



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

REVISED

MUNICIPAL BUILDING

January 3, 2023

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

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

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

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

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

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

Time and Place of Meeting

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

Communications from Visitors

Communication from Visitors is an opportunity for citizens to address Council. Citizens who desire to speak on matters not listed on the agenda or on matters which do not have a public hearing will be heard at this time. Citizens who desire to speak on agenda items that have a public hearing will be heard when the agenda item is considered and the public hearing is opened. Each speaker shall clearly state his or her name and address. Each individual speaker shall have five uninterrupted minutes. A representative of a group may have up to ten uninterrupted minutes to make a presentation. The representative shall identify the group and a group

may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

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

PLEDGE OF ALLEGIANCE TO THE FLAG

COMMUNICATIONS FROM VISITORS

Communication from Visitors is an opportunity for citizens to address Council on matters not on the agenda. Citizens who desire to speak on matters not listed on the agenda or on matters which do not have a public hearing, will be heard at this time. Citizens who desire to speak on agenda items that have a public hearing will be heard when the agenda item is considered and the public hearing is opened.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine, have previously been discussed by City Council and/or introduced for First Reading. There will be no separate discussion on these items and they will be enacted by one motion. If discussion is desired by a Council Member or a citizen, the item(s) will be removed from the consent process and considered separately.

- A. Public Hearing
- B. Consideration of Approval of Minutes from Regular Council Meeting held on December 6, 2022.
Council Letter Number CL - 2906.

- C. Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a Grant from the Department of Criminal Justice Services.
Council Letter Number CL - 2884.

An Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance by Increasing Revenue from the Virginia Department of Criminal Justice Services – Fiscal Year 2023 SRO-SRO Grant Program in the Amount of \$88,398 and Appropriating Same.

FINAL ADOPTION

- D. Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for a State Aviation Grant.
Council Letter Number CL - 2886.

An Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Provide for Additional State Aviation Grant Funding for the Purpose of Seal Coating the Shoulder Areas of Runway 13/31 in the Amount of \$68,057 and the Local Share in the Amount of \$17,014 to be Provided by Local Bond Funds and Appropriating Same.

FINAL ADOPTION

- E. Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance for Grant Funds from the US Department of Housing and Urban Development.
Council Letter Number CL - 2888.

An Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance for Projects to Be or Being Undertaken to Improve the Danville Community Financed with Community Development Block Grant Funds and Home Investment Partnership Funds from the U.S. Department of Housing and Urban Development, and Estimated Program Income for a Total Appropriation of \$1,236,545.

FINAL ADOPTION

- F. Consideration of Amending the Fiscal Year 2023 Budget Appropriation Ordinance to Fund Riverfront Park Construction and General Contingency.
Council Letter Number CL - 2897.

An Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance by Increasing Revenues from Various Taxes to Fund Riverfront Park Construction and General Fund Contingency for an Appropriation in the Amount of \$2,500,000 and Appropriating the Same.

FINAL ADOPTION

NEW BUSINESS

- A. Consideration of Amending Article 3.L of the Zoning Code of the City of Danville, Virginia.
Council Letter Number CL - 2901.

1. Public Hearing

2. An Ordinance Amending Chapter 41, Entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 3L., Entitled “TW-C, Tobacco Warehouse Commercial District”, to Add Item 16, Entitled “Single Family Dwelling (One Per Parcel)” as a Use Permitted Under Section C., Entitled “Uses Permitted by Special Use Permit”.

- B. Consideration of Granting a Special Use Permit at 820 Lynn Street.
Council Letter Number CL - 2902.
 - 1. Public Hearing
 - 2. An Ordinance Granting Special Use Permit Application PZ22- 00235, filed by Rick Barker on behalf of RJB Holding, LLC, Requesting a Special Use Permit to Allow a Single-Family Dwelling (One Per Parcel) in Accordance with Article 3.L., Section C., Item 16. of the Danville Zoning Ordinance at 820 Lynn Street (Parcel ID #22279).
- C. Consideration of Rezoning Parcel ID #s 50288, 50289, and 54809 - North Main Street.
Council Letter Number CL - 2903.
 - 1. Public Hearing
 - 2. An Ordinance Rezoning Parcel ID #'S 50288, 50289, and 54806 (North Main Street) from Highway Retail Commercial Subject to "Conditions" to Highway Retail Commercial (HR-C).

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-2906

Consent Agenda B.

City Council Regular Meeting

Meeting Date: 01/03/2023

Subject: Consideration of Approval of Meeting Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 01/03/2023

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on December 6, 2022.

Council Letter Number CL - 2906.

Attachments

Meeting Minutes

December 6, 2022

The First Regular December meeting of the Danville City Council was held on December 6, 2022, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Dr. Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Member J. Lee Vogler, Jr., gave the Invocation followed by the Pledge of Allegiance.

Mayor Jones thanked the Rotary, Parks & Recreation and all city employees for the work that went into the Christmas Parade, it was fantastic. Mayor Jones also thanked all the sponsors and partners that participated, especially to Caesars for bringing the A&T band to the Christmas Parade.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Presentation: Danville Redevelopment and Housing Authority
By: Larissa Deedrich

Ms. Deedrich noted she had left invitations for the Council Members from the DRHA for the scholarship advancement fundraiser. The fundraiser will be held on March 6th at the Institute for Advanced Learning and Research; it will support eight scholarships for students from public housing and Section 8, ranging in the amounts of \$500 to \$2,000. The scholarships were for two year and four year colleges, as well as trade schools. For more information, citizens can go to www.drhava.com.

Presentation: Neighborhood Parks
By: Director of Parks & Recreation, Bill Sgrinia and
Parks & Recreation Facilities and Services Planner Dr. Stephanie Lovely

Director of Parks & Recreation, Bill Sgrinia, thanked Council for having them this evening, and thanked Council for being a part of the parade. There were a lot of people and a lot of city departments that worked together to put that on; it was a fabulous event. Mr. Sgrinia noted he had also left Council an invitation to the light show which starts this week, as well as this year's ornament, done by a local artist. There were more entries this year to the light show than in the past, and it will be a good show. This Friday was the deadline to be registered to have phone calls from Santa; they call about 600 children each year.

Tonight's presentation was a follow up to the meeting they had in July when they presented all their projects to Council; they wanted to single out the neighborhood parks and follow up on that. The parks they will be looking at tonight were Coates, Doyle Thomas and Pumpkin Creek, and they will be showing conceptual designs. They have gone through a resident-led design process where the residents around these properties came together and talked about what they would like to see in their parks; they don't necessarily have budget numbers for these because they were high level concepts. Mr. Sgrinia noted when he went to the public input session, he expected to

talk about picnic shelters, tables and basketball courts; that was not what they heard. They heard that citizens wanted a place for the community to come together, a place for a neighborhood festival, to gather with family; multi-generational use spaces. The designs reflect the community's desire to be together and use the spaces. Dr. Stephanie Lovely is the City's Facilities and Services Planner and she will review each of the concepts. Dr. Lovely explained the process took place over the last year, with Virginia Tech landscape architecture doing a design chart with stakeholders in the community, including residents and local organizations. That turned into recruiting events to get people aware of the process, coming out to let them know what they thought about the parks. They then held a series of meetings for each of the parks; this lasted from January to August when they got to the point of the professional design. Community was a common theme, as well as quality of life, and healthy life.

Dr. Lovely began with a review of Coates, with the new design including a focus on multigenerational recreation and accessibility. Coates was the only park in the Westover region and serves a large and diverse population, so the park needs to be functional for a lot of different focuses. There will be a walking track along with fitness stations, a playground for the older age group as well as the existing younger age group playground. There will be space for biking and skating, a sports court and also spaces for community gatherings. A large picnic shelter with rest rooms can be used for city programming events and other people can rent out that space. Staff was still working on how the community was going to recognize its history. The history of Coates Elementary School was a big part of this community and was something staff wanted to recognize; hopefully having this park as a place that can be a community hub for Westover.

Dr. Lovely noted Doyle Thomas Park currently includes a fairly new playground and the PEACE center. The resident design focused again on community; people wanted a place to gather, to have events and celebrations and to meet neighbors. There will be the playground along with swings and the splashpad. The south end of the park will have additional seating, and additional walkways throughout the park that connect it to the basketball court which has seating around it. This leads to a community plaza with picnic shelters and tables to play chess or checkers or meet for lunch. There was an extended large shelter with a small lawn with smaller events or performances, and also permanent lawn games and a quieter, reflective space. People wanted at the Five Forks end, a space to remember the history of the park and community, and also to reflect, meditate and remember people who had been lost in the community.

The current view of Pumpkin Creek showed the maintained area with the softball field, the basketball court and the forested area surrounding it which was also part of the park. There were walking trails throughout the forested area that can be used for walking or mountain biking, it was unpaved. Dr. Lovely noted the softball field was now used for kickball programming and softball practices, the community liked having that activity there but also wanted the space to be useable for them, their community and their needs. They ultimately decided to remove that, leaving a large space for a variety of sports and events to gather. There will be larger shelter to serve those purposes and improved basketball courts that have been moved across the street with their own parking and shelter, and an extended parking lot. This area will have some unique features that will facilitate learning through nature, a playground grade zipline, a misting station, swings and a free play court area.

Dr. Lovely explained they have twenty-four neighborhood parks they were looking to address in the same way over the next several years; anyone interested can find out more by going to PlayDanvilleVA.com. The plans, timelines and evaluation to those plans were all there, as well as ways to sign up to become part of the process; citizens can also contact Dr. Lovely directly. The kickoff for the next three parks, which were Camilla Williams Park, Camp Grove Park and

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Cedarbrook Park, with Virginia Tech landscape architecture coming back for the third time to help reimagine the spaces for the community. They also have ongoing meetings for Doyle Thomas, Coates and Pumpkin Creek to help put community fingerprints, personal touches and recognition in these park spaces.

Mayor Jones noted the changes in the parks were amazing, as well as what the community has done. Was there any way that citizens could get copies of the plans and Dr. Lovely noted they will all be up on the City's website tomorrow and invited citizens to come to any of the meetings, they were open to the public and they would love to have more people involved.

Council Member Whittle asked if the parks were tied in some way to the Riverwalk Trails and Dr. Lovely noted not now; they do have a Riverwalk Extension Plan they were working on implementing with people across the City, which would reach out to the neighborhood parks. Vice Mayor Miller questioned in Pumpkin Creek, were they going to do away with the softball field and Dr. Lovely noted they were. Mr. Sgrinia explained they do have other facilities, this one was really only used for practices, it was never used for games. They have the fields at Dan Daniels and others throughout the City.

Council Member Hood noted he was glad to be involved in the planning process especially for Doyle Thomas Park and see the community come out and put their thoughts into this plan. Each park reflects a quality of life, that was one of the goals, and thanked Dr. Lovely and Mr. Sgrinia for what they were doing for these parks. Council Member Saunders questioned the park hours and Mr. Sgrinia noted they were open dawn to dusk, daylight hours, and all parks were city parks and open to everyone.

Council Member Vogler thanked Dr. Lovely and Mr. Sgrinia for the presentation and the work that went into them, and noted looking at the plans, it was the return of the neighborhood park and what a great thing that was. Council Member Mayo noted the plans were phenomenal; back when he was a child, in the summer Parks & Rec would put staff in a lot of parks and have activities, was that something that may come back. Mr. Sgrinia noted it will, but not the same as it used to be. Community Recreation, one of the Parks & Rec divisions, was already looking at how they were going to put programming back in the neighborhood parks. The programs Mr. Mayo remembered were very popular at the time, it was a different time now, and they may not work now, but they were definitely going to program back into these spaces. Council Member Campbell noted the Parks & Recreation department was outstanding and commended them for the work they did on the parks to create a good quality of life. Council Member Buckner thanked Dr. Lovely and Mr. Sgrinia for the presentation and looked forward to the future of the City Parks.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Alice Willingham, Craghead Street who spoke regarding collective bargaining.

Mayor Jones recognized Henry Walker, 2212 Spencer Street, who spoke regarding collective bargaining.

Mayor Jones recognized Tommy Bennett, President of the Danville Chapter of the NAACP who discussed partnering with the Danville Police Department to collect toys for children for Christmas. Citizens can drop off toys at the Police Department, at 407 Holbrook Street at the NAACP office, or at the PEACE Center on Green Street.

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Mayor Jones recognized Michael Takes, 163 Lynch Street, a private contractor with Unique Plumbing who was working on a project on Main Street. He had the water pressure tested, and it was too low for the requirements of the project. Mr. Takes asked the City to reinstate a previous program which funded installations of booster pumps.

Mayor Jones recognized Kacey Cunningham who stated on December 22, 2022, 5:30 to 7:30 p.m., they will be hosting a Christmas Dinner for the homeless and less fortunate at the Lazy Bee, 616 North Main Street.

Mayor Jones recognized Lieutenant Hodges of the Salvation Army who thanked Council for their support of the Red Kettle Campaign. The need in the community was even greater this year.

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, Minutes of the November 1, 2022, Regular Council Meeting were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

NEW BUSINESS

CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 216 COLLINS DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 216 Collins Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 22, 2022 and November 29, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-12.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ22- 00219, FILED BY EQUITABLE PROPERTY COMPANY, REQUESTING A SPECIAL USE PERMIT TO AN AUTOMOBILE AND LIGHT VEHICLE REPAIR ESTABLISHMENT ACCORDING TO ARTICLE 3.N.C.2. OF THE DANVILLE ZONING ORDINANCE AT 216 COLLINS DRIVE (PARCEL ID #77774).

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

Council Member Saunders noted he supported the motion, the item states it would have two shifts and six employees, management and workers, and questioned how that would work. Mayor Jones recognized John Byram, attorney with Woods, Rogers, appearing on behalf of his colleague Will Shumate, representing Equitable Properties in this matter. Mr. Byram noted there will be six employees, two shifts. The high volume shifts were twice during the day, eight customers served in each high volume shift, as he understands it. It was a two bay limited facility in keeping with the recommendations of Planning. Mr. Saunders questioned how many hours per shift and Mr. Byram noted eight.

Mr. Saunders noted it talked about ten minutes per vehicle, with a list of services to be provided, and wondered how all of it could be done in ten minutes. Mr. Byram explained most customers do not get all the services in the ten minutes, most were there for an oil change or one of those

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services. This was set up to run as a drive thru service; there were no vehicles allowed to be kept at the facility overnight, there was no body work allowed to be done, no engine work, just the limited services listed.

Council Member Vogler noted there was a business in this space previously, and that traffic was heavy in that spot, has the City planned for potentially more cars coming in and out of that site. Director of Planning Renee Burton noted that has been planned for; staff worked with Public Works Engineering Division and believed that the volume of traffic this business will produce can be handled in that area.

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

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

CONSIDERATION OF GRANTING A SPECIAL USE PERMIT AT 4750 RIVERSIDE DRIVE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 4750 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 22, 2022 and November 29, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-12.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ22- 00199, FILED BY GERRICK GANN ON BEHALF OF HOMETOWN SHEDS, REQUESTING A SPECIAL USE PERMIT TO ALLOW OUTDOOR DISPLAY IN EXCESS OF 15% OF THE NET DEVELOPABLE ACRE ACCORDING TO ARTICLE 3.M.(H.)(7.) OF THE DANVILLE ZONING ORDINANCE AT 4750 RIVERSIDE DRIVE (PARCEL ID#72296).

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

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

CONSIDERATION OF A GRANTING TAX EXEMPT STATUS TO THE WEDNESDAY CLUB

Mayor Jones opened the floor for a Public Hearing regarding Tax Exempt Status to the Wednesday Club. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 29, 2022. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2022-12.03

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AN ORDINANCE TO DESIGNATE THE WEDNESDAY CLUB AS BEING EXEMPT FROM LOCAL REAL AND PERSONAL PROPERTY TAXATION.

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

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

CONSIDERATION OF DECLARING CERTAIN CITY-OWNED PROPERTY TO BE SURPLUS TO THE NEEDS OF THE CITY

Mayor Jones opened the floor for a Public Hearing regarding Declaring Certain City-Owned Property to be Surplus. Notice of the Public Hearing was published in the *Danville Register & Bee* on November 29, 2022. No one present desired to be heard and the Public Hearing was closed.

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

RESOLUTION NO. 2022-12.01

A RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTY TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO CONVEY SUCH PROPERTY TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Mayo,
Miller, Saunders, Vogler and Whittle (8)
NAY: None
ABSTAIN: Jones (1)

CONSIDERATION OF APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #24577 – CABELL STREET

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

RESOLUTION NO. 2022-12.02

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #24577 CABELL STREET TO FACILITATE ITS DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Mayo,
Miller, Saunders, Vogler and Whittle (8)

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NAY: None
ABSTAIN: Jones (1)

CONSIDERATION OF APPROVING AND AUTHORIZING THE RELEASE OF A CITY-HELD LIEN AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #21801 – STOKES STREET

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

RESOLUTION NO. 2022-12.03

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF A CITY-HELD LIEN AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #21801 STOKES STREET TO FACILITATE ITS DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Mayo,
Miller, Saunders, Vogler and Whittle (8)
NAY: None
ABSTAIN: Jones (1)

CONSIDERATION OF APPROVAL APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #21579 STOKES STREET

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

RESOLUTION NO. 2022-12.04

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF A CITY-HELD LIEN AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #21801 STOKES STREET TO FACILITATE ITS DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Mayo,
Miller, Saunders, Vogler and Whittle (8)
NAY: None
ABSTAIN: Jones (1)

CONSIDERATION OF AUTHORIZING AN AMENDMENT TO AN EXISTING CROSS-PARKING EASEMENT

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

RESOLUTION NO. 2022-12.05

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A RESOLUTION APPROVING AND AUTHORIZING AN AMENDMENT TO AN EXISTING CROSS-PARKING EASEMENT RECORDED BY THE GENERAL DEVELOPMENT COMPANY, INCORPORATED IN THE CIRCUIT COURT OF THE CITY OF DANVILLE, VIRGINIA AS INSTRUMENT #92-3669.

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

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

CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING THE PROCEEDS FROM THE ISSUANCE OF BONDS

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

ORDINANCE NO. 2022-12.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING THE PROCEEDS FROM THE ISSUANCE OF BONDS AND APPROPRIATING SAME FOR ANTICIPATED EXPENDITURES.

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

COMMUNICATIONS

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

Council Member Buckner reminded citizens about the holiday light show, and thanked Bill Sgrinia and the staff at Parks & Rec, and organizations that put in the time to making this event so special for everyone in the City. The light show was December 8-23, from 6:00 p.m. to 9:00 p.m. nightly, \$10 for cars, \$20 for vans or minibuses; they will be accepting credit and debit cards. The Children's Village will be open until 9:00 p.m. nightly with photos with Santa, refreshments and activities.

Council Member Campbell thanked the Danville Redevelopment and Housing Authority for their invitation to the fund raising event. Sunday for his family was a great day and the DRHA for what they did for Apostle Campbell, his family wanted to say thank you to them.

Council Member Hood noted the date for the Kazelle & Co. and Stayhood Foundation dinner was Thursday, December 22nd at the Lazy Bee Restaurant at 616 North Main Street. Mr. Hood thanked DRHA for everything they do; the Parks & Recreation presentation was phenomenal. The quality of life was key when speaking on that. Mr. Hood thanked the citizens who attended the Christmas parade, seeing a community and city coming together; it showed Danville strong and he appreciated that.

Council Member Mayo noted the turnout for the parade was phenomenal, encouraged citizens to participate in the toy drive, and noted they will be there to ring the bell for the Salvation Army.

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Danville Community College will have two food drives this month, one with Tyson's and the other with Southwest Food.

Vice Mayor Miller commended Parks & Rec for the best in the south light show and also all the groups that come out to volunteer. Dr. Miller noted the Parks & Rec presentation, what he has heard was that people want to get back together with their community members and meet. This will give them the opportunity to get back with their neighbors.

Council Member Saunders noted he was looking forward to ringing the bells for the Salvation Army; the Road Soldiers Motorcycle Club will be out ringing the bells as well. Mr. Saunders noted former City Manager Frank Faisson was in an assisted living care facility and asked for prayers for him. Mr. Saunders thanked the housing authority for what they do every day; the partnership they have with the City and looking after people was amazing. Mr. Saunders noted a special thank you to the City Manager, Ken Larking, he does a great job every day, and thanked him and Deputy City Manager Earl Reynolds for what they do every day.

Council Member Vogler noted the parade was a lot of fun, he and his son rode together in a car, and his wife and daughter were in the parade with her dance class. Mr. Vogler reminded citizens of the Holiday Light Show on December 8-23, there were a lot of great displays this year; it was a great community light show right in their back yard. Mr. Vogler encouraged citizens to come out and support the businesses and groups that took part in it. The Harry Johnson Holiday Classic was coming up on December 27, 28 and 29 and believes this will be the biggest and best basketball tournament yet.

Council Member Whittle noted he was invited to the event at Bibleway and it was outstanding; it was a beautiful community.

Mayor Jones noted he was so excited that they were all able to give Bishop Campbell, who had seventy years in the ministry, his flowers while he was able to see it, and thanked the housing authority for what they were doing in the community. Mayor Jones noted Christmas at the Plaza was great, and the parade was phenomenal. Mayor Jones thanked Mark Aron for his coverage of the parade, he does a great job, and does it by himself. Mayor Jones thanked the NAACP for making Bishop Campbell the Man of the Year and for all that they do, and thanked them for being a part of that.

Meeting adjourned at 8:13 pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-2884

Consent Agenda C.

City Council Regular Meeting

Meeting Date: 01/03/2023

Subject: Fiscal Year 2023 SRO-SRO Grant Program and Fund

From: Scott Booth, Police Chief

COUNCIL ACTION

First Reading: 12/20/2022

Final Adoption: 01/03/2023

SUMMARY

The Danville Police Department received a Department of Criminal Justice Services Grant under the Fiscal Year 2023 School Resource Officer (SRO) Grant Program and Fund in the amount of \$88,398.00. This funding will provide for the hiring of two SROs, one for George Washington High School and one for Westwood Middle School.

RECOMMENDATION

It is recommended that City Council adopt the attached Ordinance Amending the Fiscal Year 2023 Budget Appropriation Ordinance by Anticipating Revenues in the amount of \$88,398 from the Department of Criminal Justice Services and appropriating the same.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 - _____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM VIRGINIA DEPARTMENT CRIMINAL JUSTICE SERVICES – FISCAL YEAR 2023 SCHOOL RESOURCE OFFICER GRANT PROGRAM IN THE AMOUNT OF \$88,398 AND APPROPRIATING SAME.

WHEREAS, the City of Danville has been awarded a grant from the Virginia Department of Criminal Justice Services School Resource Officer (SRO) Grant Program and Fund in the amount of \$88,398; and

WHEREAS the funding will used to hire two (2) School Resources Officers, one will be assigned to the George Washington High School and the other one will be assigned to the Westwood Middle School, and the School Resource Officers will respond to calls for service and deal with incidents on school property during school hours or during school sanctioned events; and

WHEREAS, the two (2) School Resource Officers will attempt to identify at-risk juveniles and provide intervention, counseling, or other assistance as needed; and

WHEREAS the grant does not require in-kind matching funds.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the Fiscal Year 2023 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenue to anticipate the receipt of funds in the amount of \$88,398 from the Virginia Department of Criminal Justice Services – SRO Grant Program and Fund, such revenue and appropriation to be as follows:

ANTICIPATED REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
DCJS SRO Grant Categorical Aid – State Public Safety	61819000-47060	<u>\$88,398</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
DCJS SRO Grant	61819999-50	<u>\$88,398</u>

AND BE IT FURTHER ORDAINED, that this appropriation shall be a continuing appropriation and shall carry forward from year to year until expended for the purpose for which appropriated; and

BE IT FINALLY ORDAINED, that all other accounts and provisions of the Fiscal Year 2023 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney

Council Letter

City of Danville, Virginia



CL-2886

Consent Agenda D.

City Council Regular Meeting

Meeting Date: 01/03/2023

Subject: State Aviation Capital Grant

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

First Reading: 12/20/2022

Final Adoption: 01/03/2023

SUMMARY

A major rehabilitation of the airport's shorter, crosswind runway was completed in September 2022. The scope of the project involved milling and paving the full length of the runway as well as a one hundred-foot wide operational area of the runway. However, the shoulder areas of the runway that are located outside the operational area were not milled and paved due to the associated cost with modifying the runway's drainage system that is presently located within the shoulder areas that would be necessary due to federal aviation design standard requirements. Consequently, state funding was requested and approved by the Virginia Department of Aviation to seal coat the shoulder areas of the runway.

BACKGROUND

State aviation funding was approved in November 2022 by the Virginia Department of Aviation to seal coat the shoulder areas of the airport's shorter, crosswind runway. The total cost to complete this work is \$85,071 and state funding will finance eighty percent of the project expense. Therefore, the state will provide \$68,057 towards completion of the project and the local share requirement is \$17,014.

RECOMMENDATION

It is recommended that City Council approve the attached Budget Appropriation Ordinance appropriating State Aviation Capital grant funds to sealcoat the shoulder areas of Runway 13/31.

Attachments

Ordinance

Project Area

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-_____ - _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR ADDITIONAL STATE AVIATION GRANT FUNDING FOR THE PURPOSE OF SEAL COATING THE SHOULDER AREAS OF RUNWAY 13/31 IN THE AMOUNT OF \$68,057 AND THE LOCAL SHARE IN THE AMOUNT OF \$17,014 TO BE PROVIDED BY LOCAL BOND FUNDS AND APPROPRIATING SAME.

WHEREAS, outside services are required to seal coat the shoulders of Runway 13/31 to improve the structural integrity of the pavement; and

WHEREAS, the Virginia Department of Aviation determined the existing condition of the shoulder areas of Runway 13/31 requires rehabilitation and;

WHEREAS, the seal coat work will be funded at eighty percent with state capital aid.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2023 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for grants from the Virginia Department of Aviation in the amount of \$68,057, and local match of \$17,014 to be provided by local bond funds for an aggregate amount of \$85,071, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Runway 13/31 Seal Coat Shoulders		
State Aviation Funds	61820000-45712	\$ 68,057
Local Bond Funds	61820000-43022	<u>17,014</u>
		<u>\$ 85,071</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Runway 13/31 Seal Coat Shoulders	61820999-50	<u>\$85,071</u>

AND BE IT FURTHER ORDAINED, that all other accounts and provisions of the Fiscal Year 2023 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

Mayor

ATTEST:

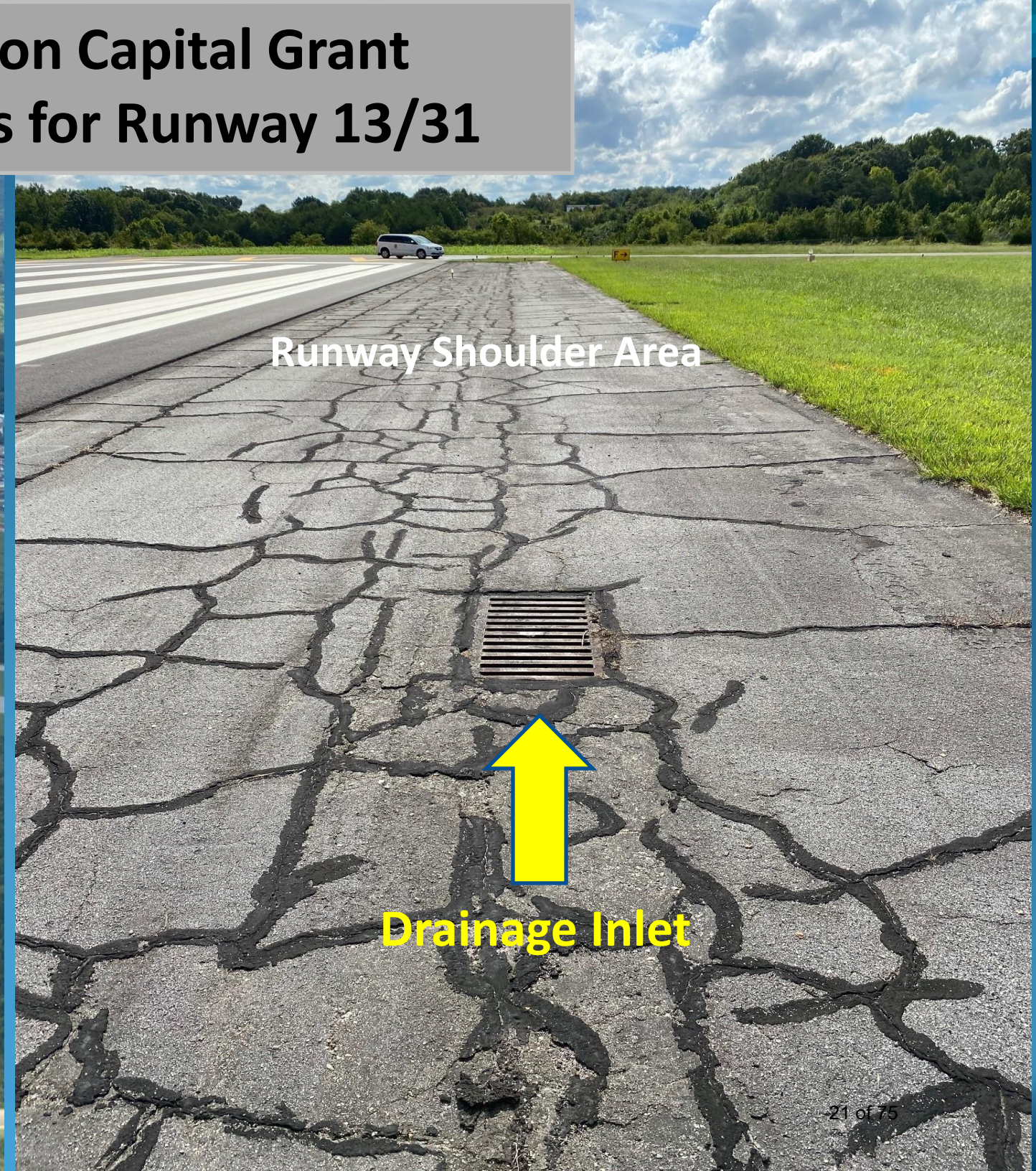
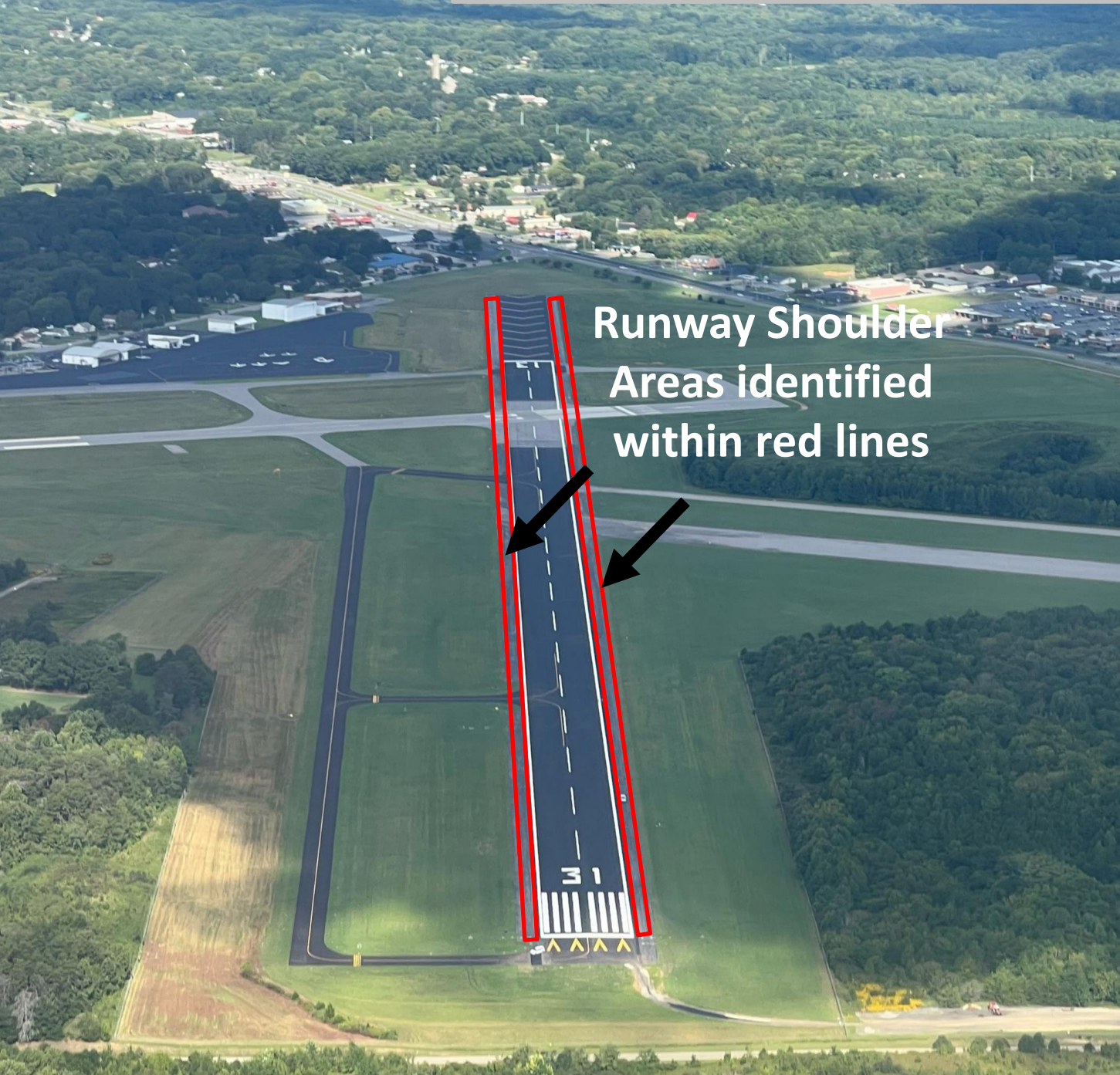
Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

FY23 State Aviation Capital Grant

Seal Coat Shoulders for Runway 13/31



Council Letter

City of Danville, Virginia



CL-2888

Consent Agenda E.

City Council Regular Meeting

Meeting Date: 01/03/2023

Subject: Fiscal Year 2022-23 Community Development Block Grant Programs

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

COUNCIL ACTION

First Reading: 12/20/2022

Final Adoption: 01/03/2023

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 \$1,181,545 and needs to appropriate the money to be used for housing related programs.

BACKGROUND

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 2022-23 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 \$1,236,545 for Fiscal Year 2022-23, comprised of \$852,803 CDBG funds, \$328,742 HOME funds, and \$55,000 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 \$1,236,545 from HUD for Fiscal Year 2021-22 for use in Housing related programs.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE FOR PROJECTS TO BE OR BEING UNDERTAKEN TO IMPROVE THE DANVILLE COMMUNITY FINANCED WITH COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS AND HOME INVESTMENT PARTNERSHIP FUNDS FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AND ESTIMATED PROGRAM INCOME FOR A TOTAL APPROPRIATION OF \$1,236,545.

WHEREAS, the United States Department of Housing and Urban Development has made available \$852,803 in Community Development Block Grant (CDBG) and \$328,742 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 \$20,000 in CDBG program income and \$35,000 in HOME program income will be generated during the period from July 1, 2022 through June 30, 2023 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:	FY2023	61790000-48025	\$852,803
Federal Aid-HOME:	FY2023	61791000-48030	\$328,742
CDBG Program Income:	FY2023	61790000-44381	\$ 20,000
HOME Program Income:	FY2023	61791000-44361	\$ 35,000
		TOTAL:	<u>\$1,236,545</u>

ESTIMATED/ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
H & D ADMIN	FY2023	
Salaries & Wages	61774000-51100	\$55,200
FICA Taxes	61774000-51450	\$4,300
Retirement	61774000-51525	\$1,950
Group Hospital	61774000-51600	\$7,450
Group Life Insurance	61774000-51630	\$150
HSA Cont Exp	61774000-51632	\$700
Maintenance Service Contracts	61774000-52225	\$500
AVL Service Contracts	61774000-52226	\$100
Advertising	61774000-52275	\$600
Vehicles	61774000-52550	\$786
Print Shop – Supplies	61774000-52655	\$300
Postal Service	61774000-54050	\$380
Telephone/Internet	61774000-54100	\$1,560
General Liability Insurance	61774000-54650	\$100
Travel/Training	61774000-54900	\$300
Materials & Supplies	61774000-55930	\$800
	TOTAL:	<u>\$75,176</u>
CDBG REHAB ADMIN:	FY2023	
Salaries & Wages	61775000-51100	\$213,500
FICA Taxes	61775000-51450	\$15,600
Retirement	61775000-51525	\$7,500
Group Hospital	61775000-51600	\$35,200
Group Life Insurance	61775000-51630	\$540
HAS Cont Exp	61775000-51632	\$4,500
Legal Services	61775000-52170	\$1,000
Maintenance Service Contracts	61775000-52225	\$750
Outside Services	61775000-52349	\$11,000
Vehicles Radio	61775000-52500	\$200
Vehicles	61775000-52550	\$8,400
Print Shop - Supplies	61775000-52655	\$300
Telephone	61775000-54100	\$1,650
General Liability Insurance	61775000-54650	\$100
Travel/Training	61775000-54900	\$2,200
Materials & Supplies	61775000-55930	\$6,756
Uniforms & Apparel	61775000-56050	\$800
Dues & Memberships	61775000-56242	\$600
	TOTAL:	<u>\$310,596</u>
REHABILITATION:	FY2023	
CDBG Housing Rehab Projects	61812000-50	<u>\$287,334</u>

FAIR HOUSING	FY2023		
Fair Housing Admin		61781000-50	<u>\$21,697</u>
PUBLIC SERVICE ACTIVITIES (PSA):	FY2023		
Head Start/CIC		61813068-55005	\$45,000
College Bound		61813069-55005	\$10,000
Center for Housing Counselling		61813117-55005	\$3,000
Big Brothers/Big Sisters		61813122-55005	\$13,000
Neighbors Helping Neighbors		61813125-55005	\$15,000
Haven of the Dan River		61813131-55005	\$5,000
Legal Aid		61813415-55005	\$15,000
Ex-Offenders Program		61813416-55005	\$5,000
Temporary Shelter		61813135-55005	\$12,000
Danville Speech and Hearing		61813136-55005	<u>\$5,000</u>
		TOTAL:	<u>\$128,000</u>
PRT PUBLIC FACILITIES WESTMORELAND	FY2023	XXXXX999-50	<u>\$50,000</u>
HOME ADMIN	FY2023		
Salaries & Wages		61776000-51100	\$15,500
Salaries & Wages, Adjustment		61776000-51417	\$1,500
FICA Taxes		61776000-51450	\$1,350
Retirement		61776000-51525	\$1,180
Group Hospital		61776000-51600	\$4,980
Group Life Insurance		61776000-51630	\$200
HSA Cont Exp		61776000-51632	<u>\$807</u>
		TOTAL:	<u>\$25,517</u>
HOME REHABILITATION:	FY2023		
HOME Housing Rehab Projects		61816000-50	<u>\$258,225</u>
HOME CHDO/HABITAT FOR HUMANITY	FY2023		
CHDO Set Aside Rehab of Private Property		61815065-52230	\$45,114
CHDO Administration Expense		61815000-55815	<u>\$14,886</u>
		TOTAL	<u>\$60,000</u>
HOME CHDO/SOUTHSIDE	FY2023		
CHDO Set Aside Rehab of Private Property		61814065-52230	\$18,182
CHDO Administration Expense		61814000-55815	<u>\$1,818</u>
		TOTAL:	<u>\$20,000</u>
		GRAND TOTAL	<u>\$1,236,545</u>

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 2023 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-2897

Consent Agenda F.

City Council Regular Meeting

Meeting Date: 01/03/2023

Subject: Budget Ordinance for Riverfront Park

From: Henrietta Weaver, Budget Director

COUNCIL ACTION

First Reading: 12/20/2022

Final Adoption: 01/03/2023

SUMMARY

Revenues from sales, meals, and lodging taxes are anticipated to exceed previously budgeted amounts. The additional revenues will be used to provide funding for the construction of the Riverfront Park with some funding being allocated to contingencies to support City operations.

BACKGROUND

The City's Fiscal Year 2023 Budget Appropriation Ordinance includes an estimate of tax revenues from sales, meals, and lodging using the best available information. Due to the effect of market forces, actual receipts are expected to exceed previously estimated amounts.

RECOMMENDATION

It is recommended that the City Council adopt the attached ordinance amending the Fiscal Year 2023 Budget Appropriation Ordinance.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 - _____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM VARIOUS TAXES TO FUND RIVERFRONT PARK CONSTRUCTION AND GENERAL FUND CONTINGENCY FOR AN APPROPRIATION IN THE AMOUNT OF \$2,500,000 AND APPROPRIATING THE SAME.

WHEREAS, the City anticipates the receipt of an additional \$2,500,000 in sales, meals, and lodging taxes to be used to fund construction of the Riverfront Park and provide funding for City operations.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2023 Budget Appropriation Ordinance be, and the same hereby is, amended, by increasing revenues in the General Fund and appropriating same to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Sales Tax	0100000-40510	\$ 340,000
Prepared Meals Tax	0100000-40550	1,300,000
Hotel & Motel Room Taxes	0100000-40810	860,000
Total		<u>\$2,500,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Transfer Out – Support of Capital Projects	0199501-6025	\$2,100,000
General Fund Contingency	0199001-6997	400,000
		<u>\$2,500,000</u>

AND BE IT FURTHER ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2023 Budget Appropriation Ordinance be, and the same hereby is, amended, by providing for the construction of the Riverfront Park in the Capital Projects Fund and appropriating same to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Transfer In from General Fund	61443000-6101	<u>\$2,100,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Riverfront Park	61443999-50	<u>\$2,100,000</u>

AND BE IT FINALLY ORDAINED, that all other accounts and provisions of the Fiscal Year 2023 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney

Council Letter

City of Danville, Virginia



CL-2901

New Business A.

City Council Regular Meeting

Meeting Date: 01/03/2023

Subject: Code Amendment for TW-C, Tobacco Warehouse Commercial District

From: Renee Burton, Director of Planning

COUNCIL ACTION

Business Meeting: 01/03/2023

SUMMARY

Code Amendment Application PZ22-00234 was filed by Rick Barker on behalf of RJB Holding, LLC , requesting to amend Article 3.L.C of the Zoning Code to allow single family dwellings by Special Use Permit in the TW-C Tobacco Warehouse Commercial District.

BACKGROUND

Staff received a request from the applicant to convert a one-story garage unit to a single-family dwelling. Single-family dwellings are currently not allowed by right or by Special Use Permit in the TW-C, Tobacco Warehouse Commercial district. Therefore, the applicant, Rick Barker, on behalf of RJB Holdings, LLC, has proposed a Code Amendment.

Permitting single-family dwellings by Special Use Permit will allow the Planning Commission and City Council to review each application on a case-by-case basis, allowing for approvals when it deems them appropriate.

On December 12, 2022, the Planning Commission voted 7-0 to recommend approval of Code Amendment PZ22-00234 as submitted.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance amending Article 3.L. of the Zoning Code to allow single family dwellings (one per parcel) as a use permitted by Special Use Permit under Section C. Item 16.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING CHAPTER 41, ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3L., ENTITLED "TW-C, TOBACCO WAREHOUSE COMMERCIAL DISTRICT", TO ADD ITEM 16, ENTITLED "SINGLE FAMILY DWELLING (ONE PER PARCEL)" AS A USE PERMITTED UNDER SECTION C., ENTITLED "USES PERMITTED BY SPECIAL USE PERMIT".

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to amend Article 3L., entitled "TW-C, Tobacco Warehouse Commercial District" to add Item 16., entitled "Single family dwelling (one per parcel)" as a use permitted by Section C., entitled "Uses Permitted by Special Use Permit", be, and the same is hereby, received; and

BE IT FURTHER ORDAINED, by the Council in consideration of said report and the public hearing this day held by Council, specifically, to amend Article 3L., entitled "TW-C, Tobacco Warehouse Commercial District" to add Item 16., entitled "Single family dwelling (one per parcel)" as a use permitted under Section C., entitled "Uses Permitted by Special Use Permit" of Chapter 41, entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

Article 3.L. TWC, TOBACCO WAREHOUSE COMMERCIAL DISTRICT,

C. Uses Permitted by Special Use Permit.

16. Single family dwelling (one per parcel)

APPROVED:

Mayor

ATTEST:

City Clerk

Approved as to Form and
Legal Sufficiency:

Deputy City Attorney



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

City Planning Commission

MEMORANDUM

DATE: DECEMBER 12, 2022
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT APPLICATION PZ22-00234

REQUEST

Code Amendment Application PZ22-00234 Rick Barker on behalf of RJB Holding, LLC is requesting to amend Article 3.L.C of the Zoning Code to allow single family dwellings by Special Use Permit in the TW-C Tobacco Warehouse Commercial District.

RECOMMENDATION

The Planning Commission, at their December 12, 2022 meeting, voted 7-0 to recommend approval of Code Amendment Application PZ22-00234.


Mr. Harold E. Garrison, Chair

RESPONSES

Twenty-one (21) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received (Connecticut Classic Car, Connecticut Classic Car, Beulah Baptist Church, Hardy, RJB Holding LLC, and RTDBW LLC). Six (6) responses were unopposed. One (1) response was opposed (Fowlkes).

COMMENTS

"This is great for Danville." (Connecticut Classic Car)
"Looking forward to our new neighbor being on site." (Connecticut Classic Car)
"All properties in this area are businesses. I don't want to deal with neighborhood problems in our business area." (Fowlkes)



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

City Planning Commission

STAFF REPORT

DATE: December 12, 2022
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: **CODE AMENDMENT APPLICATION – 820 Lynn Street**

Code Amendment Application PZ22-00234 Rick Barker on behalf of RJB Holding, LLC is requesting to amend Article 3.L.C of the Zoning Code to allow single family dwellings by Special Use Permit in the TW-C Tobacco Warehouse Commercial District.

BACKGROUND

The Tobacco Warehouse District was established to promote, among other things, "adaptive reuse of existing uses and harmonious new development in the City's historic tobacco warehouse business area". This district is currently home to businesses, restaurants, and apartment buildings, creating a harmonious mixed-use district.

STAFF ANALYSIS AND RECOMMENDATION

Staff received a request to convert a garage unit to a single family dwelling. Single family dwellings are currently not allowed by right or by special use permit in the Tobacco Warehouse district. Therefore, the applicant has proposed a code amendment.

Permitting single family dwellings by special use permit will allow the Commission to review each application on a case-by-case basis, allowing for approvals when it deems them appropriate.

ARTICLE 3.L: - TW-C, TOBACCO WAREHOUSE DISTRICT

C. - Uses Permitted by Special Use Permit.

16. Single Family Residential Dwelling (one per parcel)

The Planning staff stands in favor of a Planning Commission recommendation of approval of Special Use Permit Application PZ22-234 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval.
- Recommend denial.

ATTACHMENTS

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

CODE CHANGE AMENDMENT

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL
Application is hereby made for the Code Change Amendment as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER:

DATE FILED:

RECEIVED FROM:

SECTION AFFECTED:

PLANNING COMMISSION DATE/ACTION:

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section:

ARTICLE 3.L: - TW-C, TOBACCO WAREHOUSE DISTRICT (Tobacco Warehouse Commercial District).

Section C – Uses Permitted by Special Use Permit.

Purpose for proposed amendment:

The applicant seeks a code amendment to allow a special use permit for single family dwellings in the Tobacco Warehouse Commercial District (TW-C).

In this case, the proposed project seeks to renovate an existing 2400 SF, 1-story, former commercial building into a single apartment dwelling. The site also features an existing detached garage building which will be maintained with its current use.

PRESENT OWNER(S) OF ALL PROPERTIES INCLUDED IN APPLICATION:

I. NAME (PLEASE PRINT OR TYPE): **RJB Holding, LLC / Rick Barker**

ADDRESS: **554 Craghead Street, Danville, VA 24541**

EMAIL: Rick@sripackaging.com

TELEPHONE: (434) 799-1999

SIGNATURE:



2. NAME (PLEASE PRINT OR TYPE): rick barker

ADDRESS:

TELEPHONE:

SIGNATURE:

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

NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

EMAIL:

TELEPHONE:

SIGNATURE:

Council Letter

City of Danville, Virginia



CL-2902

New Business B.

City Council Regular Meeting

Meeting Date: 01/03/2023

Subject: Special Use Permit Request at 820 Lynn Street

From: Renee Burton, Director of Planning

COUNCIL ACTION

Business Meeting: 01/03/2023

SUMMARY

Special Use Permit Application PZ22-00235 was filed by Rick Barker on behalf of RJB Holding, LLC, requesting a Special Use Permit to allow a single-family dwelling at 820 Lynn Street in accordance with Article 3.L.C. Item 16.

BACKGROUND

The subject property lies within the TW-C Tobacco Warehouse Commercial District. The subject property is unique in that it contains a smaller-than-usual structure in the TW-C District at 2400 square feet. The proposed development includes converting an existing structure into a single-family dwelling. A separate detached garage is also located on the property and will be used as an accessory use to the residence.

The property is adequately served by utilities for the proposed use. The use of a single-family dwelling is compatible with the current uses to the east of the property, which includes the Old Town Residential zoning district.

Twenty-one (21) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received. Six (6) responses were unopposed. (Beulah Baptist Church, Connecticut Classic Car, Connecticut Classic Car, Hardy, RJB Holdings, LLC, and RTDBW LLC). One (1) response received was opposed (Fowlkes).

On December 12, 2022, the City Planning Commission voted 7-0 to recommend approval of Special Use Permit Application PZ22-00235 as submitted.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit in accordance with Article 3.L. Section C Item 16 to allow a single family dwelling at 820 Lynn Street.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ22-00235, FILED BY RICK BARKER ON BEHALF OF RJB HOLDING, LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A SINGLE-FAMILY DWELLING (ONE PER PARCEL) IN ACCORDANCE WITH ARTICLE 3.L., SECTION C., ITEM 16. OF THE DANVILLE ZONING ORDINANCE AT 820 LYNN STREET (PARCEL ID #22279).

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 PZ22-00235, filed by Rick Barker on behalf of RLB Holdings LLC, requesting a Special Use Permit for a single-family dwelling (one per parcel) pursuant to Article 3.L., Section C., Item 16. of the Danville Zoning Ordinance at 820 Lynn Street (Parcel ID #22279), be and the same is hereby received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ22-00235, filed by Rick Barker on behalf of RJB Holdings LLC at 820 Lynn Street (Parcel ID #22279), is granted approval.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

Deputy City Attorney



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

City Planning Commission

MEMORANDUM

DATE: DECEMBER 12, 2022
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ22-00235

REQUEST

Special Use Permit Application PZ22-00235 Rick Barker on behalf of RJB Holding, LLC has requested a Special Use Permit to allow a single-family dwelling at 820 Lynn Street in accordance with Article 3.L.C. Item 16.

RECOMMENDATION

The Planning Commission, at their December 12, 2022 meeting, voted 7-0 to recommend approval of Special Use Permit Application PZ22-00235.

Mr. Harold E. Garrison, Chair

RESPONSES

Twenty-one (21) notices were sent to surrounding property owners within three hundred (300) feet of the subject property.

COMMENTS

MEMORANDUM

DATE: DECEMBER 12, 2022

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST: Special Use Permit Application PZ22-00235 Rick Barker on behalf of RJB Holding, LLC, has requested a Special Use Permit to allow a single family dwelling at 820 Lynn Street in accordance with Article 3.L.C. Item 16.

RESPONSES:

Twenty-one (21) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received. Six (6) unopposed (Beulah Baptist Church, Connecticut Classic Car, Connecticut Classic Car, Hardy, RJB Holding LLC, and RTDBW LLC). One (1) opposed.

COMMENTS:

"This will be great for Danville." -Connecticut Classic Car

"Looking forward to our new neighbor being on site." -Connecticut Classic Car

"All properties in this area are businesses. I don't want to deal with neighborhood problems in our business area." -Fowlkes



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

City Planning Commission

STAFF REPORT

DATE: December 12, 2022
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: SPECIAL USE PERMIT APPLICATION – 820 Lynn Street

Special Use Permit Application PZ22-00235 Rick Barker on behalf of RJB Holding, LLC has requested a Special Use Permit to allow a single-family dwelling at 820 Lynn Street in accordance with Article 3.L.C. Item 16.

BACKGROUND

The subject property lies within the TW-C Tobacco Warehouse Commercial District. The subject property is unique in that it contains a smaller than usual structure at 2400 square feet. The proposed development includes converting the property into a single family dwelling. A separate detached garage is also located on the property and will be used as an accessory use to the residence.

STAFF ANALYSIS AND RECOMMENDATION

The property is adequately served by utilities for the proposed use. The use of a single family dwelling is compatible with the current uses to the east of the property which includes Old Town Residential zoning district.

The Planning staff stands in favor of a Planning Commission recommendation of approval of Rezoning Application PZ22-240 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

ATTACHMENTS

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



City of Danville
Community Development
Planning Division

**PLANNING COMMISSION
SPECIAL USE PERMIT APPLICATION**

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Address: _____
Existing Zoning: _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 820 Lynn Street / Parcel # 22279
Applicant: RJB Holding, LLC / Rick Barker
Applicant's Address: 554 Craghead Street, Danville, VA 24541
Applicant's Phone Number: Rick@sripackaging.com
Applicant's E-mail: (434) 799-1999

Describe Proposed Development: The proposed project seeks to renovate an existing 2400 SF, 1-story, former commercial building into a single apartment dwelling. The site also features an existing detached garage building which will be maintained with its current use.

Article 6 Section B. General Standards and Criteria for Special Use Permit Review. Please explain how the Special Use Permit request meets the following review standards and criteria:

1. The proposed use shall be: a. in harmony with the adopted Comprehensive Plan; b. in harmony with the intent and purpose of the zoning district in which the use is proposed to be located; and c. in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.

A. The proposed project and creation of a special use permit in the TW-C aligns with the Comp. Plan which seeks to "Promote opportunities for a wide variety of housing types in the City by adaptive reuse..." B/C. The design of the proposed project, which is largely an interior renovation, features a new loading dock and canopy in keeping with the industrial character of the neighborhood and adjacent properties. This new element replaces a non-original and deteriorating wood dock and shingle roof. The proposed use and design are both in keeping with the broad vision of the TW-C to "promulgate the goals of the Comprehensive Plan for historic preservation of old buildings and architectural compatibility of new structures while encouraging a creative mix of uses..."

2. The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities:

The proposed use features a shift from Group B - Business to Group R - single family residential and does not substantially add occupancy to the site. The proposed renovation also includes some site improvements which have a net effect of reducing the amount of impervious surface area, thus improving upon the existing stormwater situation.

3. The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance:

The proposed design removes a deteriorating loading dock and non-original shingled canopy which face the interior of the site and replaces them with metal versions in keeping with the industrial character of the neighborhood. The site, the former home to the Grogan Oil company, features several large (70' long) concrete walls that used to support large tanks. These elements are being maintained and incorporated into the site design as historic artifacts. Similarly, the historic 4-bay garage building is being maintained and continuing to be used for vehicle storage. The site design will add new plantings and vegetation, enhancing the corner as one enters the neighborhood.

4. The proposed use shall be designed, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods:

The proposed use and design of site elements are in keeping with the goals of the TW-C and do not hinder or discourage future development in the district. The approach to both the architecture and site improvements could serve as a model for future improvements in the neighborhood.



Applicant Signature

Property Owner Signature
(if not applicant)

Article 6. Section D. Application Requirements for Special Use Permit.

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee as established by the City Council.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

REZONING DATA SHEET PZ22-234

PUBLIC HEARING DATE: DECEMBER 12, 2022
PLANNING COMMISSION AT 3:00 PM

LOCATION OF PROPERTY: 820 LYNN STREET (PARCEL 22279)

PRESENT ZONE: TW-C TOBACCO WAREHOUSE

PROPOSED ZONE: NO CHANGE

ACTION REQUESTED: SPECIAL USE PERMIT APPLICATION PZ22-00235 RICK BARKER ON BEHALF OF RJB HOLDING, LLC HAS REQUESTED A SPECIAL USE PERMIT TO ALLOW A SINGLE-FAMILY DWELLING AT 820 LYNN STREET IN ACCORDANCE WITH ARTICLE 3.L.C. ITEM 16.

PRESENT USE OF PROPERTY: VACANT

PROPOSED USE OF PROPERTY: SINGLE UNIT APARTMENT DWELLING

FUTURE LAND USE DESIGNATION: MIXED USE

PROPERTY OWNER (S): RJB HOLDING LLC

NAME OF APPLICANT (S): RICK BARKER, RJB HOLDING LLC

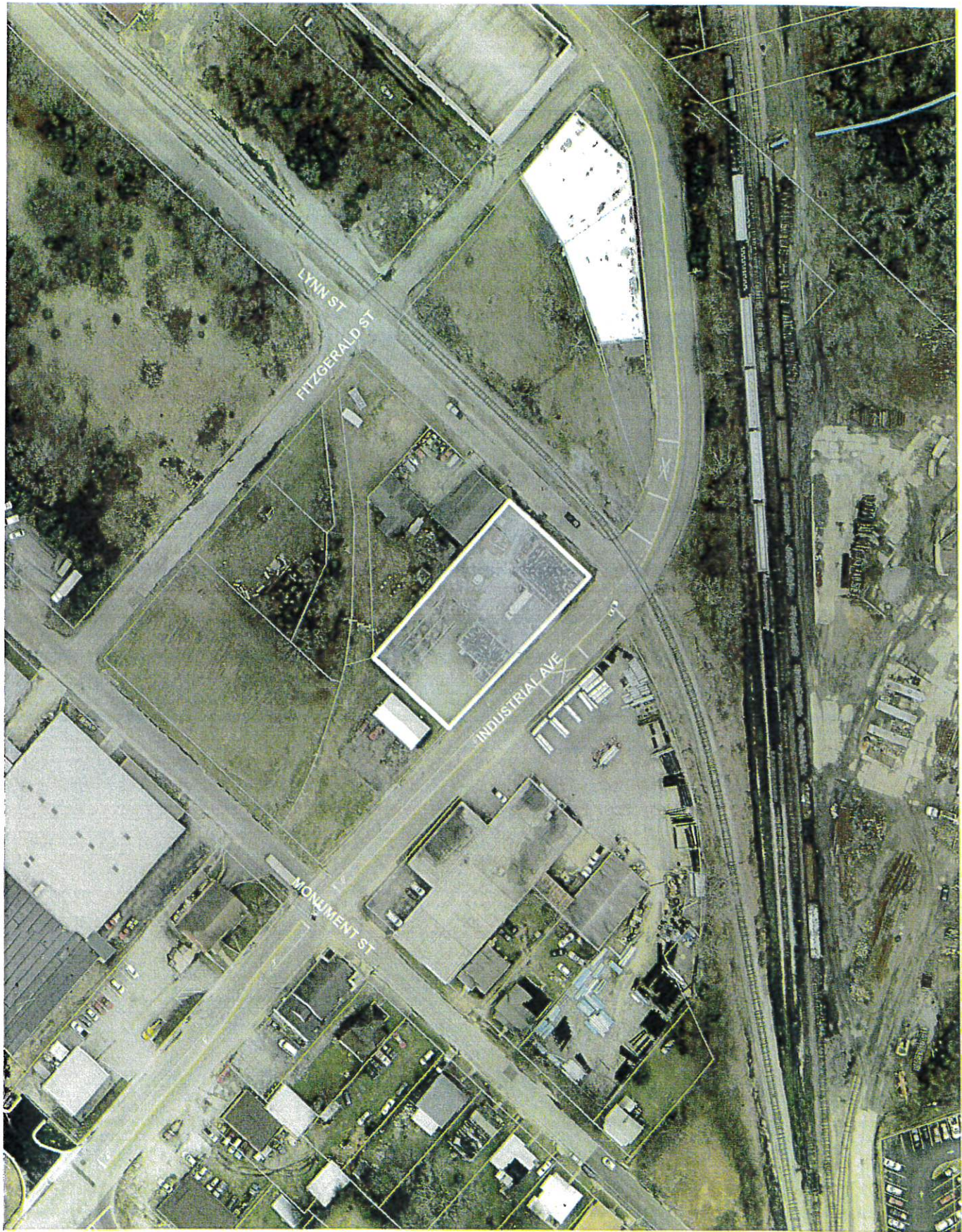
PROPERTY BORDERED BY: MIXED USE AND INDUSTRIAL

ACREAGE: 0.48 ACRES TOTAL

CHARACTER OF VICINITY: COMMERCIAL

INGRESS AND EGRESS: LYNN STREET AND INDUSTRIAL AVENUE

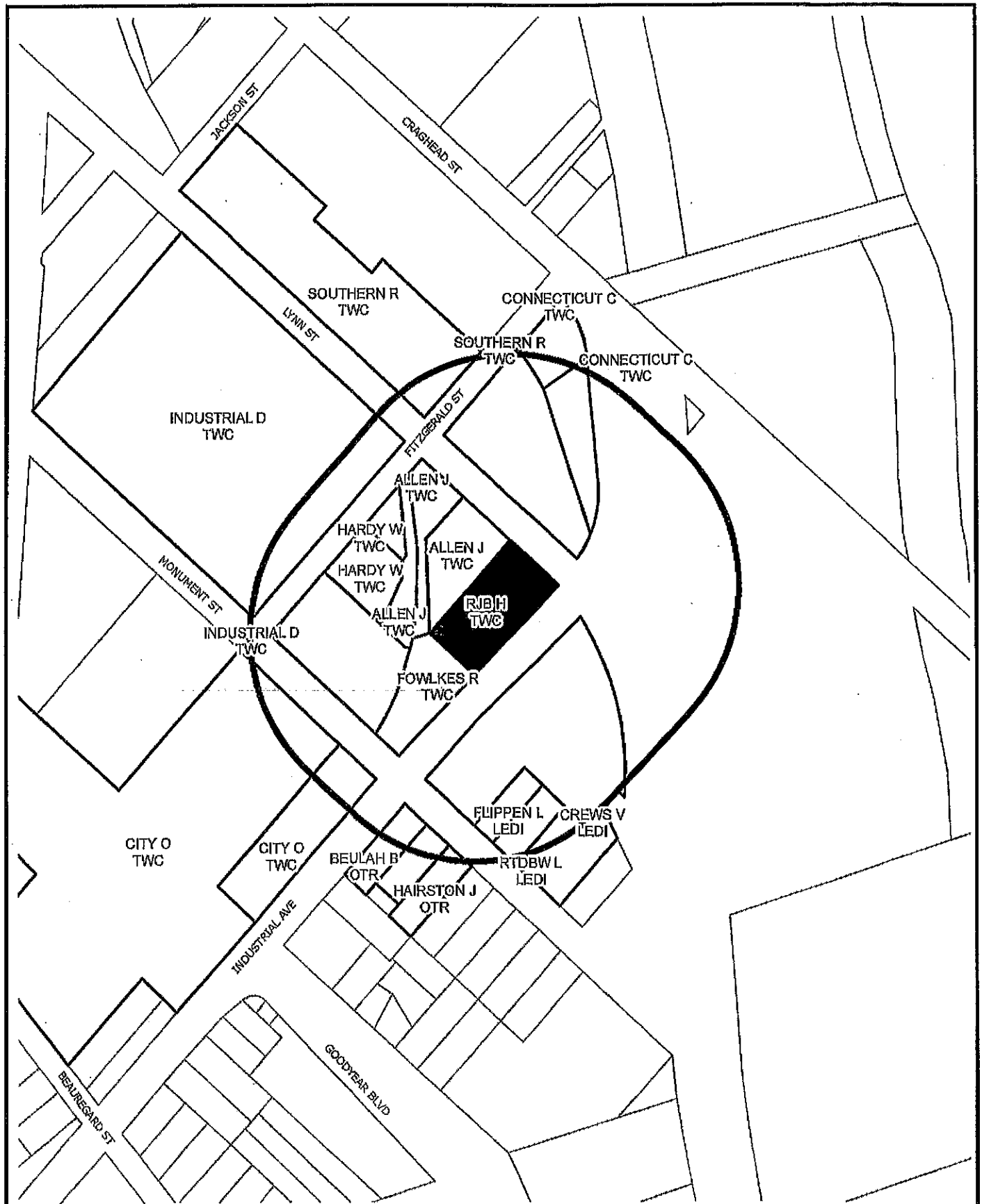
TRAFFIC VOLUME: HIGH



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/10/2022

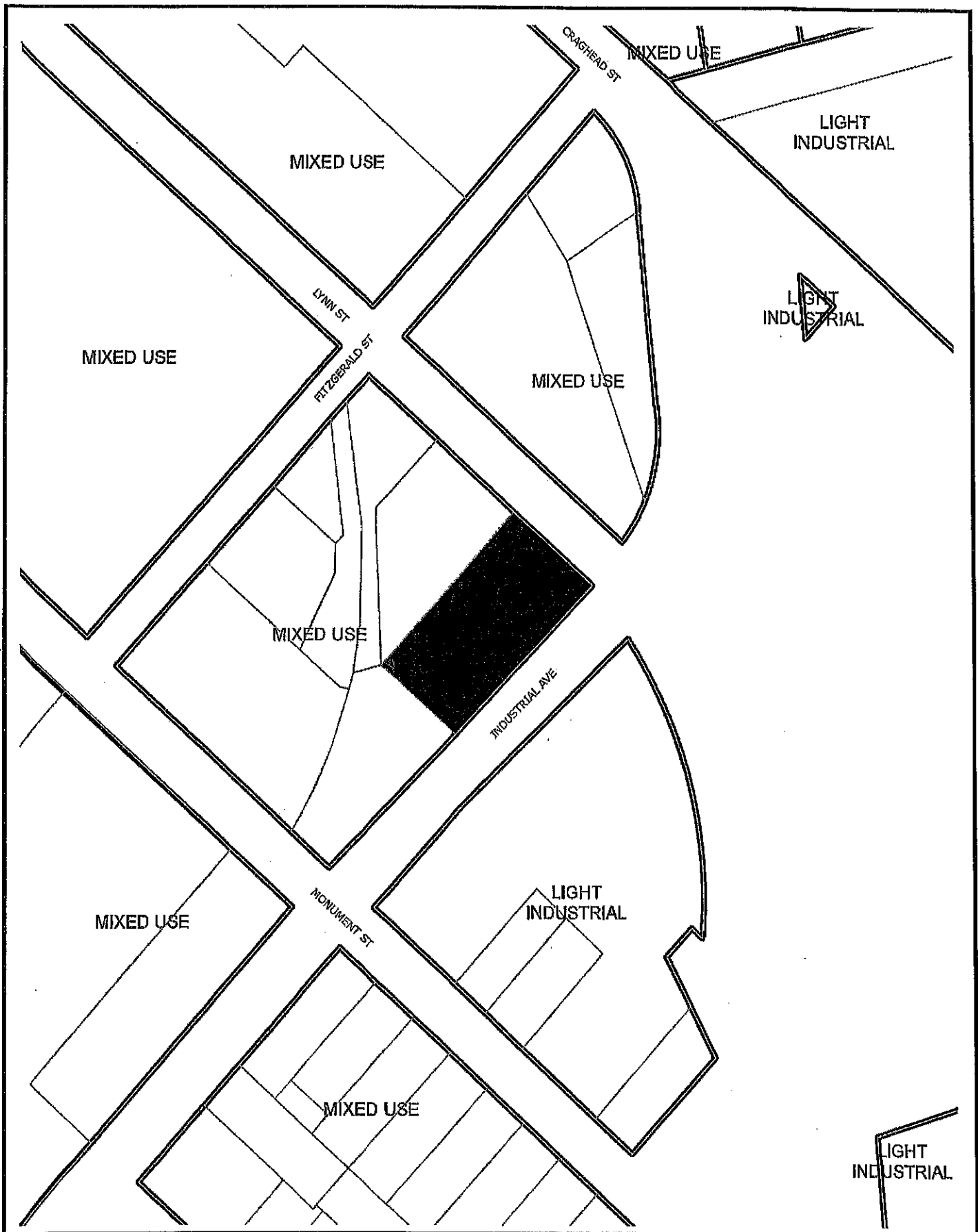
Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation of warranty as to this map's accuracy, and in particular, its accuracy in labeling, dimensions, 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.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
11/10/2022

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/16/2022

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-2903

New Business C.

City Council Regular Meeting

Meeting Date: 01/03/2023

Subject: Request to Rezone N Main Street Parcel ID #'s 50288, #50289, and #54806

From: Renee Burton, Director of Planning

COUNCIL ACTION

Business Meeting: 01/03/2023

SUMMARY

Rezoning Application PZ22-00240 filed by Scott Bisbee requesting to rezone Parcel #s 50288, 50289, and 54806 (N Main Street) from "Conditional" HR-C Highway Retail Commercial to HR-C Highway Retail Commercial.

BACKGROUND

In November 2011, the subject properties were rezoned from N-C Neighborhood Commercial to Conditional HR-C Highway Retail Commercial with the following conditions:

- All automobiles present on site are to display current inspections, registrations and tags if applicable.
- No more than 20 automobiles are to be onsite and in need of repair or servicing. Any vehicle present for repair or servicing may not be present on site for more than 30 days.
- Hours of operation must be limited for each property from 7:00 a.m. to 10 p.m.
- An automobile or light vehicle dealership may not have more than 50 vehicles present that are available for purchase.

The applicant is requesting to rezone from Conditional HR-C to HR-C (removing the conditions) to allow for operation of an automobile and light vehicle repair establishments.

Automobile and light vehicle repair establishments are allowed by right. The current conditions would impede operation of the proposed use. The property is currently being used as a combination of overnight trailer storage and tire sales and installation. The property is adequately served by public utilities for the proposed use.

Ten (10) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received unopposed (Baker, Baker, Baker, Somerville, and Virginia Bank & Trust).

On December 12, 2022, the City Planning Commission voted 7-0 to approve a request to rezone Parcel IDs #50288, 50289, and 54806 (N Main Street) from HR-CC, "Conditional" Highway Retail Commercial to HR-C, Highway Retail Commercial as submitted.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance rezoning Parcel ID #s 50288, 50289, and 54809 (N Main Street) from HR-CC, "Conditional" Highway Retail Commercial to HR-C, Highway Retail Commercial as submitted.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE REZONING PARCEL ID #'S 50288, 50289, AND 54806 (NORTH MAIN STREET) FROM HIGHWAY RETAIL COMMERCIAL SUBJECT TO "CONDITIONS" TO HIGHWAY RETAIL COMMERCIAL (HR-C).

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Rezoning Application PZ22-0024, filed by Scott Bisbee to rezone Parcel ID #'s 50288, 50289, and 54806 (North Main Street) from Highway Retail Commercial subject to "Conditions" imposed by Council in Ordinance 2011-11.08 to Highway Retail Commercial (HR-C), be and the same is hereby received; and

BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Rezoning Application PZ22-00240, filed by Scott Bisbee to rezone Parcel ID #'s 50288, 50289, and 54809 (North Main Street) from Highway Retail Commercial subject to "Conditions" to Highway Retail Commercial (HR-C), is granted approval.

APPROVED:

Mayor

ATTEST:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

Deputy City Attorney



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

City Planning Commission

MEMORANDUM

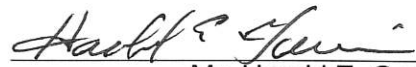
DATE: DECEMBER 12, 2022
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PZ22-00240

REQUEST

Rezoning Application PZ22-00240 Scott Bisbee has requested to rezone Parcel #s 50288, 50289, and 54806 from conditional HR-C Highway Retail Commercial to HR-C Highway Retail Commercial.

RECOMMENDATION

The Planning Commission, at their December 12, 2022 meeting, voted 7-0 to recommend approval of Rezoning Application PL22-00240.


Mr. Harold E. Garrison, Chair

RESPONSES

Ten (10) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received, all unopposed (Baker, Baker, Somerville, and Virginia Bank and Trust).

COMMENTS

MEMORANDUM

DATE: DECEMBER 12, 2022

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST:

Rezoning Application PZ22-00240 Scott Bisbee has requested to rezone Parcel #s 50288, 50289, and 54806 from conditional HR-C Highway Retail Commercial to HR-C Highway Retail Commercial.

RESPONSES:

Ten (10) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received. Five (5) Unopposed (Baker, Baker, Baker, Somerville, and Virginia Bank & Trust). Zero (0) Opposed.

COMMENTS:

None



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

City Planning Commission

STAFF REPORT

DATE: December 12, 2022
TO: Planning Commission
FROM: Renee Burton, Planning Division Director
RE: **REZONING APPLICATION** – 3207 North Main Street

Rezoning Application PZ22-00240 Scott Bisbee has requested to rezone Parcel #s 50288, 50289, and 54806 from conditional HR-C Highway Retail Commercial to HR-C Highway Retail Commercial.

BACKGROUND

In November 2011, the subject properties were rezoned from N-C Neighborhood Commercial to Conditional HR-C Highway Retail Commercial with the following conditions:

1. All automobiles present on site are to display current inspections, registrations and tags if applicable.
2. No more than 20 automobiles are to be onsite and in need of repair or servicing. Any vehicle present for repair or servicing may not be present on site for more than 30 days.
3. Hours of operation must be limited for each property from 7:00 a.m. to 10 p.m.
4. An automobile or light vehicle dealership may not have more than 50 vehicles present that are available for purchase.

The applicant is requesting to rezone from Conditional HR-C to HR-C (removing the conditions) to allow for operation of an automobile and light vehicle repair establishments.

STAFF ANALYSIS AND RECOMMENDATION

Automobile and light vehicle repair establishments are allowed by right. The current conditions would impede operation of the proposed use. The property is currently being used as a combination of overnight trailer storage and tire sales and installation. The property is adequately served by public utilities for the proposed use.

The Planning staff stands in favor of a Planning Commission recommendation of approval of Rezoning Application PZ22-240 for City Council approval.

CITY PLANNING COMMISSION ALTERNATIVE ACTIONS

- Recommend continuation to a future meeting.
- Recommend approval as submitted.
- Recommend approval with conditions determined by the Planning Commission.
- Recommend denial.

ATTACHMENTS

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

Precision Collision Danville, VA

Proposed Facility Layouts

General Notes

These plans are not to be construed as final working drawings. Any working drawings, mechanical or detail are to be done by an architect of the owner's choosing. All dimensions and conditions must be verified on the job site.



The Sherwin-Williams Automotive Finishes
4440 Warrensville Center Road
Warrensville, Ohio 44128

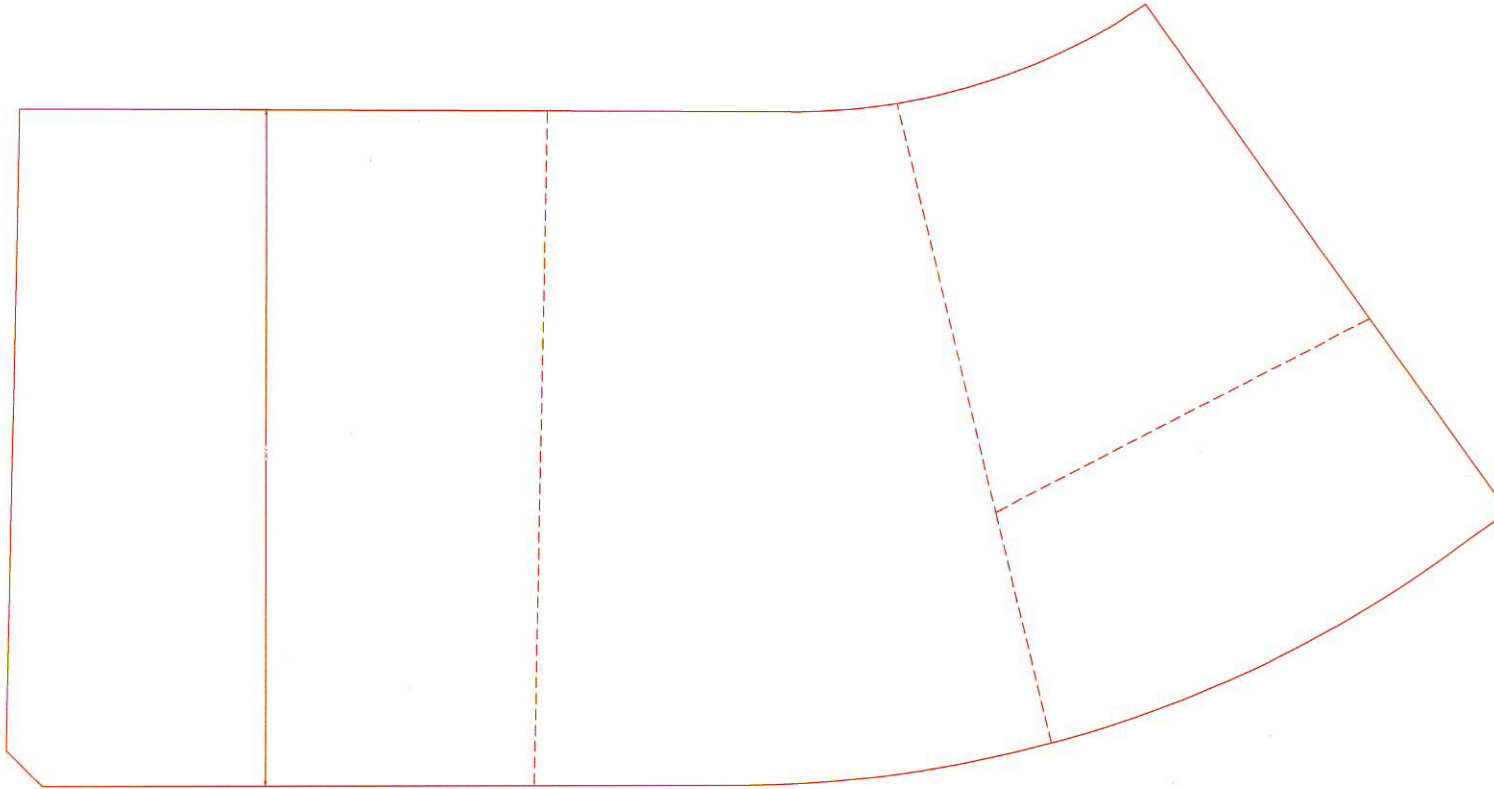
No.	Revision/Issue	Date



Precision Collision
N. Main Street
Danville, VA

Project	precisioncollision	Sheet	1
Date	12-5-22		
Scale	1/8" = 1'		

Future Virginia Lane



N. Main Street

General Notes

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**COLLISION REPAIR
DESIGN SERVICE**

The Sherwin-Williams Automotive Finishes
4440 Warrensville Center Road
Warrensville, Ohio 44128

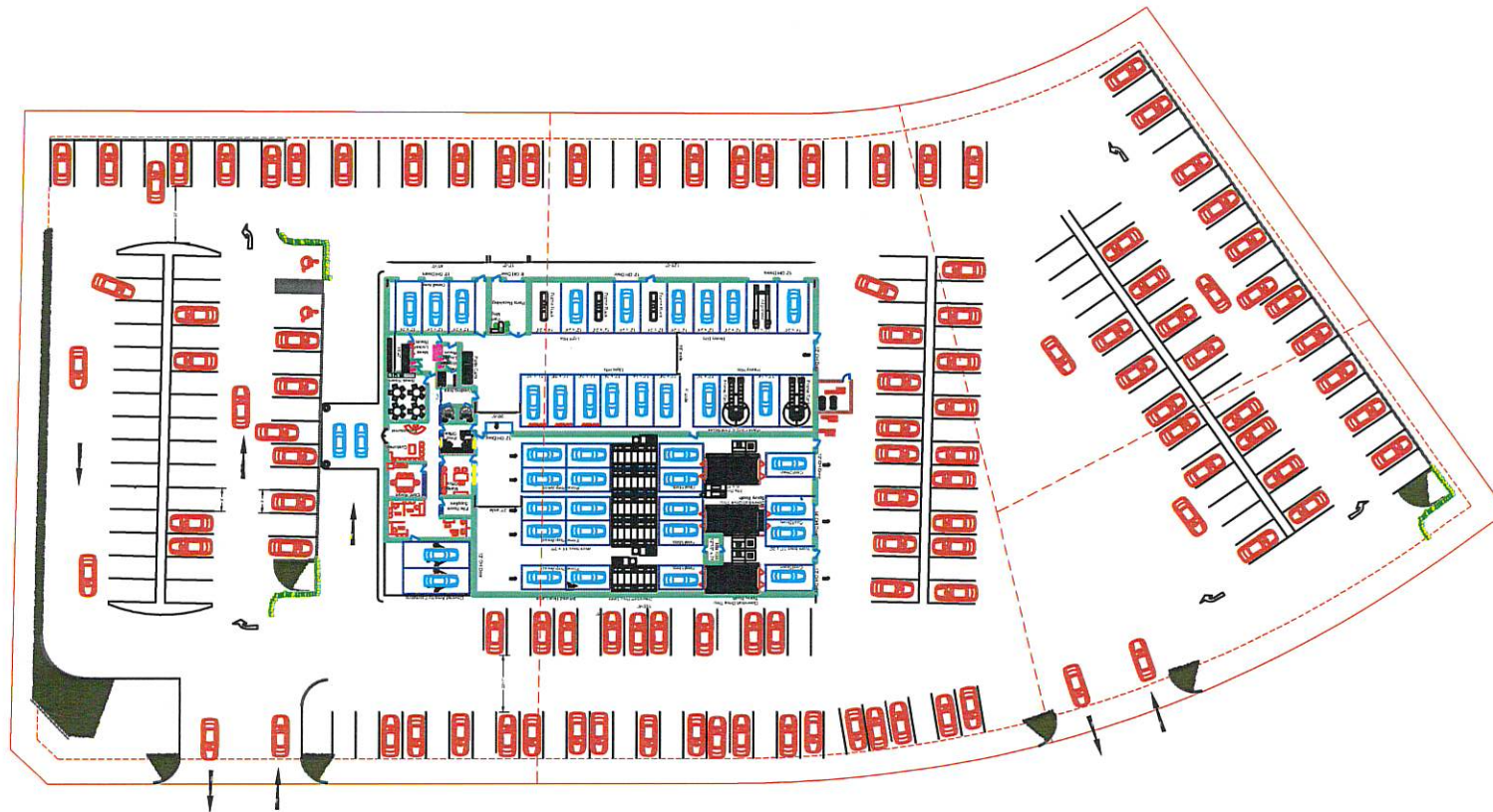
No.	Revision/Issue	Date



Precision Collision
N. Main Street
Danville, VA

Project	precisioncollision	Sheet	2
Date	12-5-22		
Scale	1/8" = 1'		

Future Virginia Lane



N. Main Street

General Notes

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**COLLISION REPAIR
DESIGN SERVICE**

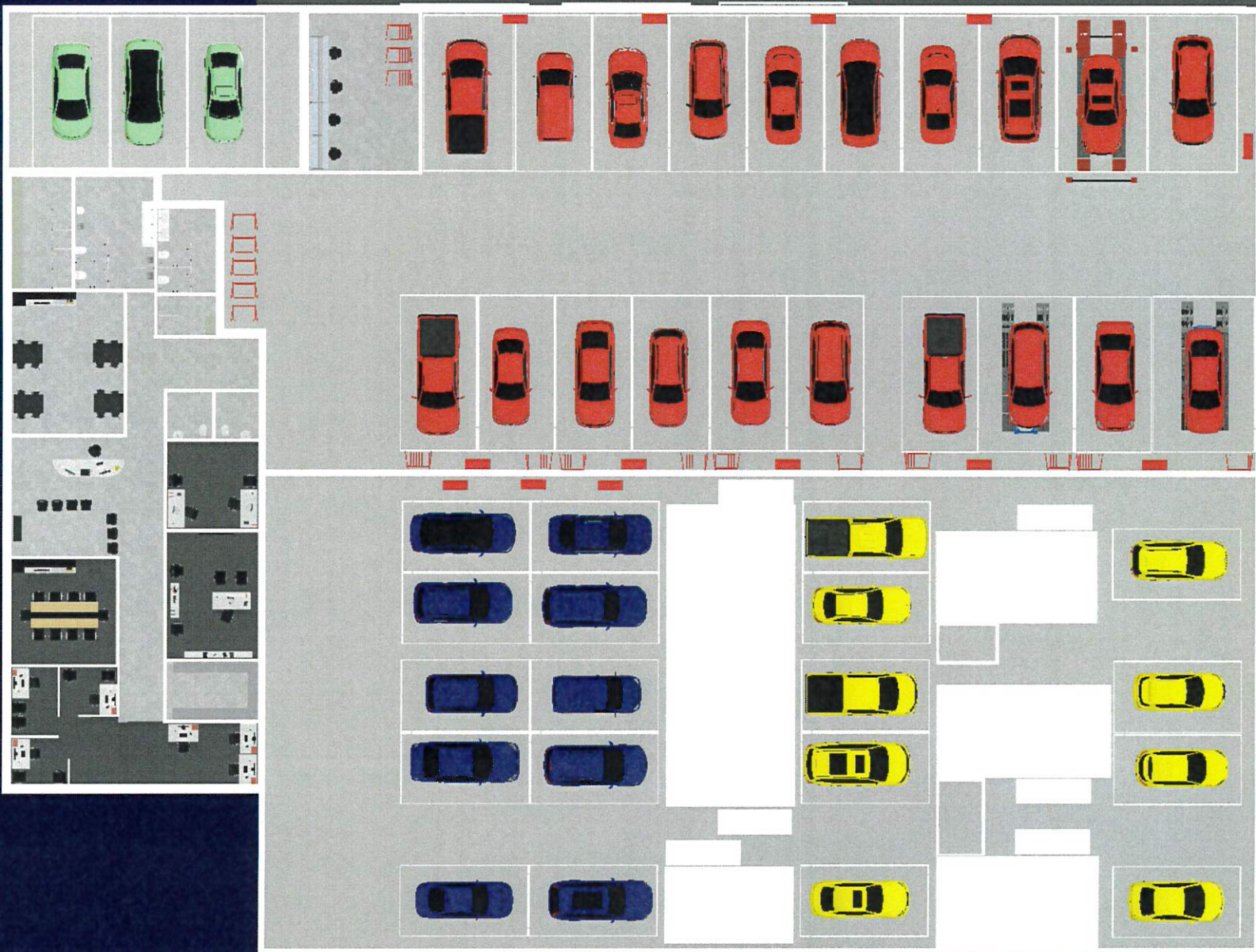
The Sherwin-Williams Automotive Finishes
4440 Warrensville Center Road
Warrensville, Ohio 44128

No.	Revision/Issue	Date



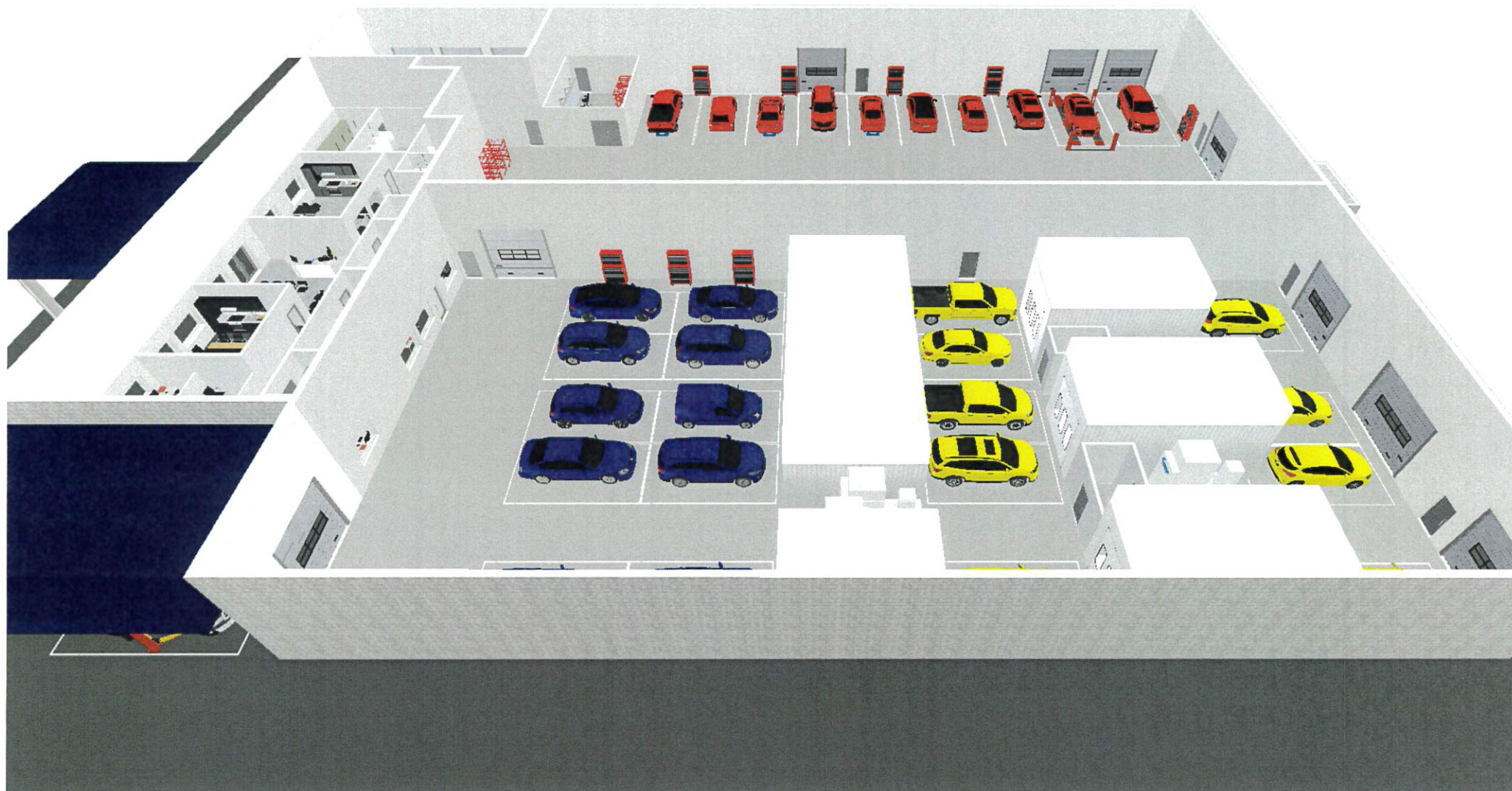
Precision Collision
N. Main Street
Danville, VA

Project	precisioncollision	Sheet	3
Date	12-5-22		
Scale	1/8" = 1'		



APPROXIMATION OF FLOOR AND PLANNING AREA

Floor Plan measurements are approximate and are for illustrative purposes only. While we do not doubt the floor plans accuracy, we make no guarantee, warranty or representation as to the accuracy and completeness of the floor plan. You or your advisors should conduct a careful, independent investigation of the property to determine to your satisfaction as to the suitability of the property for your space requirements.

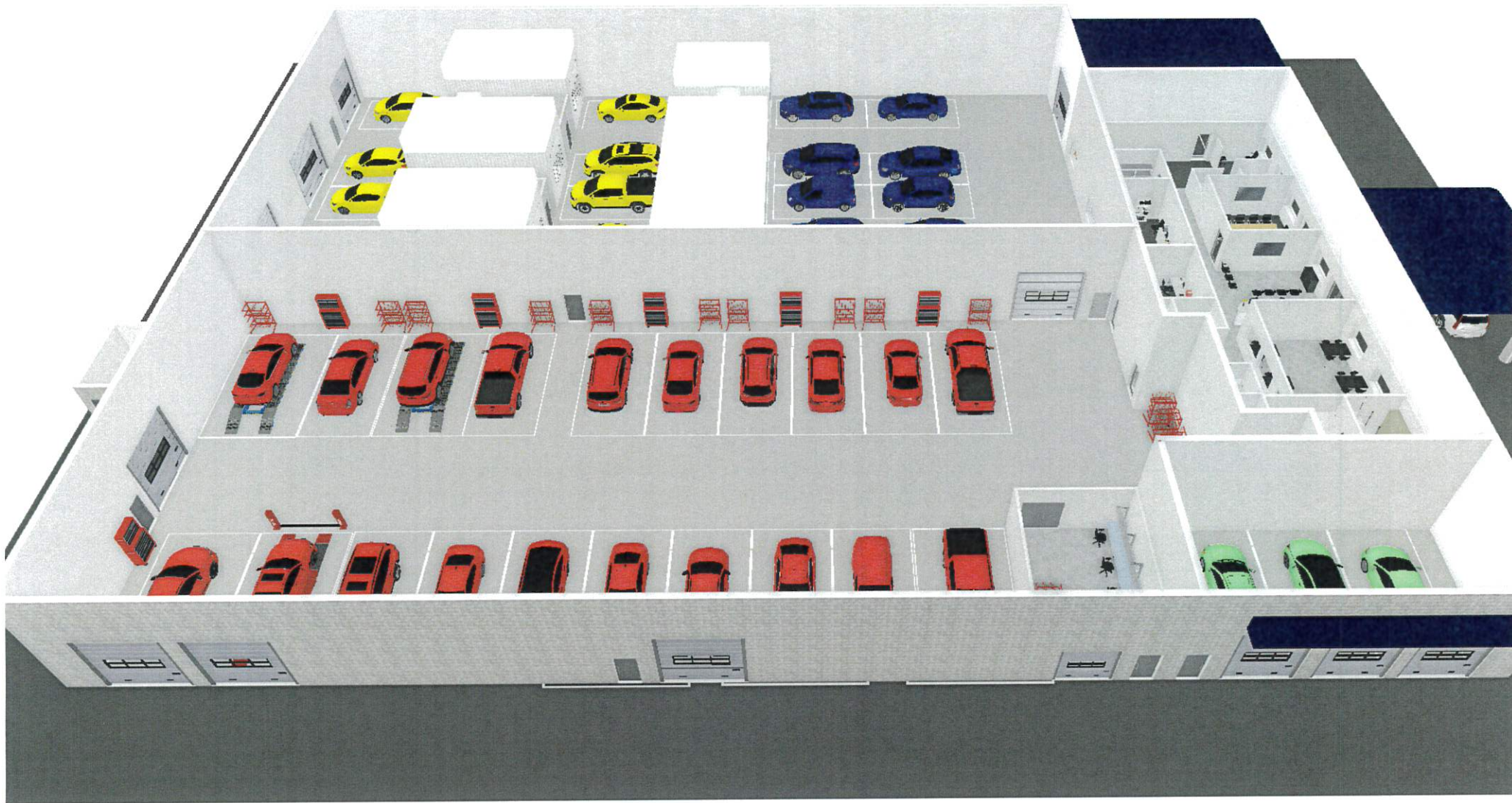


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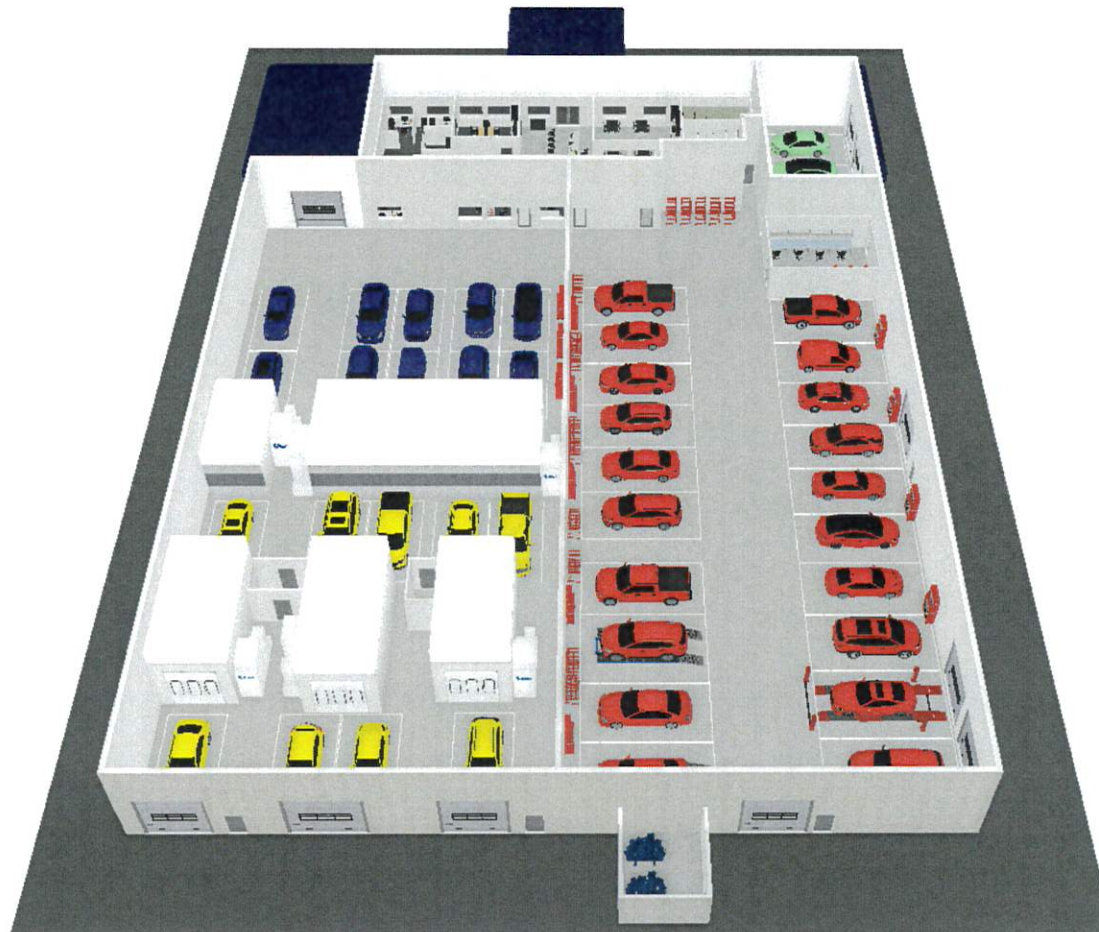
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APPROXIMATION OF FLOOR AND PLANNING AREA

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City of Danville
Community Development
Planning Division

PLANNING COMMISSION

REZONING APPLICATION

PLANNING DIVISION PROVIDED INFORMATION

Application #: P220-240 PC Meeting Date: 12-12-22
Date Received: 11/14/22 Received By: _____
Parcel ID: S0288, S0289, S4806 Address: 3001 & 2105 Pine/Forest Rd
3207 N. Main St
Existing Zoning: CONDITIONAL HRC Proposed Zoning HRC

PROCEDURE

1. The Applicant obtains a City tax assessor's map or a survey prepared by a licensed engineer or land surveyor showing the exact boundaries of the property.
2. The Applicant takes the map and a legal description of the property to the Department of Community Development (Planning Division). The Applicant discusses the proposed rezoning with a department representative and receives a rezoning application with information for its completion.
3. The Applicant files the application with the Department of Community Development accompanied by a \$360 application fee.
4. The Department checks the application and accompanying maps and material for accuracy and completeness.
5. The Department sends the application through the Development Review Process for comments from other City Departments.
6. The Department sets the case for a public hearing before the City Planning Commission, publishes legal notice of the public hearing in the local newspaper, and mails a notice of the public hearing to property owners within three hundred (300) feet of the subject property.
7. The Department, prior to the public hearing, analyzes the rezoning application and prepares a written report with a recommendation for the City Planning Commission. The report is made available to the applicant prior to the hearing date.
8. The City Planning Commission holds a public hearing which the applicant and those interested in the requested rezoning should attend. Those attending may present testimony and evidence for and against the proposed rezoning. The City Planning Commission reviews the request and decides on a recommendation for the City Council based on compliance with the Comprehensive Plan, staff reports, neighborhood considerations and the results of the public hearing.
9. The Department sets the case for a public hearing before the City Council, publishes legal notices of the public hearing in the local newspaper and mails a notice of the public hearing to property owners within three hundred (300) feet of subject property.
10. The City Manager prepares and submits a written recommendation to the City Council
11. The City Council holds a public hearing which the applicant and those interested in the requested rezoning should attend. Those attending may present testimony and evidence for and against the proposed rezoning. The City Council makes its decision based on the City

Planning Commission and City Managers recommendations, compliance with the Comprehensive Plan, neighborhood considerations and the results of the public hearing.

If the City Council approves the rezoning, it is adopted by Ordinance and unless otherwise noted is effective immediately.

Every action, by an affected party, contesting a decision of the City Council to adopt, or failing to adopt a proposed zoning ordinance shall be filed with the Danville Circuit Court within thirty (30) days of the date of Council's decision.

APPLICANT PROVIDED INFORMATION

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

Gross Area/Net Area: 3.16 AC Property Address: 3001, 2105, 2207 PINEY FOREST RD

Property Location: (N) S E W Side of: PINEY FOREST RD

Between: HIGHLAND BLVD and SEMINOLE DR (ACROSS THE STREET)

Proffered Conditions (if any, please attach): STORAGE LOT WILL BE FENCED IN

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

NAME: George Michael Baker TELEPHONE: 434-489-7630

MAILING ADDRESS: 5914 BRIDLEWOOD RD North Myrtle Beach SC 29582

SIGNATURE: George Michael Baker DATE: 11/8/2022

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: Scott Boboe TELEPHONE: 434 489 7067

MAILING ADDRESS: 4050 Riverside Drive Danville Va 24541

EMAIL ADDRESS: sboboe@mydanvillehonda.com

SIGNATURE: Scott Boboe DATE: 11/7/02

REZONING DATA SHEET PZ22-240

PUBLIC HEARING DATE:	DECEMBER 12, 2022 PLANNING COMMISSION AT 3:00 PM
LOCATION OF PROPERTY:	PINEY FOREST RD/ NORTH MAIN ST (PARCEL IDS 50288, 50289, & 54806)
PRESENT ZONE:	CONDITIONAL HR-C HIGHWAY RETAIL COMMERCIAL
PROPOSED ZONE:	HR-C HIGHWAY RETAIL COMMERCIAL
ACTION REQUESTED:	REZONING FROM CONDITIONAL HR-C TO HR-C
PRESENT USE OF PROPERTY:	AUTO SERVICE STATION
PROPOSED USE OF PROPERTY:	NONE PROPOSED
FUTURE LAND USE DESIGNATION:	NEIGHBORHOOD COMMERCIAL
PROPERTY OWNER (S):	GEORGE MICHAEL BAKER
NAME OF APPLICANT (S):	SCOTT BISBEE
PROPERTY BORDERED BY:	COMMERCIAL TO EAST AND WEST; RESIDENTIAL TO SOUTH/SOUTHWEST,
ACREAGE:	3.09 ACRES TOTAL
CHARACTER OF VICINITY:	COMMERCIAL
INGRESS AND EGRESS:	PINEY FOREST/NORTH MAIN
TRAFFIC VOLUME:	HIGH



STATE OF VIRGINIA

CITY OF DANVILLE

BEFORE THE CITY COUNCIL:

IN RE: "CONDITIONAL" ZONING OF APPROXIMATELY 3.08 ACRES AT 3207 NORTH MAIN STREET, OTHERWISE KNOWN AS GRID 2914, BLOCK 002, PARCEL 000002, 1667 PINEY FOREST ROAD, OTHERWISE KNOWN AS GRID 2914 BLOCK 002 PARCEL 000003 AND 1663 PINEY FOREST ROAD, OTHERWISE KNOWN AS GRID 2917 BLOCK 005 PARCEL 000001, OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP

PROFFER OF CONDITIONS:

Rezoning Application PLRZ20110000327, filed by Chester Baker, requesting to amend the Year 2020 Land Use Map from Neighborhood Service to Community Service and to rezone from N-C, Neighborhood Commercial to HR-C, Highway Retail Commercial, approximately 3.08 acres at 3207 North Main Street, otherwise known as Grid 2914, Block 002, Parcel 000002, 1667 Piney Forest Road, otherwise known as Grid 2914 Block 002 Parcel 000003 and 1663 Piney Forest Road, otherwise known as Grid 2917 Block 005 Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to rezone approximately 3.08 acres to allow retail sales.

TO THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL FOR THE CITY OF DANVILLE, VIRGINIA.

Being in accordance with Sec.15.2-2296 of the Code of Virginia, 1950, as amended, the Petitioner, the City of Danville, hereby voluntarily proffers the following conditions to the rezoning, from N-C, Neighborhood Commercial to "Conditional" HR-C, Highway Retail Commercial, of the parcels of land described above:

The property shall be zoned "Conditional" HR-C, Highway Retail Commercial as provided in the Code of the City of Danville, Virginia, 1986, as amended, with the following conditions:

1. All automobiles present on site are to display current inspections, registrations and tags if applicable.
2. No more than 20 automobiles are to be onsite and in need of repair or servicing. Any vehicle present for repair or servicing may not be present on site for more than 30 days.
3. Hours of operation must be limited for each property from 7:00 a.m. to 10 p.m.

4. An automobile or light vehicle dealership may not have more than 50 vehicles present that are available for purchase.

Article 3M. B. Permitted Uses:

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

1. Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).
2. Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage).
3. Banks and financial institutions.
4. Business services and office supply establishments.
5. Car washes.
6. Churches and places of worship.
7. Convenience stores (with or without gasoline sales).
8. Fast-food restaurants.
9. Funeral homes.
10. Gasoline sales establishments.
11. Health club, spa or fitness center.
12. Hospitals and health care facilities with inpatient services.
13. Hotels and motels.
14. Laundromats/dry cleaners.
15. Light intensity wholesale trade establishments (with no outdoor sales or display of products).

16. Medical offices and outpatient care facilities.
17. ~~Mini-storage warehouses, with no exterior storage.~~
18. Movie theaters.
19. Offices (general and professional).
20. Parking lots (private and public with off-street parking as the principal use).
21. Personal service establishments.
22. ~~Private post office and delivery service.~~
23. Public uses.
24. ~~Repair service establishments (exclusive of automobile and light vehicle service and repair, with no outdoor storage).~~
25. Restaurants.
26. Retail sales and leasing establishments, with screened outdoor sales or display of products limited to no greater than 15% of the net developable lot area. (See Additional Regulations.)
27. Schools, colleges and universities (public and private).
28. Seasonal retail uses.
29. Temporary retail sales.
30. ~~Exterminator.~~
31. Bicycle shop.

Article 3M. C. Uses Permitted by Special Use Permit

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

1. Auction establishments.
2. ~~Bed and breakfast, inn or tourist home (as defined).~~
3. ~~Bus stations.~~
4. Commercial recreation facilities (indoor and outdoor).
5. ~~Conference centers.~~
6. Day care centers (adult and child).
7. ~~Kennels, commercial.~~
8. Light warehousing uses related to an adjunct retail use permitted either by-right or special permit, provided that warehousing space does not exceed 50% of the gross floor area.
9. ~~Drive-in movie theaters.~~
10. ~~Parking garages and structures.~~
11. ~~Pet clinics.~~
12. ~~Plant nurseries.~~
13. ~~Public utilities.~~
14. ~~Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. All assembling or processing shall only involve products developed on the premises. All~~

~~services and storage shall be conducted within the principal structure
which is to be completely enclosed.~~

~~15. Schools, colleges and universities (public or private);~~

~~16. Taxidermists.~~

~~17. Uses with lot frontage on the Dan River.~~

~~18. Vehicle sale, rental and ancillary service establishments, including
mobile homes;~~

~~19. Veterinary clinics.~~

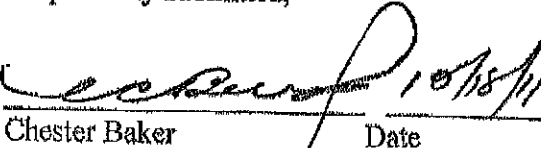
~~20. Waiver for increase in building heights to over 50 feet.~~

~~21. Waiver of yard requirements, subject to the prohibition of parking in
front yards;~~

~~22. Caretaker's residence.~~

~~23. Homeless shelter.~~

Respectfully submitted,



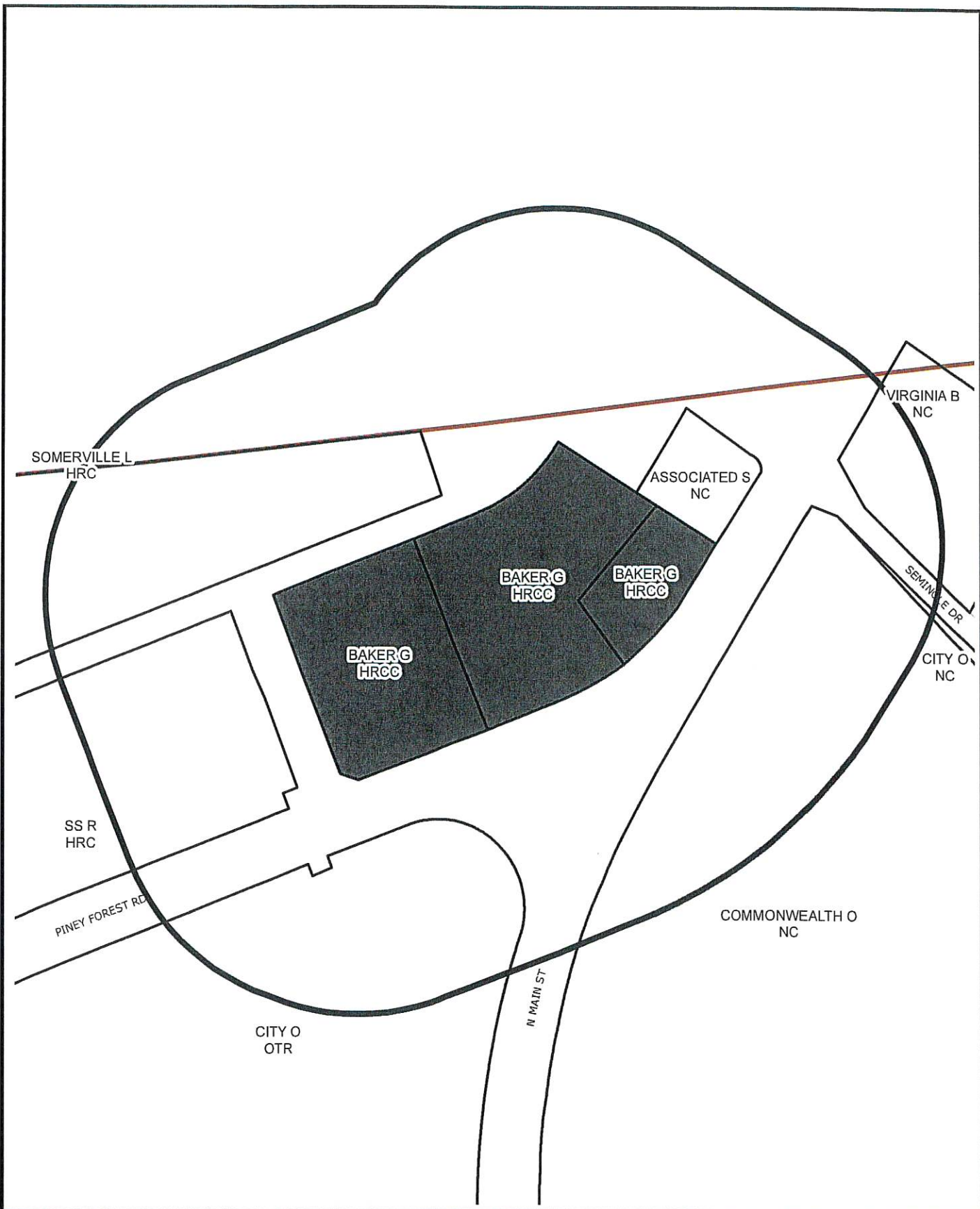
Chester Baker Date



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/15/2022

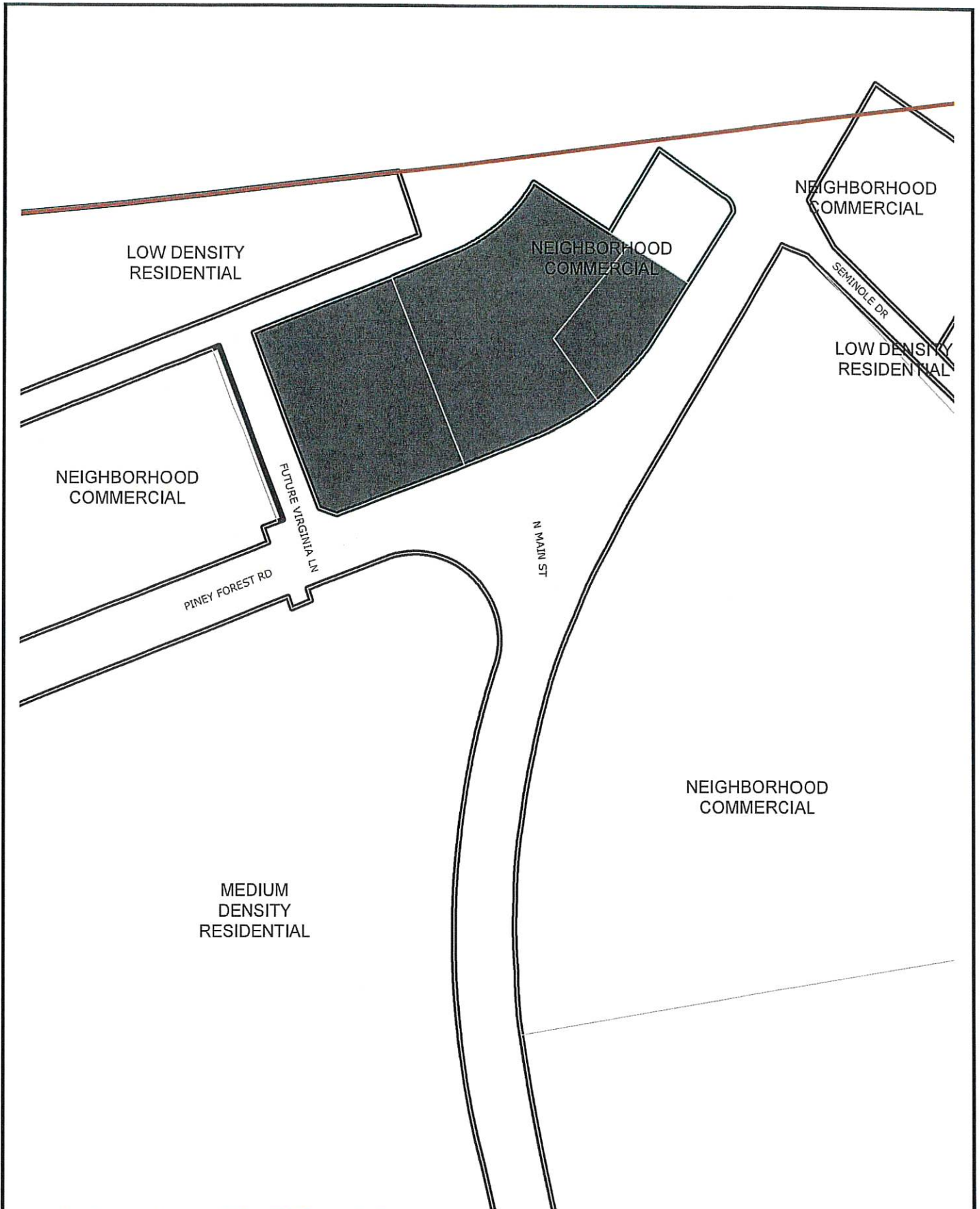
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SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
11/15/2022

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
11/15/2022

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