



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

City Planning Commission

SEPTEMBER 9, 2019
3:00 P.M.
CITY COUNCIL CHAMBERS

AGENDA

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING
 - 1) *Rezoning application PLSUP20190000326, filed by LE&D Professionals PC on behalf of Daniel Group Inc, requesting to rezone from PS-C, Planned Shopping Center Commercial to HR-C, Highway Retail Commercial District, a portion of 3311 Riverside Dr, otherwise known as Grid 1713, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to consolidate the portion with adjacent land.*
 - 2) *Special Use Permit application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons Inc., requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 395 Mt. Cross Rd., otherwise known as Grid 1709, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*
 - 3) *Special Use Permit application PLSUP20190000295, filed by Jagjit Singh on behalf of Kaur & Sons LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 103 Franklin Tpke, otherwise known as Grid 2806, Block 009, Parcel 000010 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*
 - 4) *Special Use Permit application PLSUP20190000320, filed by Abdul Wahid Khan on behalf of Catbird Properties LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.J, Section C, Item 2 of the Code of City of Danville, Virginia 1986, as amended at 1225 Franklin Tpke, otherwise known as Grid 1916, Block 003, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*
 - 5) *Special Use Permit application PLSUP20190000319, filed by Inam Qazi on behalf of UHA Inc, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 1354 Westover Dr, otherwise known as*

Grid 0710, Block 001, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

- 6) Special Use Permit application PLSUP20190000290, filed by Hewa Jayawardena on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 4800 Riverside Dr., otherwise known as Grid 0709, Block 002, Parcel 000019 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.
 - 7) Special Use Permit application PLSUP20190000297, filed by Satjeet Kaur on behalf of River Penny Saver LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3:K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 642 Worsham St., otherwise known as Grid 2710, Block 016, Parcel 000010 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.
 - 8) Special Use Permit application PLSUP20190000299, filed by Shahid Javid on behalf of MKM Partners, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 1501 W Main St. otherwise known as Grid 0611, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.
 - 9) Special Use Permit application PLSUP20190000309, filed by Samir Patel on behalf of Dutta Inc of Virginia, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2100 W Main St, otherwise known as Grid 0610, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.
 - 10) Special Use Permit application PLSUP20190000311, filed by Danny Graves on behalf of Larry Soyars, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 688 Mt Cross Rd Suite B, otherwise known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.
 - 11) Special Use Permit application PLSUP20190000312, filed by Chase Reeves on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2846 Riverside Dr, otherwise known as Grid 1710, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.
 - 12) Special Use Permit application PLSUP20190000317, filed by Abdul Nasir on behalf of HRNA LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 1371 Piney Forest Rd, otherwise known as Grid 1920, Block 013, Parcel 000092 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.
- IV. APPROVAL OF MINUTES FROM AUGUST 12, 2019
- V. ADJOURNMENT



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

City Planning Commission

City Planning Commission
Meeting of September 9, 2019

Subject:

Rezoning application PLSUP20190000326, filed by LE&D Professionals PC on behalf of Daniel Group Inc, requesting to rezone from PS-C, Planned Shopping Center Commercial to HR-C, Highway Retail Commercial District, a portion of 3311 Riverside Dr, otherwise known as Grid 1713, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to consolidate the portion with adjacent land.

Background:

LE&D Professionals PC, the applicant, is requesting to rezone the north-east portion of 3311 Riverside Dr. (PID 51741) so that it may be consolidated with 3211 Riverside Dr. (PID 59311). The subject property is currently in the PS-C, Planned Shopping Center Commercial District. However, 3211 Riverside Dr. is located in the HR-C, Highway Retail Commercial District. A property consolidation requires the properties to be located in the same zoning district.

The portion of 3311 Riverside Dr. is currently a parking lot. It was most recently used as parking for a retail store on the southern portion of 3311 Riverside Dr. The property owner plans for it to continue as a parking lot, but in association with any business at 3211 Riverside Dr. A restaurant currently operates at 3211 Riverside Dr.

The *Danville 2030: Comprehensive Plan* suggests that both 3311 and 3211 Riverside Dr. serve as "Regional Commercial" uses. Both the PS-C and HR-C districts address this recommendation. The surrounding properties are primarily commercial, and are recommended to continue being commercial uses.

Ten (10) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on September 9, 2019.

Recommendation:

The Planning staff recommends the City Planning Commission recommend approval of Rezoning application PLSUP20190000326, filed by LE&D Professionals PC on behalf of Daniel Group Inc, requesting to rezone from PS-C, Planned Shopping Center Commercial to HR-C, Highway Retail Commercial District, a portion of 3311 Riverside

Dr., otherwise known as Grid 1713, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map.

City Planning Commission Options:

1. Recommend approval of Rezoning application PLSUP20190000326 as submitted.
2. Recommend approval of Rezoning application PLSUP20190000326 subject to conditions by staff.
3. Recommend approval of Rezoning application PLSUP20190000326 subject to conditions by the Planning Commission.
4. Recommend denial of Rezoning application PLSUP20190000326 as submitted.
5. Tabling of Rezoning application PLSUP20190000326 by Planning Commission.

Attachments:

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



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427 Patton Street, Suite 208
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City Planning Commission

REZONING APPLICATION

A Zoning District regulates property in regards to use, height and bulk of buildings, size of yards and open spaces, the intensity and density of uses, and preservation of cultural resources.

The City Council, with the advice of the City Planning Commission, is authorized by the Code of the City of Danville to change the zoning of any property within the City as long as this action is **justified by the public necessity, general welfare, or good zoning practice.**

Any change in zoning shall be: (1) in harmony with the adopted Comprehensive Plan, (2) In harmony with the intent and purpose of the zoning district in which the use is proposed to be located, and (3) in harmony with the character of adjacent properties and the surrounding neighborhoods and also with existing and proposed development.

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:
Application is hereby made for a Rezoning as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

Case Number: PLSOP20190000326 Address: Portion of 3311 Riverside Dr.

Current Zoning: PS-C, Planned shopping center

Proposed Use: Parking

Proposed Zoning: HR-C Highway Retail Commercial

Future Land Use Designation: Part of property is in the floodplain ↪

Other Zoning/Planning Information: _____

Staff Contact: _____ Date Filed: Aug. 14, 2019

Planning Commission Date(s): Sept. 9 City Council Date(s): Oct. 1

INFORMATION TO BE PROVIDED BY THE APPLICANT

(Please type or print. If additional space is needed, please include attachments.)

Description of Request:

Property Address and/or Legal Description: A Portion of 3311 Riverside Drive

Current Use: Vacant -formerly Kmart-Zoned PSC Planned Shopping Center

Brief Description of the Proposed Use: Consolidate with PIN #59311 to provide additional parking.

Requested Zoning District: HRC Highway Retail Commercial

Attachments (Check any which have been attached to the application):

☒ Property Report (Recommended)

☐ Proffers (Voluntary conditions)

☐ Site Plan (May be required)

☒ Other: Preliminary Consolidation plat

☐ Pictures / Conceptual Drawings

Present Owner(s) of all properties included in the application:

Name(s): Daniel Group Inc Telephone: 434-791-8212

Mailing Address: 223 Riverview Drive, Suite A, Danville, VA 24541

Email Address: hburnette@tdanielgroup.com

Signature:  Date: 8-14-19

Signature: _____ Date: _____

Applicant(s), if not the property owner(s):

Name(s): LE&D Professionals, PC Telephone: 434-792-3680

Mailing Address: 110 Exchange Street Suite B Danville, VA 24541

Email Address: mjohnson@landeng.com

Signature:  Date: 8-15-19

Signature: _____ Date: _____

FLOOD NOTE:

A PORTION OF THIS PROPERTY LIES WITHIN FLOOD ZONE "AE" AS SHOWN ON F.E.M.A. MAP #31143C0633E. EFFECTIVE DATE: 09/29/2010

PLAT CERTIFICATE:

ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, CONTAINING 1.571 +/- ACRES, MORE OR LESS AND DESIGNATED AS PARCEL 1, IS SITUATED IN DANVILLE, VIRGINIA, IS WITH THE FREE CONSENT AND IN THE PRESENCE OF THE UNDERSIGNED OWNERS THEREOF; THE SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SAID PARCEL IS A PORTION OF LAND HEREBY SUBDIVIDED BY THE CITY OF DANVILLE, VIRGINIA, IN INST. # 04-5326 GIVEN UNDER OUR HAND AND SEAL OF THE CITY OF DANVILLE, VIRGINIA ON 04-11-2018.

GROUP, INC.
WARD J. BURNETTE, PRESIDENT

2F VIRGINIA
3F TO WIT:
A NOTARY PUBLIC IN AND FOR THE STATE OF VIRGINIA AT LARGE HEREBY CERTIFY THAT NAME(S) HAVE SIGNED TO THIS PLAT BEARING DATE OF STATE ADDRESS. HAVE ACKNOWLEDGED THE SAME BEFORE ME UNDER HAND AND SEAL OF MY OFFICE, THIS DAY OF 2018. MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

NOTARY'S CERTIFICATION:

BY CERTIFY THAT THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE VIRGINIA STATE BOARD OF ARCHITECTS, ENGINEERS, LAND SURVEYORS, AND LANDSCAPE ARCHITECTS.

PRELIMINARY

DATE: _____
G. MARK JOHNSON L-002579
LEAD PROFESSIONALS, P.C.
110 EXCHANGE STREET - DANVILLE, VIRGINIA 24541
PHONE NO. (434) 792-3680 - FAX NO. (434) 792-3685
V.A. LICENSE # C-2577



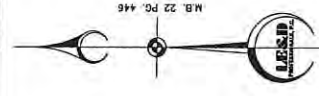
NOTES:

- THE LOCATIONS OF ALL UNDERGROUND UTILITIES ARE APPROXIMATELY SHOWN AND NOT INTENDED FOR INFORMATIONAL PURPOSES ONLY.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A FIELD SURVEY AND DOES NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.

CITY ENGINEER'S CERTIFICATE:

I CERTIFY THAT THIS PLATTING AND SUBDIVISION ARE IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND HEREBY APPROVED IN ACCORDANCE WITH THE CODE OF THE CITY OF DANVILLE 1988, AS AMENDED.

CITY ENGINEER _____ DATE _____
ZONING ADMINISTRATOR _____ DATE _____



VICINITY MAP:



NOT TO SCALE



- ONL - NAIL
OER - EXISTING IRON REBAR (5/8")
● - NEW 5/8" REBAR
○ - SPK - RAILROAD SPIKE
PIN - TAX PARCEL ID. NO.
L/S - LANDSCAPE AREA
S/W - SIDEWALK
○ - LIGHT POLE
○ - UTILITY POLE
→ - GUY WIRE
□ - STORM DRAIN INLET (VIG)
— OHU — OVERHEAD UTILITY LINES
— SD — STORM DRAIN
— FLAGPOLE
— HANDICAP PARKING SYMBOL



MINIMUM YARD REQUIREMENTS:

- FRONT YARD: 30 FEET, PROVIDED THAT A 30 FOOT SETBACK IS REQUIRED FOR THE OUTDOOR DISPLAY OF ITEMS WITHIN THE FRONT YARD. FOR A CORNER LOT, THE FRONT YARD SHALL BE 20 FEET IF ACCESS IS NOT PROVIDED ONTO A NON-ARTERIAL OR COLLECTOR STREET.
- SIDE YARD: 20 FEET, PROVIDED, WHERE SIDE YARD ADJUTS A RESIDENTIAL DISTRICT, THE SIDE YARD SHALL BE 30 FEET.
- REAR YARD: 20 FEET, PROVIDED, WHERE REAR YARD ADJUTS A RESIDENTIAL DISTRICT, THE REAR YARD SHALL BE 30 FEET.

PLAT OF
SUBDIVISION
SHOWING:

CITY OF DANVILLE PID #8 59311 & 51741

FOR
DANIEL GROUP, INC.
3211 RIVERSIDE DRIVE
DANVILLE, VA.

DATE: 8-14-2019

SCALE: 1" = 30'

SHEET: 1 OF 1



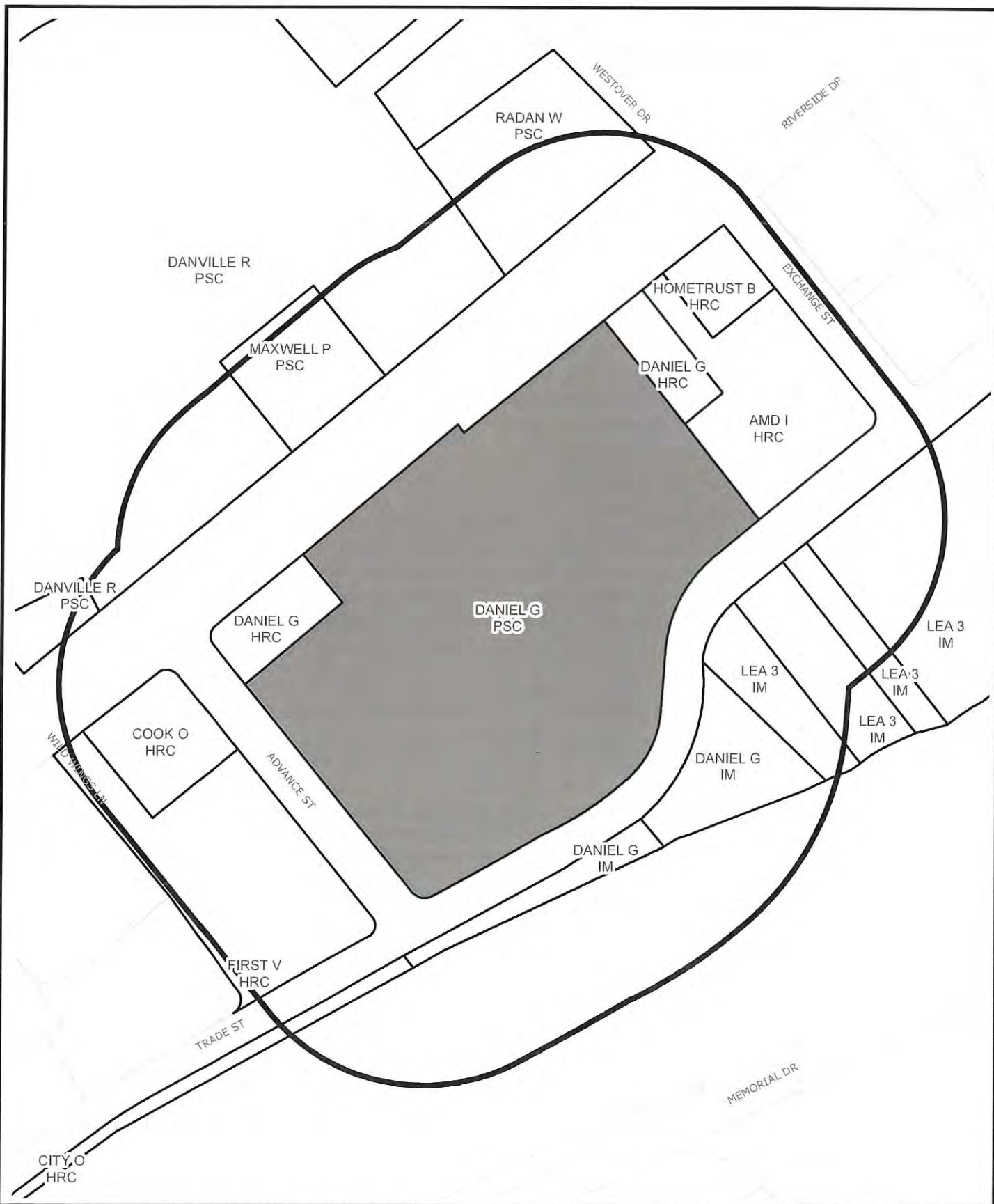
PROFESSIONALS, P.C.

RIVER RUN EXECUTIVE OFFICES SUITE-B
110 EXCHANGE STREET - DANVILLE, VIRGINIA 24541
PHONE NO. (434) 792-3680 - FAX NO. (434) 792-3685
V.A. LICENSE # C-2577
V.A. LICENSE # 0404-001401

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/19/2019

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

REZONING REQUEST
DATA SHEET

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

LOCATION OF PROPERTY: NE 5.57 Acre Portion of 3311 Riverside Dr.

PRESENT ZONE: PS-C, Planned Shopping Center

PROPOSED ZONE: HR-C, Highway Retail Commercial

ACTION REQUESTED: Rezone NE 5.57 acre portion of 3311 Riverside Dr.
from PS-C to HR-C District to consolidate it with 3211
Riverside Dr

PRESENT USE OF PROPERTY: Parking Lot for 3311 Riverside Dr.

PROPOSED USE OF PROPERTY: Parking Lot for 3211 Riverside Dr.

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): Daniel Group Inc

NAME OF APPLICANT (S): LE&D Professionals, PC

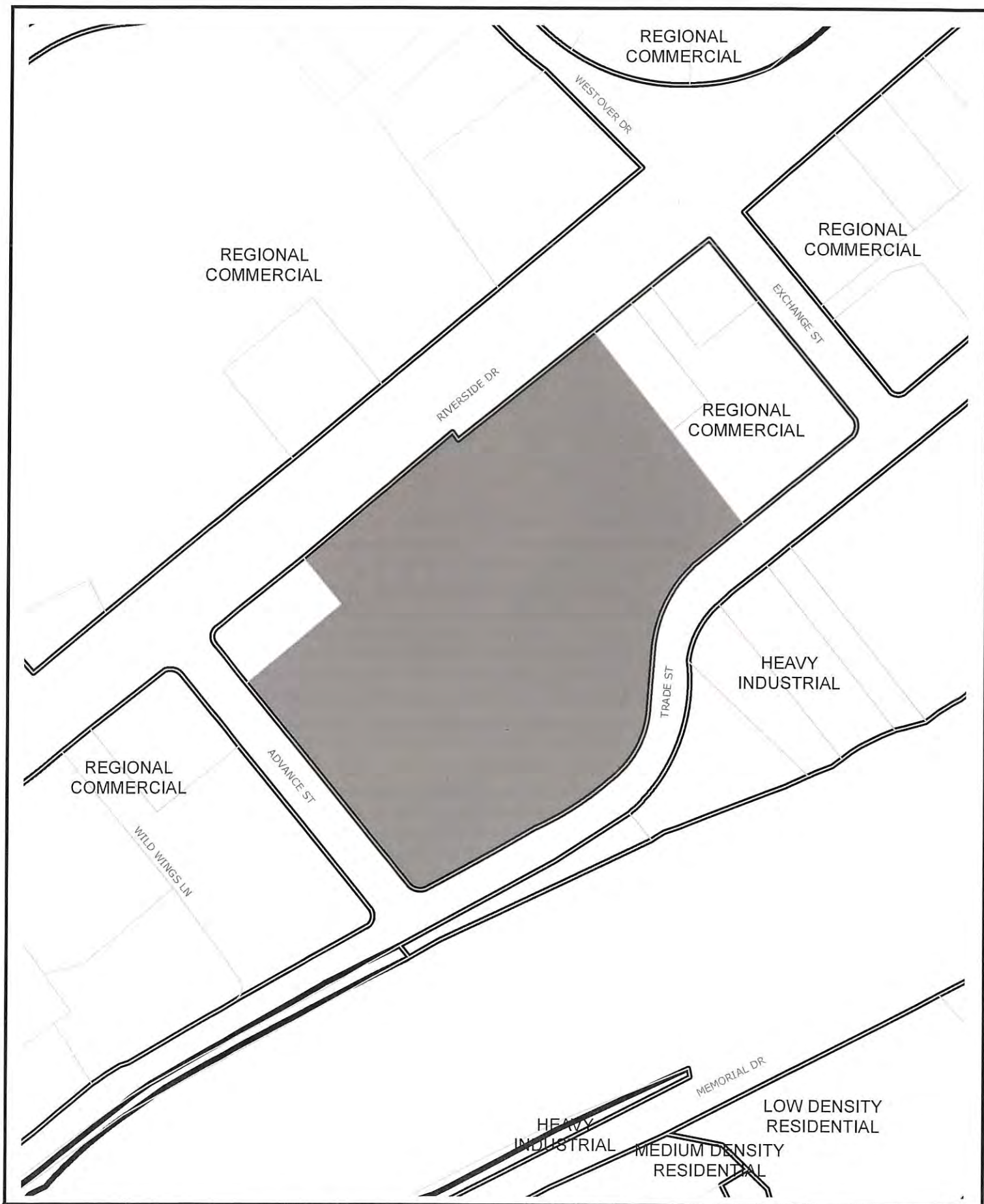
PROPERTY BORDERED BY: Commercial to the north, east, and west; vacant and
Dan River to the south

ACREAGE: 1.57 acres (68,422.55 sq. ft.)

CHARACTER OF VICINITY: Commercial

INGRESS AND EGRESS: Riverside Dr.

TRAFFIC VOLUME: High



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/19/2019

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2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/19/2019

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City of Danville

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

City Planning Commission

City Planning Commission

Meeting of September 9, 2019

Subject:

Special Use Permit application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons Inc., requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 395 Mt. Cross Rd., otherwise known as Grid 1709, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Jagjit Singh, the applicant, is requesting a Special Use Permit for commercial recreation at 395 Mt. Cross Rd. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

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

Staff have some concerns that the proposed indoor gaming could possibly constitute as illegal gambling. However, it is not up to zoning officials to conclude whether or not the gaming is illegal gambling under state law. Staff strongly suggest Planning Commission leave that determination to the Commonwealth Attorney or criminal court system. There is an existing court case involving the gaming manufacturer and the Charlottesville Commonwealth Attorney (*Queen of Virginia Skill & Entertainment et al v. Platania*) to determine this question.

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

Five (5) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on September 9, 2019.

Recommendation:

There are significant concerns regarding the type of recreation being conducted, the safety of customers, the safety of surrounding properties, and the general welfare of the community. These concerns stem from uncertainties regarding the type of games being permitted, conversations with police regarding numerous issues with a similar business, which briefly operated in July-August, and the potential harmful effects of permitting too many gaming establishments within a confined geographic area. Staff also has concerns that the number of parking spaces for this use is too low. As these machines are located in mostly retail convenience stores, the parking numbers are small. Convenience stores usually have a standard turnover of parking spaces, which is relatively high, as person do not shop for long periods. The incorporation of these machines has resulted in parking spaces being occupied for substantially longer periods, thus creating a hazardous situation.

Postponing the application would also allow time for these additional issues to be addressed.

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons Inc., staff recommend the following conditions:

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

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000294 as submitted.

2. Recommend approval of Special Use Permit application PLSUP20190000294 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000294 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000294 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000294 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

Commercial recreation

CASE NUMBER: PLSOP 20190000 294 EXISTING ZONING: HR-C, Highway Retail Commercial
PROPOSED ZONING: No Change TAX MAP NUMBER: DID 59579
RECEIVED BY: Bryce Johnson DATE FILED: July 29, 2019
PLANNING COMMISSION DATE: Sept. 9, 2019 CITY COUNCIL DATE: Oct. 1, 2019

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

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

162.57 FT NO 1A MT CROSS RD

Gross Area/Net Area: 2688 Property Address: 395 MT CROSS RD

Property Location: N S E W Side of: _____

Between: Piedmont Dr. and OLD RIVERSIDE DR.

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

Indoor recreation permit for use of HHR Game machines and
Diamond Skill games sit down and Standup

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

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

MAILING ADDRESS: 5022 Cobblestone Dr. Danville, VA 24540

SIGNATURE: Dipal Singh DATE: 7/29/19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: SUHASONS@GMAIL.COM

APPLICANT (PLEASE TYPE OR PRINT):

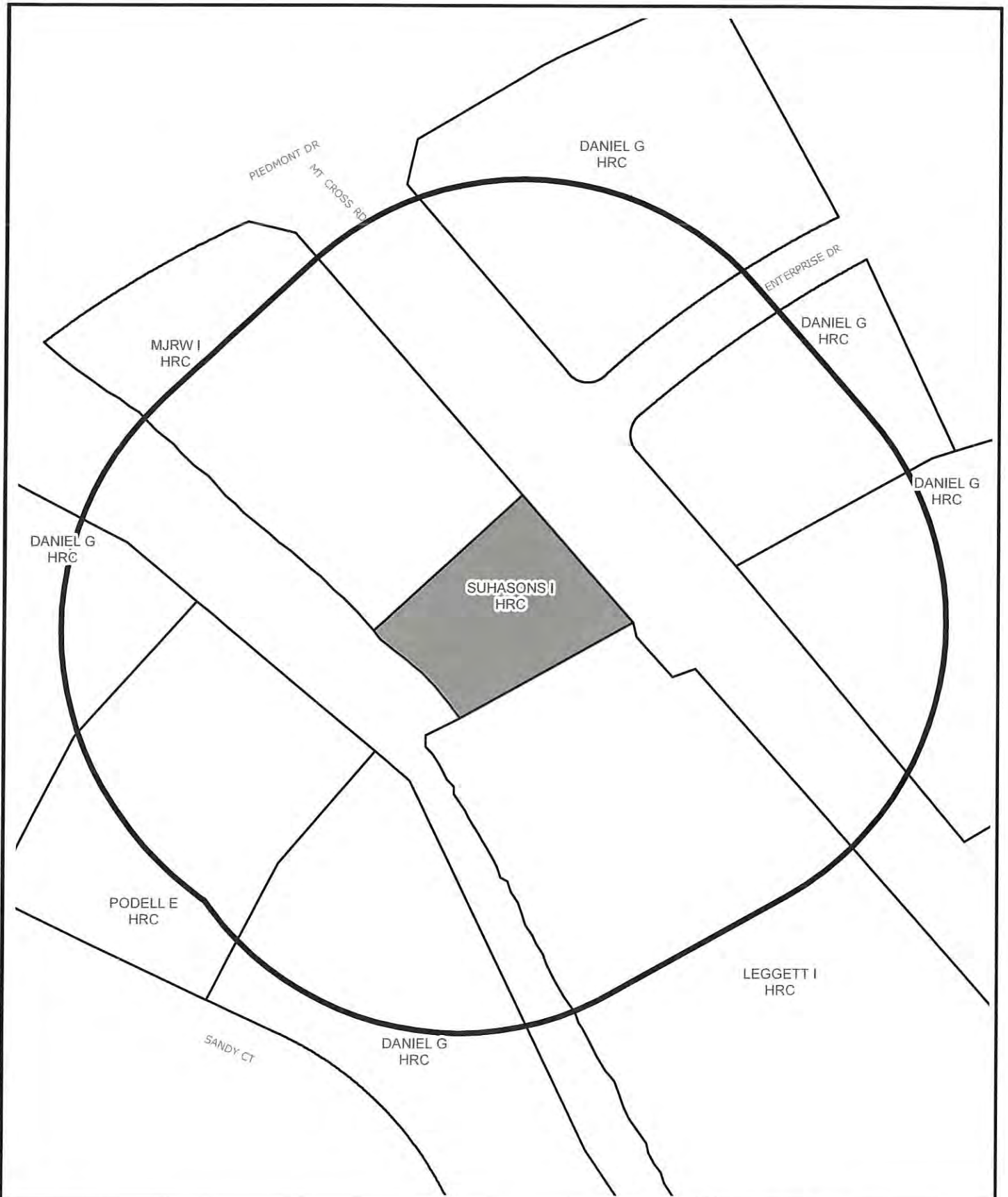
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: JAGJIT SINGH TELEPHONE: 631-223-5451

MAILING ADDRESS: 5022 Cobblestone Dr. Danville, VA 24540

EMAIL ADDRESS: VINTONAX@GMAIL.COM

SIGNATURE: Jagjit Singh DATE: 7/29/19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
8/7/2019

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SPECIAL USE PERMIT REQUEST
DATA SHEET

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

LOCATION OF PROPERTY: 395 Mt. Cross Rd.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Convenience store with indoor gaming

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): Suhasons Inc.

NAME OF APPLICANT (S): Jagjit Singh

PROPERTY BORDERED BY: Commercial on all sides

ACREAGE: 0.59 acres (25,700 sq. ft.)

CHARACTER OF VICINITY: Commercial

INGRESS AND EGRESS: Mt. Cross Rd.

TRAFFIC VOLUME: Moderate



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

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City of Danville

427 Patton Street, Suite 208

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Phone: (434) 799-5260

City Planning Commission

City Planning Commission

Meeting of September 9, 2019

Subject:

Special Use Permit application PLSUP20190000295, filed by Jagjit Singh on behalf of Kaur & Sons LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 103 Franklin Tpke, otherwise known as Grid 2806, Block 009, Parcel 000010 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Jagjit Singh, the applicant, is requesting a Special Use Permit for commercial recreation at 103 Franklin Turnpike. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

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

Staff have some concerns that the proposed indoor gaming could possibly constitute as illegal gambling. However, it is not up to zoning officials to conclude whether or not the gaming is illegal gambling under state law. Staff strongly suggest Planning Commission leave that determination to the Commonwealth Attorney or criminal court system. There is an existing court case involving the gaming manufacturer and the Charlottesville Commonwealth Attorney (*Queen of Virginia Skill & Entertainment et al v. Platania*) to determine this question.

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

Eighteen (18) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on September 9, 2019.

Recommendation:

There are significant concerns regarding the type of recreation being conducted, the safety of customers, the safety of surrounding properties, and the general welfare of the community. These concerns stem from uncertainties regarding the type of games being permitted, conversations with police regarding numerous issues with a similar business, which briefly operated in July-August, and the potential harmful effects of permitting too many gaming establishments within a confined geographic area. Staff also has concerns that the number of parking spaces for this use is too low. As these machines are located in mostly retail convenience stores, the parking numbers are small. Convenience stores usually have a standard turnover of parking spaces, which is relatively high, as person do not shop for long periods. The incorporation of these machines has resulted in parking spaces being occupied for substantially longer periods, thus creating a hazardous situation.

Postponing the application would also allow time for these additional issues to be addressed.

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000295, filed by Jagjit Singh on behalf of Suhasons Inc., staff recommend the following conditions:

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

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000295 as submitted.

2. Recommend approval of Special Use Permit application PLSUP20190000295 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000295 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000295 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000295 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

Commercial recreation

CASE NUMBER: PLSOP 20190000295

EXISTING ZONING: HR-S, Hgwy Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: PID 52364

RECEIVED BY: Bryce Johnson

DATE FILED: July 29, 2019

PLANNING COMMISSION DATE: Sept. 9

CITY COUNCIL DATE: Oct. 1

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

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

APPROX 165 FT PT NO 2 A FRANKLIN TRKE

Gross Area/Net Area: 2730 Property Address: 103 Franklin Trke

Property Location: N S E W Side of: _____

Between: Piney Forest Rd. and N. MAIN ST.

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

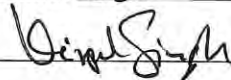
Please provide a brief description of the proposed development:

Indoor recreation permit for use of HHP Game machines and Diamond skill games sit down and stand up.

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

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

MAILING ADDRESS: 5022 Cobblestone Dr. Danville, VA 24540

SIGNATURE:  DATE: 7/29/19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS:  SUHASONS@GMAIL.COM

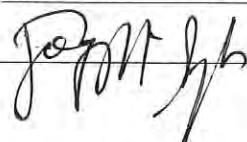
APPLICANT (PLEASE TYPE OR PRINT):

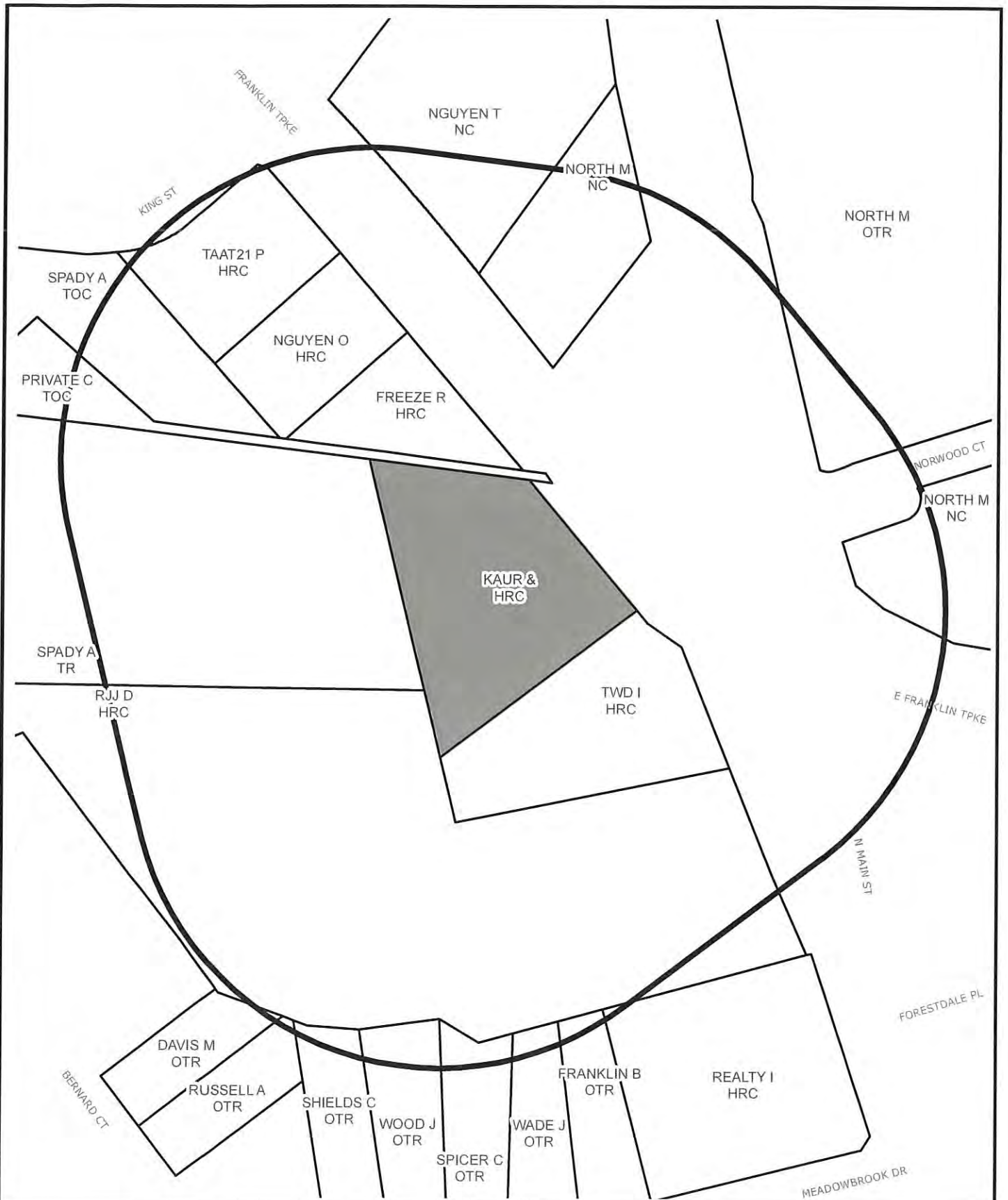
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: JAGSIT SINGH TELEPHONE: 631-355-3130

MAILING ADDRESS: 5022 Cobblestone Dr. Danville, VA 24540

EMAIL ADDRESS: VINTOMAX@GMAIL.COM

SIGNATURE:  DATE: 7/29/19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

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

LOCATION OF PROPERTY: 103 Franklin Tpke.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Convenience store with indoor gaming

FUTURE LAND USE DESIGNATION: Neighborhood Commercial

PROPERTY OWNER (S): Kaur & Sons LLC

NAME OF APPLICANT (S): Jagjit Singh

PROPERTY BORDERED BY: Commercial to the north, east, and south; residential to the immediate west and bordering all nearby commercial properties

ACREAGE: 0.92 acres (43,560 sq. ft.)

CHARACTER OF VICINITY: Transitional between commercial and residential

INGRESS AND EGRESS: Franklin Tpke.

TRAFFIC VOLUME: High



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

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

City Planning Commission

City Planning Commission
Meeting of September 9, 2019

Subject:

Special Use Permit application PLSUP20190000320, filed by Abdul Wahid Khan on behalf of Catbird Properties LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.J, Section C, Item 2 of the Code of City of Danville, Virginia 1986, as amended at 1225 Franklin Tpke, otherwise known as Grid 1916, Block 003, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Abdul Wahid Chan, the applicant, is requesting a Special Use Permit for commercial recreation at 1225 Franklin Turnpike. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

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

Staff have some concerns that the proposed indoor gaming could possibly constitute as illegal gambling. However, it is not up to zoning officials to conclude whether or not the gaming is illegal gambling under state law. Staff strongly suggest Planning Commission leave that determination to the Commonwealth Attorney or criminal court system. There is an existing court case involving the gaming manufacturer and the Charlottesville Commonwealth Attorney (*Queen of Virginia Skill & Entertainment et al v. Platania*) to determine this question.

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

Twenty-seven (27) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on September 9, 2019.

Recommendation:

There are significant concerns regarding the type of recreation being conducted, the safety of customers, the safety of surrounding properties, and the general welfare of the community. These concerns stem from uncertainties regarding the type of games being permitted, conversations with police regarding numerous issues with a similar business, which briefly operated in July-August, and the potential harmful effects of permitting too many gaming establishments within a confined geographic area. Staff also has concerns that the number of parking spaces for this use is too low. As these machines are located in mostly retail convenience stores, the parking numbers are small. Convenience stores usually have a standard turnover of parking spaces, which is relatively high, as person do not shop for long periods. The incorporation of these machines has resulted in parking spaces being occupied for substantially longer periods, thus creating a hazardous situation.

Postponing the application would also allow time for these additional issues to be addressed.

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000320, filed by Abdul Wahid Khan on behalf of Catbird Properties LLC, staff recommend the following conditions:

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

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000320 as submitted.

2. Recommend approval of Special Use Permit application PLSUP20190000320 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000320 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000320 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000320 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

Commercial recreation

CASE NUMBER: PLSUP20190000320

EXISTING ZONING: N-C, Neighborhood Commercial

PROPOSED ZONING: No change

TAX MAP NUMBER: PIP 59752

RECEIVED BY: Bryce Johnson

DATE FILED: Aug. 12, 2019

PLANNING COMMISSION DATE: Sept. 9

CITY COUNCIL DATE: Oct. 1

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

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

Gross Area/Net Area: 1700/1350 Property Address: 1225 Franklin Turnpike
Danville Va.

Property Location: N S E W Side of: Danville Va.

Between: Medos and The Healing CTR.

Proffered Conditions (if any, please attach):

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

if machines

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

1. NAME: *CarBird Properties LLC* TELEPHONE: *434-836-2346*
MAILING ADDRESS: *881 Atton Rd Danville VA 24540*
SIGNATURE: *Robin B. Jones* DATE: *8-12-19*
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: *robin.bird58@yahoo.com*

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: *Abdul Wahid Khan* TELEPHONE: *434-836-142*
MAILING ADDRESS: *1225 Franklin TPK Danville VA 24540*
EMAIL ADDRESS: *mfg1958@yahoo.com*
SIGNATURE: *[Signature]* DATE: *8/12/18*

I Robin Francis understand the meaning behind the zoning request for games and I authorize these in the location.

Robin Francis

8/12/19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/20/2019

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SPECIAL USE PERMIT REQUEST
DATA SHEET

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

LOCATION OF PROPERTY: 1225 Franklin Tpke

PRESENT ZONE: N-C, Neighborhood Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store, restaurant

PROPOSED USE OF PROPERTY: Existing uses, plus indoor gaming

FUTURE LAND USE DESIGNATION: Neighborhood Commercial

PROPERTY OWNER (S): Catbird Properties LLC

NAME OF APPLICANT (S): Abdul Wahid Khan

PROPERTY BORDERED BY: Some commercial to the southeast; residential on all other sides

ACREAGE: 1.27 acres (55,321.2 sq. ft.)

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: Franklin Tpke and Orphanage Rd

TRAFFIC VOLUME: Moderate on Franklin Tpke; moderate on Orphanage Rd



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/20/2019

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

City Planning Commission

City Planning Commission
Meeting of September 9, 2019

Subject:

Special Use Permit application PLSUP20190000319, filed by Inam Qazi on behalf of UHA Inc, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 1354 Westover Dr, otherwise known as Grid 0710, Block 001, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Inam Qazi, the applicant, is requesting a Special Use Permit for commercial recreation at 1354 Westover Drive. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

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

Staff have some concerns that the proposed indoor gaming could possibly constitute as illegal gambling. However, it is not up to zoning officials to conclude whether or not the gaming is illegal gambling under state law. Staff strongly suggest Planning Commission leave that determination to the Commonwealth Attorney or criminal court system. There is an existing court case involving the gaming manufacturer and the Charlottesville Commonwealth Attorney (*Queen of Virginia Skill & Entertainment et al v. Platania*) to determine this question.

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

Thirty (30) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on September 9, 2019.

Recommendation:

There are significant concerns regarding the type of recreation being conducted, the safety of customers, the safety of surrounding properties, and the general welfare of the community. These concerns stem from uncertainties regarding the type of games being permitted, conversations with police regarding numerous issues with a similar business, which briefly operated in July-August, and the potential harmful effects of permitting too many gaming establishments within a confined geographic area. Staff also has concerns that the number of parking spaces for this use is too low. As these machines are located in mostly retail convenience stores, the parking numbers are small. Convenience stores usually have a standard turnover of parking spaces, which is relatively high, as person do not shop for long periods. The incorporation of these machines has resulted in parking spaces being occupied for substantially longer periods, thus creating a hazardous situation.

Postponing the application would also allow time for these additional issues to be addressed.

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000319, filed by Inam Qazi on behalf of UHA Inc, staff recommend the following conditions:

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

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000319 as submitted.

2. Recommend approval of Special Use Permit application PLSUP20190000319 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000319 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000319 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000319 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

Commercial recreation

CASE NUMBER: PLSOP20190000319

EXISTING ZONING: HR-C, Highway Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: PID 57093

RECEIVED BY: Bryce Johnson

DATE FILED: Aug. 12, 2019

PLANNING COMMISSION DATE: Sept. 9

CITY COUNCIL DATE: Oct. 1

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

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

Gross Area/Net Area: 3553 Property Address: 1354 Westover Dr.

Property Location: N S E W Side of: Danville

Between: The Gas House and Buckston Auto Shop

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

Skill game operation
15

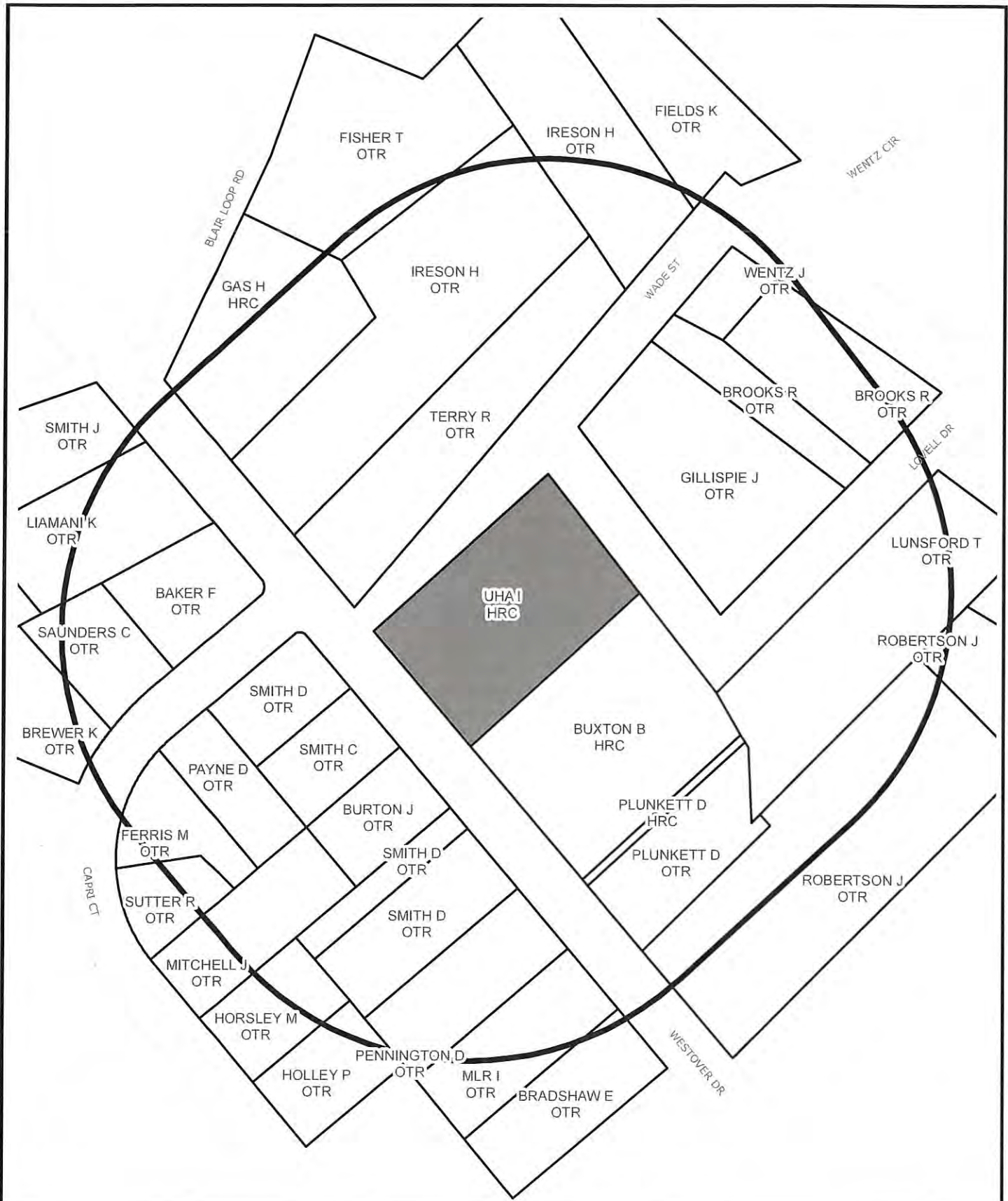
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: UHA Inc. TELEPHONE: _____
MAILING ADDRESS: 2110 Pecan Court Danville Va. 24540
SIGNATURE: [Signature] DATE: 8/12/19
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: INAM QAZI TELEPHONE: 732-423-8505
MAILING ADDRESS: 2110 Pecan Court Danville Va. 24540
EMAIL ADDRESS: _____
SIGNATURE: [Signature] DATE: 8/12/19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/20/2019

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SPECIAL USE PERMIT REQUEST
DATA SHEET

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

LOCATION OF PROPERTY: 1354 Westover Dr.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience Store

PROPOSED USE OF PROPERTY: Existing uses, plus indoor gaming

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): UHA Inc

NAME OF APPLICANT (S): Inam Qazi

PROPERTY BORDERED BY: Some commercial to the northwest and southeast;
residential on all sides

ACREAGE: 0.74 acres (32,234.4 sq. ft.)

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: Westover Dr. and Wade St.

TRAFFIC VOLUME: Moderate on Westover Dr; low on Wade St.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/20/2019

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

City Planning Commission

City Planning Commission
Meeting of September 9, 2019

Subject:

Special Use Permit application PLSUP20190000290, filed by Hewa Jayawardena on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 4800 Riverside Dr., otherwise known as Grid 0709, Block 002, Parcel 000019 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Hewa Jayawardena, the applicant, is requesting a Special Use Permit for commercial recreation at 4800 Riverside Drive. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

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

Staff have some concerns that the proposed indoor gaming could possibly constitute as illegal gambling. However, it is not up to zoning officials to conclude whether or not the gaming is illegal gambling under state law. Staff strongly suggest Planning Commission leave that determination to the Commonwealth Attorney or criminal court system. There is an existing court case involving the gaming manufacturer and the Charlottesville Commonwealth Attorney (*Queen of Virginia Skill & Entertainment et al v. Platania*) to determine this question.

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

Eight (8) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on September 9, 2019.

Recommendation:

There are significant concerns regarding the type of recreation being conducted, the safety of customers, the safety of surrounding properties, and the general welfare of the community. These concerns stem from uncertainties regarding the type of games being permitted, conversations with police regarding numerous issues with a similar business, which briefly operated in July-August, and the potential harmful effects of permitting too many gaming establishments within a confined geographic area. Staff also has concerns that the number of parking spaces for this use is too low. As these machines are located in mostly retail convenience stores, the parking numbers are small. Convenience stores usually have a standard turnover of parking spaces, which is relatively high, as person do not shop for long periods. The incorporation of these machines has resulted in parking spaces being occupied for substantially longer periods, thus creating a hazardous situation.

Postponing the application would also allow time for these additional issues to be addressed.

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000290, filed by filed by Hewa Jayawardena on behalf of Jerry Davis staff recommend the following conditions:

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

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000290 as submitted.

2. Recommend approval of Special Use Permit application PLSUP20190000290 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000290 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000290 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000290 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: Commercial recreation

CASE NUMBER: PLSUP20190000290

EXISTING ZONING: HR-C, Highway Retail Commercial

PROPOSED ZONING: No change

TAX MAP NUMBER: PID 72268

RECEIVED BY: Bryce Smith

DATE FILED: 7/29/2019

PLANNING COMMISSION DATE: Sept. 9, 2019

CITY COUNCIL DATE: Oct. 1, 2019

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

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

~~4802 Riverside Dr.~~
4802 Riverside Dr.

Gross Area/Net Area: 60'x40'=2,400sq.ft Property Address: 4800 Riverside Dr. Danville VA 24541

Property Location: N S E W Side of: North side of Riverside Dr. West, heading to Martinsville

Between: Old Toyota show room and Harley Davidson show room

Proffered Conditions (if any, please attach): Store business hours: Mon-Sat 7.00 am to 10.00pm and

Sundays: 9.00am to 10pm. Closing time will be extended to 11.30pm on demand.

Look forward to resume seven gaming machine activities as it was.

EXPLANATION OF REQUEST:

I. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines. Convenience Store w/Gas. Refer attached plan/sketch
- Vehicular circulation system with points of ingress and egress. Refer attached sketch.
- Existing on-site buildings, separation dimensions and paved areas. One building and a gas canopy with two gas pumps
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided. Refer attached sketch.
- Net acreage. 0.7Acre approximately
- Gross and net square footage of building (s) (proposed and existing).
 - Gross: 2,400 sq.ft
 - Back Room & Rest Room: 215 sq.ft
 - Allocated for recreational gaming machines: 120 sq.ft
 - Grocery, Beer and Lottery sales: 2,065 sq.ft
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

Current building space is good enough to resume seven gaming machines. Ample parking space with 11 regular lots and one assigned for disables. Un assigned space for gasing and miscelaneous parking. Video
Survilance and electronic door locking device for customers safety in late evenings has already installed.

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

I. NAME: Davis Jerry R TELEPHONE: 434-250-0240

MAILING ADDRESS: 2505 Riverside Dr. Danville VA 24540

SIGNATURE: _____ DATE: _____

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Hewa M Jayawardena TELEPHONE: 919-649-8755

MAILING ADDRESS: 123 Oakhaven Dr. Danville VA 24541

EMAIL ADDRESS: hjayawardena@yahoo.com

SIGNATURE: Hewa Jayawardena DATE: 07/23/2019

EXPLANATION OF REQUEST:

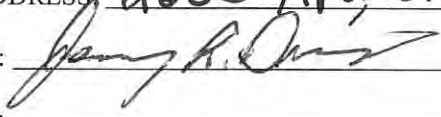
1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

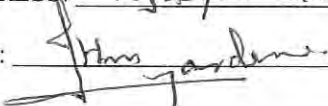
Please provide a brief description of the proposed development:

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

1. NAME: JERRY R. DAVIS TELEPHONE: 434-250-0200
MAILING ADDRESS: 2505 Riverside Dr. Danville, Va 24500
SIGNATURE:  DATE: July 26, 19
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Hewa M Jayawardena TELEPHONE: 919. 649. 8755
MAILING ADDRESS: 123, Oakhaven Dr. Danville VA 24541
EMAIL ADDRESS: hjayawardena@yahoo.com
SIGNATURE:  DATE: 07/23/19

Parcel ID: 72268

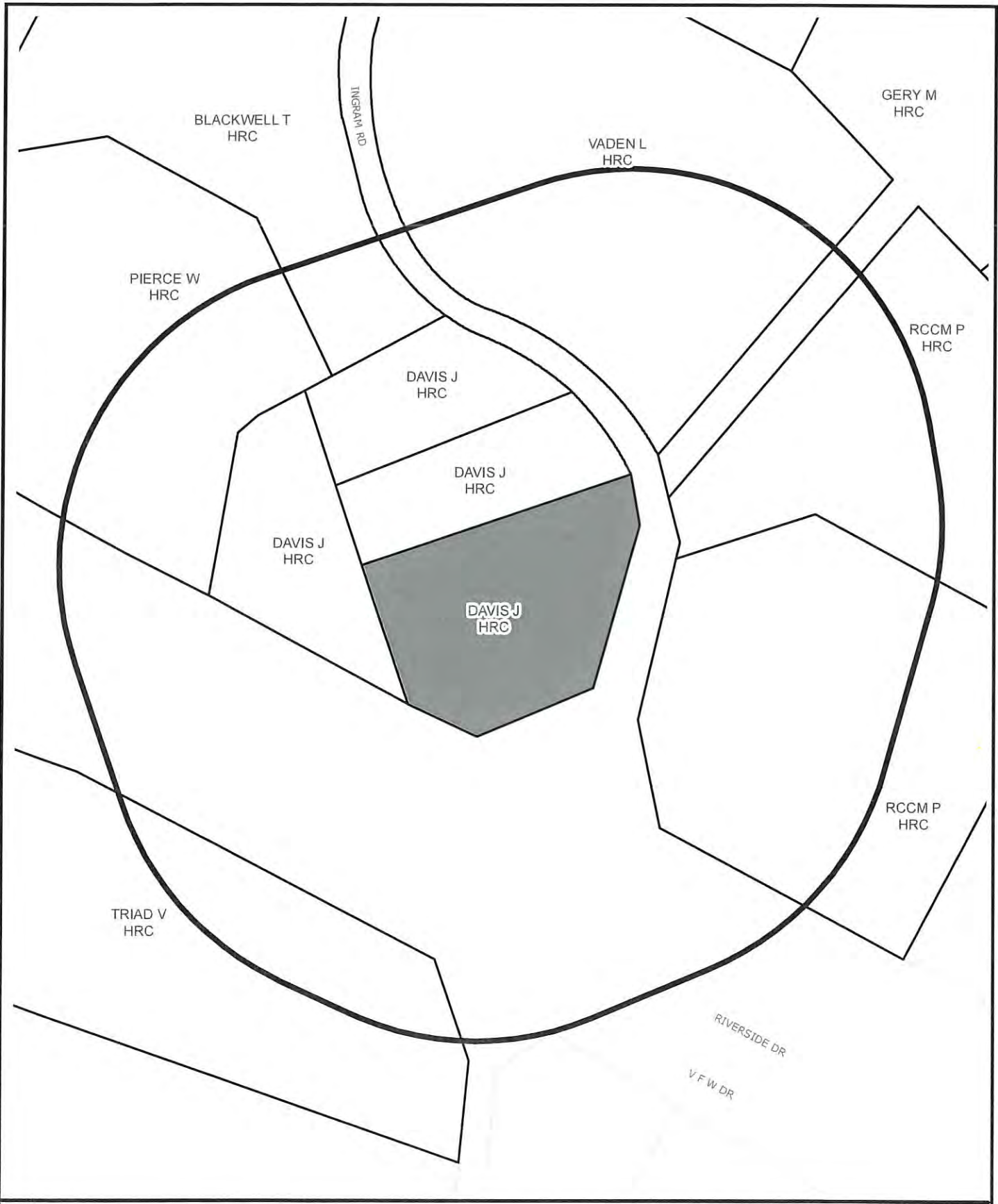


-  Buildings
-  Parcels
-  Street Names
-  House Numbers

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

Date: 7/29/2019





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/6/2019

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

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

LOCATION OF PROPERTY: 4912 Riverside Dr.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Convenience store, plus commercial recreation

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): Jerry Davis

NAME OF APPLICANT (S): Hewa Jayawardena

PROPERTY BORDERED BY: Commercial on all sides

ACREAGE: Total: 1.07 acres (46,609 sq. ft.)
Convenience Store: 0.55 acres (2,400 sq. ft.)

CHARACTER OF VICINITY: Commercial, with residential at least 500 ft. away on all sides

INGRESS AND EGRESS: Riverside Dr. and Ingram Rd.

TRAFFIC VOLUME: High on Riverside Dr.
Low on Ingram Rd.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/6/2019

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



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

City Planning Commission

City Planning Commission
Meeting of September 9, 2019

Subject:

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

Background:

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

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

Staff have some concerns that the proposed indoor gaming could possibly constitute as illegal gambling. However, it is not up to zoning officials to conclude whether or not the gaming is illegal gambling under state law. Staff strongly suggest Planning Commission leave that determination to the Commonwealth Attorney or criminal court system. There is an existing court case involving the gaming manufacturer and the Charlottesville Commonwealth Attorney (*Queen of Virginia Skill & Entertainment et al v. Platania*) to determine this question.

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

Forty two (42) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on September 9, 2019.

Recommendation:

There are significant concerns regarding the type of recreation being conducted, the safety of customers, the safety of surrounding properties, and the general welfare of the community. These concerns stem from uncertainties regarding the type of games being permitted, conversations with police regarding numerous issues with a similar business, which briefly operated in July-August, and the potential harmful effects of permitting too many gaming establishments within a confined geographic area. Staff also has concerns that the number of parking spaces for this use is too low. As these machines are located in mostly retail convenience stores, the parking numbers are small. Convenience stores usually have a standard turnover of parking spaces, which is relatively high, as person do not shop for long periods. The incorporation of these machines has resulted in parking spaces being occupied for substantially longer periods, thus creating a hazardous situation.

Postponing the application would also allow time for these additional issues to be addressed.

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000297, filed by Satjeet Kaur on behalf of River Penny Saver LLC, staff recommend the following conditions:

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

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000297 as submitted.

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

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

Commercial recreation

CASE NUMBER: PLSOP2019 0000287

EXISTING ZONING: CB-C, Central Business

PROPOSED ZONING: No change

TAX MAP NUMBER: _____

RECEIVED BY: Bryce Johnson

DATE FILED: July 29, 2019

PLANNING COMMISSION DATE: Sept. 9, 2019

CITY COUNCIL DATE: Oct. 1, 2019

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: 5066 Property Address: 642 Worsham St. Danville, VA

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

Between: N. Main St. and Halifax St.

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

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

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

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

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

APPLICANT (PLEASE TYPE OR PRINT):

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

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

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

LOCATION OF PROPERTY: 642 Worsham St.

PRESENT ZONE: CB-C, Central Business District

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Convenience store with indoor gaming

FUTURE LAND USE DESIGNATION: Mixed Use

PROPERTY OWNER (S): River Penny Saver LLC

NAME OF APPLICANT (S): Satjeet Kaur

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

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

CHARACTER OF VICINITY: Transitional area between commercial and residential

INGRESS AND EGRESS: Worsham St.

TRAFFIC VOLUME: Low



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
8/6/2019

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



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

City Planning Commission

City Planning Commission
Meeting of September 9, 2019

Subject:

Special Use Permit application PLSUP20190000299, filed by Shahid Javid on behalf of MKM Partners, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 1501 W Main St. otherwise known as Grid 0611, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Shahid Javid, the applicant, is requesting a Special Use Permit for commercial recreation at 1501 W. Main St. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

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

Staff have some concerns that the proposed indoor gaming could possibly constitute as illegal gambling. However, it is not up to zoning officials to conclude whether or not the gaming is illegal gambling under state law. Staff strongly suggest Planning Commission leave that determination to the Commonwealth Attorney or criminal court system. There is an existing court case involving the gaming manufacturer and the Charlottesville Commonwealth Attorney (*Queen of Virginia Skill & Entertainment et al v. Platania*) to determine this question.

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

Eighteen (18) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on September 9, 2019.

Recommendation:

There are significant concerns regarding the type of recreation being conducted, the safety of customers, the safety of surrounding properties, and the general welfare of the community. These concerns stem from uncertainties regarding the type of games being permitted, conversations with police regarding numerous issues with a similar business, which briefly operated in July-August, and the potential harmful effects of permitting too many gaming establishments within a confined geographic area. Staff also has concerns that the number of parking spaces for this use is too low. As these machines are located in mostly retail convenience stores, the parking numbers are small. Convenience stores usually have a standard turnover of parking spaces, which is relatively high, as person do not shop for long periods. The incorporation of these machines has resulted in parking spaces being occupied for substantially longer periods, thus creating a hazardous situation.

Postponing the application would also allow time for these additional issues to be addressed.

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000299, filed by Shahid Javid on behalf of MKM Partners, staff recommend the following conditions:

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

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000299 as submitted.

2. Recommend approval of Special Use Permit application PLSUP20190000299 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000299 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000299 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000299 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

Commercial recreation

CASE NUMBER: PLSOP 20190000298

EXISTING ZONING: HR-C, Highway Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: 0611-0041-000001, DID 54805

RECEIVED BY: Bryce Johnson

DATE FILED: July 20, 2019

PLANNING COMMISSION DATE: Sept. 9

CITY COUNCIL DATE: Oct. 1

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

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

Gross Area/Net Area: 1 Acre Property Address: 1501 West Main St

Property Location: N S E W Side of: South on 29 South Business

Between: Edgewood Country Club and West Main Country Club

Proffered Conditions (if any, please attach): 5 Machines of Skill Game

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

For Shell Games.

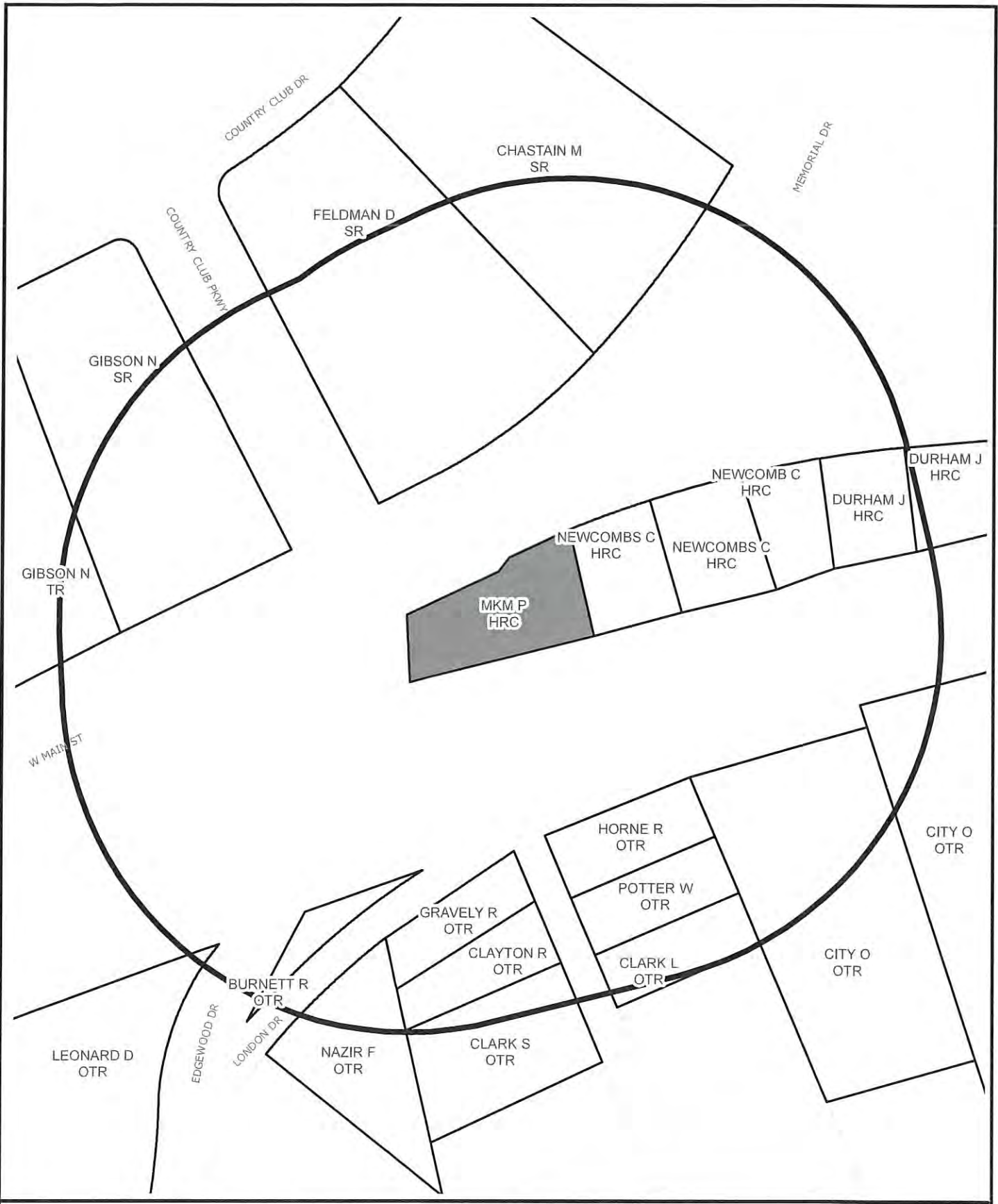
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

1. NAME: SHAHID TAVID TELEPHONE: (434) 797-1334
MAILING ADDRESS: 1501 West Main St, Danville, VA 24541
SIGNATURE: Shahid Tavid DATE: 7/23/19.
SIGNATURE: Shahid Tavid 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: SHAHID TAVID TELEPHONE: (434) 797-1334
MAILING ADDRESS: 1501 WEST MAIN ST, DANVILLE, VA 24541
EMAIL ADDRESS: Shahid Tavid 201@Gmail.com
SIGNATURE: Shahid Tavid DATE: 7/23/19.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/6/2019

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SPECIAL USE PERMIT REQUEST
DATA SHEET

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

LOCATION OF PROPERTY: 1501 W Main St.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit to allow commercial recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Convenience store with indoor gaming

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): MGM Properties

NAME OF APPLICANT (S): Shahid Javid

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

ACREAGE: 0.24 acres (10,454 sq. ft.)

CHARACTER OF VICINITY: Residential

INGRESS AND EGRESS: W Main St., and Edgewood Dr.

TRAFFIC VOLUME: High on W Main St.
Low on Edgewood Dr.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
8/6/2019

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

City Planning Commission

City Planning Commission
Meeting of September 9, 2019

Subject:

Special Use Permit application PLSUP20190000309, filed by Samir Patel on behalf of Dutta Inc of Virginia, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2100 W Main St, otherwise known as Grid 0610, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Background:

Samir Patel, the applicant, is requesting a Special Use Permit for commercial recreation at 2100 W. Main St. The applicant proposes to provide indoor gaming activities in addition to the existing on-site use. These gaming activities include an opportunity to obtain money.

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

Staff have some concerns that the proposed indoor gaming could possibly constitute as illegal gambling. However, it is not up to zoning officials to conclude whether or not the gaming is illegal gambling under state law. Staff strongly suggest Planning Commission leave that determination to the Commonwealth Attorney or criminal court system. There is an existing court case involving the gaming manufacturer and the Charlottesville Commonwealth Attorney (*Queen of Virginia Skill & Entertainment et al v. Platania*) to determine this question.

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

Eighteen (18) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on September 9, 2019.

Recommendation:

There are significant concerns regarding the type of recreation being conducted, the safety of customers, the safety of surrounding properties, and the general welfare of the community. These concerns stem from uncertainties regarding the type of games being permitted, conversations with police regarding numerous issues with a similar business, which briefly operated in July-August, and the potential harmful effects of permitting too many gaming establishments within a confined geographic area. Staff also has concerns that the number of parking spaces for this use is too low. As these machines are located in mostly retail convenience stores, the parking numbers are small. Convenience stores usually have a standard turnover of parking spaces, which is relatively high, as person do not shop for long periods. The incorporation of these machines has resulted in parking spaces being occupied for substantially longer periods, thus creating a hazardous situation.

Postponing the application would also allow time for these additional issues to be addressed.

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000309, filed by Samir Patel on behalf of Dutta Inc of Virginia, staff recommend the following conditions:

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

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000309 as submitted.

2. Recommend approval of Special Use Permit application PLSUP20190000309 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000309 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000309 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000309 by Planning Commission.

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

Commercial recreation (indoor)

CASE NUMBER: PLSUP20190000309

EXISTING ZONING: HR-C, Highway Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: 610-004-000001-000

RECEIVED BY: Bryce Johnson

DATE FILED: Aug. 7, 2019

PLANNING COMMISSION DATE: Sept. 9, 2019

CITY COUNCIL DATE: Oct. 1

DID
56244

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

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

Gross Area/Net Area: 24,394sf. (2578sf.) ^{D-56 ACR} Property Address: 2100 W. Main St.

Property Location: N S E W Side of: Ferry Rd. West Main St.

Between: 29 North Ferry Rd. and old Greesboro and along the northwesterly
IN Danville VA.

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

New gaming operating machines
and skill ~~games~~ games.

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

1. NAME: Samir D. Patel TELEPHONE: (704) 724-1337

MAILING ADDRESS: 2100 W. Main St. Danville VA 24541

SIGNATURE:  DATE: 8/3/19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: SamirP67@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: _____ TELEPHONE: _____

MAILING ADDRESS: _____

EMAIL ADDRESS: _____

SIGNATURE: _____ DATE: _____

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

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

SPECIAL USE PERMIT REQUEST
DATA SHEET

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

LOCATION OF PROPERTY: 2100 W Main St.

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store

PROPOSED USE OF PROPERTY: Convenience store with indoor gaming

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): Dutta Inc of Virginia

NAME OF APPLICANT (S): Samir Patel

PROPERTY BORDERED BY: Some residential and vacant land to the north and south; commercial to the east and west; railroad to the immediate south

ACREAGE: 0.55 acres (23,958 sq. ft.)

CHARACTER OF VICINITY: Mixture of both commercial and residential

INGRESS AND EGRESS: W Main St., and Old Greensboro Rd.

TRAFFIC VOLUME: High on W Main St., and moderate on Old Greensboro Rd.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/7/2019

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



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

City Planning Commission

City Planning Commission
Meeting of September 9, 2019

Subject:

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

Background:

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

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

Staff have some concerns that the proposed indoor gaming could possibly constitute as illegal gambling. However, it is not up to zoning officials to conclude whether or not the gaming is illegal gambling under state law. Staff strongly suggest Planning Commission leave that determination to the Commonwealth Attorney or criminal court system. There is an existing court case involving the gaming manufacturer and the Charlottesville Commonwealth Attorney (*Queen of Virginia Skill & Entertainment et al v. Platania*) to determine this question.

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

Fifteen (15) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on September 9, 2019.

Recommendation:

There are significant concerns regarding the type of recreation being conducted, the safety of customers, the safety of surrounding properties, and the general welfare of the community. These concerns stem from uncertainties regarding the type of games being permitted, conversations with police regarding numerous issues with a similar business, which briefly operated in July-August, and the potential harmful effects of permitting too many gaming establishments within a confined geographic area. Staff also has concerns that the number of parking spaces for this use is too low. As these machines are located in mostly retail convenience stores, the parking numbers are small. Convenience stores usually have a standard turnover of parking spaces, which is relatively high, as person do not shop for long periods. The incorporation of these machines has resulted in parking spaces being occupied for substantially longer periods, thus creating a hazardous situation.

Postponing the application would also allow time for these additional issues to be addressed.

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000311, filed by Danny Graves on behalf of Larry Soyars, staff recommend the following conditions:

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

The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

City Planning Commission Options:

1. Recommend approval of Special Use Permit application PLSUP20190000311 as submitted.

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

Attachments:

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL:

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

Commercial recreation

CASE NUMBER: PLSUP20190000311

EXISTING ZONING: HR-C, Highway Retail

PROPOSED ZONING: No change

TAX MAP NUMBER: PID 22871 77365

RECEIVED BY: Bryce Johnson

DATE FILED: Aug. 7, 2019

PLANNING COMMISSION DATE: Sept. 9

CITY COUNCIL DATE: Oct. 1

INFORMATION TO BE PROVIDED BY THE APPLICANT

(PLEASE TYPE OR PRINT)

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

688-B Mt. Cross - Bryce J.

Gross Area/Net Area: _____ Property Address: 678-B Mt. Cross Rd.

Danville, VA 24540

Property Location: N S E W Side of: North

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

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

Grayz auto detailing and Car Cleaning Services.

4 Machines SKILL Games

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

1. NAME: LARRY J. SOYARS TELEPHONE: 434-250-7600

MAILING ADDRESS: 105 HEMLOCK DR. DANVILLE, VA. 24540

SIGNATURE: Larry J. Soyars DATE: 8-6-19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

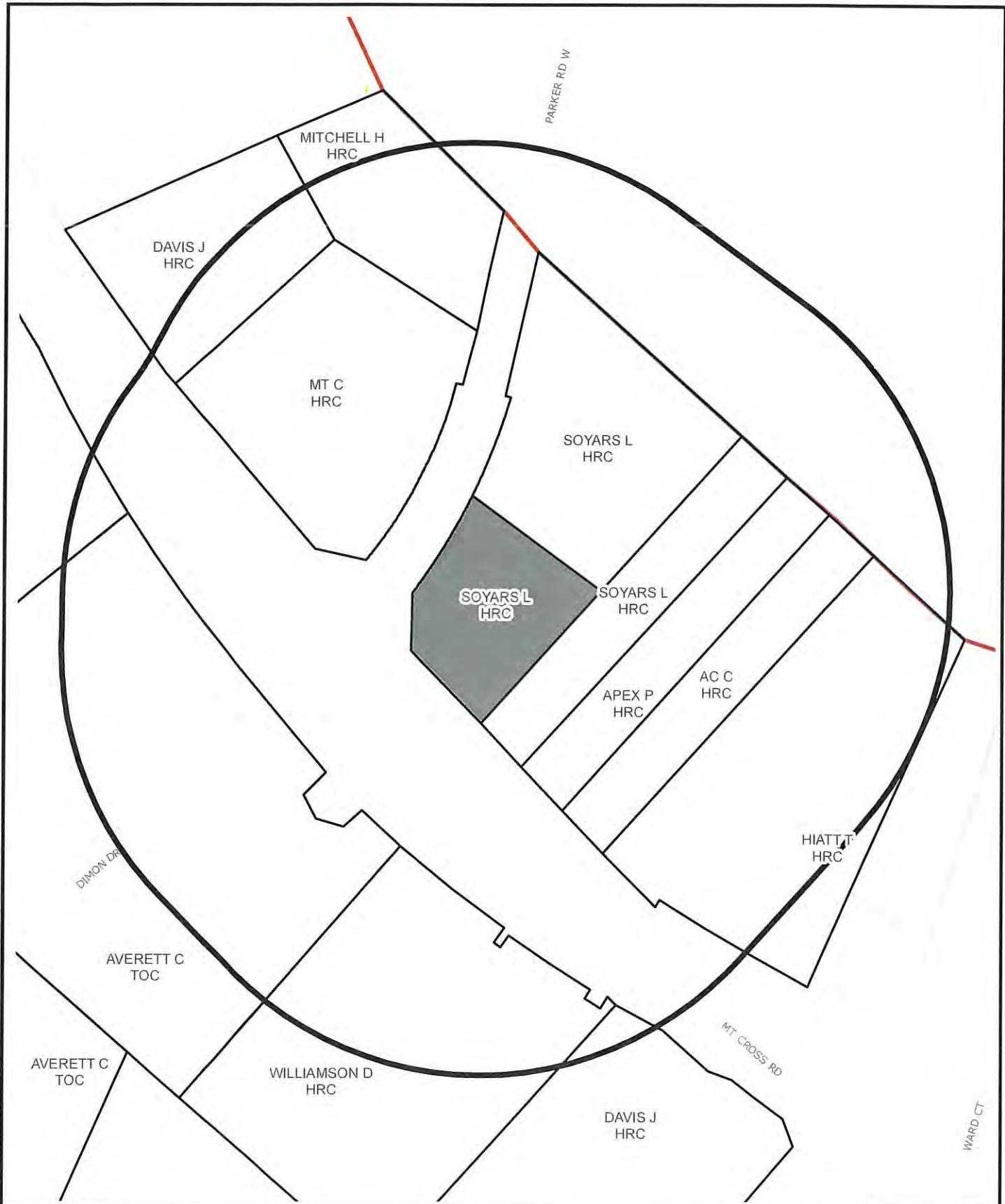
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Danny Graves TELEPHONE: (434) 728-3119

MAILING ADDRESS: 678-B Mt. Cross Rd. Danville, VA 24540

EMAIL ADDRESS: Grayz1072@G-mail.com

SIGNATURE: Danny Graves DATE: 8/5/19



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
8/8/2019

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SPECIAL USE PERMIT REQUEST
DATA SHEET

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

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

PRESENT ZONE: HR-C, Highway Retail Commercial

PROPOSED ZONE: No change

ACTION REQUESTED: Special Use Permit for commercial recreation

PRESENT USE OF PROPERTY: Convenience store and auto services

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

FUTURE LAND USE DESIGNATION: Regional Commercial

PROPERTY OWNER (S): Larry Soyars

NAME OF APPLICANT (S): Danny Graves

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

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

CHARACTER OF VICINITY: Transition between commercial and residential

INGRESS AND EGRESS: Mt. Cross Rd.

TRAFFIC VOLUME: Moderate



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
8/8/2019

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PLANNING COMMISSION MINUTES

August 12, 2019

MEMBERS PRESENT

Mr. Wilson
Mr. Dodson
Mr. Garrison
Mr. Jones
Mr. Petrick
Mr. Searce

MEMBERS ABSENT

Mr. Bolton

STAFF

Lisa Jones
Ken Gillie
Clarke Whitfield
Bryce Johnson

The meeting was called to order by Chairman Searce at 3:00 p.m.

I. ITEMS FOR PUBLIC HEARING

- 1. Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia 1986 more specifically Article 3.U entitled "PSC-O Planned Shopping Center Overlay District", Section M entitled "Sign Regulations" by adding Item 10 for directory signs, The purpose of the amendment is to address directory signs in the PSC-O District*

Mr. Searce opened the Public Hearing.

Mr. Ariel Levy stated I'm Director of Leasing & Management for Madison Properties. The reason that we have made this request of the additional wall signage, and directory signage, was to help improve visibility for the center. Right now the center has a few pylon signs, which only has spots for the big bucks tenants, mainly Target, Home Depot, Ross, Old Navy and Marshall's. We have additional space available for the former Dicks and Petco. Even though it is good signage for the big bucks it does nothing at all for any of the mom and pop tenants. They are in the center and we have quite a few of them. Over the past year or so I have spoken with our other tenant's numerous times, and they have all complained and asked us to see if there was anything that we could do on their behalf to get that exposure out there. The exposure from the main streets the directory signage we felt would also help a lot in helping direct traffic to several different buildings there. As people are driving down they will know where they can turn in by which shop they want to go to. We have one building for example that we called the one hundred building which is at the bottom of the hill right now. I believe Health Nutrition and Edward Jones are the only two tenants in the building. That particular building is extremely difficult for us to lease out, there is absolutely no exposure over there from the street. If you are coming down the hill you completely pass by it and if you are coming up the hill you may capture a glimpse of the building. There is also a speed limit sign there that tracks your speed and it is right in front of our entrance and people now have their eyes on that sign instead of looking at the building. A directory sign over there would greatly add recognition to the building and would also help us in leasing out the rest of it. We are currently negotiating with a food use tenant and that was a main concern that we had. As far as the other buildings while you are driving up the former Dick space is the one that commands the exposure but if you are driving again from down the hill

going up if you are not bothering to turn into Dicks, you are not going to even know the other tenants that are there. A directory sign would absolutely help that. As you continue to drive up the hill you have what we call a 500 building. There is A side which is at the bottom of the hill and B side which is at the top of the hill and again the directory signage would help give recognition to the drivers as to where and what shops are in there. The proposed building signage that we are asking for are on the Dicks building and the 500 building is to help give exposure from the main street so when people driving by and they see the pylon signs tenants in there not just these big bucks tenant's. I did bring copies of our proposed signage and it will give you a good idea of both the directory signs and building signs and it gives you a picture of where the signs will go.

Mr. Searce closed the Public Hearing.

Mr. Garrison made a motion for approval for the recommended Code Amendment. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

2. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia 1986 more specifically various sections and subsections of Article 3.K entitled "CB-C, Central Business District" and Article 3.L entitled "TW-C, Tobacco Warehouse District". The purpose of the amendment is to address permitted uses within the CB-C, and TW-C Districts.*

Mr. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Petrick made a motion for approval for the Code Amendment. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote.

3. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia 1986 more various sections and subsections of Article 3.D entitled "NT-R, Neo-Traditional Residential District". The purpose of the amendment is to address permitted uses within the NT-R District.*

Mr. Wilson opened the Public Hearing.

Mr. Gary M Wasson I am the CEO Executive Director of the Danville Redevelopment Housing. Mr. Wasson stated:

THE PROJECT WE PROPOSE TO BUILD, MANUFACTURED HOUSING, WAS BROUGHT TO THE ATTENTION OF THE HOUSING AUTHORITY AND THE DANVILLE NEIGHBORHOOD DEVELOPMENT BY VIRGINIA HOUSING DEVELOPMENT AUTHORITY, OR VHDA, AND CITY OFFICIALS.

THIS IS A DEMONSTRATION PROJECT TO BUILD FIVE MANUFACTURED HOUSES THAT WILL BE MARKETING TO BUYERS WHOSE FAMILY INCOME IS AT 120 PERCENT OR LESS OF DANVILLE'S MEDIAN INCOME LEVELS. THIS IS NOT TRADITIONAL LOW-INCOME OR AFFORDABLE HOUSING, WHICH GENERALLY TARGETS FAMILIES AT 80% OF MEDIAN INCOME AND BELOW. THIS IS AN OPPORTUNITY TO BUILD HOMES THAT WOULD BE ATTRACTIVE TO MIDDLE-INCOME PEOPLE WHO ARE

LOOKING FOR THAT STARTER HOME, BUILT WITH MODERN MATERIALS AND ARE ENERGY EFFICIENT.

OUR PLAN IS TO BUILD A MODEL HOME FIRST AND SEE WHAT INTEREST IS GENERATED BEFORE MOVING TO BUILD A SECOND UNIT AS WELL AS UNITS THREE, FOUR AND FIVE. WE WANT TO BE SURE THE HOUSES WILL SELL BEFORE DEVELOPING MORE.

VHDA HAS APPROVED A GRANT IN THE AMOUNT OF \$26,000 TO PAY FOR UPFRONT DEVELOPMENT COSTS. THERE IS ALSO AN OPPORTUNITY FOR A \$25,000 GRANT FROM FREDDIE MAC TO HELP LOWER COSTS.

THE PROPOSED SITE OF THE LOTS WHERE THE HOMES WILL BE BUILT IS IN OR NEAR THE MONUMENT-BERRYMAN CONSERVATION AND REDEVELOPMENT PLAN AREA. THIS PLAN WAS DEVELOPED BY AN OUTSIDE CONSULTANT IN 2014 AND APPROVED BY THE DRHA'S BOARD OF COMMISSIONERS AND THE CITY COUNCIL IN THE SAME YEAR.

AT THE JUNE 10 PLANNING COMMISSION MEETING THERE WERE SOME OBJECTIONS RAISED AS TO THE PLACEMENT OF THE PARCELS WHERE NEW HOMES WERE PROPOSED. THE PARCELS INCLUDED IN THE ORIGINAL PROPOSAL WERE IN A SECTION THAT THE MONUMENT-BERRYMAN PLAN HAD DESIGNATED AS REDEVELOPMENT SUB-AREA A. IN THE PLAN IT WAS PROPOSED THAT SUB-AREA A BE MIXED-USE DEVELOPMENT, WHICH WOULD INCLUDE HOUSING BUT ALSO COMMERCIAL AND LIGHT INDUSTRIAL.

AS A RESULT OF THAT DISCUSSION, ALL OF THE PROPOSED PARCEL SITES WERE MOVED OUT OF SUB-AREA A. ACTUALLY OF THE CURRENT EIGHT PARCELS THAT THE ZONING AND SPECIAL PERMITS ARE BEING REQUESTED FOR, ONLY THE TWO PARCELS ON FRANKLIN STREET ARE IN THE MONUMENT-BERRYMAN PLAN. SIX PARCELS ARE OUTSIDE THE PLANS BOUNDARIES. ALL OF THE PARCELS ARE FURTHER AWAY FROM THE RIVER DISTRICT THAN THE FIRST PROPOSAL.

AT THE JUNE 10 MEETING, THE PLANNING COMMISSION ASKED IF DRHA AND DNDC WOULD BE WILLING TO MEET WITH THE INDIVIDUALS OBJECTING TO THE PROJECT. WE SAID WE WOULD BE WILLING TO MEET AND TWO SEPARATE MEETINGS WERE SET UP ON JULY 31 AND AUGUST 5 TO SEE IF WE COULD REACH SOME COMMON GROUND.

AFTER MEETING WITH A NUMBER OF PEOPLE, INCLUDING TWO WHO WERE RESIDENTS IN THE AREA, I BELIEVE THAT THERE WAS A CONSENSUS THAT THE PLACEMENT OF THE NEW LOTS WAS MORE SUITABLE THAN THE ORIGINAL LOTS. THERE WAS GOOD DISCUSSION ABOUT A CONSIDERATION OF SHARED ACCESS DRIVEWAYS TO REACH CARPORTS IN THE REAR OF THE HOUSES. LOT SIZES WERE DISCUSSED AND THERE SEEMED TO BE SOME LEVEL OF FLEXIBILITY BY THE RESPECTIVE PARTIES. WE ALSO SAID THAT WE WOULD WORK TO HAVE

PORCHES THAT WILL BE REMINISCENT OF PORCH STYLES IN THE NEIGHBORHOOD.

WHILE NOT EVERYTHING WAS AGREED UPON I BELIEVE THE MEETINGS WERE POSITIVE AND HELPFUL IN UNDERSTANDING EACH SIDES POSITION.

AS A NOTE, DUE TO SOME ASSUMPTIONS, I WANT TO BE CLEAR THAT THERE ARE NO FEDERAL FUNDS BEING USED ON THIS PROPOSED PROJECT. TI HAD BEEN STATED THAT THE USAGE OF FEDERAL FUNDS WOULD TRIGGER A SECTION 106 REVIEW REGARDING HISTORICAL SIGNIFICANCE. HOWEVER THAT WILL NOT OCCUR SINCE NO FEDERAL FUNDS ARE BEING USED.

TO SUMMARIZE, THIS PROJECT REPRESENTS AN OPPORTUNITY TO ACTUALLY CREATE NEWLY CONSTRUCTED HOMES IN DANVILLE, GIVE AN OPPORTUNITY FOR A FIRST TIME HOMEBUYER TO PURCHASE A BRAND NEW HOUSE AND BEGIN AN IN-FILL OF THE MANY VACANT LOTS LOCATED IN THE MONUMENT-BERRYMAN AREA THAT WILL HOPEFULLY TRIGGER MORE INTEREST IN BUILDING IN THIS NEIGHBORHOOD IN THE FUTURE. ADDITIONALLY, IF THIS DEMONSTRATION PROJECT CAN BE SHOWN TO BE SUCCESSFUL HERE IN DANVILLE, IT IS HOPED THAT THE DEVELOPMENT CAN BE MODELED FOR OTHER AREAS OF THE STATE. THANK YOU. ARE THERE ANY QUESTIONS.

Mr. Petrick stated just to clarify here are we still talking about the same eight plots from Franklin Street, Garden to Lee Street Right?

Mr. Wasson stated yes sir.

Mr. Petrick stated which ones have you been talking to the people about that were opposed?

Mr. Wasson stated there was discussion about that, but that's why we moved them off Monument and Cabell Street. Those were all taken off. They were opposed last time but not this time.

Mr. Petrick stated so it's just in the 19 area 1 through 5 and 7, 15 and 16?

Mr. Bryce Johnson stated yes they are the only ones being considered right now.

Mr. Wilson stated you said one home would be built as a model home. What is your plan for that?

Mr. Wasson stated I plan on building that first model home to serve as a place to take people who are interested buying homes and to see what they can buy, and with manufactured housing there is a lot of options that you can do both on the inside and outside. A model home can be used to show people what can be done and then they will get the ability to get a mortgage. We are not going to build these houses unless we have a buyer for them.

Mr. Jones stated what are some of the options that the buyer would have some choice in when it comes to the house?

Mr. Wasson stated they can have a carport, asphalt, tin roof and inside they can have granite counter tops and they can change the size of the house. There are a lot of different options that they can have.

Mr. Randy Grumbine stated I represent the Virginia Manufactured and Modular Housing Association. I wanted to come today to throw our support behind this project and make myself available for any questions that you may have that go unanswered that I can answer. I'm very familiar with the homes and with the project program that is being proposed here. I want to applaud you for considering this open minded proposition in affordable workforce housing. I like to call it housing that is affordable because that is what is. Some of the qualities with these homes is not like your first perception is with manufactured housing. This program requires a higher level of home which many of you have discussed before. They must have a higher pitch roof and they must have a covered front porch, and they must have finished sheet rock throughout, and they must have a good grade of quality cabinets in the home and they must be energy efficient. The requirements are steep and the idea is that these homes will, when completed, be appraised and look like the homes in the surrounding neighborhood.

Mr. Garrison stated you talked about the high pitched roof and I noticed with the pictures and they are pretty high pitched down the center of it is that going to create any storage space in the attic?

Mr. Randy stated no, you would not have storage in the attic.

Mr. Gus Dyer stated as Mr. Wasson mentioned we had a nice meeting with them on July 31, 2019. Just on behalf of myself and the other people that were there and I think that we came to an consensus that this project should probably move forward with the modifications that they are willing to make. Can we go back to the illustrations that were presented and none of those elevations were suitable and we were given two options. I don't have a picture of those options. If this ever comes back on us I want to say what they showed us in the meeting was not what we agreed to.

Mr. Jones stated what was the difference?

Mr. Dyer stated primarily there was no front loading for garages and that was one of the concerns that we had. Also, we discussed about putting parking in the back. We are hoping that maybe the City will come up with some credible solutions to parking in the area so we can get the cars off the street. What we were trying to do is to preserve the character of the neighborhood even though the house has been torn down. The character of the neighborhood has been preserved by the lots themselves. Based on the plans these are 50 foot lots and so you can't really put any standard ranch style houses with a garage on a 50 foot lot. We are hoping that maybe they could preserve the narrowness it all goes back to the original character neighborhood for historic preservation purposes that is what we were looking for. We agreed if they were willing to do the things that they said they were going to do then I'm speaking on behalf of myself and consider the other people that didn't bother to

show up to object I'm assuming that there is a situation and we don't necessarily have any objections to the project itself.

The reason I'm here today is because I have great concerns about what we are proposing with this manufactured housing into the NT-R District. The NT-R District is by nature of the fact that it is the least restrictive as far as lot sizes and front yard setbacks. It also the most creative zoning category that the City has. It would allow most of our creativity in creating new styles of housing in new types of neighborhoods. The reason that I was given for putting this in the NT-R District as opposed to the OT-R was that nobody has used the zoning category so far that it has been on record for 15 years. I would like to counter that in fact we haven't had any residential zoning additions to the City for probably the last 10 years. I was probably involved in either the last one or the second one with the project on 360. I'm really concerned about putting the manufactured housing into the NT-R zoning category and I would like to see the NT-R zoning category by myself or with someone else be used at some point and I think you all know that when you come before Council or come before Planning Commission and try to get a piece of property rezoned that people in the neighborhood automatically go to the lowest common denominator. I have \$200,000 +s condo's that I built off of Riverside Drive and I had people accusing me of trying to put in Section 8 housing. If someone would come to you whether it be myself or someone else and they say hey I would like to do a project in the NT-R category and people are going to stand behind me and say that is going to be a mobile home park. I want you all to keep that in mind and I'm really hear to just get things on the record that at some point in the future, that in fact if it does come up seriously take that into consideration that you did not oppose this manufactured housing into this zoning for convenience and its apparently easier than coming up with a new zoning category. I suggested that it be applied to all residential zoning categories in the City and of course that didn't suit the folks anyway. I'm here to just get on the record to make this statement that when you oppose this NT-R Zoning category with this manufactured housing that you are going to stigmatize that zoning category and so when someone comes up here and tries to get a project going approved for NT-R, I want you to keep that in mind. Why we are up here setting the record straight I would like to also get on the record that will be in the minutes that we had a very productive meeting with Mr. Wasson and the folks. I did come to the Planning Commission work session where I was told that I would be able to be in the decision making process and I was denied that opportunity. I just want to get that on the records if that ever comes up if the City ever get audited by the Department of historic Resources that this noted that I did show up and was not allowed to speak.

Mr. Wilson stated you begin with things that you discussed with the group as to what you would like. All I got was no front loading garage were there other things?

Mr. Dyer stated these designs we considered as inappropriate because they have front loading garages and they provided us with two other pictures with Victorian craftsman style designs that we found more acceptable. We also discussed the issue of trying to issue the parking in the rear of the houses so they won't have a garage facing the street and that it would get the cars off the street. There only solution of no parking on the street is to put a garage. I came up with the solution maybe parking could be in the rear of the house. They could have garages but they would be on the rear of the house. The stipulations that they made and I trust them and let them try and see what happens. If they will do what they say that they are going to do I personally don't have a problem with them.

Mr. Wilson stated if my understanding is that we're getting a pilot project and that they all are special use and if we were to see that something like styles were different it does allow for that.

Mr. Dyer stated I know that is the point that you are trying to make but my point was why don't you apply the manufactured housing to the OT-R because these lots are already zoned. I was told that would be problematic because that would allow open through the City. I don't think we can have the argument both ways that this is only through special use permit but it allows it everywhere else.

Joy Wood stated resident of the City of Danville. Mrs. Wood stated Thank you for hearing my remarks. My purpose for being here today is to share definitions, and clarify that a manufactured home remains different from a site built home even after being converted to real property.

I love the way this home looks. I have been in the residential lending industry for over 20 years, and I have never seen a manufactured home look so good.

Traditionally, there have been limited financing options for a manufactured home. Fannie Mae, Freddie Mac, the Veterans Administration, the Federal Housing Administration, and USDA – Rural Development are the 5 primary sources of lending guidelines for residential real estate financing. When a consumer wants to buy a manufactured home, they are often subject to stricter guidelines, more out of pocket costs, and higher interest rates. For manufactured homes that meet the ChoiceHome minimum standards, Freddie Mac is lifting some of the traditional loan level price adjustment (rate increases) and matching the low down payment options that exist for site built homes.

This is from Freddie Mac: ChoiceHome is our innovative and affordable mortgage initiative, offering conventional site-built financing for a real-property manufactured home with the features of a site-built home. When a manufactured home meets certain prescribed specifications, it is granted choice Home certification and is eligible for Choice Home financing. Plus, in appraising these homes, you can use comparable site-built sales for appraisals when no ChoiceHome sales are available.

These homes are more expensive than traditional manufactured homes, but they are less expensive than site-built homes. In 2016, the national average for cost per square foot of site built homes was \$107.18, and \$51.26 for a manufactured home. For a 1400 square foot house that equates to \$150,052 for site built, and \$71,764 for manufactured. For a 1400 sq foot home that cost \$122,000, the price per sq ft is \$87.14. So, these ChoiceHome may save a consumer \$20 per square foot.

What lenders have learned over time is that manufactured home are not the same as site built homes even after converting them to real estate. The risk of asset depreciation and owner default are unfavorably skewed in portfolio performance when a manufactured is used as collateral. The ChoiceHome pilot project will probably have an element of portfolio evaluation which will inform the decision on the part of lenders to keep the less strict lending guidelines or not. This may mean resales in the future would be more challenging than today's financing options. And even today, not all lenders can offer Freddie Mac's ChoiceHome lending option.

Lenders always know a home is a manufactured home, even after the home is converted to real property. When a home is being evaluated for financing, an appraiser physically visits the home and assesses the home's general condition to discern its marketability. HUD requires that a seal be permanently affixed to every home that meets its manufacturing standards of construction. When the seal is present, an appraiser must consider sales that are manufactured homes as comparable to the subject property. The lender is also informed through public records. The improvement type is usually identified as MANUFACTURED. In this way, the lender knows the home is a manufactured home and may overlay the stricter guidelines for financing.

Types of construction are defined in the real estate industry as follows:

Mobile Home: A factory-built housing structure constructed before 1976 that is able to be moved – typically via towing to a permanent location – on a chassis.

Manufactured Home: A factory-built housing structure constructed after 1976 that is able to be moved – typically via towing to a permanent location – on a chassis. (Formerly known as mobile homes, pre-HUD Code.)

Site-Built Home: A house that is completely constructed on the lot where it will reside, as compared to manufactured homes, which are built in a factory and then transported to their location.

Stick-Built Home: A somewhat outdated, but still occasionally used, term for site-built homes.

Modular Home: A prefabricated dwelling constructed in a factory setting (much like manufactured homes) then transported to a location in pieces and installed on-site (more like a site-built home). Modular homes must conform to the same local, state, and regional building codes as site-built homes.

1976 HUD Code: THE HUD Code – officially known as the National Manufactured Housing Construction and Safety Standards Act of 1974 – became law in June 1976, and set national standards with regards to energy efficiency, quality, durability, fire safety, and transportability for all manufactured homes built after this date. Prior to this, factory-built homes had no uniform regulations surrounding construction practices. The HUD Code is the only federally regulated national building code. This means that manufactured homes in Montana and Maine both have to be built to the same quality standards, while comparable site-built homes in these states follow different, local laws.

1994 HUD Code Update: This update provided serious overhauls to the efficiency and environmental requirements of the original HUD Code, resulting in marked improvements in the quality of manufactured homes. I am happy to answer any questions.

Sonya Ingram, resident of Danville. Mrs. Ingram stated this issue is about affordable housing but also historic preservation. When it was originally presented, it was said there were two sides- those opposed and those against. But we could not be opposed because we had no idea what it was about to be opposed.

There are many benefits to historic preservation but often times they are ignored until someone needs to use historic tax credits to develop a property. To use HRTC, a property has to be in a historic district or listed on the National register. So there needs to be a

diligent group to protect historic districts in Danville because they can lose the historic district designation. If enough buildings are demolished or stress scapes altered, the HD designation can be taken away. That is one reason we – the preservation community- is here because so often we see a lack of real understanding of value of protecting historic districts and properties in Danville.

Historic districts in the last 20 years or so now have another missing- to provide homes for the young, new immigrants, those of limited means, retired citizens or affordable housing. Preservation Virginia has a session on this at our preservation conference held in Danville last year. But creating affordable housing should not stop efforts to maintain the architectural harmony and protect historic districts. People who need affordable housing should have nicely designed homes that flow with the community, not be separated from the community in houses that do not match the other houses.

This is a big issue. For a project like this. There should be community deign charettes to determine the best designs for new houses and include neighbors, preservationists and the manufactured housing representatives.

We met with the housing authority and Kim and Ernesia and agreed this could be a great project if everyone can work together with real input from preservationists.

As Gus said, the houses shown on the slides today are not the ones shown to us when we met. We looked at examples of houses that are much more in line with the historic neighborhood.

There is today almost universal agreement that the Urban Renewal type demolition of downtowns was misguided, and self defeating. The sustained success stories in downtown revitalization are found in those cities that maintained and reinvested in their historic building and districts.

Danville has improved in the last 10 years on this but what is crucial to moving forward is to see public input for people in town that have experience and want to help.

Mr. Searce closed the Public Hearing.

Mr. Petrick made a motion for approval for Zoning Ordinance as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

- 4. Rezoning application PLRZ20190000274, filed by Danville Redevelopment and Housing Authority requesting to rezone from OT-R Old Town Residential to NT-R Neo-Traditional Residential District Parcels on Franklin St., Beauregard St., and Lee St., otherwise known as Grid 2718, Block 019, Parcels 000001 through 000005, 000007, 000015 and 000016 of the City of Danville, Virginia Zoning District Map. The applicant is proposing a planned residential development involving manufactured housing.*

Mr. Wilson made a motion for approval for PLRZ20190000274 as submitted. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

- 5. Special Use Permit application PLSUP20190000276, filed by Danville Redevelopment and Housing Authority requesting a Special Use Permit for*

Manufactured Home Dwellings in accordance with Chapter 41, Article 3.D, Section C, Item 18 the Code of the City of Danville, Virginia 1986 as amended at parcels on Franklin St., Beauregard St., and Lee St., otherwise known as Grid 2718, Block 019, Parcels 000001 through 000005, 000007, 000015 and 000016 of the City of Danville, Virginia Zoning District Map. The applicant is proposing a planned residential development involving manufactured housing.

Mr. Petrick made a motion for approval for Special Use Permit PLSUP20190000276 as submitted subject to conditions by staff. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.

6. *Special Use Permit application PLSUP20190000277, filed by Apple Tire Inc. on behalf of Pamela G. Burnett, requesting a Special Use Permit for a waiver of yard requirements in accordance with Chapter 41, Article 3.M, Section C, Item 21 of the Code of the City of Danville, Virginia 1986 as amended at 2264 N Main St., otherwise known as Grid 2810, Block 002, Parcel 000016 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to expand an existing building to provide additional storage for a tire retail store.*

Mr. Searce had to abstain due to a conflict of interest.

Mr. Wilson opened the Public Hearing.

Mr. Steve Mize resident of Danville. Mr. Mize stated I got into the tire business almost a year ago because I do Home Health Care now and the tire store in South Boston that is what we primarily do. I want to address some concerns that some of the folks will have. Normally with a tire store or any kind of store that makes repairs as you have probably seen in the past there is a lot of old cars out there. The tire trucks make a delivery twice a day the reason that we need extra space is that we don't do things that way. Most of the people that come into to us are people that the inspection sticker has been denied and they come there for their tires and we have everything in stock. Less than 1% of the time do we not have the tires in stock that they are looking for. We don't have the huge number of cars sitting in the parking lot that's not really our moto of business. I talked to the neighbor south of us there is an old garage there and he said that he was not opposed to it. I did go to the Old Dutch supermarket and I have been there a couple of times I missed the gentleman there. There is enough room for parking and I do own a lot of commercial and residential property. I have 3 in Danville already. We have them all over the state from Roanoke to Virginia Beach this is something that I am very familiar with and I'm just trying to expand. I don't think some of the problems will be there that some people have anticipated because we try to fix up the spaces. We really feel like we know how to be a good neighbor and could be a good thing for this property as well.

Mr. Dodson stated are you going to sell new and used tires?

Mr. Mize stated we don't sell used tires just new.

Mr. Jones stated do you have any problem with these conditions set by staff?

Mr. Mize stated no sir and I think there is plenty of room for parking. We don't have any problem with the conditions. I think it is a needed thing for here we can beat Walmart prices on a set of tires by \$50.00 to \$60.00 dollars.

Mr. Wilson closed the Public Hearing.

Mr. Dodson made a motion for approval for Special Use Permit PLSUP20190000277 as submitted with conditions by staff. Mr. Garrison seconded the motion. The motion was approved by a 5-0 vote. (Mike Searce Abstained)

IV. MINUTES

The July 8, 2019 and August 5, 2019 minutes were approved by unanimous vote.

V. OTHER BUSINESS

With no further business, the meeting adjourned at 4:16 p.m.

APPROVED