residential district, fencing may be required in addition to landscape buffers in such cases deemed necessary by the Planning Commission with fence material and heights subject to final plan approval.
12. Gasoline pump islands, canopies and structural elements shall be governed by the same regulations as applied to a principal structure.
13. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the City. All recorded plats for lots containing shrink/swell soils shall bear the following note: "This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."
14. All retail-sales-related business services, storage, and display shall be conducted within the principal structure which is to [be] completely enclosed.

(Ord. No. 2004-02.04, Art. 3.J, § H, 2-17-04; Ord. No. 2011-10.05, 10-18-11)

ARTICLE 3.M: - HR-C, HIGHWAY RETAIL COMMERCIAL (Highway Retail Commercial District)

A. - Purpose and Intent.

The HR-C District is established 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 application of the HR-C District should be to those areas of the City where individual uses can be grouped into planned concentrations which limit the "strip" development effect on newly developing areas as well as on redevelopment areas where retail and business uses currently exist. In addition, the Corridor Overlay District may impact the regulation of uses in this district.

Adequate transportation and site planning of uses within the HR-C District should have the goal of minimizing conflicts with through-traffic movements along the entrance City's corridors and major arterial streets. The HR-C District is not intended to be applied to shopping centers. Given the implications of traffic, pedestrian access, landscaping, and inter-parcel connections, large-scale individual retailers in excess of 60,000 per establishment (typically referred to as "big boxes" or "superstores") shall require a special use permit.

Minimum site improvements for uses within the HR-C District shall include adequate on-site parking, public water and sewer service, public street frontage and safe access, pedestrian improvements, storm drainage, stormwater management facilities, and outdoor lighting for parking areas.

(Ord. No. 2004-02.04, Art. 3.M, § A, 2-17-04)

B. - Permitted Uses.

An individual use or structure intended for a single use with 60,000 square feet gross floor area or less, incorporating the following uses:

1. ~~Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).~~
2. ~~Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage).~~
3. Banks and financial institutions.
4. Business services and office supply establishments.
5. ~~Car washes.~~
6. Churches and places of worship.
7. Convenience stores (with or without gasoline sales).
8. ~~Fast food restaurants.~~
9. ~~Funeral homes.~~
10. ~~Gasoline sales establishments.~~
11. Health club, spa or fitness center.
12. Hospitals and health care facilities with inpatient services.
13. ~~Hotels and motels.~~
14. ~~Laundromats/dry cleaners.~~
15. Light intensity wholesale trade establishments (with no outdoor sales or display of products).
16. Medical offices and outpatient care facilities.
17. Mini-storage warehouses, with no exterior storage.
18. ~~Movie theaters.~~
19. Offices (general and professional).
20. Parking lots (private and public with off-street parking as the principal use).
21. Personal service establishments.
22. Private post office and delivery service.
23. Public uses.
24. ~~Repair service establishments (exclusive of automobile and light vehicle service and repair, with no outdoor storage).~~
25. ~~Restaurants.~~ **Restaurant**
26. Retail sales and leasing establishments, with screened outdoor sales or display of products limited to no greater than 15% of the net developable lot area. (See Additional Regulations.)
27. Schools, colleges and universities (public and private).

- 28. Seasonal retail uses.
- 29. Temporary retail sales.
- 30. Exterminator.
- 31. Bicycle shop.

- 32. Adult day support services.
- 33. Child therapeutic day support services.

(Ord. No. 2004-02.04, Art. 3.M, § B, 2-17-04; Ord. No. 2005-04.04, 4-5-05; Ord. No. 2009-12.08, 12-15-09; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2014-08.09, 8-19-14)

C. - Uses Permitted by Special Use Permit.

An individual use otherwise permitted hereinabove by-right in the HR-C District, but having greater than 60,000 square feet gross floor area, or any of the following uses:

- 1. Auction establishments.
- 2. Bed and breakfast, inn or tourist home (as defined).
- 3. ~~Bus stations.~~
- 4. Commercial recreation facilities (indoor and outdoor).
- 5. Conference centers.
- 6. Day care centers (adult and child).
- 7. Kennels, commercial.
- 8. Light warehousing uses related to an adjunct retail use permitted either by-right or special permit, provided that warehousing space does not exceed 50% of the gross floor area.
- 9. ~~Drive-in movie theaters.~~
- 10. Parking garages and structures.
- 11. Pet clinics.
- 12. Plant nurseries.
- 13. Public utilities.
- 14. ~~Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. All assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.~~
- 15. Schools, colleges and universities (public or private).
- 16. Taxidermists.
- 17. ~~Uses with lot frontage on the Dan River.~~
- 18. ~~Vehicle sale, rental and ancillary service establishments, including mobile homes.~~
- 19. Veterinary clinics.
- 20. Waiver for increase in building heights to over 50 feet.

21. Waiver of yard requirements, subject to the prohibition of parking in front yards.
22. Caretaker's residence.
23. Homeless shelter.
24. ~~Microbrewery or micro winery.~~
25. Wholesale sales.
26. ~~Indoor shooting facilities.~~
27. ~~Distillery.~~
28. Urban agriculture.

(Ord. No. 2004-02.04, Art. 3.M, § C, 2-17-04; Ord. No. 2008-07.04, Art. 3.M, § C, 7-15-08; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2012-09.09, 9-18-12; Ord. No. 2015-01.04, 1-20-15; Ord. No. 2016-04.03, 4-5-16; Ord. No. 2017-08.01, 8-3-17; Ord. No. 2018-09.08, 9-4-18)

D. - Lot Size Requirements.

1. Minimum district size: Not regulated, provided that districts should be located, sized and spaced to limit potential "strip" development impacts.
2. Minimum lot areas:
 - (1) Interior lot: 13,500 square feet.
 - (2) Corner lot: 15,000 square feet.
3. Minimum lot width:
 - (1) Interior lot: 90 feet.
 - (2) Corner lot: 150 feet.
4. No HR-C District lot shall be designed or employed for use in which an area more than 25% of the prescribed minimum lot area is comprised of either of the following physical land units: (a) wetlands or (b) water features.

(Ord. No. 2004-02.04, Art. 3.M, § D, 2-17-04)

E. - Bulk Regulations.

1. Maximum building height: 50 feet.
2. Minimum yard requirements:
 - a. Front yard: 30 feet, provided that a 20 foot setback is required for the outdoor display of items within the front yard. For a corner lot, the front yard shall be 20 feet if access is not provided onto a non-arterial or collector street.
 - b. Side yard: 20 feet, provided, where side yard abuts a residential district, the side yard shall be 30 feet.
 - c. Rear yard: 20 feet, provided, where rear yard abuts a residential district, the rear yard shall be 30 feet.
 - d. In addition to the above regulations, buffer yard provisions shall apply in accordance with landscape and screening regulations.

REZONING REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on March 9, 2020

LOCATION OF PROPERTY: 1113 Franklin Turnpike and two adjacent parcels
(#70167 & 70046)

PRESENT ZONE: N-C Neighborhood Commercial

PROPOSED ZONE: "Conditional" HR-C Highway Retail Commercial

ACTION REQUESTED: Rezone to construct mini-warehouses

PRESENT USE OF PROPERTY: Vacant Single Family Dwelling

PROPOSED USE OF PROPERTY: Mini storage warehouses

FUTURE LAND USE DESIGNATION: Residential

PROPERTY OWNER (S): TriCor Properties

NAME OF APPLICANT (S): Gerald Kelly on behalf of TriCor Properties

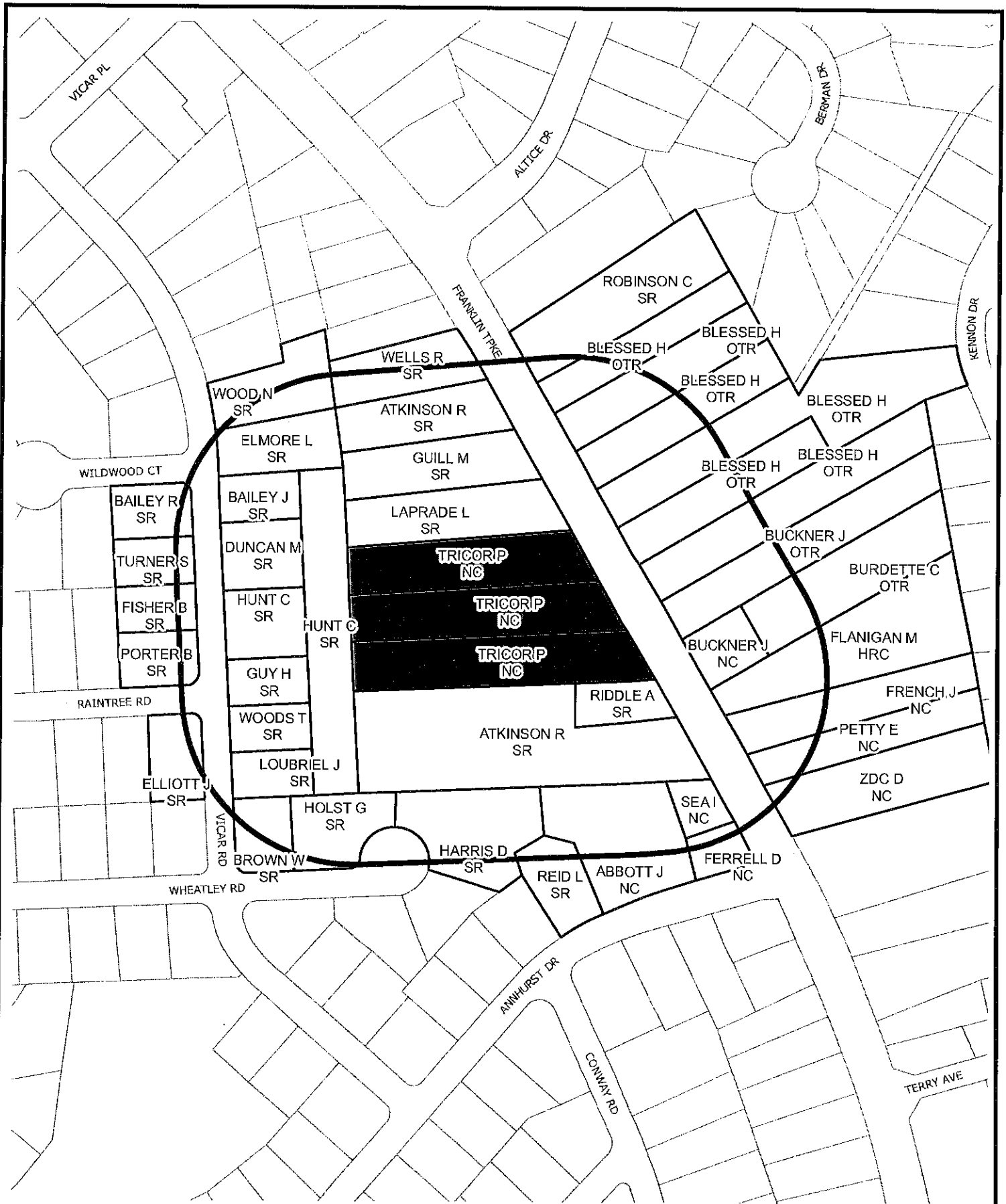
PROPERTY BORDERED BY: Mixed commercial and residential to the north, east,
south and west

ACREAGE: 2.97 acres (approximately)

CHARACTER OF VICINITY: Mixed commercial and residential

INGRESS AND EGRESS: Franklin Turnpike.

TRAFFIC VOLUME: High



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
2/19/2020

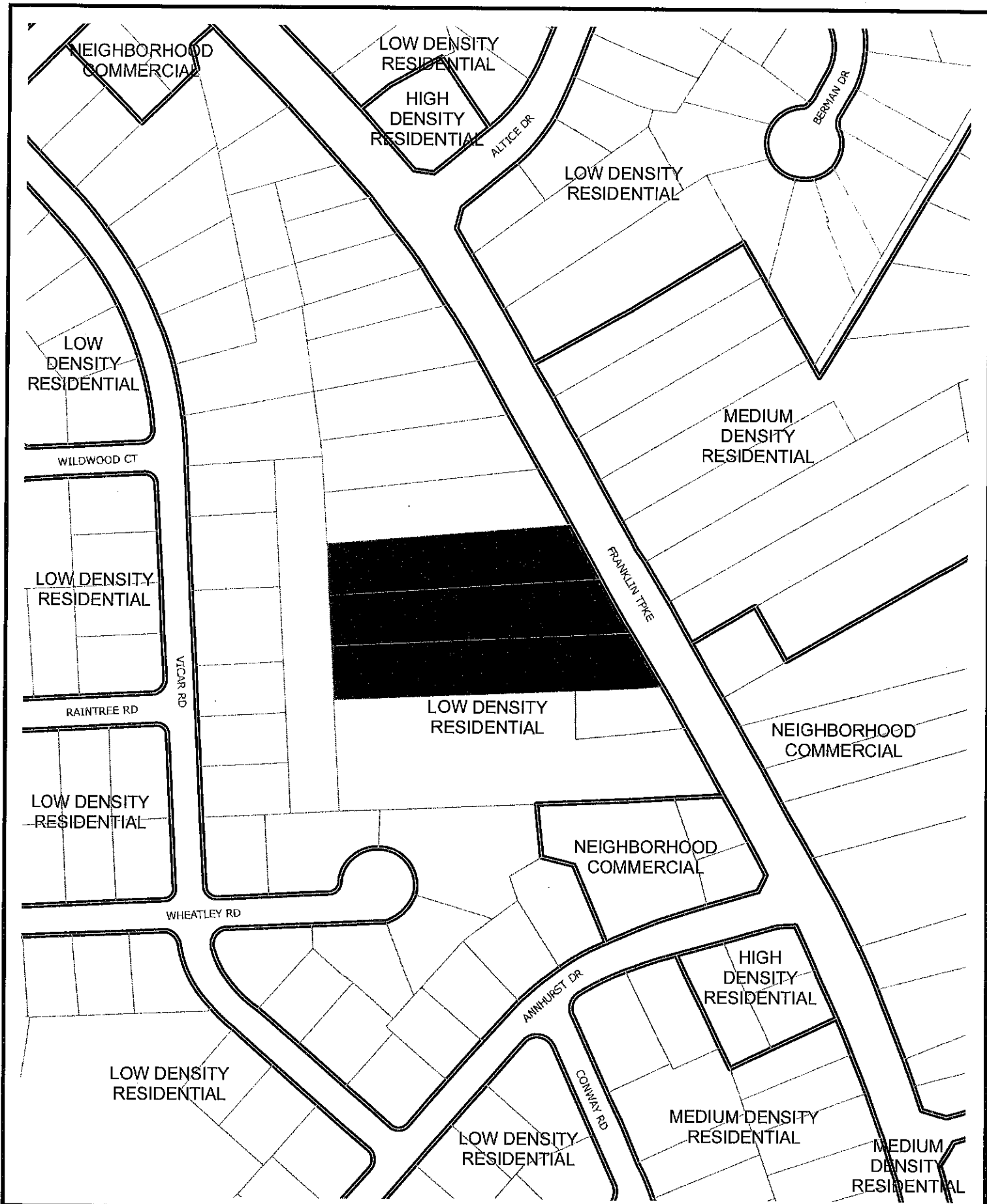
Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions,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



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
2/19/2020

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, contours, property boundaries, or placement or location of any map features thereon. No responsibility is assumed for any errors or 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
2/19/2020

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-2707

New Business C.

City Council Regular Meeting

Meeting Date: 02/01/2022

Subject: Consideration of Zoning Ordinance Amendment for Medical Cannabis Dispensing Facilities

From: Doug Plachcinski, Planning Division Director

COUNCIL ACTION

Business Meeting: 02/01/2022

SUMMARY

Zoning Ordinance Text Amendment PZ21-7 filed by Dharma Pharmaceuticals LLC, c/o Gentry Locke, Jon Puvak, to add cannabis dispensing facility to permitted uses in the HR-C Highway Retail Commercial zoning district, Chapter 41, Article 3.M.B.

BACKGROUND

The applicant changed their desired location and now wants the cannabis dispensary in an HR-C zoning district. During discussion, the Planning Commission agreed to amend the cannabis dispensing facility definition, and remove cannabis dispensing facilities from permitted uses in the N-C zoning district.

The Planning Commission, at their January 10, 2022 meeting, voted 6-0 to recommend approval of Zoning Ordinance Text Amendment PZ21-7.

RECOMMENDATION

The Planning Commission recommends that City Council adopt an ordinance to allow cannabis dispensing facilities as permitted uses only in the HR-C zoning district, removing cannabis dispensing facilities as permitted uses in the N-C zoning district, and amending the definition of cannabis dispensing facilities to include all cannabis products.

Attachments

Ordinance

EXHIBIT A

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-____.____

AN ORDINANCE AMENDING AND REORDAINING CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, REMOVING CANNABIS DISPENSING FACILITIES AS PERMITTED USES IN THE N-C ZONING DISTRICT, ALLOWING CANNABIS DISPENSING FACILITIES AS PERMITTED USES ONLY IN THE HR-C ZONING DISTRICT, AND AMENDING THE DEFINITION OF CANNABIS DISPENSING FACILITIES TO INCLUDE ALL CANNABIS PRODUCTS.

WHEREAS, the current Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, allows cannabis dispensing facilities as permitted uses in the N-C zoning district, does not allow cannabis dispensing facilities as permitted uses in the HR-C zoning district, and does not define cannabis dispensing facilities to include all cannabis products.

NOW THEREFORE, BE IT ORDAINED, those amendments to Article 3, entitled "Zoning Districts", and Article 15, entitled "Definitions" of Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, be added as attached hereto and made a part hereof, as if fully set forth herein.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

EXHIBIT "A"

Zoning ordinance amendment removing cannabis dispensing facilities as permitted uses in the N-C zoning district, so cannabis dispensing facilities are permitted uses only in the HR-C zoning district, and amending the definition of cannabis dispensing facilities to include all cannabis products.

CHAPTER 41. ZONING ORDINANCE

ARTICLE 3.J - N-C, NEIGHBORHOOD COMMERCIAL (Neighborhood Retail Commercial District).

B. - Permitted Uses.

~~16. Cannabis dispensing facility.~~

ARTICLE 3.M: - HR-C, HIGHWAY RETAIL COMMERCIAL (Highway Retail Commercial District)

B. - Permitted Uses.

35. Cannabis dispensing facility.

ARTICLE 15. DEFINITIONS

B. – Definitions

Cannabis dispensing facility. A facility that (i) has obtained a permit from the Virginia Board of Pharmacy; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis ~~oil~~ **products** produced by a pharmaceutical processor to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult, such patient's parent or legal guardian.



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

City Planning Commission

RECOMMENDATION

DATE: JANUARY 14, 2021
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: ZONING ORDINANCE TEXT AMENDMENT APPLICATION PZ21-7

REQUEST

Zoning Ordinance Text Amendment PZ21-7 filed by Dharma Pharmaceuticals LLC c/o Gentry Locke, Jon Puvak to add cannabis dispensing facility to permitted uses in the HR-C Highway Retail Commercial zoning district, Chapter 41, Article 3.M.B.

RECOMMENDATION

The Planning Commission, at their January 10, 2022 meeting, voted 6-0 to recommend approval of Zoning Ordinance Text Amendment Application PZ21-7.

Mr. Harold E. Garrison, Chair



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

City Planning Commission

MEMORANDUM

DATE: January 5, 2022

TO: Danville City Planning Commission

FROM: Doug Plachcinski, AICP, Planning Division Director + Zoning Administrator

RE: PZ21-07 MEDICAL CANNABIS DISPENSING FACILITIES

This past year, the City amended the zoning ordinance to allow medical cannabis in the N-C zoning district. The potential medical cannabis provider would like the City to instead allow medical cannabis dispensaries in the HR-C commercial zoning district as a permitted use.

If the Planning Commission recommends this code change, I recommend also including removing cannabis dispensing facilities from the N-C zoning district (Chapter 41, Article 3.J.B.16)

CODE CHANGE AMENDMENT

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER:

DATE FILED:

RECEIVED FROM:

SECTION AFFECTED:

PLANNING COMMISSION DATE/ACTION:

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section: Article 3.M.B.

Purpose for proposed amendment: The proposed change to the zoning ordinance will allow as permitted use a Cannabis Dispensing Facility as that term is defined by the Zoning Ordinance and Virginia Code the HR-C, Highway Retail Commercial Zoning District. See attached justification statement.

PRESENT OWNERSHIP OF ALL, PROPERTIES INCLUDED IN APPLICATION:

1. NAME (PLEASE PRINT OR TYPE): N/A

ADDRESS:

EMAIL:

TELEPHONE:

SIGNATURE:

2. NAME (PLEASE PRINT OR TYPE): N/A

ADDRESS:

TELEPHONE:

SIGNATURE:

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

NAME (PLEASE PRINT OR TYPE): Dharma Pharmaceuticals, LLC c/o Gentry Locke, Jon Puvak, Esq.

ADDRESS: 10 Franklin Road, Suite 900, Roanoke, Virginia 24011

EMAIL: puvak@gentrylocke.com

TELEPHONE: 540-983-9399

SIGNATURE: 



Jonathan D. Puvak

puvak@gentrylocke.com

P: (540) 983-9399

F: (540) 983-9400

December 17, 2021

VIA E-MAIL AND FIRST CLASS MAIL

Doug Plachcinski
Director of Planning
City of Danville
427 Patton Street, Room 207
Danville, Virginia 24541

Re: Zoning Ordinance/Code Change Amendment
Application Justification
Applicant: Dharma Pharmaceuticals

Dear Mr. Plachcinski:

On behalf of Dharma Pharmaceuticals, LLC (the "Applicant") please accept this justification letter in support of a zoning ordinance/code change amendment application. The Applicant requests that a "Cannabis dispensing facility" as defined by the Zoning Ordinance and Virginia Code be included as a permitted use in the HR-C, Highway Retail Commercial zoning district.

As you are aware, the City Council amended the N-C Neighborhood Commercial Zoning District uses in July 2021 to include a Cannabis dispensing facility as a permitted use. At that time, the Zoning Ordinance was also amended to define a Cannabis dispensing facility as follows:

A facility that (i) has obtained a permit from the Virginia Board of Pharmacy; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis oil produced by a pharmaceutical processor to a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult, such patient's parent or legal guardian.

The Applicant is the holder of the Pharmaceutical Processor permit for Health Service Area III ("HSA III") from the Virginia Board of Pharmacy. The Applicant is one of only four companies that are currently permitted in Virginia to grow and distribute cannabis for medical use. The

10 Franklin Road SE, Suite 900 Roanoke, VA 24011 • PO Box 40013 Roanoke, VA 24022-0013
Toll Free: 866.983.0866

Applicant's license territory, HSA III, spans a large area from central Virginia to southwest Virginia at the Tennessee border. Virginia law permits the Applicant, as a pharmaceutical processor, to establish up to six dispensing facilities within HSA III to serve patients located across the entire region. As a result, the Applicant is the only provider that can establish dispensing facilities in HSA III, which includes the City. The Applicant currently operates dispensing facilities in Abingdon, Virginia and Salem, Virginia and is planning to open four additional locations. The Applicant has identified the City as an ideal location for a dispensing facility that is accessible to patients located in the southeastern portion of HSA III as well as patients who live in the City. Having dispensing facilities spread across the Applicant's license territory allows better access to the communities that are served and reduces the distance that patients must travel to obtain cannabis for medical use.

In July 2021, the Applicant partnered with Green Thumb Industries to expand its capabilities. Green Thumb is a national retailer of cannabis and has experience operating over 65 dispensing facilities in 12 states. I have enclosed additional background materials explaining the capabilities of the Applicant and Green Thumb.

Although this application is not related to any specific property in the City, the Applicant believes that a HR-C zoned property would be most suitable for a Cannabis dispensing facility because these properties tend to be accessible to people traveling on main roadways and have sufficient parking to accommodate patients traveling a far distance. Further, there are limitations under Virginia law about where dispensing facilities may be located, and each location must be at least 1,000 feet away from any school or daycare center. These restrictions limit the number of suitable locations in the City.

As noted above, under current Virginia law, only 6 total dispensing facilities can be established by the Applicant in its license territory. Similar to the code change approved by the City Council in July 2021, the Applicant believes that the purpose and intent of the HR-C District is consistent with a Cannabis Dispensing Facility. Based on their current operations in other states, a Cannabis dispensing facility operates like a limited retail pharmacy with typical business hours of 10 am to 7 pm Monday to Saturday. A Cannabis dispensing facility will be less intense and expected to have fewer daily visits than other permitted uses in the HR-C district, including but not limited to: convenience stores, fast-food restaurants, and other personal service establishments.

December 17, 2021
Page 3

In accordance with the City's requirements, I have enclosed the required application form and will provide the application fee payment as directed by the City. We look forward to bringing this request before the Planning Commission and the City Council. Please do not hesitate to contact me if you have any questions.

Very Truly Yours,

GENTRY LOCKE

/s/ Jonathan D. Puvak

Jonathan D. Puvak

Enclosures

cc: Ms. Rebecca Brown, Dharma Pharmaceuticals, LLC and Green Thumb Industries
Ms. Kelley Boswell, Dharma Pharmaceuticals, LLC and Green Thumb Industries

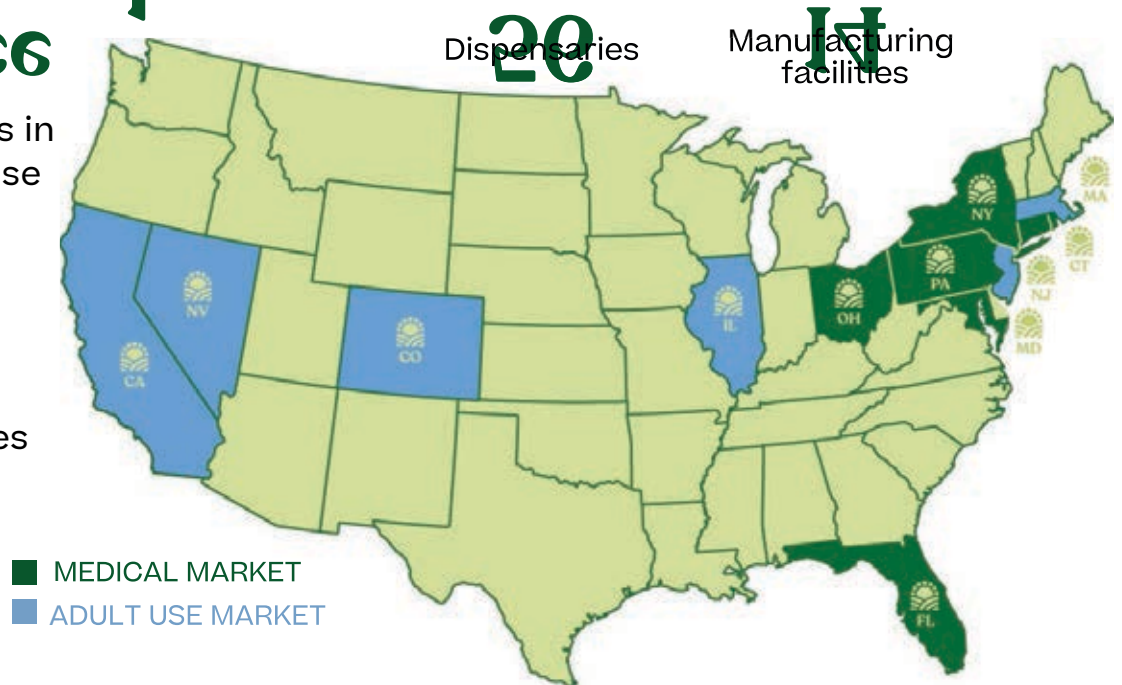
A National Seed-to-Sale Company

We currently operate:

Green Thumb at a glance

Green Thumb operates in 12 medical and adult-use markets across the country.

We currently run 56 dispensaries and 14 manufacturing facilities as a trusted brand presence for 45% of Americans.



OUR MISSION:

Promote well-being through the power of cannabis.

A place where people come first



Founded
Chicago, IL

Team members
Nationwide

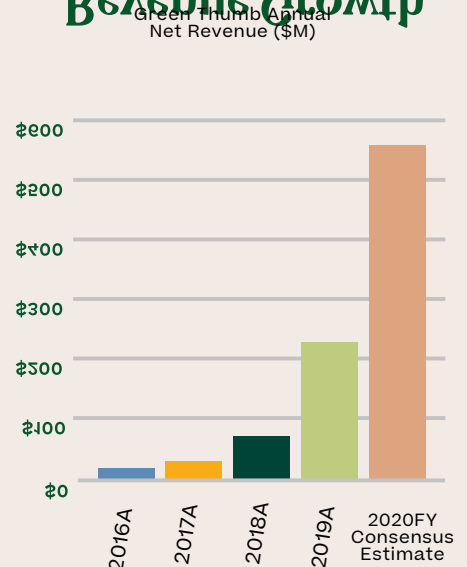
A family of trusted cannabis brands



Consumer
Product Brands

Distributed
to 12 States

Revenue Growth





Green Thumb VA DANVILLE

August 2021



Our Mission & Values

To promote well-being through the power of cannabis.



We're
humble

We let our work speak for itself and don't boast about it.



We're
hardworking

We put our heads down and get the job done.



We're
grateful

We believe working in our industry is a privilege and an act of service.



We're
transparent

We value honest and open communication and share information about laws, products and customers whenever possible.



We have
integrity

We stand by our word and prove that through our actions.



Green Thumb

At a Glance

A place where people come first

Our real power is in our people and our shared commitment to giving back to the communities that we serve.



2014

Founded Chicago, IL

3000+

Team members Nationwide

A family of cannabis brands

Because well-being is personal, we make brands and products to fit different preferences and lifestyles.



6

Consumer Product Brands

14

Distributed to 12 States

A national cannabis retailer

Our retail stores prioritize educational and explorative experiences, shepherded by our People Care Specialists.



65

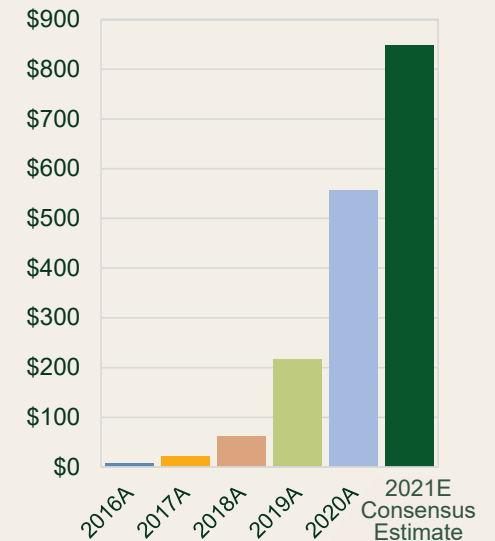
Open Stores as of 9/14/2021

98

Retail Licenses

Revenue Growth

Green Thumb Annual Net Revenue (\$M)¹

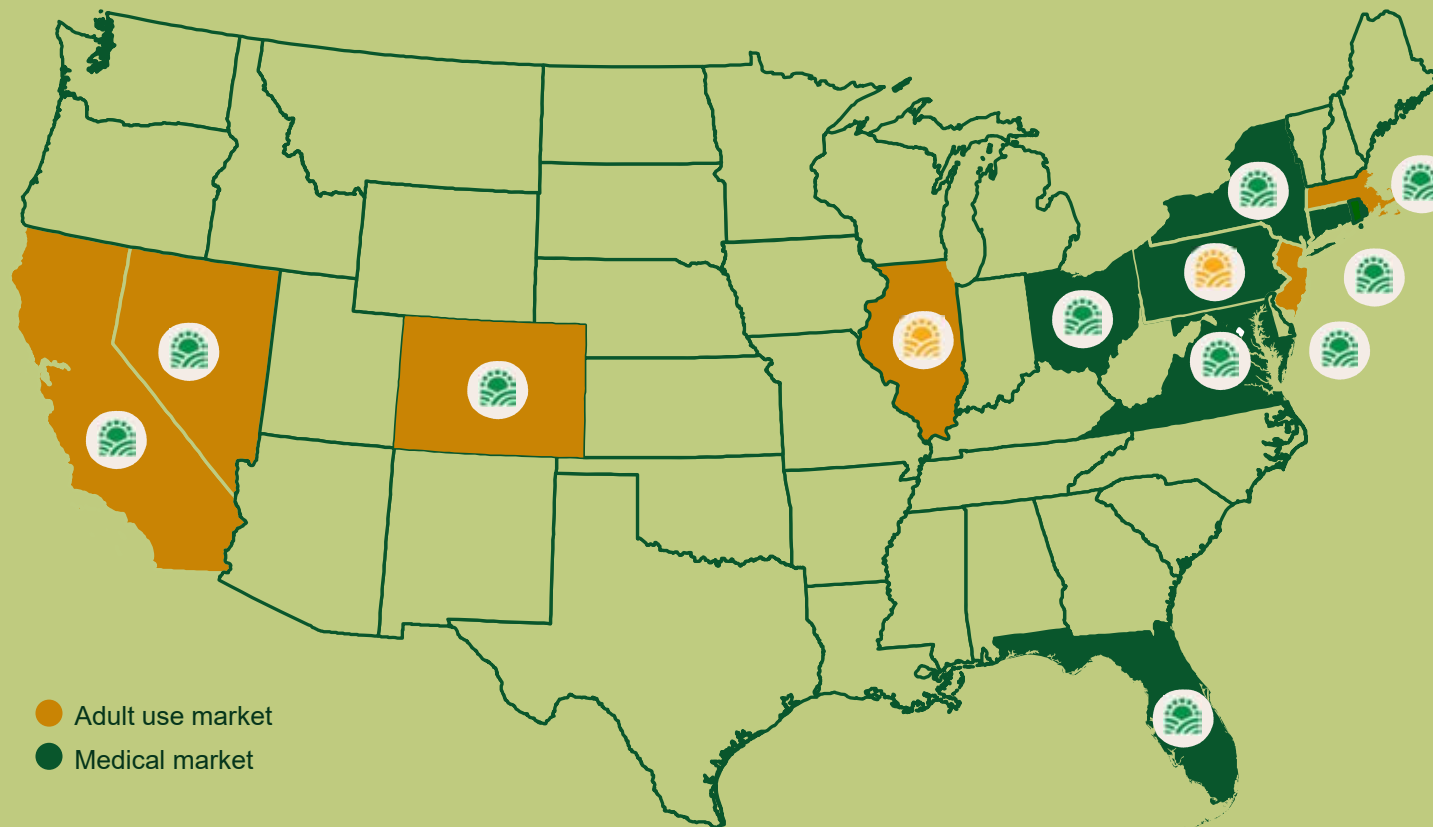


(1) 2021E = Bloomberg Consensus Estimates as of March 18, 2021 3



Established National Presence to 45% of Americans

WITH GROWTH OPPORTUNITIES AS MARKETS CONVERT FROM MEDICAL TO ADULT USE



**A sign of what's
to come**

ILLINOIS

Entered: 2015

Adult Use: 2020

2 Manufacturing Facilities

9 Open Retail Stores

\$1 Billion

Industry Year 1 Adult Use Sales

Nearly **\$200 Million**
collected in tax revenue

Cannabis generated **more tax
revenue than alcohol** in
February 2021

Source: Collections Remitted to Illinois State Comptroller by Tax Type for FY2020 and FY 2021 4



Green Thumb Growing For Good

MISSION: PROMOTE WELL-BEING THROUGH THE POWER OF CANNABIS



At Green Thumb, we believe in the plant's potential to improve health, happiness, and comfort. We do this by investing our resources and time to power a profound shift in well-being.

Through Our Corporate Social Responsibility program "Growing for Good" we will be part of the solution to improve the lives of individuals and communities that have been negatively impacted by the war on drugs.

We are committed to doing this by harnessing the power of our brands, retail experience and diverse team members to raise awareness, address social equity challenges, and provide sustainable solutions to help build safer, stronger and more equitable communities. 



Green Thumb Growing For Good

MISSION: PROMOTE WELL-BEING THROUGH THE POWER OF CANNABIS



Corporate Social Justice

Use our influential force to bring restorative justice to the cannabis industry while maintaining a relationship between our company and communities in which we work and live.



Community Engagement

Support community revitalization initiatives designed to promote economic development and create healthier and safer environments in neighborhoods disproportionately harmed by the failed War on Drugs.



Diversity & Inclusion

Lead by example through active support and inclusion for Green Thumb's diverse workforce and stakeholder community.



Environmental Stewardship

Identify and invest in new opportunities to make an eco-friendly impact through environmentally smart growing, manufacturing and packaging.

Green Thumb | Virginia Overview

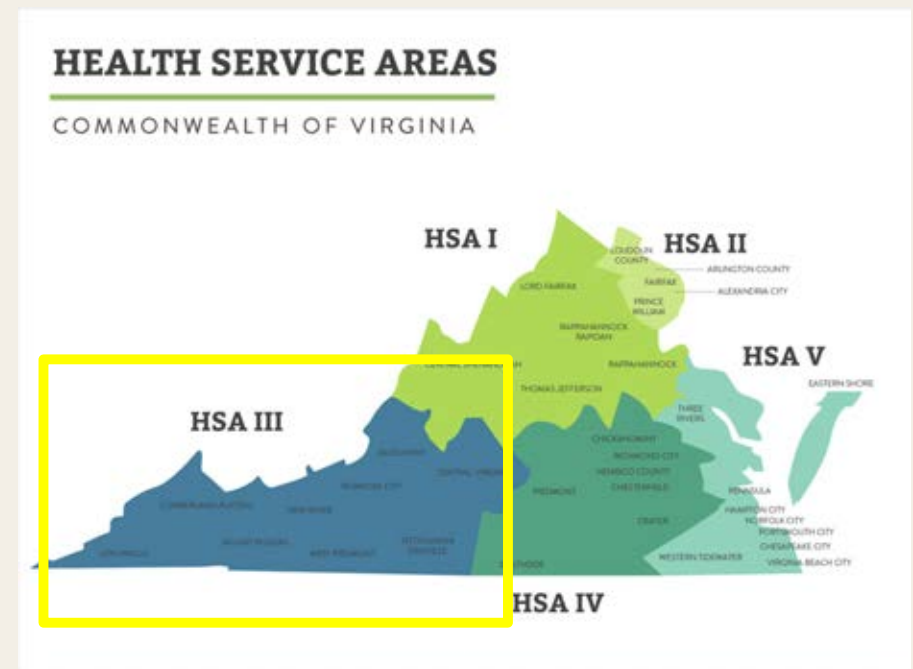
- Green Thumb Industries acquired Dharma Pharmaceuticals LLC (“Dharma”) in July 2021.
- License is for Health Service Area (HSA) III.

Current Locations

- Dharma Pharmaceuticals Cannabis Dispensary - Abingdon, VA
- RISE dispensary – Salem, VA

Future

- Plan to open 3 additional dispensaries.



Enhancing the Community with Upscale Exteriors



RISE
Warminster, PA



Salem, VA
(Open Now!)



Niles, IL⁸

Making patients comfortable and helping them feel informed is the foundation of every store experience.



Community-First Dispensary Experience



Proactive Security & Access Controls

CONTROLLED ACCESS & SURVEILLANCE

- Fully recorded, secure ID validation of all visitors and contractors
- Limited access to appropriate personnel
- Integrated software monitors and records location of personnel and registered guests throughout duration of stay
- 24/7 CAMERA SURVEILLANCE



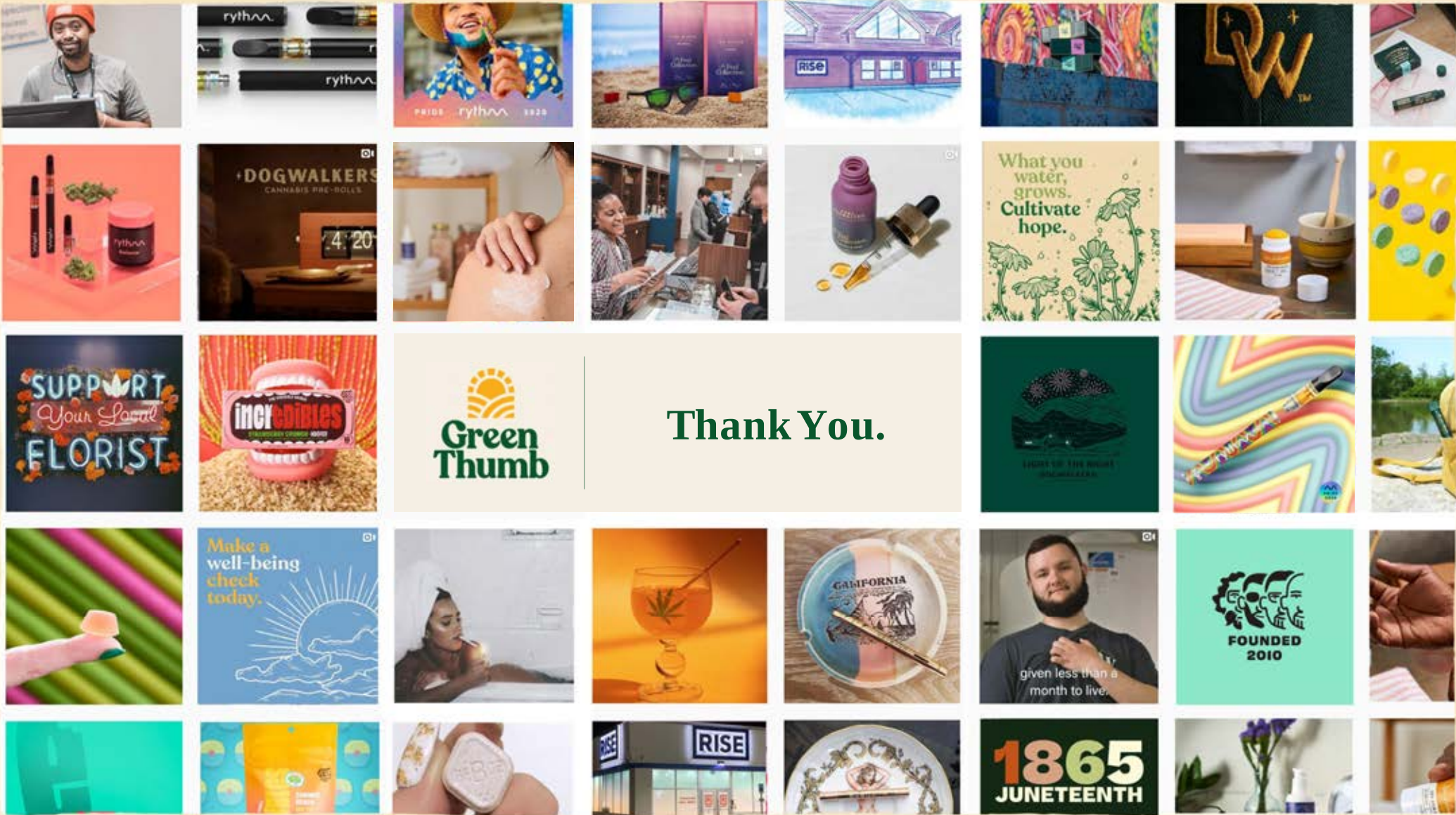
PRODUCT SAFETY + ANTI-DIVERSION

- All products packaged in childproof containers
- Barcoded and labeled with comprehensive content, testing and safety warnings for traceability and inventory management
- Seed-to-sale traceability from cultivation through manufacturing to patient
- Weekly and Monthly Inventory Audit



PUBLIC CONSIDERATIONS

- Stand-alone building with deep setback
- Absolutely zero on-site consumption
- All employees and registered visitors must be aged 21+



Council Letter

City of Danville, Virginia



CL-2689

New Business D.

City Council Regular Meeting

Meeting Date: 02/01/2022

Subject: Release of Abatement Liens, Collection Costs and Interest Against Parcel #25163 Vacant Lot on Gray Street

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

COUNCIL ACTION

Business Meeting: 02/01/2022

SUMMARY

City Staff is seeking approval from City Council to release one nuisance abatement lien, and associated costs and delinquencies affecting one vacant parcel of land on Gray Street to facilitate its sale to a new owner, and partial payoff.

BACKGROUND

The City currently holds approximately \$23,000 in a nuisance abatement lien and associated collection costs and interest against one (1) vacant Parcel on Gray Street near the SOVAH School of Nursing, identified as Parcel #25163 Gray Street. The lien greatly exceeds the market value of the Parcel and makes it unmarketable.

The present owner of the Parcel has no assets and was unable to set up a payment plan due to potential bankruptcy, but has arranged a potential sale of the Parcel to a prospective local buyer that does not have any history of nuisances within the City, for a sale price of \$1,000. The present owner desires to pay all potential sales proceeds directly to the City. The potential purchaser intends to develop the Parcel, increasing its taxable value. The sale is dependent upon the City releasing the recorded nuisance abatement lien to allow marketable title. Under State law, City Council can release nuisance abatement liens to facilitate the sale of an otherwise unmarketable lot. City Staff has determined that releasing the outstanding nuisance abatement lien and associated costs to facilitate the property sale would be of benefit to the City by eliminating likely future maintenance costs, increasing the taxable value of the Parcel, and enabling the owner to immediately pay the City a portion of what is owed to it.

RECOMMENDATION

City staff recommends releasing the existing lien and associated collection costs and interest affecting Parcel #25163, contingent upon the actual sale of the Parcel and the payment of all sales proceeds to the City of Danville.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2022-_____._____

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF A CITY-HELD LIEN AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #25163 GRAY STREET TO FACILITATE ITS SALE.

WHEREAS, The City of Danville, since 2018, in furtherance of its duty to protect the health and safety of the community, has recorded a lien at the Circuit Court against Parcel #25163 on Gray Street for nuisance abatement services valued at approximately \$18,000.00; and

WHEREAS, the city-held lien and associated collection costs and interest greatly exceeds the tax assessed value of Parcel #25163, making the lot presently unmarketable; and

WHEREAS, the present owner of this Parcel desires to sell the property to an unrelated person for \$1,000.00 and pay to the City all sales proceeds; and

WHEREAS, given the size and location of this Parcel it is likely that future City abatement services will be required absent a sale to a new owner; and

WHEREAS, under Va. Code § 15.2-906(4) a locality may release such lien against a particular property in order to facilitate its sale or transfer to an unrelated, bona fide purchaser.

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville, Virginia that all delinquent taxes, abatement charges, city-held liens, and associated collection costs and interest of record against Parcel #25163 on Gray Street be released to facilitate its sale, provided such sale actually occurs and all sales proceeds be paid to the City.

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

Assistant City Attorney

Council Letter

City of Danville, Virginia



CL-2697

New Business E.

City Council Regular Meeting

Meeting Date: 02/01/2022

Subject: State Aviation Capital Aid

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

First Reading: 02/01/2022

Final Adoption: 02/15/2022

SUMMARY

The Virginia Department of Aviation administers an Airport Capital Grant program that provides funding to construct and renovate terminal buildings. State funding participation is based on the percentage of public and private use space related to the project request. A grant application was submitted to the state to renovate the Danville Regional Airport's terminal building based on the low bid price for construction work in the amount of \$1,045,000 and \$17,250 for construction administrative services. The Virginia Department of Aviation determined that the City of Danville would be eligible to receive 78.6% in state funding for the project. The projected local match requirement of \$227,321 is provided through the Fiscal Year 2022 bond issuance for Capital and Special Projects. The Virginia Aviation Board meets on February 3rd, 2022, to consider funding recommendations for airport projects received from the Virginia Department of Aviation.

BACKGROUND

Proposed terminal building renovations were designed this year to improve the functionality and convenience of the terminal building to support existing and increased passenger traffic activity. The scope of the project was conceptualized with the assistance of General Aviation Inc., AU Aviation Services, Averett University, Airport Commission members and pilots. In addition, tours of other aviation facilities were completed to develop the floor plan for the project.

Through these planning activities, recommended renovations were identified to improve amenities for passengers and pilots and the appearance of the terminal building. The project area exhibit attachment clarifies planned renovations for the terminal building renovation project. On February 3rd, 2022, the Virginia Aviation Board will meet to consider funding recommendations for airport projects provided by the Virginia Department of Aviation.

RECOMMENDATION

It is recommended that City Council approve an Ordinance amending the Fiscal Year 2022 Budget Appropriation Ordinance for State Aviation capital grant funding and the local share and appropriating the same. The local share for this project will be provided through the Fiscal Year 2022 issuance of bonds for Capital and Special Projects.

Attachments

Ordinance

Project Area Exhibit

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR ADDITIONAL STATE AVIATION FUNDING FOR THE PURPOSE OF COMPLETING AIRPORT TERMINAL BUILDING RENOVATIONS IN THE AMOUNT OF \$834,929 PLUS THE LOCAL SHARE IN THE AMOUNT OF \$227,321 TO BE PROVIDED THROUGH THE FISCAL YEAR 2022 ISSUANCE OF BONDS FOR CAPITAL AND SPECIAL PROJECTS AND APPROPRIATING SAME.

WHEREAS, architectural design services were completed this fiscal year to support airport terminal building improvements; and

WHEREAS, construction activities to complete terminal building renovations will be funded at seventy-eight point six (78.6%) percent with state capital aid; and

WHEREAS, the Fiscal Year 2022 Bond Ordinance for Capital and Special Projects provides local funding to complete terminal building renovations.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2022 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for grants from the Virginia Department of Aviation in the amount of \$834,929 such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Terminal building renovations (Construction)		
State Aviation Funds	61737001-45712	\$ 834,929
Local Bond Ordinance	61737001-43021	<u>\$ 227,321</u>
	GRAND TOTAL	<u>\$1,062,250</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Terminal building renovations (Construction)	61737999-50	<u>\$1,062,250</u>

AND BE IT FURTHER ORDAINED, that all other accounts and provisions of the Fiscal Year 2022 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

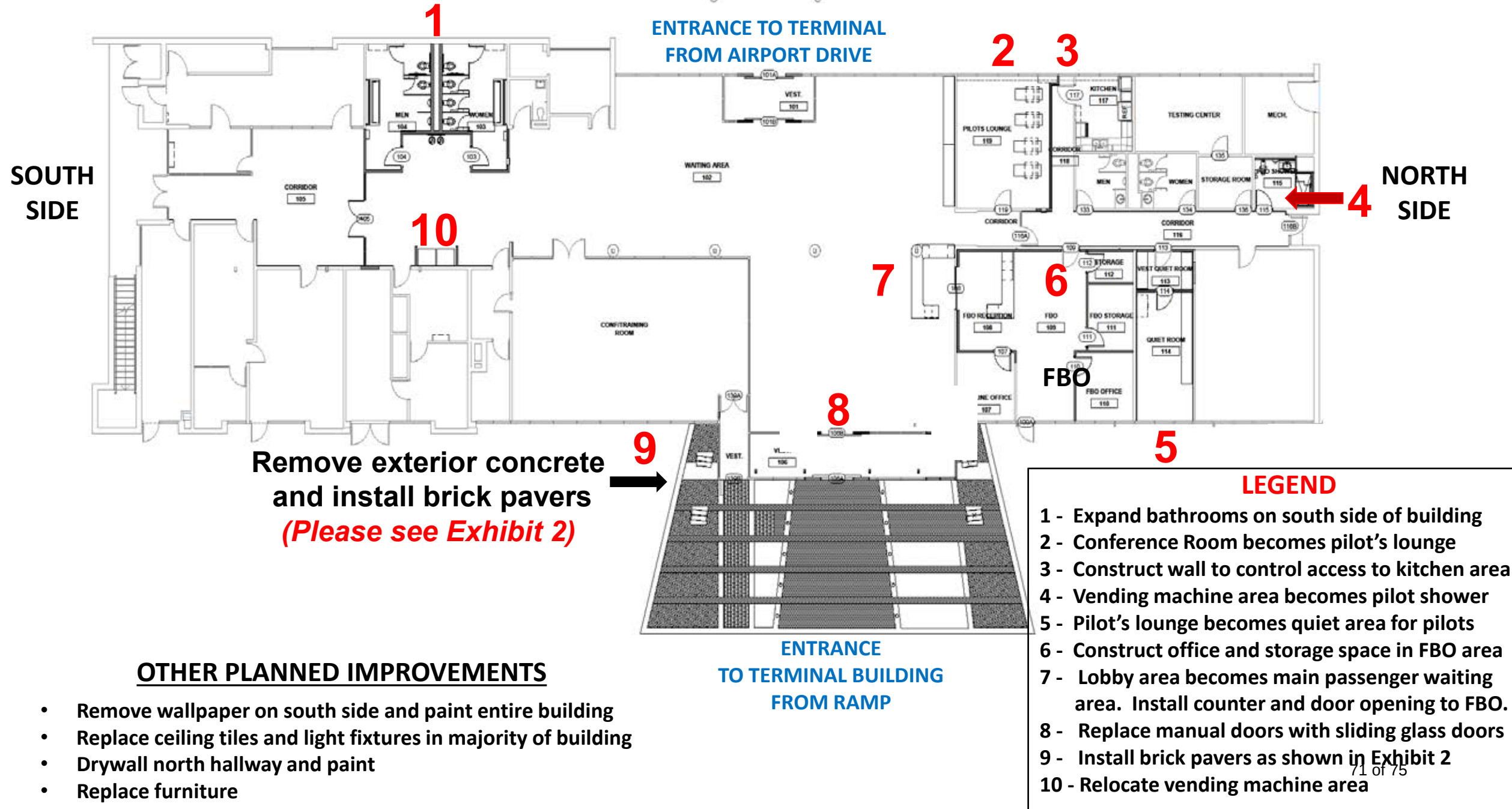
ATTEST:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

PLANNED TERMINAL BUILDING IMPROVEMENTS – EXHIBIT 1



DANVILLE REGIONAL AIRPORT AIRSIDE ENTRANCE PLANNED RENOVATIONS – EXHIBIT 2



Council Letter

City of Danville, Virginia



CL-2679

New Business F.

City Council Regular Meeting

Meeting Date: 02/01/2022

Subject: Litter Control Grant - Fiscal Year 2022 Appropriation

From: Richard Drazenovich, Public Works Director

COUNCIL ACTION

First Reading: 02/01/2022

Final Adoption 02/15/2022

SUMMARY

Each year, the City of Danville is awarded a grant from the Virginia Department of Environmental Quality for litter prevention and recycling program activities. The awarded grant amount for fiscal year 2022 is \$12,124. The funds are placed in a Special Grant Fund and appropriated annually to continue the City's litter prevention and recycling activities.

BACKGROUND

The Litter Prevention and Recycling Grant is used to promote recycling and to provide material and supplies for educational programs and litter collection. The funds can be used to conduct educational programs, purchase trash receptacles and other small supplies and materials necessary, including equipment and solid waste disposal fees associated with voluntary cleanups.

RECOMMENDATION

It is recommended that Council approves the attached ordinance appropriating funds from the Litter Control and Recycling Grant.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2022-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2022 BUDGET APPROPRIATION ORDINANCE TO ANTICIPATE GRANT FUNDS FROM THE COMMONWEALTH OF VIRGINIA FOR LITTER CONTROL AND RECYCLING EFFORTS IN THE AMOUNT OF \$12,124.00 AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the fiscal year 2022 budget appropriation ordinance be, and the same is hereby amended by increasing revenues to the Special Grants Fund from the Litter Control and Recycling Grant for the purpose of paying for equipment, materials, and supplies, such revenues and appropriation to be within the Special Grants Fund and to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid: Litter Control Grant	60119000-47420	<u>\$12,124.00</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Litter Control	60119999-50	<u>\$12,124.00</u>

BE IT FURTHER ORDAINED, that all other accounts and provisions for the fiscal year 2022 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