



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA - REVISED

MUNICIPAL BUILDING

January 7, 2020

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

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

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

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

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

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 - Dr. Gary P. Miller

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

Proclamation: National Mentoring Month
Big Brothers Big Sisters of the Danville Area

Presented to: Mike Mondul, Vice President
Melvena Beasley, Secretary
Pat Daniel, Executive Director

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.

CONSENT AGENDA

- A. Public Hearing for Budget Appropriation Item.
- B. Consideration of Approval of Minutes from Regular Council Meeting held on December 3, 2019.
Council Letter Number CL - 2255.
- C. Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for HUD Project Funds in the Amount of \$1,211,757.
Council Letter Number CL - 2253.

Ordinance Amending the Fiscal Year 2020 Budget Appropriation Ordinance for Projects to be or being Undertaken to Improve the Danville Community Financed with Community Development Block Grant, Home Investment Partnership Funds from the U.S. Department of Housing and Urban Development, and Estimated Program Income for a Total Appropriation of \$1,211,757.00.

FINAL ADOPTION

NEW BUSINESS

- A. Consideration of Granting a Special Use Permit at 1076 West Main Street for Waiver to Yard Requirements.
Council Letter Number CL - 2261.
1. Public Hearing
 2. An Ordinance Granting a Special Use Permit for a Waiver to Yard Requirements per Article 3.Q, Section B, Item 23 & Article 3.0, Section C, Item 25, of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 1076 West Main Street, Otherwise Known as Grid 1605, Block 004, Parcel 0000035 of the City of Danville, Virginia Zoning District Map.
- B. Consideration of Granting a Special Use Permit at 642 Worsham Street for Commercial Recreation (Indoor).
Council Letter Number CL - 2256.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PLSUP20190000297, filed by Satjeet Kaur on Behalf of River Penny Saver LLC, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3:K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 642 Worsham Street, Otherwise Known as Grid 2710, Block 016, Parcel 000010 of the City of Danville, Virginia Zoning District Map.
- C. Consideration of Granting a Special Use Permit at 2203 South Boston Road for Commercial Recreation (Indoor).
Council Letter Number CL - 2260.
1. Public Hearing
 2. An Ordinance Granting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 2203 South Boston Road, Otherwise Known as Grid 4719, Block 004, Parcel 000003 of the City of Danville, Virginia Zoning District Map.
- D. Consideration of Denying a Special Use Permit at 688 Mount Cross Road for Commercial Recreation (Indoor).
Council Letter Number CL - 2257.
1. Public Hearing
 2. A Resolution Denying Special Use Permit Application PLSUP20190000311, filed by Danny Graves on Behalf of Larry Soyars, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 688 Mount Cross Road, Suite B, Otherwise Known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map.

- E. Consideration of Denying a Special Use Permit at 2846 Riverside Drive, for Commercial Recreation (Indoor).
Council Letter Number CL - 2258.
1. Public Hearing
 2. A Resolution Denying Special Use Permit Application PLSUP20190000312, filed by Chase Reeves on Behalf of Jerry Davis, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 2846 Riverside Drive, Otherwise Known as Grid 1710, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map.
- F. Consideration of Denying a Special Use Permit at 545 Memorial Drive for Commercial Recreation (Indoor).
Council Letter Number CL - 2259.
1. Public Hearing
 2. A Resolution Denying Special Use Permit Application PLSUP20190000302, filed by Mubashar Choudhrey on Behalf of Carlton H. Cox, Requesting a Special Use Permit for Commercial Recreation (Indoor) in Accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, As Amended, at 545 Memorial Drive, Otherwise Known as Grid 1712, Block 007 Parcel 000004 of the City of Danville, Virginia Zoning District Map.
- G. Consideration of a Sales Tax Referendum for Danville Public Schools.
Council Letter Number CL - 2262.

A Resolution Requesting the General Assembly Amend the Code of Virginia to Authorize the City of Danville to Conduct a Local Referendum to Levy a Sales Tax not to Exceed One Percent (1%) in Addition to the Tax Authorized Under § 58.1-605 to Provide Revenue Solely for Capital Projects for Construction and Renovation of Schools within the City of Danville.

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-2255

B.

City Council Regular Meeting

Meeting Date: 01/07/2020

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 01/07/2020

SUMMARY

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

Council Letter Number CL - 2255.

Attachments

Meeting Minutes

December 3, 2019

The Regular December meeting of the Danville City Council was held on December 3, 2019, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Adam J. Tomer, Vice Mayor 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.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Council Member L.G. "Larry" Campbell, Jr.; the Invocation was followed by the Pledge of Allegiance to the Flag.

COMMUNICATIONS FROM VISITORS

Mayor Jones noted Council has been hearing about Sanctuary Cities for the Second Amendment, and stated the Constitution, in the Second Amendment, protects the individual right to keep and bear arms; it was ratified on December 15, 1791 as part of the Bill of Rights. Council will be taking citizens' concerns under consideration.

Mayor Jones recognized Joshua Jennings, owner of Guns, Gear & Ammo, Cascade, VA, who spoke and requested Council address the concerns of Danville residents and business owners who enjoy Second Amendment rights.

Mayor Jones recognized Chuck Vipperman, Danville, VA, who asked City Council to lend their voice to other localities who are insisting that the General Assembly pass Constitutional laws, and include it in the City's Legislative Priorities, asking the General Assembly not to pass gun laws that would make felons out of citizens who have done nothing wrong.

Mayor Jones recognized Keith Collins, Danville, VA who proposed a resolution in which the City of Danville declares that it will not use its municipal resources to enforce unconstitutional gun laws which may be coming from Richmond, and become a Second Amendment Sanctuary City.

Mayor Jones thanked the citizens for coming out tonight and Council will take all their comments and concerns under advisement.

Mayor Jones recognized Reverend Cecil Bridgeforth who discussed his concerns with Danville Public Schools, the homeless in Danville, and a street next to his church on Betts Street that the City no longer maintains; the Church uses it as an exit and would like the City to maintain it. Council Member Campbell noted he appreciated Reverend Bridgeforth's concern about the schools, he had the same concerns and asked what the City could do; Reverend Bridgeforth stated it came down to accountability. The School Board, the Superintendent, Administration, Teachers, Parents and Students need to be held accountable, as well as the community.

Mayor Jones again thanked the citizens for coming to the Council Meeting tonight.

CONSENT AGENDA

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

Minutes from the Regular Council Meeting held on November 7, 2019, and Minutes from Special Work Session held on November 7, 2019. Draft copies of the Minutes had been distributed prior to the meeting.

Budget Amendment – Consideration of Amending the Fiscal Year 2020 Budget Appropriation Ordinance for a Grant from the Virginia Fire Services Board in the Amount of \$45,381

Ordinance No. 2019-11.05, Presented by its First Reading on November 19, 2019, Amending the Fiscal Year 2020 Budget Appropriation Ordinance to Provide for a Grant from the Virginia Fire Services Board in the Amount of \$45,381 for Upgrades and Repairs to the Danville and Pittsylvania County Regional Fire Training Center Burn Building.

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

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

APPOINTMENTS

Vice Mayor Vogler noted the Committee on Appointments makes the following recommendations, and City Council will vote on them at their next business session.

Employee Retirement System -	Reappoint Linwood Wright and Gus Dolianitis
Fair Housing Board -	Reappoint Katherine Harvell
Industrial Development Authority -	Appoint Kristen Barker
Planning Commission -	Appoint Ann Evans and Arthur Craft

NEW BUSINESS

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR A LITTER CONTROL AND RECYCLING GRANT

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

ORDINANCE NO. 2019-12.01

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE TO ANTICIPATE GRANT FUNDS FROM THE COMMONWEALTH OF VIRGINIA FOR LITTER CONTROL AND RECYCLING EFFORTS IN THE AMOUNT OF \$7,498 AND APPROPRIATING SAME

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

December 3, 2019

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE IN THE AMOUNT OF \$34,281 FROM THE EDWARD BYRNE MEMORIAL ASSISTANCE GRANT PROGRAM

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

ORDINANCE NO. 2019-12.02

AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FOR THE 2019 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD IN THE AMOUNT OF \$34,281 TO BE USED TO IMPLEMENT A FORENSIC 3D LASER SCANNER PROJECT

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

PUBLIC HEARING – AUTHORIZING THE ABANDONMENT OF FOUR (4) UNUSED CITY EASEMENTS

Mayor Jones opened the floor for a Public Hearing regarding Abandoning Four City Easements. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 25, 2019 and December 2, 2019. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2019-12.01

AUTHORIZING THE ABANDONMENT OF FOUR (4) UNUSED CITY EASEMENTS ACROSS SURPLUS INDUSTRIAL DEVELOPMENT AUTHORITY PROPERTY IN PITTSYLVANIA COUNTY TO ENABLE THE PROPERTY TO BE SOLD

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

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

PUBLIC HEARING – AMENDING CHAPTER 41 OF THE DANVILLE CITY CODE REGARDING SIGNS

Mayor Jones opened the floor for a Public Hearing regarding Amending Chapter 41 of the Danville City Code. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. Mayor Jones recognized Tom Powers, appearing on behalf of Averett for the change in the Code to allow Averett to put up a new sign. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-12.03

AMENDING 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 3.I, ENTITLED "TO-C, TRANSITIONAL OFFICE DISTRICT", ARTICLE 3.J, ENTITLED "N-C NEIGHBORHOOD COMMERCIAL DISTRICT", ARTICLE 3.K, ENTITLED "CB-C, CENTRAL BUSINESS DISTRICT", AND ARTICLE 3.L, ENTITLED "TW-C, TOBACCO WAREHOUSE DISTRICT" TO ALLOW FOR WAIVERS OF MAXIMUM SIGN AREA BY SPECIAL USE PERMIT; TO AMEND ARTICLE 10, ENTITLED "SIGN REGULATIONS", SECTION M, ENTITLED "PERMITTED SIGNAGE IN THE N-C AND TO-C COMMERCIAL DISTRICTS". SECTION N, ENTITLED "PERMITTED SIGNS IN THE CB-C, CENTRAL BUSINESS DISTRICT", AND SECTION O, ENTITLED "PERMITTED SIGNS IN THE TW-C TOBACCO WAREHOUSE COMMERCIAL DISTRICT" TO ALLOW FOR THE MAXIMUM SIZE OF SIGNS PERMITTED BY SPECIAL USE PERMIT TO MATCH THE LIMITATIONS SET FORTH IN SECTION P, "ENTITLED PERMITTED SIGNS IN THE HIGHWAY RETAIL, HR-C AND PLANNED SHOPPING CENTER, PS-C, COMMERCIAL DISTRICTS".

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

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

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 707 MOUNT CROSS ROAD

Mayor Jones opened the floor for a Public Hearing regarding Granting a Special Use Permit at 707 Mount Cross Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. Mayor Jones recognized Tom Powers, who noted he represented Averett University on this item. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2019-12.04

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000388, FILED BY POWERS SIGNS INC., ON BEHALF OF AVERETT UNIVERSITY, REQUESTING A SPECIAL USE PERMIT FOR A WAIVER TO MAXIMUM SIGN AREA IN ACCORDANCE WITH ARTICLE 3.I, SECTION C, ITEM 25 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 707 MOUNT CROSS ROAD, OTHERWISE KNOWN AS GRID 0708, BLOCK 003, PARCEL 000004 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP. THE APPLICANT IS PROPOSING TO ERECT A SIGN LARGER THAN PERMITTED UNDER ARTICLE 10, SECTION M.

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

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

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 103 FRANKLIN TURNPIKE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 103 Franklin Turnpike. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. Mayor Jones recognized Kirpal Singh representing Charlie's Stop & Shop for a Special Use Permit. Mr. Singh discussed his concerns on having to get a Special Use Permit, going before the Planning Commission three times, the requirements that were needed to be met and multiple inspections. Mr. Singh noted people will go to the County to play the machines if they are shut down in the City and will take their business out there. No one further desired to be heard and the Public Hearing was closed.

Council Member Shanks made a Substitute Motion and **moved to Remand to the Planning Commission**:

ORDINANCE NO. 2019-12.05

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000295, FILED BY JAGJIT SINGH ON BEHALF OF KAUR & SONS LLC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 103 FRANKLIN TURNPIKE, OTHERWISE KNOWN AS GRID 2806, BLOCK 009, PARCEL 000010 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

Mr. Shanks noted he would request that the Planning Commission review the nature of the proposed activity, and its unique characteristics, and determine an accurate Zoning Category, Classification, and/or Use and a distinct Definition, which may include distinct levels of use, and report their findings in the form of a recommendation to City Council.

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

Mr. Shanks noted, *at the last Zoning hearing, Council heard one case, and after much discussion on that one case, denied the application for numerous reasons due to the concerns Council all had in placement of machines, age of participants (there is no legal age limit), supervision of machines and participants, additional security personnel needed and the potential for sizeable cash earnings on patrons in or leaving the store.*

The fact that Council had such a long discussion clearly exemplifies this is a use inconsistent with other uses Council has seen when considering Special Use Permits for "Commercial Indoor Recreation." These concerns are circumstances that are unique to indoor recreation, but not unique for this and each of the remaining cases. Mr. Shank noted his Point of Order is this. This was not a Bounce House. This was not a mini-golf course. This was not a video arcade. This was not an indoor playhouse for children. This was not even a hatchet throwing or escape room. It was none of those. That was indoor recreation. This was not a commercial indoor recreation use. This was obviously much different. If it was not indoor recreational use, what was it? This use was actually an activity more similar to activities that Senate Bill 126 contemplates, which was introduced in the General Assembly last year and has been under study and deliberation to this day, and likely for several more months.

Mr. Shanks noted this zoning case reminded him of a Danville zoning case in 2009. The case involved a homeless shelter, which was a use not defined by the City Code or the City Zoning

Code. Since it was not defined, it was not allowed by special use permit. Period. It just so happened, a quirk in the City's Zoning Code definition of hotel/motel, and in order for the case to go forward, the case considered the applicant, not a homeless shelter, but a hotel/motel, but it had one less room that it had to have by Code, so they added another room to make it a six room homeless shelter, to meet the (then) definition of hotel. Until the City Planning Commission met and wrote a definition for a homeless shelter, had a public hearing, adopted the definition and sent it to City Council for a public hearing and City Council adoption, the case could not move forward. That was exactly what should occur in this case. This was identical to that. The existing definitions do not match the unique circumstances and intended use of these applications. Mr. Shanks stated he was not sure Planning Director Ken Gillie was with the City then, but he have the minutes, and his summary of the 2009 case was accurate, and knows Councilmen Campbell, Miller, Saunders, and Tomer were on Council with him at the time and should remember the case.

Mr. Shanks stated he has a substitute motion that he read and presented to Council tonight, and hopes they will consider this. It was his intention that the Motion is to Remand back to the Planning Commission, the unique nature of this business, come forward with that recommendation, allow these same applicants to continue with their process, and not having to reapply, get the language right for a definition, and the cases could be re-reviewed by the Planning Commission and to City Council Mr. Shanks noted he thinks this was exactly similar to the case in 2009 and hope that fellow City Council Members will vote likewise.

Council Member Tomer questioned the substitute motion, would that include businesses that are already operating these machines under recreation. Mr. Shanks stated it included all the applications that have come forward to this time and any that come forward after this time. Mr. Tomer asked about a business operating as recreation now. Mr. Shanks stated he was not trying to change a legal conforming use; he was trying to address the issues that have come forward with these new zoning cases for special use permits.

Council Member Campbell thanked Mr. Shanks for his comments. Council had a situation at the last Council Meeting, and feels they need to study it, have clarity on it and be fair to the merchants, and to the City's future. Vice Mayor Vogler noted the State was looking at the issue of these machines, it was up in the air about what the State was going to do with them that may or may not influence this. Council Member Miller noted his agreement with Mr. Vogler; the state legislature will take up the legality of the grey machines and where they fit in the overall gaming laws. They are not currently under gaming, and they are not paying gaming tax. Dr. Miller noted there was currently a lawsuit in Charlottesville and thinks it would be premature for the City to approve any of these applications; what Mr. Shanks proposed was very reasonable.

Mr. Shanks noted he wanted to clarify one thing, this was not intended to be a denial of any of the applications, nor was it intended that the applicant pay any additional application fees. It was intended that the cases be reheard within whatever staff feels was a reasonable amount of time. If the applicant wants to move the application forward, they will have to re-express interest.

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

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

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Mayor Jones asked the City Attorney to explain to the applicant what Council Member Shanks means. Mr. Whitfield explained, Mr. Shanks has sent it back to the Planning Commission and they were tasked with coming up with a specific and precise definition for indoor commercial use for this particular category of commercial indoor recreation. Once that has come through the process, they can come back to the City Council. This was not a denial, it was a remand for a postponement and there are to be no additional fees charged for those who have applied.

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 3585 RIVERSIDE DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 3585 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019.

Mayor Jones recognized Darren Chapman, representing Texas Steak & Ale. Mr. Chapman noted they support all the recommendations and conditions set forth by the Planning Commission. No one further desired to be heard and the Public Hearing was closed.

Council Member Shanks moved to **Remand Back to the Planning Commission**, for the same considerations of the Planning Commission and their Code recommendations:

ORDINANCE NO. 2019-12.06

GRANTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 3585 RIVERSIDE DRIVE, OTHERWISE KNOWN AS GRID 1713, BLOCK 002, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

Council Member Tomer stated this goes back to his comment on how Council was going to handle those existing under this regulation, because now there was a restaurant that wants to do this. There are other restaurants existing that are doing it, he wants to make sure Council was treating people fairly. He would like to see the definition incorporate it for all so everyone was on a level playing field. A restaurant or business that was doing this now falls under the umbrella of what recreation was, but then the definition would be different for new applicants, he has some issues with that. Mr. Buckner noted he did not recall approving one for Kick Back Jacks and Mr. Tomer stated they already have a special use permit for recreation, which was his point. Now they have another restaurant that wants to do it.

Zoning Administrator Ken Gillie explained Kick Back Jacks was granted a special use permit for twenty machines, but they weren't envisioned to be this type of machine. They have a special use permit, it does say electronic gaming machines, and that was why they are operating them. The other facilities that were mentioned, he has not been able to determine them or not. The ones they did find, they sent notices to them telling them they needed the special use permit and that was why they were here tonight. Mr. Shanks questioned if that would be similar to a legal nonconforming use and Mr. Gillie noted potentially it could be. It also depends on if the State does something with the machines, the outcome of the case in Charlottesville and potentially other localities. Mr. Shanks stated the most immediate effect would be legal nonconforming and Mr. Gillie noted that was how he was looking at them. The others didn't have the special use permit required that Kick Back Jacks did, that was why he didn't send a violation notice to them.

Vice Mayor Vogler noted at the time they were probably looking at arcade type games; the way that the law was written, those machines fall under the same category as an arcade game. Mr. Campbell questioned the parking requirements and Mr. Gillie explained for a restaurant it was calculated on the number of fixed seats and employees. The facilities that are coming tonight, convenience stores, have much smaller parking because the change over was much quicker; people don't spend large amounts of time there. The machines are monopolizing people's time, they are spending more time at the facilities than in the past and that was why there are additional parking requirements. Council Member Campbell questioned if security was a consideration and Mr. Gillie said it was, that was why they added a recommendation about the windows being clear so people can see inside the facilities. They tried to address parking, public safety, health, and welfare through the conditions they recommended.

Mr. Tomer noted he had a problem with Council grandfathering someone in and then another restaurant comes; he does not think the gaming machines fall under electronic games, like Pacman. He has an issue on whether to grant or not, they want the same thing that Council allowed, and wished everyone was on the same footing with a set definition, and treat everyone the same. Mr. Larking suggested that staff work with the City Attorney to look at the concerns that have been expressed by Council Members with regard to the legal, non-conforming use. Once a definition was developed by the Planning Commission, gone through their process and approved by City Council, whether or not that grey area becomes more black and white and then something can be done at that point.

Dr. Miller noted currently, the Commissioner of Revenue has no way to track the machines or winnings, and questioned if it was possible for Council to develop an ordinance that if they do become legal from the State, to better track the machines. Mr. Whitfield noted they would need to research that, have a conversation among staff to bring back to Council.

After further discussion the **Motion** passed by the following vote:

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

City Attorney Clarke Whitfield explained the item has been remanded back to the Planning Commission; they have been tasked with coming up with a specific definition for this type of use or activity. There are no fees for reapplications. Once the Planning Commission comes up with that, they will be able to reappear before Council. Mr. Chapman stated he agrees with many of the points that have been made, there wasn't a clear definition of these machines. There will be a guest that goes to Kickback Jacks to play the game that won't come to his establishment.

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 395 MOUNT CROSS ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 395 Mount Cross Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019.

Mayor Jones recognized Kirpal Singh representing the store at 395 Mount Cross Road, Quick and Plenty, who noted there were questions raised he did not agree with, such as the City not being able to go into private organizations to verify the presence of machines. Mr. Singh

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discussed security in convenience stores, parking requirements, and potential loss of revenue.

Mayor Jones recognized Harold Garrison, a member of the Planning Commission, who stated. the Planning Commission has spent a lot of time over the last three months on these cases and his thought was the cases should come to City Council with conditions so that City Council could make the decision. When they start trying to define every type of indoor recreation, the City will get into more trouble because technology was always ahead of the Code. Someone will come up with something, after they define what indoor recreation was specifically, with something they have not thought about. No one further desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

ORDINANCE NO. 2019-12.07

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000294, FILED BY JAGJIT SINGH ON BEHALF OF SUHASONS INC., REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 395 MOUNT CROSS ROAD, OTHERWISE KNOWN AS GRID 1709, BLOCK 004, PARCEL 000002 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

Mr. Shanks stated the Planning Commission has been looking for guidance from Council and that was what the intended motion was to do, to give some guidance as far as what City Council would like them to do.

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

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

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 1371 PINEY FOREST ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 1371 Piney Forest Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019.

Mayor Jones recognized Mohammad Khan, owner of Hilltop Mart on Piney Forest Road. Mr. Khan noted that Mr. Singh explained most of the concerns, but his business was going down because most of the customers, when they come to play the machines, they will buy something, but now they are not coming because they can play the machines in the County. Mr. Kahn discussed the parking requirements and distributed pictures of the store to Council.

December 3, 2019

Mayor Jones recognized Kirpal Singh who also commented on the parking requirements. No one further desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

ORDINANCE NO. 2019-12.08

GRANTING SPECIAL USE PERMIT APPLICATION PLSUP201900000303, FILED BY MOHAMMAD NAWAZ KHAN ON BEHALF OF ELEGANCE INVESTMENT LLC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 730 PINEY FOREST ROAD, OTHERWISE KNOWN AS GRID 1815, PARCEL 003, PARCEL 000006 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

PUBLIC HEARING – DENYING A SPECIAL USE PERMIT AT 4800 RIVERSIDE DRIVE

Mayor Jones opened the floor for a Public Hearing regarding Denying a Special Use Permit at 4800 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. No one present desired to be heard the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

RESOLUTION NO. 2019-12.02

DENYING SPECIAL USE PERMIT APPLICATION PLSUP201900000290, FILED BY HEWA JAYAWARDENA ON BEHALF OF JERRY DAVIS, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 4800 RIVERSIDE DRIVE OTHERWISE KNOWN AS GRID 0709, BLOCK 002, PARCEL 000019 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

December 3, 2019

PUBLIC HEARING – DENYING A SPECIAL USE PERMIT AT 1501 WEST MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding Denying a Special Use Permit at 1501 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

RESOLUTION NO. 2019-12.03

DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000299, FILED BY SHAHID JAVID ON BEHALF OF MKM PARTNERS, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1501 WEST MAIN STREET OTHERWISE KNOWN AS GRID 0611, BLOCK 004, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

PUBLIC HEARING - DENYING A SPECIAL USE PERMIT APPLICATION AT 2100 WEST MAIN STREET

Mayor Jones opened the floor for a Public Hearing regarding Denying a Special Use Permit at 2100 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

RESOLUTION NO. 2019-12.04

DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000309, FILED BY SAMIR PATEL ON BEHALF OF DUTTA INC., OF VIRGINIA, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED AT 2100 WEST MAIN STREET, OTHERWISE KNOWN AS GRID 0610, BLOCK 004, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP

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

December 3, 2019

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

PUBLIC HEARING – DENYING A SPECIAL USE PERMIT AT 3401 WESTOVER DRIVE

Mayor Jones opened the floor for a Public Hearing regarding Denying a Special Use Permit 3401 Westover Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 19, 2019 and November 26, 2019. No one present desired to be heard and the Public Hearing was closed.

Council Member Shanks **moved to Remand Back to the Planning Commission**, along with the request that the Planning Commission review the nature of proposed activity consistent with his previous motion:

RESOLUTION NO. 2019-12.05

DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000362, FILED BY GHULAM HASSAN, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.J, SECTION C, ITEM 2 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 3401 WESTOVER DRIVE, OTHERWISE KNOWN AS GRID 9818, BLOCK 005, PARCEL 0000023 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

Mr. Shanks stated for the record, the last several items were proposed to be denied in terms of recommendation from staff. They have issues that were not yet resolved and those issues clearly have to be resolved in the future before they come back forward. Mr. Shanks noted he did not think it was fair to eliminate their applications.

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

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

COMMUNICATIONS

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

ROLL CALL

Council Member Miller noted the annual Thanksgiving Dinner at Bibleway was a great success; several members of Council and Delegate Marshall attended and served dinners. Dr. Miller noted he went to the Boys and Girls Club Breakfast, Faith Stamps was the CEO, and in the five years she has been there, there have been zero teen pregnancies in that group and zero dropouts. The featured speaker was Corrie Bobe who discussed workforce

December 3, 2019

development, and opportunities available in the schools for training. Dr. Miller reminded citizens the Christmas Parade was Sunday.

Council Member Saunders noted a special thanks to the Planning Commission for the work they do, and a special thanks to Mr. Gillie and Mr. Whitfield for their research to help them make the best decisions. Mr. Saunders reminded citizens about the Christmas Parade on Sunday and encouraged them to be safe during the holiday season.

Council Member Shanks invited Council Members, city staff and citizens to visit the Chrismon Tree at Ascension Lutheran Church. The hours are 3:00 to 5:00 p.m. and 7:00 to 9:00 p.m. during the week and additional hours during the weekend.

Vice Mayor Vogler noted he had a great time at Bibleway with the Thanksgiving dinner and recognized the group of people that put that together, stating they did a great job serving over 800 meals. Mr. Vogler recognized Stacey Cunningham and her group that put on a Thanksgiving breakfast at House of Hope. Mr. Vogler reminded citizens about the Christmas Parade on Sunday.

Council Member Whittle noted he was very interested in the Enterprise Zone and hearing from the Economic Development staff; it would be helpful for existing and new businesses that are not in the existing Enterprise Zones.

Council Member Campbell commended Pastor Bridgeforth for speaking out about education. All Council Members are concerned about the progress of the City, and education was a serious issue and concern. The City has to focus on turning things around.

Mayor Jones thanked Reverend Bridgeforth for talking about the homeless people in Danville, hopes the community can become involved in this situation and get these people off the street. Mayor Jones reminded the citizens about the parade on Saturday and thanked Mr. Gillie for his work.

The meeting adjourned at: 8:36 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2253

Consent Agenda C.

City Council Regular Meeting

Meeting Date: 01/07/2020

Subject: Fiscal Year 2019-20 Community Development Programs

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

COUNCIL ACTION

First Reading: 12/17/2019

Final Adoption: 01/07/2020

SUMMARY

The City of Danville is a participating jurisdiction under the U.S. Department of Housing and Urban Development (HUD). Under this designation, the City receives Community Development Block Grant (CDBG) and HOME Investments Partnership Program (HOME) funds annually. The City has received its funding agreement from HUD in the amount of \$1,211,757.00 and needs to appropriate the money to be used for housing related programs.

BACKGROUND

In June, City Council approved a new Fiscal Year 2019-20 Annual Action Plan, specifying projects and activities that will be funded in the fiscal year. A large majority of the CDBG funds have historically been used for neighborhood revitalization efforts and it is proposed to continue focusing on this effort in the 2019-20 Plan. In addition, there is a public service category which can be funded with up to 15% of the annual allocation. It provides funding to assist non-profit organizations to carry out programs that benefit low- to moderate-income individuals and/or households.

The City has received the program agreement from HUD for a total budget of \$1,211,757.00 for Fiscal Year 2019-20, comprised of \$864,447 CDBG funds, \$248,310 HOME funds, and \$99,000 estimated program income generated from loan repayments and the sale of houses currently under city programs.

RECOMMENDATION

It is recommended that City Council adopt the attached Budget Appropriation Ordinance appropriating \$1,211,757 from HUD for Fiscal Year 2019-20 for use in Housing related programs.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020-____.____

A ORDINANCE AMENDING THE FISCAL YEAR 2020 BUDGET APPROPRIATION ORDINANCE FOR PROJECTS TO BE OR BEING UNDERTAKEN TO IMPROVE THE DANVILLE COMMUNITY FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT, HOME INVESTMENT PARTNERSHIP FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND ESTIMATED PROGRAM INCOME FOR A TOTAL APPROPRIATION OF \$1,211,757.00.

WHEREAS, the United States Department of Housing and Urban Development has made available \$864,447 in Community Development Block Grant (CDBG) and \$248,310 in HOME Partnership Program (HOME) Entitlement funds to be used for projects to improve the Danville community; and

WHEREAS, it is projected that an aggregated amount of \$24,000 in CDBG program income and \$75,000 in HOME program income will be generated during the period from July 1, 2019 through June 30, 2020 from the Community Development Block Grant and HOME Entitlement funds which will be used to improve the Danville Community.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the estimated/anticipated revenues and appropriation of funds to finance the Budget of the Community Development Block and HOME Partnership Program are hereby, as follows:

**CDBG/HOME FUND
ESTIMATED/ANTICIPATED REVENUES**

<u>Description</u>		<u>Account No.</u>	<u>Amount</u>
Federal Aid-CDBG:	FY2020	61491000-48025	\$864,447
Federal Aid-HOME:	FY2020	61492000-48030	248,310
CDBG Program Income:	FY2020	61491000-44381	24,000
HOME Program Income:	FY2020	61492000-44361	<u>\$ 75,000</u>
		GRAND TOTAL:	<u>\$1,211,757</u>

ESTIMATED/ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
H & D ADMIN	FY2020	
Salaries & Wages	61493000-51100	\$41,000
FICA Taxes	61493000-51450	\$3,100
Retirement	61493000-51525	\$3,200
Group Hospital	61493000-51600	\$4,200
Group Life Insurance	61493000-51630	\$100
HSA Cont Exp	61493000-51632	\$700
Maintenance Service Contracts	61493000-52225	\$900
AVL Service Contracts	61493000-52226	\$200
Advertising	61493000-52275	\$900
Outside Services	61493000-52349	\$47,400
Vehicles	61493000-52550	\$1,800
Print Shop – Print Jobs	61493000-52650	\$100
Print Shop – Supplies	61493000-52655	\$1,100
Postal Service	61493000-54050	\$800
Telephone/Internet	61493000-54100	\$250
General Liability Insurance	61493000-54650	\$100
Travel/Training	61493000-54900	\$6,900
Contributions – Other Entities	61493000-55005	\$3,700
Uniforms	61493000-56050	\$150
	TOTAL:	<u>\$116,600</u>
CODE ENFORCEMENT	FY2020	
Salaries & Wages	61494000-51100	\$75,500
FICA Taxes	61494000-51450	\$5,600
Retirement	61494000-51525	\$5,900
Group Hospital	61494000-51600	\$9,700
Group Life Insurance	61494000-51630	\$250
Group Hospital Insurance	61494000-51632	\$2,000
Maintenance Service Contracts	61494000-52225	\$1,600
AVL Service Contracts	61494000-52226	\$400
Vehicles Radio	61494000-52500	\$400
Vehicles	61494000-52550	\$9,048
Print Shop – Supplies	61494000-52655	\$500
Postal Service	61494000-54050	\$11,600
General Liability Insurance	61494000-54650	\$100
	TOTAL:	<u>\$122,598</u>
CDBG REHAB ADMIN:	FY2020	
Salaries & Wages	61495000-51100	\$195,500
FICA Taxes	61495000-51450	\$14,000
Retirement	61495000-51525	\$15,200
Group Hospital	61495000-51600	\$29,000
Group Life Insurance	61495000-51630	\$400
HAS Cont Exp	61495000-52632	\$1,800
Maintenance Service Contracts	61495000-52225	\$700

AVL Service Contracts	61495000-52226	\$200
Advertising	61495000-52275	\$200
Outside Services	61495000-52349	\$10,600
Vehicles Radio	61495000-52500	\$200
Vehicles	61495000-52550	\$5,400
Print Shop - Supplies	61495000-52655	\$600
Postal Service	61495000-54050	\$100
Telephone	61495000-54100	\$1,200
General Liability Insurance	61495000-54650	\$100
Travel/Training	61495000-54900	\$1,100
Materials & Supplies	61495000-55930	\$100
Uniforms & Apparel	61495000-56050	\$600
Dues & Memberships	61495000-56242	<u>\$100</u>

TOTAL: 277,100

REHABILITATION: FY2020

CDBG Housing Rehab Projects	61496000-50	<u>\$60,482</u>
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HSG L-TO-P PGM FY2020

Lease to Purchase Program	61497000-50	<u>\$2,000</u>
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HOUSING FY2020

Fair Housing Admin	61498000-50	<u>\$5,000</u>
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PUBLIC SERVICE
ACTIVITIES (PSA): FY2020

Head Start/CIC	61504068-55005	\$43,320
College Bound	61504069-55005	\$20,000
Center for Housing Counselling	61504117-55005	\$3,000
Big Brothers/Big Sisters	61504122-55005	\$13,500
Neighbors Helping Neighbors	61504125-55005	\$20,000
Turn Up Youth Camp (DRHA)	61504130-55005	\$1,500
Haven of the Dan River	61504131-55005	\$7,961
TMD Financial Empowerment	61504132-55005	\$3,000
Westmoreland Nghbrhd Org	61504133-55005	\$3,000
Legal Aid	61504415-55005	\$9,386
Ex-Offenders Program	61504416-55005	\$5,000
	TOTAL:	<u>\$129,667</u>

PRT PUBLIC FACILITIES	FY2020	61502000-50	<u>\$50,000</u>
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TEMP SHLTR SGL PARENTS W/CHILDREN	FY2020	61503999-50	<u>\$25,000</u>
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HOME ADMIN FY2020

Salaries & Wages	61499000-51100	\$18,658
FICA Taxes	61499000-51450	\$1,342

Retirement	61499000-51525	\$1,476
Group Hospital	61499000-51600	\$2,953
Group Life Insurance	61499000-51630	\$134
HSA Cont Exp	61499000-51632	\$268
	TOTAL:	<u>\$24,831</u>

HOME REHABILITATION: FY2020

HOME Housing Rehab Projects	61500999-50	<u>\$257,507</u>
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HOME REHAB CHDO FY2020

CHDO Set Aside Rehab of Private Property	61501065-52230	\$37,247
CHDO Administration Expense	61501000-55815	\$3,725
	TOTAL:	<u>\$40,972</u>

DRHA COMMUNITY CTR FY2020	61505000-50	<u>\$100,000</u>
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GRAND TOTAL \$1,211,757

AND BE IT FURTHER ORDAINED that a flexible budget is hereby authorized whereby appropriations may be increased to the extent that actual revenues from Interest and Program Incomes exceed the original budget amount; and

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

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-2261

New Business A.

City Council Regular Meeting

Meeting Date: 01/07/2020

Subject: Request for a Special Use Permit for a Waiver of Yard Requirements at 1076 West Main Street

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

COUNCIL ACTION

Business Meeting: 1/07/2020

SUMMARY

Special Use Permit application PLSUP20190000430, was filed by Schoolfield Properties LLC, requesting a Special Use Permit for a waiver to yard requirements per Article 3.Q, Section B, Item 23 and Article 3.0, Section C, Item 25, of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 1076 West Main Street, otherwise known as Grid 1605, Block 004, Parcel 0000035 of the City of Danville, Virginia Zoning District Map. The applicant is requesting a waiver to the minimum setback requirements for an existing historic office building to remain on a proposed new lot.

BACKGROUND

Schoolfield Properties owns the former Dan River Mills Complex on West Main Street. The applicant is requesting to create a new parcel to subdivide off the existing historic office building. Based on the proposed new property lines, a Special Use Permit is required. Staff's main concern is maintaining some minimal distance between any structures and the property line. Completely waiving the yard requirement would allow development practically on top of neighboring property. There will be a right-of-way dedicated as part of a future development. The roadway that served this facility was previously private.

At their meeting of December 9, 2019, the Planning Commission voted 7-0 to recommend approval subject to the condition that the only yard setback allowed to be zero feet shall be the eastern most setback and only for the existing historic office building or additions thereto. Any subsequent new building on the parcel shall comply with setback requirements unless granted separate Special Use Permits.

RECOMMENDATION

The Planning Commission recommends that City Council adopt an Ordinance granting a Special Use Permit for a waiver to yard requirements per Article 3.Q, Section B, Item 23 and Article 3.0, Section C, Item 25, of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 1076 West Main Street, otherwise known as Grid 1605, Block 004, Parcel 0000035 of the City of Danville, Virginia Zoning District Map subject to the condition that the only yard setback allowed to be zero feet shall be the eastern most setback and only for the existing historic office building or additions thereto, any subsequent new building on the parcel shall comply with setback requirements unless granted separate Special Use Permits.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020____.____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR A WAIVER TO YARD REQUIREMENTS PER ARTICLE 3.Q, SECTION B, ITEM 23 & ARTICLE 3.0, SECTION C, ITEM 25, OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 1076 WEST MAIN STREET, OTHERWISE KNOWN AS GRID 1605, BLOCK 004, PARCEL 0000035 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20190000430, filed by Schoolfield Properties, LLC, requesting a Special Use Permit for a waiver to yard requirements per Article 3.Q, Section B, Item 23 and Article 3.0, Section C, Item 25, of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 1076 West Main Street, otherwise known as Grid 1605, Block 004, Parcel 0000035 of the City of Danville, Virginia Zoning District Map is hereby received, subject to the condition that the only yard setback allowed to be zero feet shall be the eastern most setback and only for the existing historic office building or additions thereto, any subsequent new building on the parcel shall comply with setback requirements unless granted separate Special Use Permits; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000430, filed by Schoolfield Properties, LLC, requesting a Special Use Permit for a waiver to yard requirements per Article 3.Q, Section B, Item 23 and Article 3.0, Section C, Item 25, of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 1076 West Main Street, otherwise known as Grid 1605, Block 004, Parcel 0000035 of the City of Danville, Virginia Zoning District Map, is hereby granted and approved, subject to the condition that the only yard setback allowed to be zero feet shall

be the eastern most setback and only for the existing historic office building or additions thereto, any subsequent new building on the parcel shall comply with setback requirements unless granted separate Special Use Permits.

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: DECEMBER 9, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000430, filed by Schoolfield Properties LLC, requesting a Special Use Permit for a waiver to yard requirements per Article 3.Q, Section B, Item 23 & Article 3.0, Section C, Item 25, of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 1076 W. Main St, otherwise known as Grid 1605, Block 004, Parcel 0000035 of the City of Danville, Virginia Zoning District Map. The applicant is requesting a waiver to the minimum setback requirements for an existing historic office building to remain on a proposed new lot.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend approval of the request subject to the condition that the only yard setback allowed to be zero feet shall be the eastern most setback and only for the existing historic office building or additions thereto, any subsequent new building on the parcel shall comply with setback requirements unless granted separate Special Use Permits.

Michael W. Searce (KCG)

Mr. Michael Searce, Chairman

RESPONSES

One hundred four (102) notices were sent to property owners within three hundred (300) feet of the property. Fifteen (15) property owners returned statements. Eleven (11) property owners are not opposed to the request (Habitat for Humanity, Haywood, Huffman, Nesmith, Willis, Weitz, Dan River Properties, Danville Redevelopment and Housing Authority, Collie, Mental Resources Management LLC and SRE LLC). Four (4) property owners are opposed to the request (Dehart Rentals, Martin, Grubbs and Steele).

COMMENTS:
None



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

City Planning Commission

City Planning Commission
Meeting of December 12, 2019

Subject:

Special Use Permit application PLSUP20190000430, filed by Schoolfield Properties LLC, requesting a Special Use Permit for a waiver to yard requirements per Article 3.Q, Section B, Item 23 & Article 3.0, Section C, Item 25, of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 1076 W. Main St, otherwise known as Grid 1605, Block 004, Parcel 0000035 of the City of Danville, Virginia Zoning District Map. The applicant is requesting a waiver to the minimum setback requirements for an existing historic office building to remain on a proposed new lot.

Background:

Schoolfield Properties owns the former Dan River Mills Complex on West Main Street. The applicant is requesting to create a new parcel to subdivide off the existing historic office building. Based on the proposed new property lines, a Special Use Permit is required.

Staff's main concern is maintaining some minimal distance between any structures and the property line. Completely waiving the yard requirement would allow development practically on top of neighboring property. There will be right-of-way dedicated as part of a future development. The roadway that served this facility was previously private.

One hundred four (104) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on December 12, 2019.

Recommendation:

The Planning staff recommends the City Planning Commission recommend approval subject to the condition that the only yard setback allowed to be zero feet shall be the eastern most setback and only for the existing historic office building or additions thereto, any subsequent new building on the parcel shall comply with setback requirements unless granted separate Special Use Permits.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000430 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000430 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000430 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000430 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000430 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

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: 82.14 ACRES Property Address: 1076 W MAIN STREET

Property Location: (N) S E W Side of: W MAIN STREET

Between: BISHOP RD and PARK AVE

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:

WE'D LIKE TO PARCELOFF 3.98 ACRES ON THIS LOT
FOR FUTURE DEVELOPMENT, WHICH WOULD PLACE
THE NEW PARCEL TOO CLOSE TO THE PROPERTY LINE.

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

1. NAME: SCHOENFELD PROPERTIES LLC TELEPHONE: 434-793-1753
MAILING ADDRESS: 427 PATTON STREET; DANVILLE, VA 24541
SIGNATURE: [Signature] DATE: _____
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: CARRIE BOBE - ECOM DEV TELEPHONE: 434-793-1753
MAILING ADDRESS: 427 PATTON STREET; DANVILLE, VA 24541
EMAIL ADDRESS: CARRIE.BOBE@DISCOVERDANVILLE.COM
SIGNATURE: Carrie League Bobe DATE: 11/20/19

PIN 51530

OWNERS CERTIFICATE AND DEDICATION:

KNOW ALL MEN BY THESE PRESENTS, that the subdivision of land as shown hereon, containing 3.980 acres, more or less, and designated as "Plot of Survey for Schoolfield Properties, LLC Creating Lot B1 (3.980 acres)" in the City of Danville, Virginia, is with the free will and consent and in accordance with the desires of the undersigned owner thereof, that all streets on said plot are hereby dedicated to the public use, and that all lots within the subdivision are not subject to restrictions, reservation, stipulations and covenants. The said 3.980 acres of land hereby subdivided having been conveyed to Schoolfield Properties, LLC by deed dated December 28, 2017 recorded in the Clerk's Office of the Circuit Court of the City of Danville, in Instrument Number 17-0004789.

Given under my hand this _____ Day of _____, 2019

Manager - Schoolfield Properties, LLC

DATE

Certificate of Acknowledgment:

City/County of _____
Commonwealth of Virginia
The foregoing instrument was acknowledged before me this _____ day of _____, 2019 by _____

(Name of person seeking acknowledgment above)

Notary Public's signature (above)

Notary registration number: _____

My commission expires: _____

TOTAL AREA SUBDIVIDED: 3.980 ACRES

ZONED: M-1 (INDUSTRIAL Manufacturing District)

SETBACKS: FRONT - 50 feet
SIDE - 25 feet
REAR - 50 feet

SURVEYOR'S CERTIFICATION:

I hereby certify that to the best of my knowledge and belief this survey is correct and has been prepared based upon a current field survey and in accordance with the current standards of a boundary survey as established by the Virginia State Board of Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELS/DILA Board).

Fred O. Shanks, III, LS #1544

Date

SURVEYOR'S ORDINANCE CERTIFICATION:

I hereby certify that to the best of my knowledge and belief, all the requirements of the Planning Commission and City Council, and ordinances of the City of Danville, Virginia, regarding the platting of subdivisions within the City have been complied with.

Given under my hands this _____ day of _____, 2019.

Fred O. Shanks, III Land Surveyor #1544

Date

CITY APPROVAL

THIS SUBDIVISION KNOWN AS "PLAT OF SURVEY FOR SCHOOLFIELD PROPERTIES LLC" IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH THE EXISTING SUBDIVISION REGULATIONS AND MAY BE COMMITTED TO RECORD.

CITY ENGINEER

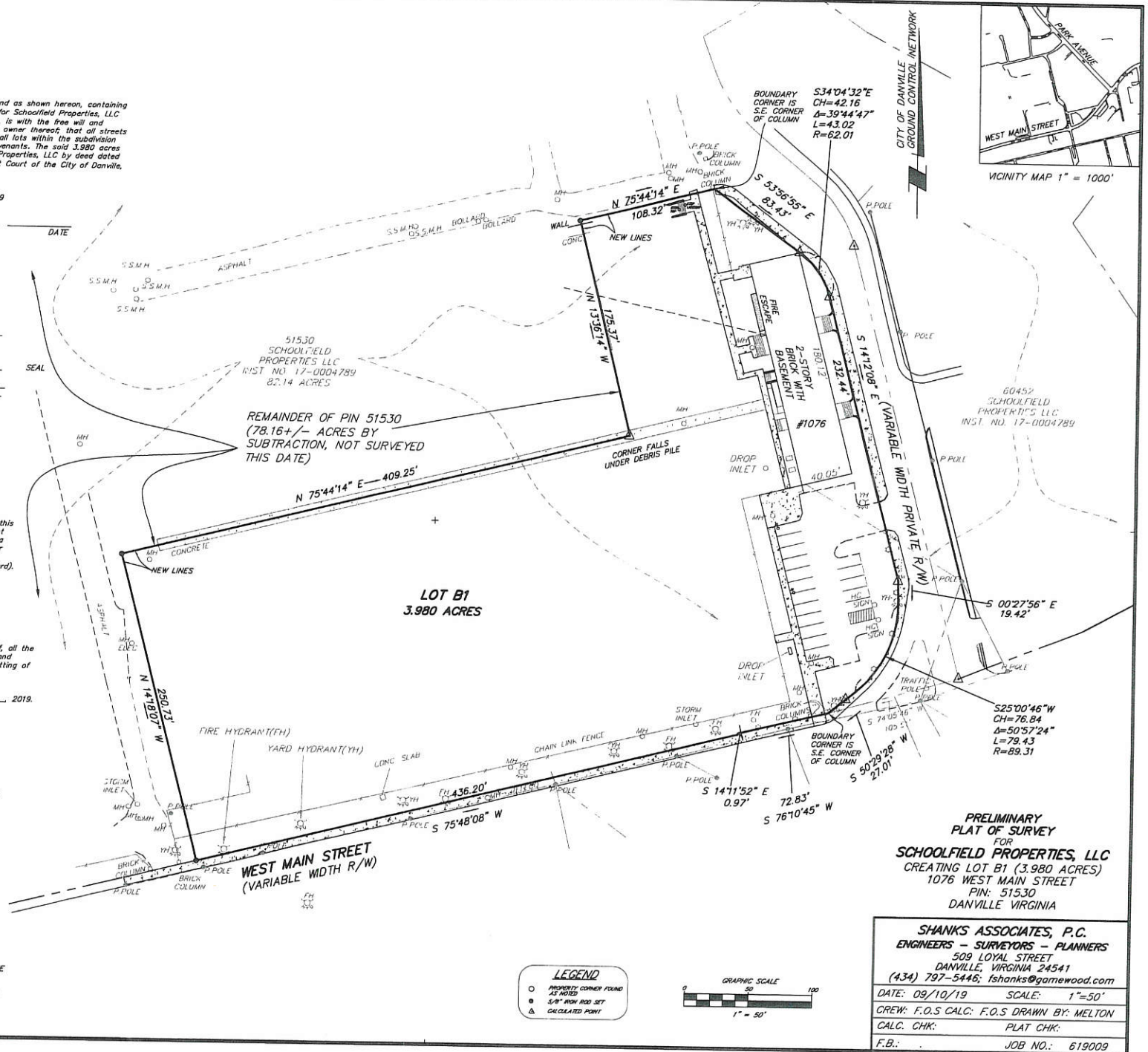
DATE

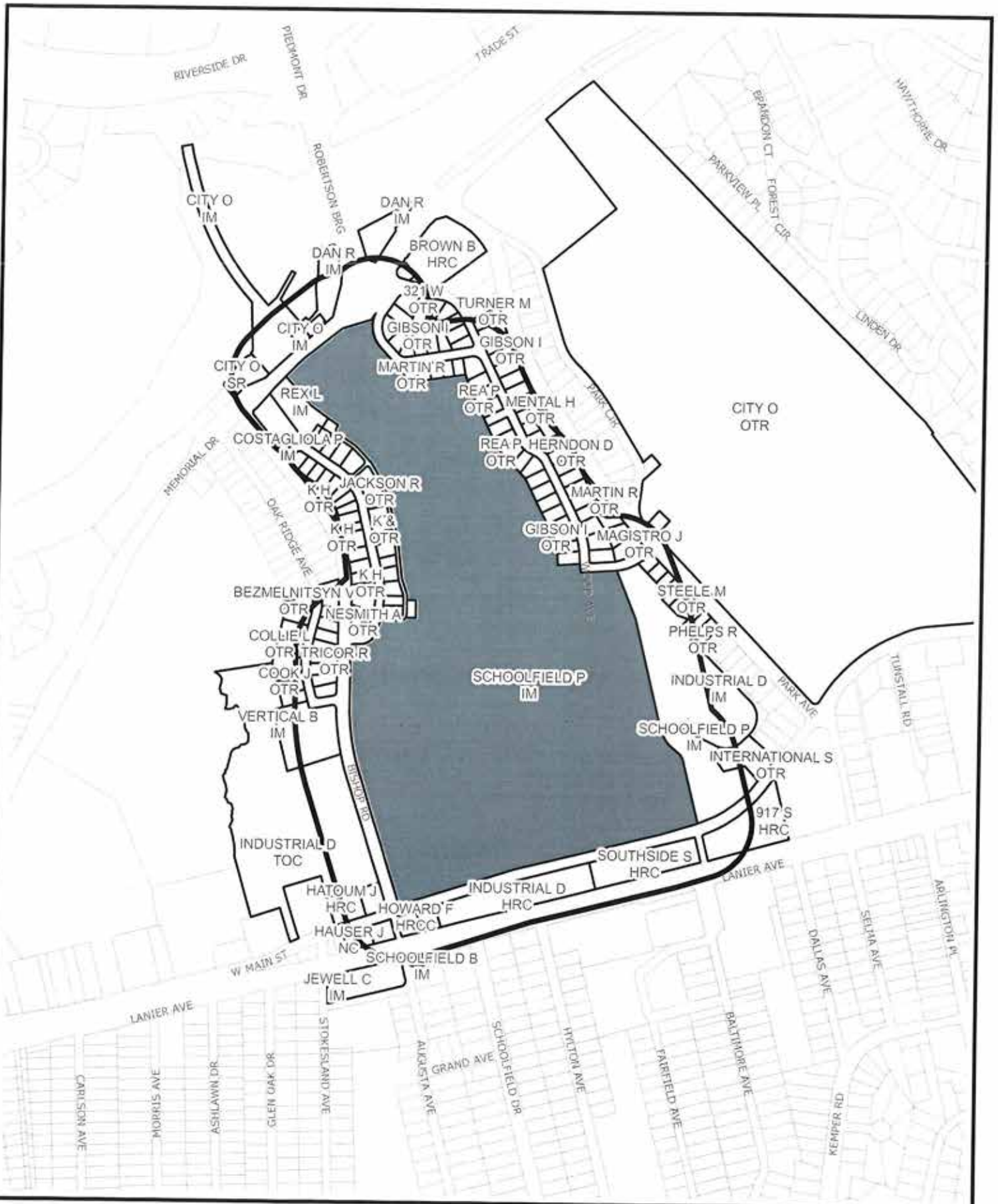
ZONING ADMINISTRATOR

DATE

NOTES:

1. THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
2. THE SUBJECT PROPERTY IS NOT WITHIN A F.E.M.A. DEFINED FLOOD HAZARD ZONE AS OF 09-29-2010. F.E.M.A. STUDIES: THE PROPERTY IS WITHIN ZONE 'X' AS SHOWN ON F.E.M.A. COMMUNITY PANEL No. 51143C0633E
3. PROPERTY SHOWN HEREON IS IN VARIOUS STAGES OF DEMOLITION. ONLY VISIBLE SIGN OF BURIED PIPING/CONDUIT ARE SHOWN. VARIOUS SLABS, WALLS, DRAINS AND OTHER PARTIALLY DEMOLISHED OR BURIED FEATURES ARE NOT SHOWN.





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
11/20/2019

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on December 9, 2019

LOCATION OF PROPERTY: 1076 W Main St

PRESENT ZONE: I-M Manufacturing Industrial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for yard setback waiver to subdivide property

PRESENT USE OF PROPERTY: Vacant Industrial Land

PROPOSED USE OF PROPERTY: Subdivision of land

FUTURE LAND USE DESIGNATION: Industrial

PROPERTY OWNER (S): Schoolfield Properties, LLC.

NAME OF APPLICANT (S): Corrie Bobe, City of Danville

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

ACREAGE: 3.980 Acres for new lot

CHARACTER OF VICINITY: Mixed Residential and commercial

INGRESS AND EGRESS: W Main St for new parcel.

TRAFFIC VOLUME: Moderate.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/20/2019

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

Council Letter

City of Danville, Virginia



CL-2256

New Business B.

City Council Regular Meeting

Meeting Date: 01/07/2020

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 642 Worsham Street

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

COUNCIL ACTION

Business Meeting: 1/07/2020

SUMMARY

A request has been filed by Satjeet Kaur on behalf of River Penny Saver LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3:K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 642 Worsham Street, otherwise known as Grid 2710, Block 016, Parcel 000010 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Satjeet Kaur, the applicant, is requesting a Special Use Permit for commercial recreation at 642 Worsham Street. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money. Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July. General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This item was tabled at the Planning Commission meeting on September 9, and October 7, to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns, and again at November 11, at the request of the applicant.

This facility has been re-inspected to determine compliance with this change in use of the building. This facility has 14 marked parking spaces that comply with code requirements on site. There are six spaces that straddle onto an adjacent parcel (ID 04028), and six parking spaces fully on that parcel. (A consolidation plat would be required to consider these parking spaces for this project bringing the total to 26.)

The applicant has submitted a preliminary consolidation plat. There are some minor issues with the plat that need correction. The site does have a new Certificate of Occupancy providing an occupant load of 46. The facility itself is 5,066 sq. ft. which requires 26 parking spaces as only a convenience store. There could be space to construct an additional parking area to the south that could accommodate 10 vehicles.

At their meeting of December 9, 2019, the Planning Commission voted 6-1 to recommend approval of the request subject to the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m., Sunday through Friday, and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted with a maximum on site of 3 machines; and
3. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
6. The required parking shall be provided on-site with no off-site substitutions; and
7. There should be no gaming machines that allow for more than one user in stand up or sit down configuration (no multi-player games either standing or seated shall be permitted), and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

RECOMMENDATION

The City Planning Commission recommends that City Council adopt an Ordinance granting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3:K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 642 Worsham Street, otherwise known as Grid 2710, Block 016, Parcel 000010 of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m., Sunday through Friday, and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted with a maximum on site of 3 machines; and
3. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
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7. There should be no gaming machines that allow for more than one user in stand up or sit down configuration (no multi-player games either standing or seated shall be permitted), and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

Attachments

Ordinance
Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020 _____._____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PLSUP20190000297, FILED BY SATJEET KAUR ON BEHALF OF RIVER PENNY SAVER LLC, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3:K, SECTION C, ITEM 5 OF THE ZONING ORDINANCE OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 642 WORSHAM STREET, OTHERWISE KNOWN AS GRID 2710, BLOCK 016, PARCEL 000010 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20190000297, filed by Satjeet Kaur on behalf of River Penny Saver LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3:K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, as amended, at 642 Worsham Street, otherwise known as Grid 2710, Block 016, Parcel 000010 of the City of Danville, Virginia Zoning District Map, is hereby received, subject to the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted with a maximum on site of 3 machines; and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage

calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and

6. The required parking shall be provided on-site with no off-site substitutions; and
7. There should be no gaming machines that allow for more than one user in stand up or sit down configuration (no multi-player games either standing or seated shall be permitted); and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000297, filed by Satjeet Kaur on behalf of River Penny Saver LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3:K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia, 1986, as amended, at 642 Worsham Street, otherwise known as Grid 2710, Block 016, Parcel 000010 of the City of Danville, Virginia Zoning District Map, is hereby granted and approved, subject to the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted with a maximum on site of 3 machines; and
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calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and

6. The required parking shall be provided on-site with no off-site substitutions; and
7. There should be no gaming machines that allow for more than one user in stand up or sit down configuration (no multi-player games either standing or seated shall be permitted); and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney



City Planning Commission

MEMORANDUM

DATE: DECEMBER 9, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000297, filed by Satjeet Kaur on behalf of River Penny Saver LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3:K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 642 Worsham St., otherwise known as Grid 2710, Block 016, Parcel 000010 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend approval of the request subject to the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted with a maximum on site of 3 machines and
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6. The required parking shall be provided on-site with no off-site substitutions; and

7. There should be no gaming machines that allow for more than one user in stand up or sit down configuration (no multi-player games either standing or seated shall be permitted), and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

Michael W. Searce (KLC)

Mr. Michael Searce, Chairman

RESPONSES

Forty-two (42) notices were sent to property owners within three hundred (300) feet of the property. Seven (9) property owners returned statements. Six (6) property owners are not opposed to the request (Danville Redevelopment and Housing Authority, Phelps Richard E Jr & Louise D, Phelps Richard E Jr & Louise Desieree, Le Cam Huong Thi, Witcher William P & Wyona P, Elam William C Sr. & Nancy F). Three (3) property owners are opposed to the request (Whitfield Vicky G, Parco International LLC and Wheeler Ashlyn J).

COMMENTS:

None provided



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

City Planning Commission

City Planning Commission
Meeting of December 9, 2019

Subject:

Special Use Permit application PLSUP20190000297, filed by Satjeet Kaur on behalf of River Penny Saver LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3:K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 642 Worsham St., otherwise known as Grid 2710, Block 016, Parcel 000010 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Satjeet Kaur, the applicant, is requesting a Special Use Permit for commercial recreation at 642 Worsham St. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July.

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

This item was tabled at the Planning Commission meeting on September 9 and October 7 to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns, and again at November 11 at the request of the applicant.

This facility has been re-inspected to determine compliance with this change in use of the building. This facility has 14 marked parking spaces that comply with code requirements on site. There are six spaces that straddle onto an adjacent parcel (ID 04028), and six parking spaces fully on that parcel. (A consolidation plat would be required to consider these parking spaces for this project bringing the total to 26.)

The applicant has submitted a preliminary consolidation plat. There are some minor issues with the plat that need corrected. The site does have a new Certificate of Occupancy providing an occupant load of 46. The facility itself is 5,066 sq. ft. which requires 26 parking spaces as only a convenience store. There could be space to construct an additional parking area to the south that could accommodate 10 vehicles.

Recommendation:

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000297, recommend the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted with a maximum on site of 3 machines and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions; and
7. There should be no gaming machines that allow for more than one user in stand up or sit down configuration (no multi-player games either standing or seated shall be permitted), and
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000297 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000297 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000297 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000297 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000297 by Planning Commission only at the request of the applicant.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

Commercial recreation

CASE NUMBER: PLSUP20190000287

EXISTING ZONING: CB-C, Central Business

PROPOSED ZONING: No change

TAX MAP NUMBER: _____

RECEIVED BY: Bryce Johnson

DATE FILED: July 29, 2019

PLANNING COMMISSION DATE: Sept. 9, 2019

CITY COUNCIL DATE: Oct. 1, 2019

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

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

Gross Area/Net Area: 5066 Property Address: 642 worsham st. Danville, VA

Property Location: (N) S E W Side of: Main St.

Between: N. Main St. and Halifax St.

Proffered Conditions (if any, please attach): Applying for skill games.

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:

I want to put skill games in my store.
6 games.

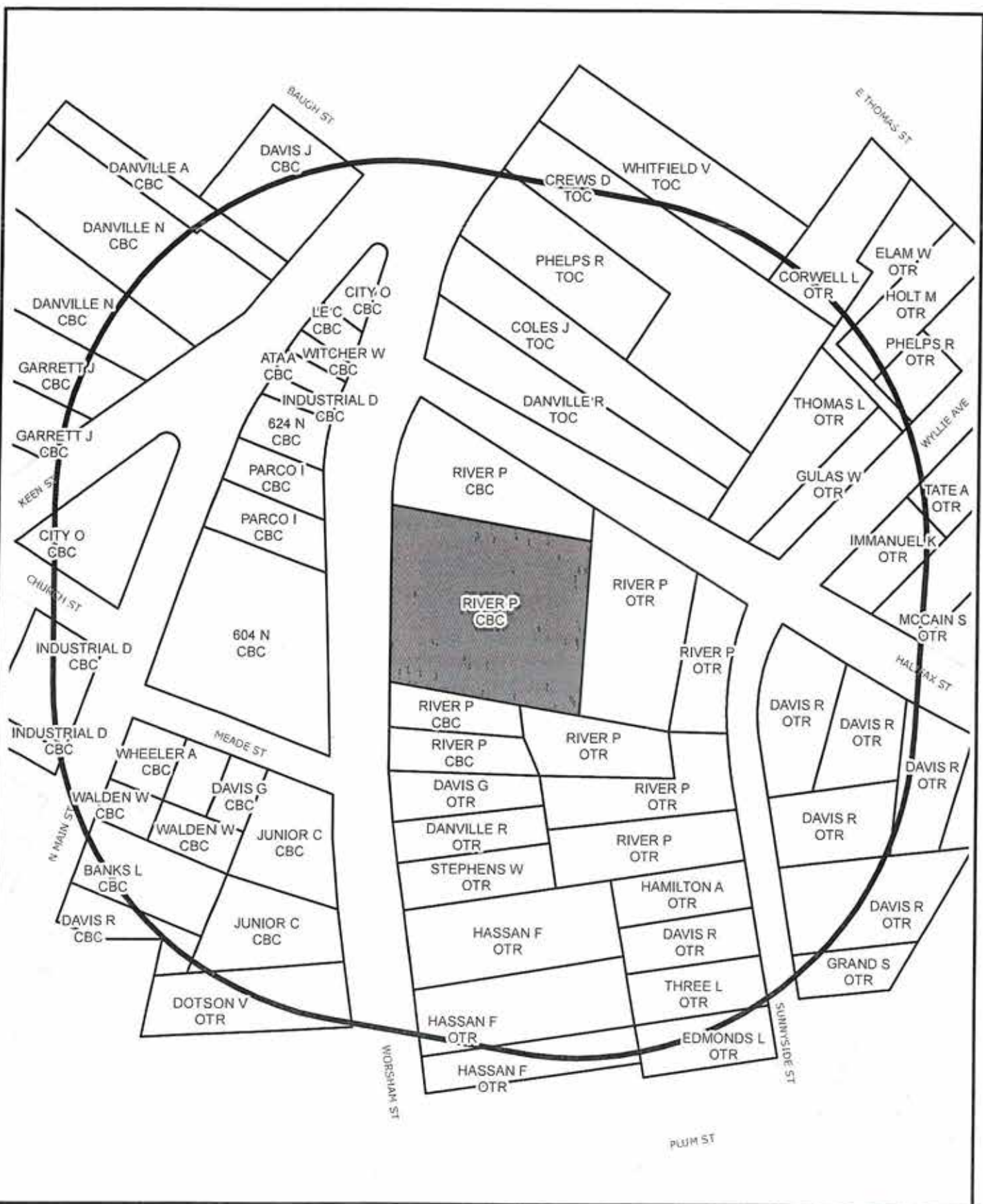
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: Satjeet Kaur TELEPHONE: (336) 541-3526
MAILING ADDRESS: 642 worsham St. Danville, VA 24540
SIGNATURE: [Signature] DATE: 7/26/19
SIGNATURE: [Signature] DATE: 7/26/19
EMAIL ADDRESS: river.penny.saver@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Satjeet Kaur TELEPHONE: (336) 541-3526
MAILING ADDRESS: 642 worsham St.
EMAIL ADDRESS: satjeetk05@gmail.com
SIGNATURE: [Signature] DATE: 7/26/19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/6/2019

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on September 9, 2019
City Council (tentative) at 7pm on October 1, 2019

LOCATION OF PROPERTY: 642 Worsham St.

PRESENT ZONE: CB-C, Central Business District

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Convenience store with indoor gaming

FUTURE LAND USE DESIGNATION: Mixed Use

PROPERTY OWNER (S): River Penny Saver LLC

NAME OF APPLICANT (S): Satjeet Kaur

PROPERTY BORDERED BY: Commercial to the north and west; residential to the south and east

ACREAGE: 0.62 acres (27,007 sq. ft.)

CHARACTER OF VICINITY: Transitional area between commercial and residential

INGRESS AND EGRESS: Worsham St.

TRAFFIC VOLUME: Low



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/6/2019

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

Item 6

Certificate of Use and Occupancy

CITY OF DANVILLE, VIRGINIA
Department of Community Development
Inspections Division

This Certificate issued pursuant to the requirements of Section 116 of the 2015 Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City and the Virginia Uniform Statewide Building Code regulating building construction or use.

For the following location:
642 WORSHAM ST, DANVILLE, VA 24540

For occupancy by:
Valero

Use Group:
B-Business

Type of Construction:
3B = Exterior masonry with wood floor and/or roof, NO
rating

Building Owner and
Address: RIVER PENNY SAVER LLC
642 WORSHAM ST
DANVILLE, VA 24540

Occupancy Load: 46 Persons

CODE	PERMIT#	INSPECTOR	FINAL APPROVED
Property Maintenance Inspector	PRCOUO201901896	Dennis J. Bisson	10/16/2019
Building Inspector	PRCOUO201901896	William Willis	10/16/2019
Fire Marshal	PRCOUO201901896	Shelby Irving	10/16/2019

Conditions or Modifications: Modification-Building Code Corrections, The bottle water dispenser must be located in a place to provide easy access to the public. Cups must be provided and water must be available to the public at all hours of operation.

FIRE ALARM SYSTEM NOT INSTALLED AND NOT REQUIRED

NOTE: Legal use of this structure may also require a Certificate of Zoning Compliance.


Building Official

October 16, 2019
Date



POST IN A CONSPICUOUS PLACE

Council Letter

City of Danville, Virginia



CL-2260

New Business C.

City Council Regular Meeting

Meeting Date: 01/07/2020

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 2203 South Boston Road

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

COUNCIL ACTION

Business Meeting: 1/07/2020

SUMMARY

A request has been filed by Kirpal Singh on behalf of Route 58 Raceway Inc., requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 2203 South Boston Road, otherwise known as Grid 4719, Block 004, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Kirpal Singh, the applicant, is requesting a Special Use Permit for commercial recreation at 2203 South Boston Road. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use of a convenience store and restaurant. There is seating for 25 persons inside. These gaming activities include an opportunity to obtain money. General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This facility has 41 conforming marked parking spaces with two being a handicapped accessible space on site. The facility itself is 3,168 sq. ft. This requires 18 spaces for the entirety of the building as a convenience store and restaurant. The facility has a Certificate of Occupancy as a Business use group for 40 persons (20 store 15 seating). This facility fronts on South Boston Road, but is adjacent to Crystal Lane, a residential development. The applicant has requested 10 machines. Staff believes that this is excessive based on the proximity to a residential neighborhood.

At their meeting of December 9, 2019, the Planning Commission voted 6-1 to recommend approval of the request subject to the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m., Sunday through Friday, and 8:00 a.m. and 11:00 p.m. on Saturday; and

2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses. If a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted, and this site shall be limited to two (2) machines; and
3. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
6. The required parking shall be provided on-site with no off-site substitutions; and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes, and
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

RECOMMENDATION

The Planning Commission recommends that City Council adopt an Ordinance granting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 2203 South Boston Road, otherwise known as Grid 4719, Block 004, Parcel 000003 of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m., Sunday through Friday, and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses. If a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted, and this site shall be limited to two (2) machines; and
3. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
6. The required parking shall be provided on-site with no off-site substitutions; and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes, and
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

Attachments

Ordinance
Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2020 _____._____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 2203 SOUTH BOSTON ROAD, OTHERWISE KNOWN AS GRID 4719, BLOCK 004, PARCEL 000003 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20190000397, filed by Kirpal Singh on behalf of Route 58 Raceway Inc, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 2203 South Boston Road, otherwise known as Grid 4719, Block 004, Parcel 000003 of the City of Danville, Virginia Zoning District Map, is hereby received, subject to the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and this site shall be limited to two (2) machines; and
3. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage

- calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
6. The required parking shall be provided on-site with no off-site substitutions; and
 7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes; and
 8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000397, filed by Kirpal Singh on behalf of Route 58 Raceway Inc, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 2203 South Boston Road, otherwise known as Grid 4719, Block 004, Parcel 000003 of the City of Danville, Virginia Zoning District Map, is hereby granted and approved, subject to the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and this site shall be limited to two (2) machines; and
3. No person under the age of eighteen (18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage

- calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift; and
6. The required parking shall be provided on-site with no off-site substitutions; and
 7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes; and
 8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

APPROVED

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



City Planning Commission

MEMORANDUM

DATE: DECEMBER 9, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000397, filed by Kirpal Singh on behalf of Route 58 Raceway Inc, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2203 South Boston Road, otherwise known as Grid 4719, Block 004, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend approval of the request subject to the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and this site shall be limited to two (2) machines
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions, and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,

8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

Michael W. Searce (KCG)

Mr. Michael Searce, Chairman

RESPONSES

Eighteen (18) notices were sent to property owners within three hundred (300) feet of the property. One (1) property owners returned statements. Zero (0) property owners are not opposed to the request. One (1) property owners are opposed to the request.(Gregory)

COMMENTS:

None



City Planning Commission

City Planning Commission
Meeting of December 9, 2019

Subject:

Special Use Permit application PLSUP20190000397, filed by Kirpal Singh on behalf of Route 58 Raceway Inc, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2203 South Boston Road, otherwise known as Grid 4719, Block 004, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Kirpal Singh, the applicant, is requesting a Special Use Permit for commercial recreation at 2203 South Boston Road. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use of a convenience store and restaurant. There is seating for 25 person inside. These gaming activities include an opportunity to obtain money.

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

This facility has 41 conforming marked parking spaces with two being a handicapped accessible space on site. The facility itself is 3,168 sq. ft. This required 18 spaces for the entirety of the building as a convenience store and restaurant. The facility has a CO as a Business use group for 40 persons (20 store 15 seating).

This facility fronts on South Boston Road, but is adjacent to Crystal Lane, a residential development. The applicant has requested 10 machines. Staff believe that this is excessive based on the proximity to a residential neighborhood.

Recommendation:

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000302, staff recommends the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and this site shall be limited to two (2) machines

3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions, and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000397 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000397 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000397 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000397 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000397 by Planning Commission only at the request of the applicant.

Attachments:

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

Certificate of Use and Occupancy
Department of Community Development
Inspections Division
City of Danville, Virginia

Pursuant to Article 1 of the Uniform Statewide Building Code, the Application of JONES RICHARD I whose structure is located at 2203 SOUTH BOSTON RD Danville Virginia, is hereby certified to be in compliance with the Uniform Statewide Building code, 02000 Edition.

This structure is in Use Group BUSINESS for occupancy as CONVENIENCE STORE

This structure has a Construction classification of type 5B

STORE : SPEED ZONE

The occupancy loads shall be as follows:
rooms, >SALES AREA - 25 PERSONS
spaces >SEATING AT TABLES - 15 PERSONS
or floors>

Building total 40 persons.

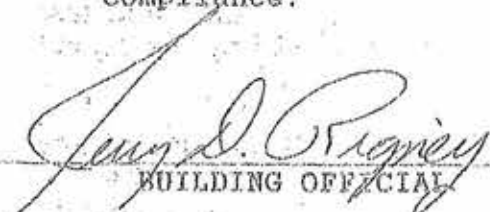
CODE	PERMIT	INSPECTOR	DATE	REMARKS
BUILDING	B050464	DAC	5/26/2006	
PLUMBING	P050265	CWF	5/04/2006	
ELECTRICAL	E060025	JBT	9/01/2006	
MECHANICAL	M060043	REP	8/03/2006	
FIRE	B050464	DRE	10/25/2006	

Conditions and/or Modifications:

Note: Legal use of this structure may also require a certificate of Zoning Compliance.

DATE ISSUED: 10/25/2006

DATE: Oct. 25, 2006


BUILDING OFFICIAL

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:

KS ~~Indoor Recreation~~, 10 - Skill game machines

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: 3168 sqft Property Address: 2203 South Boston Rd.

Property Location: N S E W Side of: LOT 4 (1.417 AC) South Boston Rd & Crystal Lane.

Between: Crystal Lane and _____

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:

⑩ Indoor recreation center. Skill based.

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

1. NAME: KIRPAL SINGH TELEPHONE: 631-355-3130

MAILING ADDRESS: 2203 SOUTH BOSTON RD. DANVILLE, VA 24540

SIGNATURE: Kirpal Singh DATE: 10/17/19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: KIRPAL SINGH TELEPHONE: 631-355-3130

MAILING ADDRESS: 2203 SOUTH BOSTON RD, DANVILLE, VA 24540

EMAIL ADDRESS: SB.RACEWAY@GMAIL.COM

SIGNATURE: Kirpal Singh DATE: 10/10/19

on behalf of Race SB Racetrack INC,

RINGGOLD RD.



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SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on December 9, 2019

LOCATION OF PROPERTY: 2203 South Boston Rd.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Existing uses, plus indoor gaming

FUTURE LAND USE DESIGNATION: Heavy Commercial

PROPERTY OWNER (S): Route 58 Raceway INC.

NAME OF APPLICANT (S): Kirpal Singh

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

ACREAGE: 1.43 Acres

CHARACTER OF VICINITY: Mixed Residential and commercial

INGRESS AND EGRESS: South Boston Rd. and Crystal Lane.

TRAFFIC VOLUME: High on South Boston Rd; low on Crystal Lane.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/20/2019

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PLINGGOLD RD.



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Council Letter

City of Danville, Virginia



CL-2257

New Business D.

City Council Regular Meeting

Meeting Date: 01/07/2020

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 688 Mount Cross Road, Suite B

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

COUNCIL ACTION

Business Meeting: 1/07/2020

SUMMARY

A request has been filed by Danny Graves on behalf of Larry Soyars, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 688 Mount Cross Road, Suite B, otherwise known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Danny Graves, the applicant, is requesting a Special Use Permit for commercial recreation at 688 Mount Cross Road, Suite B. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money. Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July. General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns.

This item was tabled at the Planning Commission meeting on September 9, and October 7, to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns, and by the applicant in November.

This facility has 11 conforming marked parking spaces with one handicapped accessible space on site, both upper and lower. There are six spaces that are non-conforming as they use an adjacent property for access. A consolidation plat would be required to consider these parking spaces for this project bringing the total to 17 at this facility, and 16 additional on the adjacent property if consolidated. The facility itself is 2,400 sq. ft. This area was an automobile detail shop and office. This required eight spaces for the shop/office. A consolidation plat has not been provided.

At their meeting of December 9, 2019, the Planning Commission voted 6-1 to recommend denial of the request.

RECOMMENDATION

The City Planning Commission recommends that City Council adopt a resolution denying a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended, at 688 Mount Cross Road, Suite B, otherwise known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map.

Attachments

Resolution
Planning Backup

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-_____._____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000311, FILED BY DANNY GRAVES ON BEHALF OF LARRY SOYARS, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 688 MOUNT CROSS ROAD, SUITE B, OTHERWISE KNOWN AS GRID 0708, BLOCK 001, PARCEL 000012 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit application PLSUP20190000311, filed by Danny Graves on behalf of Larry Soyars, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 688 Mount Cross Road, Suite B, otherwise known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map; and

BE IT FURTHER RESOLVED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000311, filed by Danny Graves on behalf of Larry Soyars, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 688 Mount Cross Road Suite B, otherwise known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map is hereby denied.

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: DECEMBER 9, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000311, filed by Danny Graves on behalf of Larry Soyars, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 688 Mt Cross Rd Suite B, otherwise known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend denial of the request.

Michael W. Searce (KCG)

Mr. Michael Searce, Chairman

RESPONSES

Fifteen (15) notices were sent to property owners within three hundred (300) feet of the property. Six (6) property owners returned statements. Four (4) property owners are not opposed to the request (Hiatt Terri L et al, Soyars Larry et al, Soyars Lisa Farthing, AC Contractors of VA LLC). Two (2) property owners are opposed to the request (Tucker Gregory Scott & Tucker, Karen M and Mitchell Hugh I Jr. & Faye M).

COMMENTS:

We desperately need a stop light at Mt. Cross between Averett and Parker Rd. West (Tucker stated opposed).



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

City Planning Commission

City Planning Commission
Meeting of December 9, 2019

Subject:

Special Use Permit application PLSUP20190000311, filed by Danny Graves on behalf of Larry Soyars, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 688 Mt Cross Rd Suite B, otherwise known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Danny Graves, the applicant, is requesting a Special Use Permit for commercial recreation at 688 Mt. Cross Rd, Suite B. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

Before the month of August, the applicant had already been operating a commercial recreation establishment, but without the required Special Use Permit or legal non-conforming status. To the best of staff's knowledge, operations ceased after the business was cited for a zoning violation in late July.

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

This item was tabled at the Planning Commission meeting on September 9 and October 7 to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns, and by the applicant in November.

This facility has 11 conforming marked parking spaces with one handicapped accessible space on site both upper and lower. There are six spaces that are non-conforming as they use an adjacent property for access. A consolidation plat would be required to consider these parking spaces for this project bringing the total to 17 at this facility, and 16 additional on the adjacent property if consolidated. The facility itself is 2,400 sq. ft. This area was an automobile detail shop and office. This required eight spaces for the shop/office. A consolidation plat has not been provided.

Recommendation:

City records indicate that this property is subdivided into two lots, and a deed provided by the owner refers to it as two properties. Thus there is insufficient parking on site to support the proposed use. Due to this staff recommends **DENIAL of the request.**

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000311, staff recommends the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions, and,
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000311 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000311 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000311 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000311 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000311 by Planning Commission only at the request of the applicant.

Attachments:

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

75 of 109

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:

Commercial recreation

CASE NUMBER: PLSUP20190000311

EXISTING ZONING: HR-C, Highway Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: PID 22871 77365

RECEIVED BY: Bryce Johnson

DATE FILED: Aug. 7, 2019

PLANNING COMMISSION DATE: Sept. 9

CITY COUNCIL DATE: Oct. 1

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

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

588-B Mt. Cross - Bryce J.

Gross Area/Net Area: _____

Property Address: 678-B Mt. Cross Rd.

Property Location: N S E W Side of: North

Danville, VA 24540

Between: North Averte ^{Campus} and Health and Wellness

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:

Grayz auto detailing and Car Cleaning Services.
4 machines SKILL Games

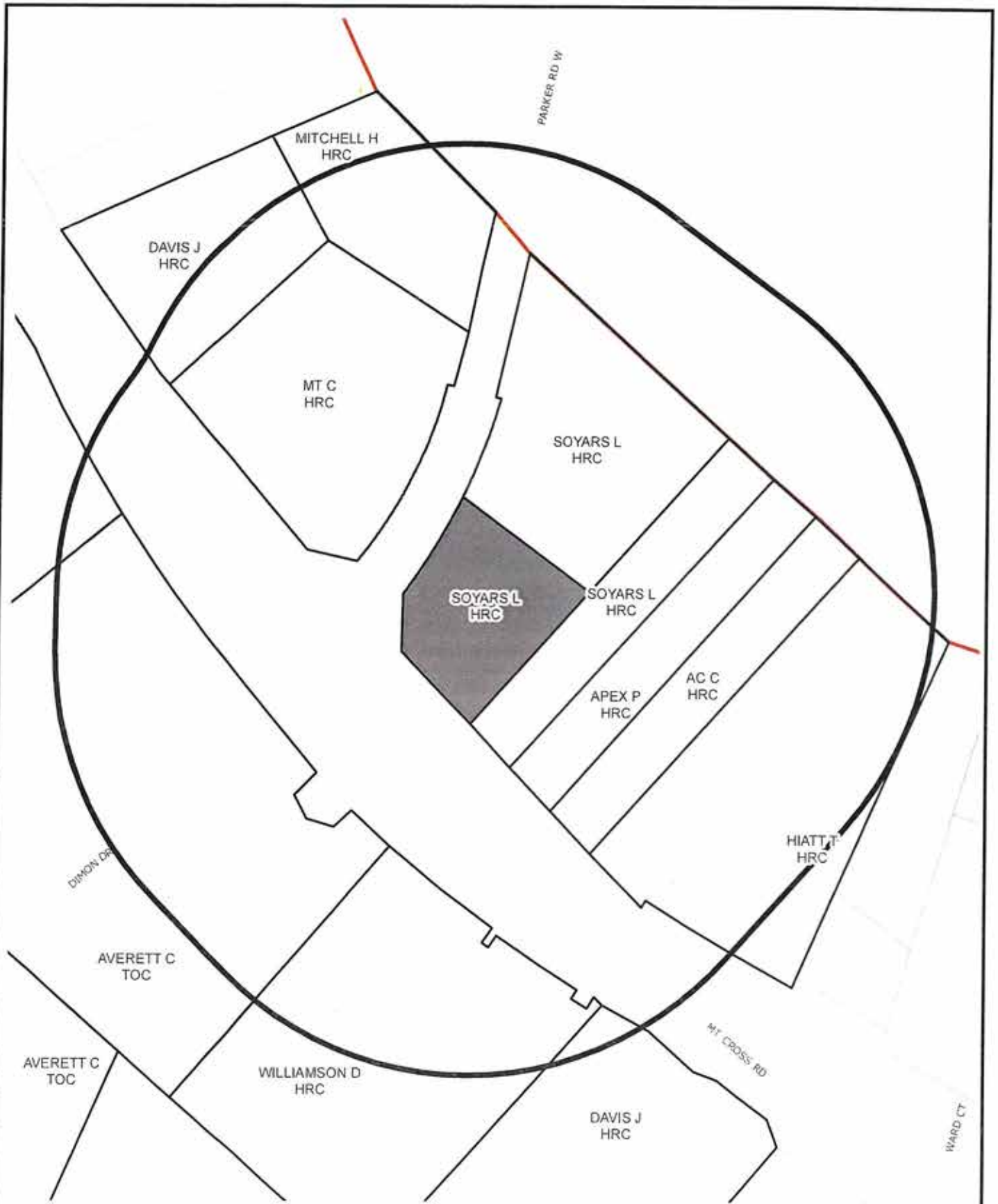
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: LARRY J. SOYARS TELEPHONE: 434-250-7600
MAILING ADDRESS: 105 Hemlock DR. DANVILLE, VA. 24540
SIGNATURE: Larry J. Soyars DATE: 8-6-19
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Danny Graves TELEPHONE: (434) 728-3119
MAILING ADDRESS: 678-B Mt. Cross Rd. Danville, VA 24540
EMAIL ADDRESS: Grayz1072@gmail.com
SIGNATURE: Danny Graves DATE: 8/5/19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/8/2019

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on September 9, 2019
City Council (tentative) at 7pm on October 1, 2019

LOCATION OF PROPERTY: 688-B Mt. Cross Rd.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store and auto services

PROPOSED USE OF PROPERTY: Convenience store, auto services, and indoor gaming

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): Larry Soyars

NAME OF APPLICANT (S): Danny Graves

PROPERTY BORDERED BY: Residential to the north and east; commercial to the south; education and open space to the west

ACREAGE: 0.47 acres (20,473 sq. ft.)

CHARACTER OF VICINITY: Transition between commercial and residential

INGRESS AND EGRESS: Mt. Cross Rd.

TRAFFIC VOLUME: Moderate



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/8/2019

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

Item 9

Certificate of Use and Occupancy

CITY OF DANVILLE, VIRGINIA
Department of Community Development
Inspections Division

This Certificate issued pursuant to the requirements of Section 116 of the 2015 Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City and the Virginia Uniform Statewide Building Code regulating building construction or use.

For the following location:

688 MT CROSS RD, Unit:B, DANVILLE, VA 24540

For occupancy by:

Grayz 2 Detailing and Car Cleaning Service

Use Group:

Business

Type of Construction:

3B = Exterior masonry with wood floor and/or roof,
NO rating

Building Owner and Address:

SOYARS LARRY J T/U/T & LISA F T/U/T
105 HEMLOCK DR
DANVILLE, VA 24540

Occupancy Load: 5

CODE	PERMIT#	INSPECTOR	FINAL APPROVED
Certificate of Use & Occupancy Without a Permit	PRCOU0201901949	Dennis J. Bisson	31 Oct 2019
Fire Inspection		Jay Thornton	31 Oct 2019

Modifications: Drinking water shall be provided for all customers during hours of operation at no cost.

FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED

NOTE: Legal use of this structure may also require a Certificate of Zoning Compliance.

Building Official

Date



POST IN A CONSPICUOUS PLACE

Council Letter

City of Danville, Virginia



CL-2258

New Business E.

City Council Regular Meeting

Meeting Date: 01/07/2020

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 2846 Riverside Drive

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

COUNCIL ACTION

Business Meeting: 01/07/2020

SUMMARY

A request has been filed by Chase Reeves on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2846 Riverside Drive, otherwise known as Grid 1710, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Chase Reeves, the applicant, is requesting a Special Use Permit for commercial recreation at 2846 Riverside Drive. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

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

This item was tabled at the Planning Commission meeting on September 9, 2019, to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns. This building has been inspected for compliance. There is a substantial list of modifications that will be necessary before occupancy could occur. That information is attached.

This facility has 37 conforming marked parking spaces with one handicapped accessible space on site. There are 12 spaces that are non-conforming as they use an adjacent property for access with one handicapped space also using the adjacent property. A consolidation plat would be required to consider these parking spaces for this project bringing the total to 49 at this facility if consolidated. There has not been a consolidation plat submitted.

Staff listed a number of concerns at the September, October and November meetings, and still have these same concerns. The facility itself is 14,863 sq. ft. which includes all adjacent retail uses. If the entire building is classified as a retail facility, then there would need to be 57 total spaces without knowing the

internal configuration of all uses.

At their meeting of December 9, 2019, the Planning Commission voted 6-1 to recommend denial of the request.

RECOMMENDATION

The City Planning Commission recommends City Council adopt a Resolution denying a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2846 Riverside Drive, otherwise known as Grid 1710, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map.

Attachments

Resolution
Planning Backup

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-_____._____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000312, FILED BY CHASE REEVES ON BEHALF OF JERRY DAVIS, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 2846 RIVERSIDE DRIVE, OTHERWISE KNOWN AS GRID 1710, BLOCK 006, PARCEL 000001 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit application PLSUP20190000312, filed by Chase Reeves on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 2846 Riverside Drive, otherwise known as Grid 1710, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map; and

BE IT FURTHER RESOLVED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000312, filed by Chase Reeves on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 2846 Riverside Drive, otherwise known as Grid 1710, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map is hereby denied.

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: DECEMBER 9, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000312, filed by Chase Reeves on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2846 Riverside Dr, otherwise known as Grid 1710, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend denial of the request.

Michael W. Searce (KCB)

Mr. Michael Searce, Chairman

RESPONSES

Fourteen (14) notices were sent to property owners within three hundred (300) feet of the property. Three (3) property owners returned statements. Two (2) property owners are not opposed to the request (Motel Enterprises LLC, Abercrombie Richard Lea & Liza S). One (1) property owners are opposed to the request (Tu Mei Lung & Ellen).

COMMENTS:

"Merica" (Abercrombie).



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

City Planning Commission

City Planning Commission
Meeting of December 9, 2019

Subject:

Special Use Permit application PLSUP20190000312, filed by Chase Reeves on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2846 Riverside Dr, otherwise known as Grid 1710, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Chase Reeves, the applicant, is requesting a Special Use Permit for commercial recreation at 2846 Riverside Dr. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

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

This item was tabled at the Planning Commission meeting on September 9, 2019 to allow facilities to obtain Certificates of Occupancy, and to address the additional parking concerns. This building has been inspected for compliance. There is a substantial list of modifications that will be necessary before occupancy could occur. That information is attached.

This facility has 37 conforming marked parking spaces with one handicapped accessible space on site. There are 12 spaces that are non-conforming as they use an adjacent property for access with one handicapped space also using the adjacent property. A consolidation plat would be required to consider these parking spaces for this project bringing the total to 49 at this facility if consolidated. There has not been a consolidation plat submitted.

Staff listed a number of concerns at the September, October and November meetings, and still has these same concerns. The facility itself is 14,863 sq. ft. which includes all adjacent retail uses. If the entire building is classified as a retail facility, then there would need to be 57 total spaces without knowing the internal configuration of all uses.

Recommendation

As the items listed in the Inspections report have not been addressed, the lots have not been consolidated, and there is insufficient parking, staff recommends **DENIAL of the request.**

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000312, staff recommends the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions.
7. There should be no gaming machines that allow for more than one user in stand up or sit down configuration (no multi-player games either standing or seated shall be permitted)
8. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000312 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000312 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000312 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000312 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000311 by Planning Commission only at the request of the applicant.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

Commercial recreation

CASE NUMBER: PE50P20190000312

EXISTING ZONING: HR-S Highway Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: PID 57190

RECEIVED BY: Bryce Johnson

DATE FILED: Aug 12, 2019

PLANNING COMMISSION DATE: Sept. 9

CITY COUNCIL DATE: Oct 1

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

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

Gross Area/Net Area: _____ Property Address: 2846 Riverside Dr

Property Location: N S E W Side of: Danville VA

Between: Rose Nails and Griffing Superstore

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:

one Stand alone Building Approx 3,500 sq feet. Purpose
of the Building will be a Game Room

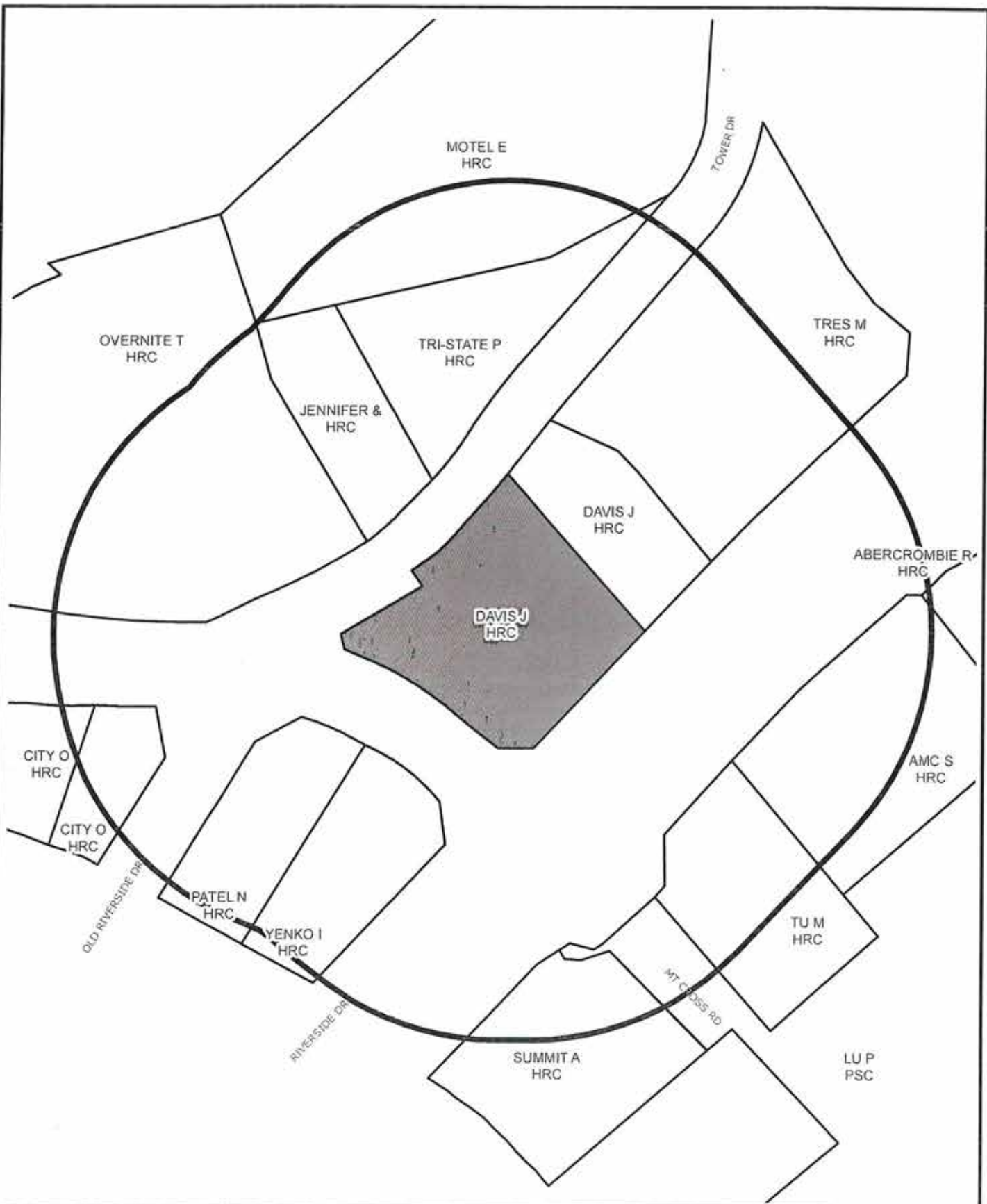
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: JERRY R. DAVIS TELEPHONE: 434-791-2512
MAILING ADDRESS: 2505 Riverside Dr. Danville, Va 24540
SIGNATURE: [Signature] DATE: 8/12/19
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Chase Reeves TELEPHONE: 276-734-8275
MAILING ADDRESS: 41 Bonnie Lane Collinsville VA 24078
EMAIL ADDRESS: mrccloudsilk@gmail.com
SIGNATURE: [Signature] DATE: Aug/12/19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/13/2019

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on September 9, 2019
City Council (tentative) at 7pm on October 1, 2019

LOCATION OF PROPERTY: 2846 Riverside Dr.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Commercial retail, financial services, and personal services

PROPOSED USE OF PROPERTY: Existing businesses plus indoor gaming

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): Jerry Davis

NAME OF APPLICANT (S): Chase Reeves

PROPERTY BORDERED BY: Commercial on all sides

ACREAGE: 0.9 acres (3,920.4 sq. ft.)

CHARACTER OF VICINITY: Commercial

INGRESS AND EGRESS: Tower Dr., Mt. Cross Rd., and Riverside Dr.

TRAFFIC VOLUME: High on Mt. Cross Rd. and Riverside Dr., low on Tower Dr.

DANVILLE

VIRGINIA

-  Buildings
-  Parcels
-  Street Names
-  House Numbers

Parcel ID: 57190

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Date: 8/13/2019



Item 10



City of Danville, Inspections Division

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

(PRCOUS201901840)

Location: 2846 RIVERSIDE DR, DANVILLE,
VA 24540

Change of Use Survey

Route#:1710006000001

Account #: 57190

Property Owner: DAVIS JERRY R
2505 RIVERSIDE DR
DANVILLE, VA 24540

Contractor: REEVES CHASE W
41 BONNIE LN
COLLINSVILLE, VA 24708

For occupancy by:
DAVIS JERRY R, Address:2505 RIVERSIDE DR

Use Group: Occupancy Load:

Building Code Corrections:

1. Both bathrooms need to be sized per ADA requirements. Install correct grab bars and provide a 34" clear opening to enter.
2. Provide emergency and exit lighting.

Electrical Code Corrections:

If any electrical work is to be performed, please follow the following:

1. Submit an electrical drawing showing the work to be done, the wiring method to be used, and electrical data for any equipment to be installed.
2. Once the electrical drawing is reviewed and approved by the inspections office, a licensed electrical contractor can submit an application for an electrical permit.
3. After the electrical permit is issued, the work may begin.
4. Contact the inspections office to schedule an inspection before any work is covered or concealed.

Mechanical Code Corrections:

Provide ventilation outside air for the use of the building

Plumbing/Cross Connection Code Corrections:

1. Provide an ASSE 1015 standard Backflow assembly installed on the water service entrance to the building.
2. Provide an ADA compliant Drinking Fountain
3. Provide a service sink.
5. Existing bath rooms are currently not ADA compliant. occupancy calculations will require 2 bath rooms meeting ADA requirements.

Council Letter

City of Danville, Virginia



CL-2259

New Business F.

City Council Regular Meeting

Meeting Date: 01/07/2020

Subject: Request for a Special Use Permit for Commercial Indoor Recreation at 545 Memorial Drive

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

COUNCIL ACTION

Business Meeting: 1/07/2020

SUMMARY

A request has been filed by Mubashar Choudhrey on behalf of Carlton H. Cox, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended, at 545 Memorial Drive, otherwise known as Grid 1712, Block 007, Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

BACKGROUND

Mohammad Mubashar Choudhrey, the applicant, is requesting a Special Use Permit for commercial recreation at 545 Memorial Drive. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use of a convenience store. These gaming activities include an opportunity to obtain money. General guidelines for recreational facilities include parking requirements, hours of operation, and other standards to ensure a safe environment. When a business offers the chance to earn money from gaming activities, there are additional safety concerns. This facility has 16 conforming marked parking spaces with one being a handicapped accessible space on site. The facility itself is 3,960 sq. ft. This required 23 spaces for the entirety of the building. The applicant has painted additional spaces on site and stated that they have more than staff states, these spaces do not comply with code requirements for width and/or driveway width.

At their meeting of December 9, 2019, the Planning Commission voted 6-1 to recommend denial of the request.

RECOMMENDATION

The Planning Commission recommends that City Council adopt a Resolution denying Special Use Permit application PLSUP20190000302, filed by Mubashar Choudhrey on behalf of Carlton H. Cox, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 545 Memorial Drive, otherwise known as Grid 1712, Block 007 Parcel 000004 of the City of Danville, Virginia Zoning District Map.

Attachments

Resolution

Planning Backup

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-_____._____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PLSUP20190000302, FILED BY MUBASHAR CHOUDHREY ON BEHALF OF CARLTON H. COX, REQUESTING A SPECIAL USE PERMIT FOR COMMERCIAL RECREATION (INDOOR) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C, ITEM 4 OF THE ZONING ORDINANCE OF THE CODE OF CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 545 MEMORIAL DRIVE, OTHERWISE KNOWN AS GRID 1712, BLOCK 007 PARCEL 000004 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit application PLSUP20190000302, filed by Mubashar Choudhrey on behalf of Carlton H. Cox, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 545 Memorial Drive, otherwise known as Grid 1712, Block 007, Parcel 000004 of the City of Danville, Virginia Zoning District Map, and

BE IT FURTHER RESOLVED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20190000302, filed by Mubashar Choudhrey on behalf of Carlton H. Cox, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia, 1986, as amended, at 545 Memorial Drive, otherwise known as Grid 1712, Block 007, Parcel 000004 of the City of Danville, Virginia Zoning District Map. is hereby denied.

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: DECEMBER 9, 2019
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20190000302, filed by Mubashar Choudhrey on behalf of Carlton H Cox, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 545 Memorial Dr, otherwise known as Grid 1712, Block 007 Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

RECOMMENDATION:

The Planning Commission voted 6-1 to recommend denial of the request.

Michael W. Searce (KLG)

Mr. Michael Searce, Chairman

RESPONSES

Forty (40) notices were sent to property owners within three hundred (300) feet of the property. Six(6) property owners returned statements. One (1) property owner are not opposed to the request (KFG Properties LLC,). Five (5) property owners are opposed to the request (Piedmont Lands of Virginia LLC, Yousafzai, Betts, Upper Street LLC, Adams,).

COMMENTS:

No Comments Received.



City Planning Commission

City Planning Commission
Meeting of December 9, 2019

Subject:

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Background:

Mohammad Mubashar Choudhrey, the applicant, is requesting a Special Use Permit for commercial recreation at 545 Memorial Drive. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use of a convenience store. These gaming activities include an opportunity to obtain money.

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

This facility has 16 conforming marked parking spaces with one being a handicapped accessible space on site. The facility itself is 3,960 sq. ft. This required 23 spaces for the entirety of the building.

Recommendation:

Due to the facts that the site is non-conforming as to the number of parking spaces staff recommends **DENIAL of the request.**

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000302, staff recommends the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and

3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and
4. All entrances/exits to the building are to be lit at night; and
5. In addition to the required parking for the existing business use, the business shall provide on-site parking no less than a combination of one space per three persons based on maximum occupancy (or per square footage calculations assigned in the code, whichever is greater), plus one space per machine and one space per employee on the major shift, and
6. The required parking shall be provided on-site with no off-site substitutions, and
7. The windows to the facility shall be clear to allow for visibility by Law Enforcement for security purposes and,
8. No gaming machine shall allow for more than one player at a time, seated or standing. No multiple player machines shall be permitted.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000302 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000302 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000302 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000302 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000302 by Planning Commission only at the request of the applicant.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: Commercial recreation

CASE NUMBER: PLSUP20190000302

EXISTING ZONING: HR-S, Highway Retail

PROPOSED ZONING: no change

TAX MAP NUMBER: _____

RECEIVED BY: Bryce Johnson

DATE FILED: Aug 1, 2019 → incomplete until

PLANNING COMMISSION DATE: Sept 7 Oct 7

CITY COUNCIL DATE: Oct 1 NOV 7 Aug 14

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

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

Gross Area/Net Area: _____ Property Address: 545 MEMORIAL DRIVE DANVILLE

Property Location: N S E W Side of: Memorial Drive

Between: Poplar and Ridge

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:

SKILL RECREATION MACHINES.

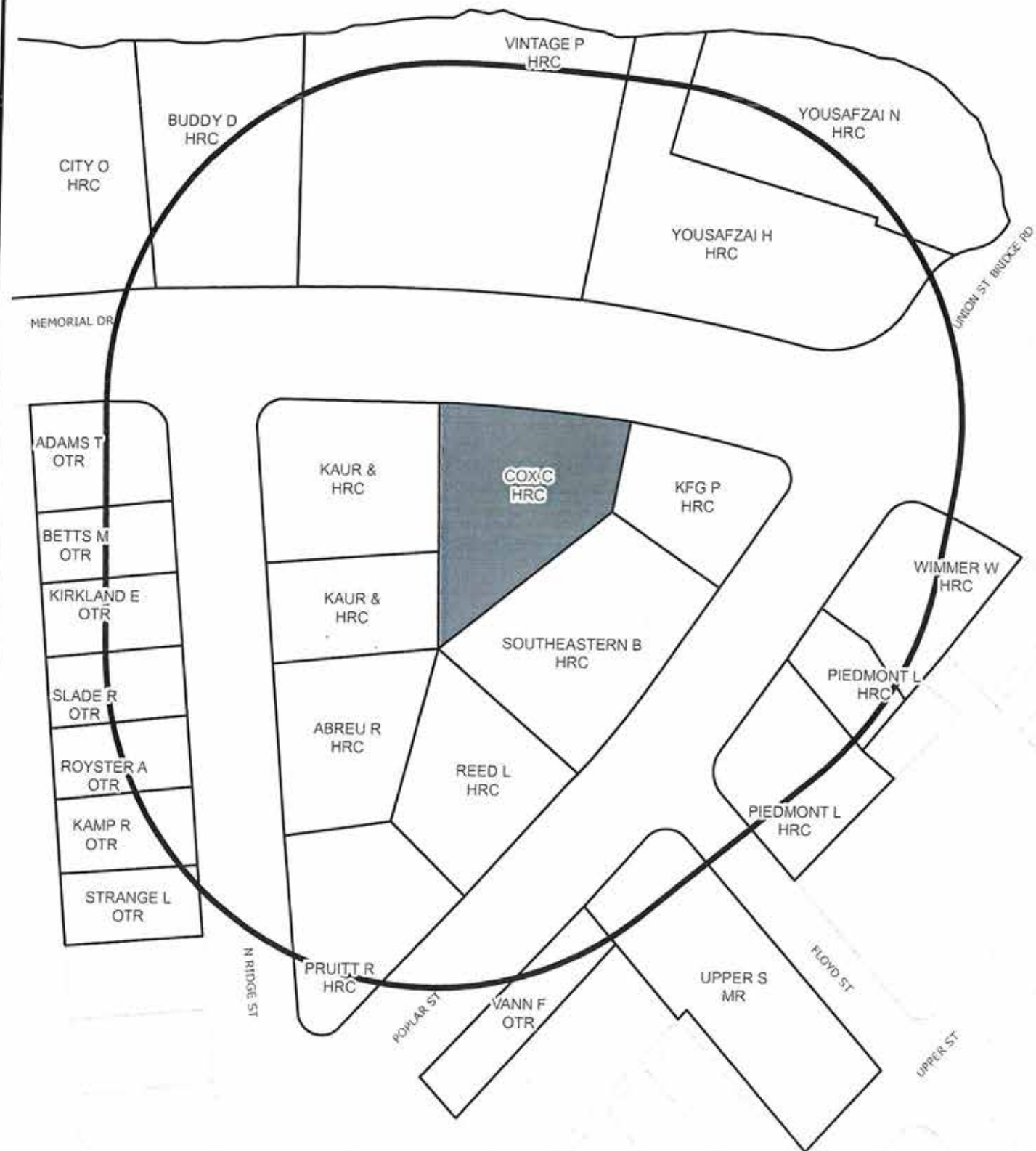
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

X 1. NAME: Carlton H Cox TELEPHONE: 434-251-7007
MAILING ADDRESS: 233 Mowbray Arch Danville VA 24541
X SIGNATURE: Carlton H Cox DATE: Aug 14 2019
/ SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: CCOX42@Comcast.net

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: MUBASHAR CHAUDHARY TELEPHONE: 434-222-2081
MAILING ADDRESS: 545 MEMORIAL DR. E 3 STEP #2 DANVILLE
EMAIL ADDRESS: MUBASHAR@TAMCO.COM
SIGNATURE: [Signature] DATE: _____
X



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
9/25/2019

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SPECIAL USE PERMIT REQUEST
DATA SHEET

PUBLIC HEARING DATES: Planning Commission at 3pm on October 7, 2019
City Council (tentative) at 7pm on November 7, 2019

LOCATION OF PROPERTY: 545 Memorial Dr.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: Unchanged

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Existing use plus indoor gaming

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): Carlton H. Cox

NAME OF APPLICANT (S): Mubashar Choudhrey

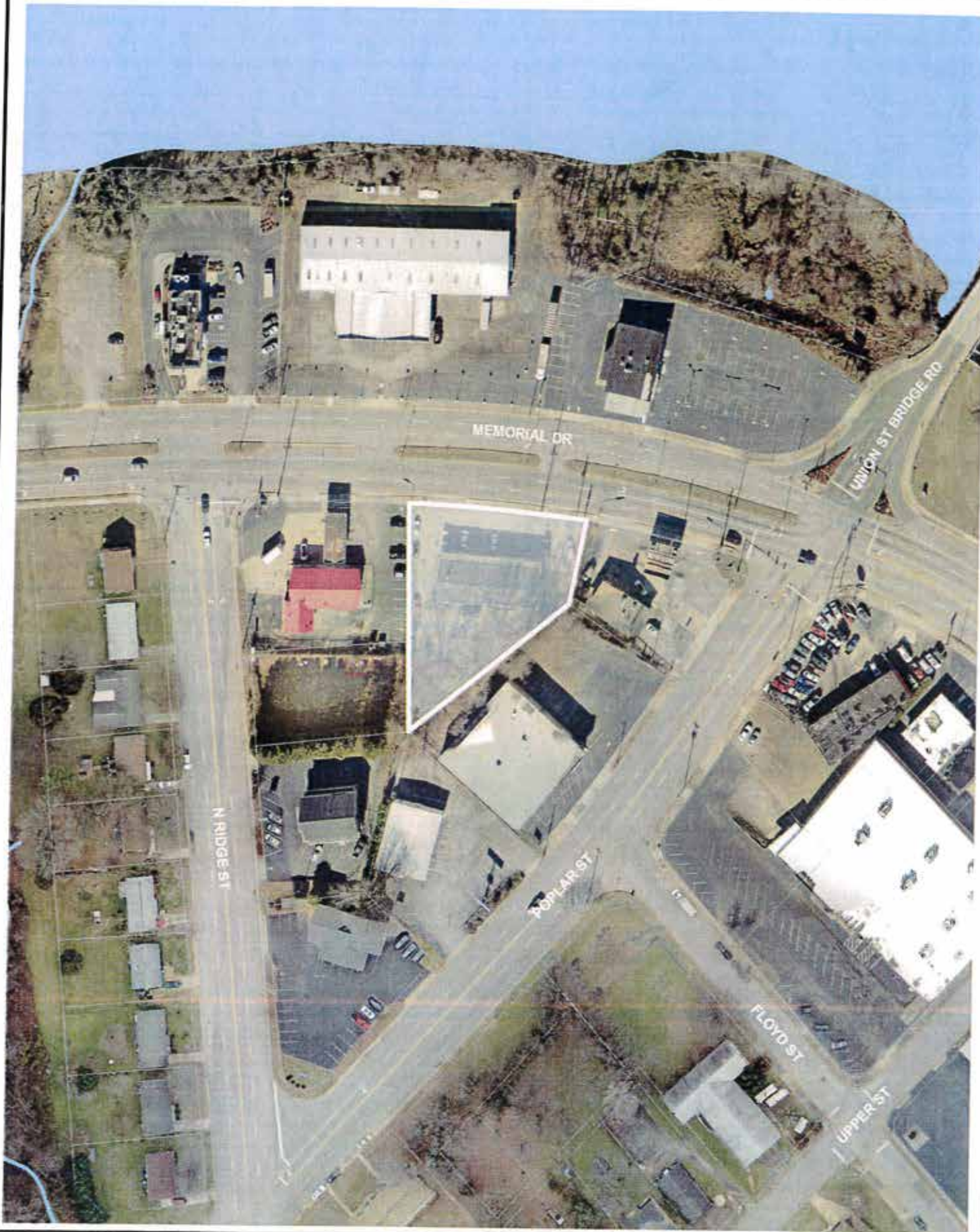
PROPERTY BORDERED BY: Commercial to the north, east, and west; residential to the west and south.

ACREAGE: 0.53 acres (23,086.8 sq. ft.)

CHARACTER OF VICINITY: Border between commercial and residential areas

INGRESS AND EGRESS: Memorial Dr.

TRAFFIC VOLUME: Moderate



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/25/2019

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Council Letter

City of Danville, Virginia



CL-2262

New Business G.

City Council Regular Meeting

Meeting Date: 01/07/2020

Subject: Consideration of Resolution for Sales Tax Referendum for Danville Public Schools

From: Ken F. Larking, City Manager

COUNCIL ACTION

Business Meeting: 1/07/2020

SUMMARY

Staff recommends that the City of Danville ask the General Assembly to authorize the City of Danville to levy a sales tax, not to exceed 1%, to provide revenue solely for capital projects for construction and renovation of public schools within the City of Danville.

BACKGROUND

Danville Public Schools has identified significant capital construction and renovation needs throughout the school system. In order to fund major school construction and renovation, the City's only available tool is a voter-approved General Bond Referendum. Last year, Halifax County received permission from the State to conduct a referendum to allow an additional 1% local option sales tax with proceeds going toward school construction and renovation. The City of Danville seeks to have the same permission from the General Assembly that was granted to Halifax County.

RECOMMENDATION

Staff recommends approval of the resolution.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2020-_____._____

A RESOLUTION REQUESTING THE GENERAL ASSEMBLY AMEND THE CODE OF VIRGINIA TO AUTHORIZE THE CITY OF DANVILLE TO CONDUCT A LOCAL REFERENDUM TO LEVY A SALES TAX NOT TO EXCEED ONE PERCENT (1%) IN ADDITION TO THE TAX AUTHORIZED UNDER § 58.1-605 TO PROVIDE REVENUE SOLELY FOR CAPITAL PROJECTS FOR CONSTRUCTION AND RENOVATION OF SCHOOLS WITHIN THE CITY OF DANVILLE.

WHEREAS, Danville City School System has numerous Capital needs; and

WHEREAS, amending the Virginia Code by granting the City of Danville with the statutory authority to hold a local referendum that authorizes the City to levy a general retail sales tax at a rate not to exceed one percent (1%) in addition to the sales tax authorized under § 58.1-605 would provide revenue for capital projects for the schools in the City of Danville.

NOW THEREFORE, BE IT RESOLVED, by the Council for the City of Danville that it requests the General Assembly Amend the Code of Virginia to authorize the City of Danville to hold a local referendum that authorizes the City to levy a General Retail Sales Tax at a rate not to exceed one percent (1%) in addition to the sales tax authorized under § 58.1-605 to provide revenue solely for capital projects for construction and renovation of schools within the City of Danville.

APPROVED

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney