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

# City Planning Commission

JANUARY 13, 2020
3:00 P.M.
CITY COUNCIL CHAMBERS

## AGENDA

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. ELECTION OF OFFICERS

IV. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20190000330, filed by Uwashi Patel on behalf of Larry Soyers, 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, 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.*

2. *Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, 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 City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

3. *Special Use Permit Application PLSUP20190000449, filed by Fullerton Engineering Consultants requesting a Special Use Permit to allow a communication tower in accordance with Article 2, Section 6a of the Code of the City of Danville, Virginia, 1986, as amended on parcel ID# 73020, otherwise known as Grid 1811, Block 005, Parcel 000012 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to construct a 150' monopole tower for cellular communications.*

4. *Special Use Permit Application PLSUP20190000450, filed by Shanks Associates on behalf of Danville Mall, LLC, requesting a Special Use Permit for a waiver to yard requirements per Article 3.N, Section C, Item 21, of the Zoning Ordinance of*

*the Code of City of Danville, Virginia 1986, as amended at 350 Mall Dr., otherwise known as Grid 1709, Block 001, Parcel 0000021 of the City of Danville, Virginia Zoning District Map. The applicant is requesting a waiver to the minimum setback requirements to construct a dumpster enclosure.*

V. ITEM NOT FOR PUBLIC HEARING

*Request to review a Final Major Subdivision plat for the dedication of right-of-way for Preston Place to create a cul-de-sac.*

VI. OTHER BUSINESS

VII. APPROVAL OF MINUTES FROM DECEMBER 9, 2019

VIII. ADJOURNMENT

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

# City Planning Commission

**City Planning Commission**
Meeting of January 13, 2020

**Subject:**

*Special Use Permit application PLSUP20190000330, filed by Uwashi Patel on behalf of Larry Soyers, 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, 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:**

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

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

This facility has 11 conforming marked parking spaces with one handicapped accessible space on site both upper and lower. There are six spaces that are non-conforming as they use an adjacent property for access. A consolidation plat would be required to consider these parking spaces for this project bringing the total to 17 at this facility, and 16 additional on the adjacent property if consolidated. The facility itself is 2,400 sq. ft. This area is the upper portion of the building and is used as a convenience store. This required 13 spaces for the store. A consolidation plat has not been provided.

**Recommendation:**

City records indicate that this property is subdivided into two lots, and a deed provided by the owner refers to it as two properties and a consolidation plat has not been provided. Thus there is insufficient parking on site to support the proposed use. Due to this staff recommends **DENIAL of the request.**

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000330, staff recommends the following conditions:

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the

building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and

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

**City Planning Commission Options**:

1. Recommend approval of Special Use Permit application PLSUP20190000330 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000330 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000330 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000330 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000330 by Planning Commission only at the request of the applicant.

**Attachments:**

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

**INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION**

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

USE: Indoor commercial recreation
Virginia compliant skill games

CASE NUMBER:_____ EXISTING ZONING: _____

PROPOSED ZONING:_____ TAX MAP NUMBER:_____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE:_____ CITY COUNCIL DATE:_____

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

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

Gross Area/Net Area:_____ Property Address: 688 Mountcross Rd Danville VA 24540

Property Location: N S (E) W Side of: Mountcross Road

Between: ~~Womack Drive~~ Parker Road and Old Mountcross Road

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:

I wish to have 13 machines

**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: 8-13-19

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

**APPLICANT** (PLEASE TYPE OR PRINT):

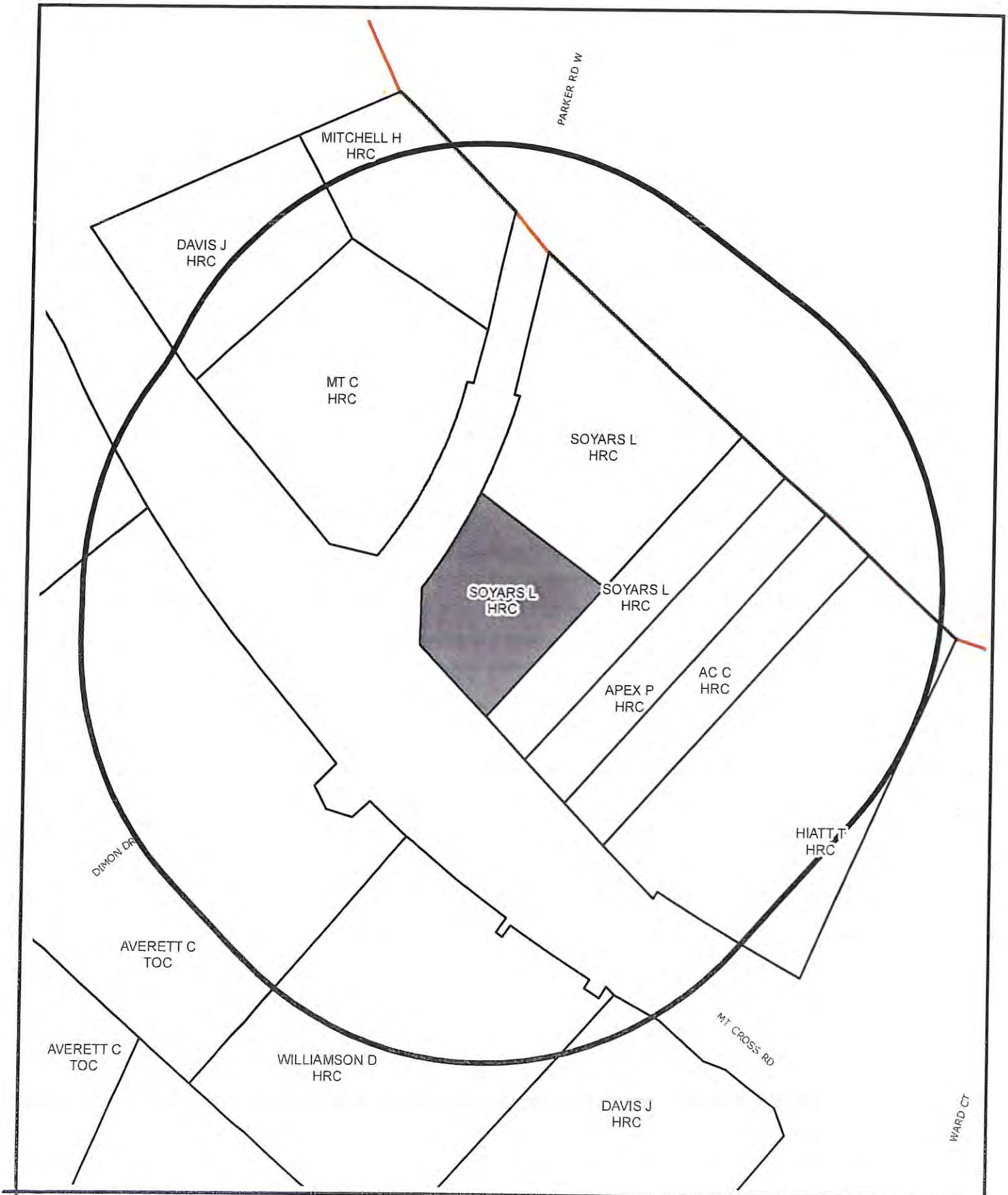
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: Urvashi Patel TELEPHONE: 434 421 4477

MAILING ADDRESS: 688 mountcross Rd Danville VA 24540

EMAIL ADDRESS: Urvashi.patel77@yahoo.com

SIGNATURE: _____ DATE: 8.15.19




# SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/8/2019

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

# SPECIAL USE PERMIT REQUEST
# DATA SHEET

| | |
|---|---|
| **PUBLIC HEARING DATES:** | Planning Commission at 3pm on October 7, 2019 |
| **LOCATION OF PROPERTY:** | 688 Mt. Cross Rd. (Upstairs) |
| **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):** | Uwashi Patel |
| **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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**City of Danville, Inspections Division**
427 Patton Street, Suite 208
Danville VA, 24541
Phone: (434) 799-5260

# Inspection Field Report
## Corrective notice

**Property address:** 688 Mt Cross Rd Unit A
**Property owner:** Soyers Larry J T/U/T & Lisa F T/U/T
**Owner's address:** 105 Hemlock Dr
Danville, VA 24540

**Date inspected:** 10/9/2019
**Phone:** 434-792-0100
**Case #:** PRCOUO201901929

Initial inspection  Re-inspection  Complaint  Other

Reason for inspection  Certificate of Occupancy/Change of Use

APPROVED  REJECTED

**CALL FOR RE-INSPECTION BY THIS DATE: _____**

**Violations:**

**#1-604.3 Electrical system hazards: Outside electrical cover is not rated for its current use. Install proper weathertight cover on outside receptacle.**

**#2-702.3 Doors: Front exit door needs a key to unlock the door from the interior. Egress must be made without the use of keys, special knowledge or effort.**

Failure to list any violation shall not be deemed a waiver of such violation. Please call the inspections office between the hours of 8:00am-5:00pm Monday-Friday to schedule a re-inspection.

Sincerely,

Dennis J. Bisson Jr. PMO
Property Maintenance Coordinator
www.danville-va.gov
Bissodj@danvilleva.gov
434-799-5260 Ext 2497

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

# City Planning Commission

**City Planning Commission**
Meeting of January 13, 2020

**Subject:**

*Special Use Permit application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, 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 City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

**Background:**

Justin Williams & Michelle Adkins, are 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 City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have an indoor gaming facility.

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

This facility has been inspected to determine compliance with Certificate of Occupancy requirements. Inspections staff visited the site on Tuesday November 26, 2019 to count the legal parking spaces. At that time there were 51 parking spaces. The newly painted parking spaces cannot be located where places at there must be a minimum of two 12 foot drive lanes equaling 24 total feet according to the Zoning Ordinance. The lane behind the building only has 21 total feet of clearance. Therefore that leaves 45 regular spaces and 1 handicap space that were counted. The staff recommended the parking for 401 S. Ridge St. at the meeting on November 14, 2019 which is briefly described below.

| | |
|---|---|
| One space per three persons | (63 persons divided by 3 = **21 parking spaces**) |
| One machine per 3 persons | (63 persons divided by 3 = **21 machines**) |
| One space per machine | (21 machines = **21 parking spaces**) |
| One space per employee | (4 employees = **4 parking spaces**) |
| | |
| Total Parking Spaces | (46, one of which is handicap, existing) |
| Total Limited Occupant Load | (63 persons) |
| Total Machines | (21) |

It has been stated that you will have four employees. Provided with this information the Inspections Division can limit the occupant load to 63 for the amount of parking spaces that exist. An Assembly Card must be posted for the Fire Marshall's Office as well as the new C of O.

The applicant is also requesting 24-hour operation. Staff has substantial concerns with the opportunity for persons with potentially large sums of cash leaving the facility at early hours of night. Security of patrons, as well as the public in general is a substantial concern.

**Recommendation:**

If the Planning Commission chooses to recommend approval of Special Use Permit application PLSUP20190000386, staff recommends the following conditions:

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

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 PLSUP20190000386 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000386 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000386 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP20190000386 as submitted.

5. Tabling of Special Use Permit application PLSUP20190000386 by Planning Commission.

**Attachments:**

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

**INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION**

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

_____

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

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

Gross Area/Net Area: 32,620/3,687 Property Address: 401 S. Ridge St.

Property Location: N (S) E W Side of: Danville, VA

Between: Wilson St. and Newton St.

Proffered Conditions (if any, please attach): Suitable for business

_____

**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:

See typed document (Explanation of Request)
Amusement Parlor

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

1. NAME: Eli Jeffries Tanta Jeffries TELEPHONE: 434-548-6610

MAILING ADDRESS: 240 Oakwood Cir. Danville VA 24541

SIGNATURE: _____ DATE: 17 Sept. 19

SIGNATURE: Tanta Jeffries DATE: 17 Sept. 19

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: Justin Williams / Michelle Adkins TELEPHONE: (800)687-2310 / (434) 709-2604

MAILING ADDRESS: 724 S. Main St #3927 Danville, VA 24541

EMAIL ADDRESS: j.williams@broadstholdings.com

SIGNATURE: _____ DATE: 23 September 2019

# SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019

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# YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019

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# SPECIAL USE PERMIT REQUEST
# DATA SHEET

| | |
|---|---|
| **DATE:** | October 28, 2019 |
| **LOCATION OF PROPERTY:** | 421 S. Ridge St |
| **PRESENT ZONE:** | CB-C Central Business District |
| **PROPOSED ZONE:** | CB-C Central Business District |
| **ACTION REQUESTED:** | Request a Special Use Permit for Commercial Recreation Indoor. The applicant is proposing to have indoor gaming. |
| **PRESENT USE OF PROPERTY:** | Vacant |
| **PROPOSED USE OF PROPERTY:** | Indoor Gaming facility |
| **PROPERTY OWNER (S):** | Eli & Ianta JEfferies |
| **NAME OF APPLICANT (S):** | Justin Williams & Michelle Adkins |
| **PROPERTY BORDERED BY:** | Commercial to north and south, west, and east. |
| **ACREAGE/SQUARE FOOTAGE:** | .75 acres. |
| **CHARACTER OF VICINITY:** | Commercial |
| **INGRESS AND EGRESS:** | S. Ridge St, Wilson St & Newton St. |
| **TRAFFIC VOLUME:** | Moderate |
| **NEIGHBORHOOD REACTION:** | To be reported at the Planning Commission meeting of November 12, 2019 |

# 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/28/2019

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# Explanation of Request

1. Proposed use for the Special Use Permit:

   a. Proposed use of the land: size and location of structures with dimensions to lot lines

   "Amusement Parlor" (Danville City Code Chapter 4 - Article II) / 401 S Ridge St Danville VA / 3,687 sqft / stand-alone building with private parking lot. Establishment may consist of 50+ commercial indoor recreational "games" both physical and electronic i.e. "pool tables, billiards, foozball, air hockey, pinball, and video games." **We "request" to operate on a 24hr basis Sunday through Saturday / onsite security guards and CCTV will be apart of day-to-day operations.**

   b. Vehicular circulation system with points of ingress and egress

   See aerial photo on page

   c. Existing on-site buildings, separation dimensions and paved areas

   See aerial photo

   d. Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided

   This stand-alone building is surrounded by its own private parking lot / total of 40+ marked and available parking spaces

   e. Net acreage

   .75 Acres

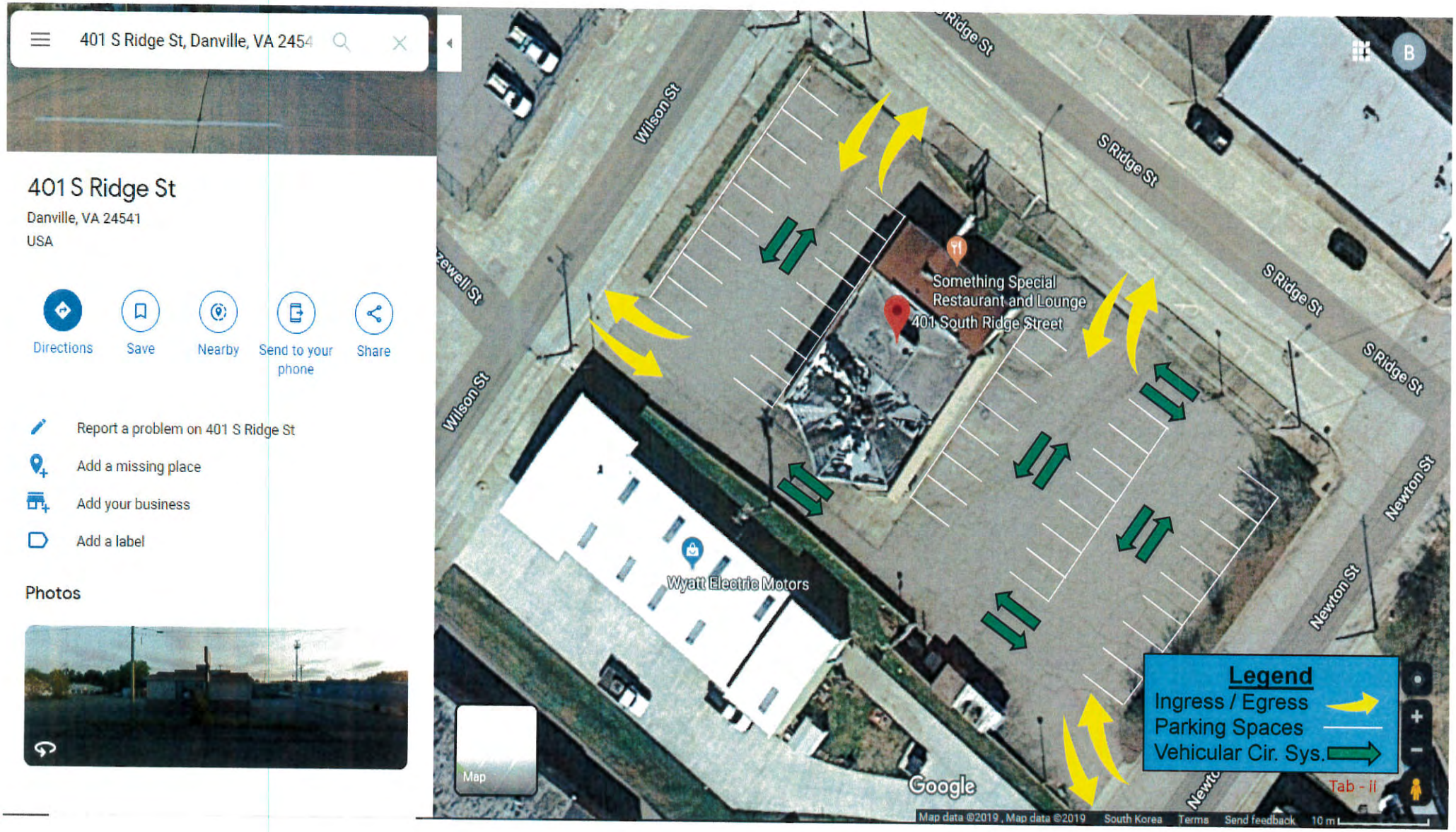
   f. Gross and net square footage of building(s) (proposed and existing)

   Lot size 32,620 sqft / Building size 3,687 sqft

   g. Required landscaping and buffer areas

   Bi-weekly landscaping will be conducted / there are three (small) areas of interest as far as this topic is concerned

*Broad St. Holdings LLC / (800)687-2310*
*j.williams@broadstholdings.com*


401 S Ridge St, Danville, VA 24541
401 S Ridge St
Danville, VA 24541
USA
Directions
Save
Nearby
Send to your phone
Share
Report a problem on 401 S Ridge St
Add a missing place
Add your business
Add a label
Photos
Wilson St
S Ridge St
Something Special Restaurant and Lounge
401 South Ridge Street
Wyatt Electric Motors
Newton St
Legend
Ingress / Egress
Parking Spaces
Vehicular Cir. Sys.
Map
Google
Map data ©2019 , Map data ©2019
South Korea
Terms
Send feedback
10 m

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

# City Planning Commission

**City Planning Commission**
Meeting of January 13, 2020

**Subject:**

*Special Use Permit Application PLSUP20190000449, filed by Fullerton Engineering Consultants requesting a Special Use Permit to allow a communication tower in accordance with Article 2, Section 6a of the Code of the City of Danville, Virginia, 1986, as amended on parcel ID# 73020, otherwise known as Grid 1811, Block 005, Parcel 000012 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to construct a 150' monopole tower for cellular communications.*

**Background:**

Fullerton Engineering Consultants is requesting a Special Use Permit to allow a communication tower in accordance with Article 2, Section 6a of the Code of the City of Danville, Virginia, 1986, as amended on parcel ID# 73020. They are requesting the Special Use Permit so that a 150' monopole commercial communications tower may be constructed.

The applicant has submitted a site plan and numerous test photos. The test photos show numerous locations throughout the City with a superimposed tower at a height of approximately 150' on the parcel. The photos are taken at numerous locations so that visibility of the tower can be determined. The photos are labeled with the locations that they were taken.

Article 2.R. 8 requires that the minimum setback distance must be a minimum of ½ the height of the tower. This setback is necessary so that in the event of a failure, a tower that would break in half would be contained entirely on the parcel in which it is constructed. The applicant has provided an engineer signed letter from the manufacturer of the tower that states their tower will break at 75', which will allow the tower to break at a point that can be contained within the parcel lines of the property. To validate the need and use of this new tower, the applicant has provided a commitment from AT&T.

Thirty-nine (39) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on January 13, 2020.

**Staff Analysis and Recommendation:**

Staff recommends approval of Special Use Permit Application PLSUP20190000449, filed by Fullerton Engineering Consultants requesting a Special Use Permit to allow a communication tower in accordance with Article 2, Section 6a of the Code of the City of Danville, Virginia, 1986, as amended on parcel ID# 73020, otherwise known as Grid 1811, Block 005, Parcel 000012 of the City of Danville, Virginia, Zoning District Map subject to the condition that the structure shall be a metal monopole. Staff recommends monopoles due to their similarity to other utility structures used by the City of Danville, and their lower failure rate compared to lattice type towers.

**City Planning Commission Alternatives**:

1. Recommend approval of Special Use Permit Application PLSUP20190000449 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP20190000449 subject to the condition per staff.
3. Recommend approval of Special Use Permit Application PLSUP20190000449 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit Application PLSUP20190000449 as submitted.

**Attachments:**
Application
Property Ownership/Zoning Map
Data Sheet
Existing Land Use Map (2012 Aerial)
Year 2020 Land Use Map

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**

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

_____

_____

CASE NUMBER:_____ EXISTING ZONING: _____

PROPOSED ZONING:_____ TAX MAP NUMBER:_____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE:_____ CITY COUNCIL DATE:_____

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

Exact legal description of property (Attach if insufficient space).
**See attached Legal Description**

Gross Area/Net Area: **14.29 Acres** Property Address: **995 Piney Forest Road**

Property Location: N S E (W) Side of: **Piney Forest Road (BUS 29)**

Between: **Ash Street** and **Beavers Mill Road**

Proffered Conditions (if any, please attach): **None that we're aware of.**

_____

## 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 Multi-Carrier Wireless Telecommunication Facility on approx. 14 acre wooded parcel**

**Facility to include 150' monopole tower in a 60' x 60' fenced equipment compound within**

**a 100' x 100' Lease Area. AT&T Antennas & ground support equipment with diesel back-up generator per plans submitted.**

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

1. NAME: **Betty Johnson Milam** TELEPHONE: _____

MAILING ADDRESS: **995 Piney Forest Road Lot 128, Danville, VA 24540**

SIGNATURE: **See Attached Lease** 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: **Tony Phillips-Fullerton Engineering on behalf of AT&T / Tillman** TELEPHONE: **847-331-3659**

MAILING ADDRESS: **1100 E. Woodfield Road, Schaumburg, IL 60173**

EMAIL ADDRESS: **tphillips@fullertonengineering.com**

SIGNATURE: _____ DATE: **12/12/19**

FULLERTON
ENGINEERING · DESIGN

December 12, 2019

Mr. Kenneth C. Gillie Jr. CFM
Director of Community Development
Zoning Administrator City of Danville
427 Patton Street
Danville, VA 24541

**Re: Tillman Infrastructure's Application for a Special Use Permit to Construct a Multi-Carrier Wireless Telecommunications Facility located at 995 Piney Forest Road, Danville, VA 24541 (Pittsylvania County) pursuant to the Option and Lease Agreement dated May 17, 2019 between Property Owner Betty Johnson Milam (Landlord) and Tillman Infrastructure, LLC (Tenant)**

Dear Mr. Gillie,

Enclosed for consideration, please find Tillman Infrastructure's application for a Special Use Permit to construct a Multi-Carrier Wireless Telecommunications Facility located at the above referenced address. In support of the application, please find enclosed the following supporting documentation:

- Special Use Application
- Redacted Lease
- AT&T Letter of Support
- Photo Simulations
- Construction Drawings including Site Plan and Survey
- Capacity for future shared use is addressed in the enclosed Construction Drawings
- Application Fee Check of $360.00

Tillman would like to emphasize that their proposal to construct an additional tower in your jurisdiction is intended for the consideration of any and all wireless providers (carriers, wireless internet providers and E911) interested in improving service to the greater Danville area. We have approached this project as thoughtfully as possible with an emphasis on blending the needs of the local citizenry with the need of our wireless clients. A clear requirement for additional antenna siting options spurred this request from the wireless providers.

Tillman is constructing this tower to allow their clients flexibility, efficiency, and economy in providing upgrading, and improving its service to all consumers. Tillman's client's business arrangement with their current infrastructure provider does not include provisions for our client's future needs. Delays by the current infrastructure provider has adversely affected our client's wireless functionality and impacts both the carrier's customers and public safety users.

The search area request by Tillman's client asked for a site within 1000' of their existing facility. No existing towers or structures that meet their requirements were found within that geographical area. The proposed tower will meet the requirements of Tillman's client.

Additionally, the current rent charged to co-locate upon the existing structure is multiple times the going market rate and is economically challenging to the wireless provider, who in turn must share these additional costs with the end user customers. Our proposal not only allows for better and more comprehensive mobile wireless service to your community, it also allows Tillman's tenants the ability to control and reduce costs which are part of the basis of the costs charged their customers, the wireless users. (See attached AT&T Letter of Support)

Furthermore, this proposed Tillman tower will enhance AT&T's deployment of 5G and other next generation technology across the U.S., including FirstNet, public safety's dedicated, nationwide communications platform. The First Net program, which is a federally funded program for local, state & federal agencies First Responders, is designed to help all E911 agencies communicate and access data quickly to fulfill their duties.

Upon review of the submittal package, please advise if the package is considered complete for a Special Use Permit. If the submittal package is deemed complete, we respectfully request to be placed on the next Planning Commission agenda for January 13, 2020.

We look forward to working with you and staff to help bring state of the art wireless telecommunications to the residents and workforce in your area. Please do not hesitate to contact us if you have questions, concerns, or require additional information.

Sincerely,

**Tony Phillips**
Zoning & Permitting Manager
Fullerton Engineering for AT&T & Tillman Infrastructure
847-331-3659
tphillips@fullertonengineering.com

Market: Southeast
Cell Site Number: 14721679_10139410 TI-OPP-11882
Cell Site Name: _____
Search Ring Name: _____
Fixed Asset Number:_____

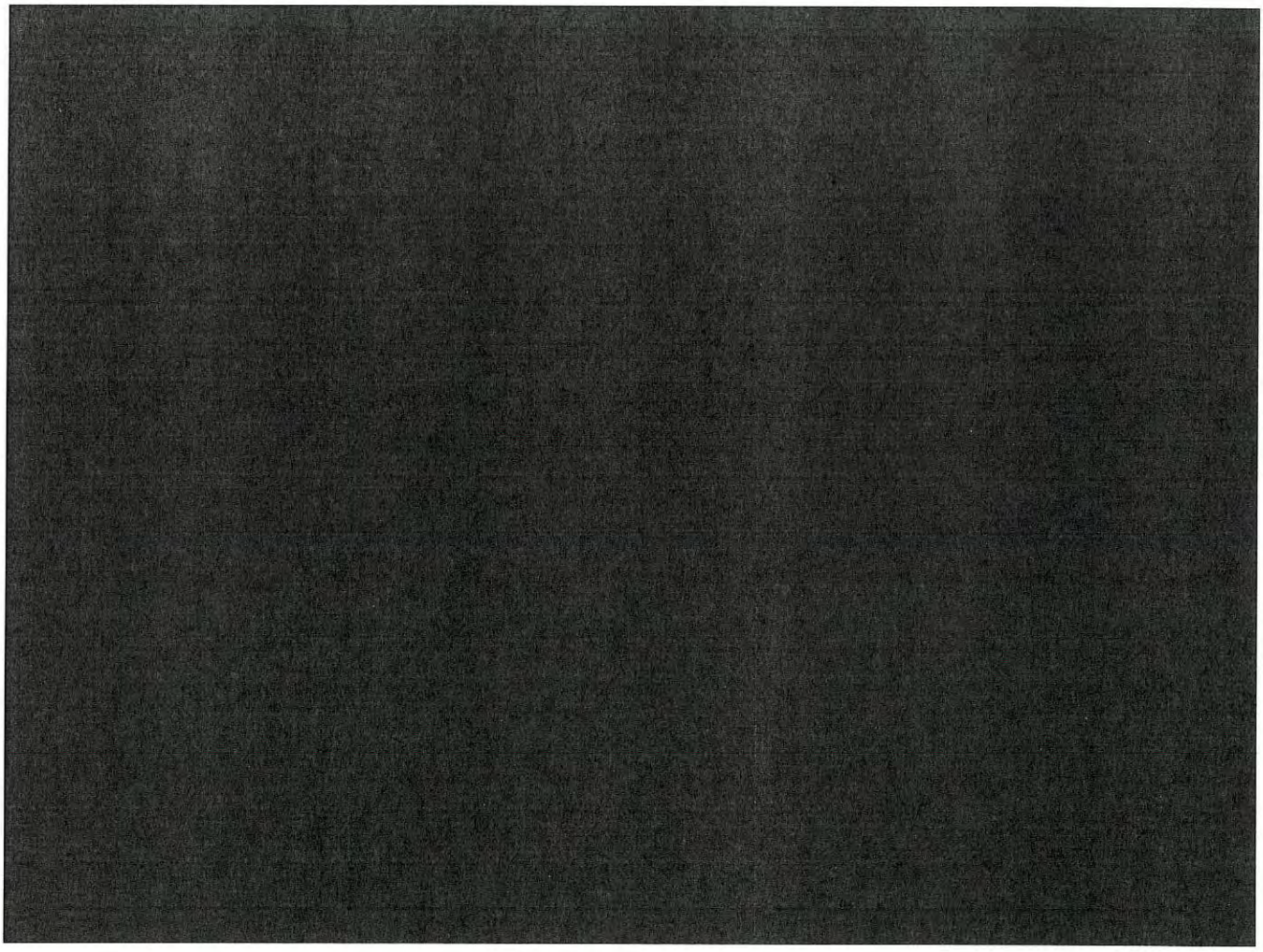
## OPTION AND LEASE AGREEMENT

THIS OPTION AND LEASE AGREEMENT ("**Agreement**"), dated as of the latter of the signature dates below (the "**Effective Date**"), is entered into by Betty Johnson Milam, who acquired title as Betty Jean Johnson, an individual landowner, having a mailing address of 995 Piney Forest Road Lot 128, Danville, Virginia 24540 ("**Landlord**") and Tillman Infrastructure LLC, a Delaware limited liability company, having an address at 152West 57th Street, New York, New York 10019 ("**Tenant**").

## BACKGROUND

Landlord owns or controls that certain plot, parcel or tract of land, as described on **Exhibit 1,** together with all rights and privileges arising in connection therewith, located at 995 Piney Forest Road Lot 128, in the County of Danville, State of Virginia (collectively, the "**Property**"). Landlord desires to grant to Tenant the right to use a portion of the Property in accordance with this Agreement.

The parties agree as follows:



[redacted]

[redacted]

5. **APPROVALS.**

(a) Landlord agrees that Tenant's ability to use the Premises is contingent upon the suitability of the Premises and Property for the Permitted Use and Tenant's ability to obtain and maintain all Government Approvals. Landlord authorizes Tenant to prepare, execute and file all required applications to obtain Government Approvals for the Permitted Use and agrees to reasonably assist Tenant with such applications and with obtaining and maintaining the Government Approvals.

(b) Tenant has the right to obtain a title report or commitment for a leasehold title policy from a title insurance company of its choice and to have the Property surveyed by a surveyor of its choice.

(c) Tenant may also perform and obtain, at Tenant's sole cost and expense, soil borings, percolation tests, engineering procedures, environmental investigation or other tests or reports on, over, and under the Property, necessary to determine if Tenant's use of the Premises will be compatible with Tenant's engineering specifications, system, design, operations or Government Approvals.

[redacted]

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be effective as of the Effective Date.

**"WITNESSES"**

Name: Linda W. Moore

Name: Helen M Thomas

**"LANDLORD"**

**BETTY JOHNSON MILAM, WHO ACQUIRED TITLE AS BETTY JEAN JOHNSON,**

By: Betty Johnson Milam

Print Name: Betty Johnson Milam

Its: Bjm

Date: 4/19/19

INDIVIDUAL ACKNOWLEDGMENT

STATE OF Virginia )
city ) ss:
~~COUNTY~~ OF Danville )

BE IT REMEMBERED, that on this 19 day of April, 2019 before me, the subscriber, a person authorized to take oaths in the State of Virginia, personally appeared Betty Johnson Milam who, being duly sworn on his/her/their oath, deposed and made proof to my satisfaction that he/she/they is/are the person(s) named in the within instrument; and I, having first made known to him/her/them the contents thereof, he/she/they did acknowledge that he/she/they signed, sealed and delivered the same as his/her/their voluntary act and deed for the purposes therein contained.

Bernetha W Saunders

Notary Public: Bernetha W. Saunders

My Commission Expires: 06/30/2022

BERNETHA W. SAUNDERS COMMONWEALTH OF VIRGINIA NOTARY PUBLIC

Commonwealth of Virginia
Bernetha W Saunders - Notary Public
Commission No. 158497
My Commission Expires 06/30/2022

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be effective as of the Effective Date.

**"WITNESSES"**

_____
Name: _____

_____
Name: _____

**"TENANT"**

**TILLMAN INFRASTRUCTURE LLC,**
a Delaware limited liability company

By: _____
Name: Chris Holcradelis
Its: Authorized Signatory
Date: 5-17-19

**STATE OF ~~NEW YORK~~** New Jersey )
**COUNTY OF ~~NEW YORK~~** Bergen ) **ss.**

On the 17th day of May in the year of 2019, before me, the undersigned, a Notary Public in and for said state, personally appeared Chris Holcradelis, Authorized Signatory of Tillman Infrastructure LLC, a Delaware limited liability company, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the individual or the entity upon behalf of which the individual acted, executed the instrument.

WITNESS my hand and official seal.

Signature: Haydee Rodriguez
My Commission Expires: _____
Commission Number: _____

HAYDEE RODRIGUEZ
ID # 2280617
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires November 30, 2022

**Exhibit 1**

**Description of the Premises & Access and Utility Easements:**



to the Option and Lease Agreement dated May 17, 2019, by and between Betty Johnson Milam, who acquired title as Betty Jean Johnson, an individual landowner, as Landlord, and Tillman Infrastructure LLC, a Delaware limited liability company, as Tenant.

The Property is legally described as follows:

An interest in land, said interest being over a portion of the following described parent parcel:

All that certain tract of land lying on the west side of a public road running from Crooktown to Now Design (Now known as Alternate U. S. Highway No. 29), and being a part of the old Taylor Townes Estate, and more particularly described as follows:

Tract No. B, as shown on map showing curvey of property for W. B. Johnson, made May 08, 1947 by H.S. Foirce, and duly of record in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book 281 at Page 534 containing sixteen acres, and being a part of the property conveyed to W. B. Johnson by Nellie W. Muse, widow, by her deed dated May 16, 1946, and of record in the aforesaid Clerk's Office in Deed Book 275 at Page 510, to which map and deed reference is here made.

AND BEING the same property conveyed to Lillian G. Johnson from W. B. Johnson by Deed dated August 20, 1949 and recorded September 23, 1949 in Deed Book 304, Page 562; AND FURTHER CONVEYED to Willie Bud Johnson from Lillian Canady Johnson by Last Will and Testament dated November 15, 1972 and recorded August 23, 1977 in Will Book 27, Page 647 (Instrument No. WF 27 647); AND FURTHER CONVEYED to Betty Jean Johnson from Willie Bud Johnson by Last Will and Testament dated May 24, 1990 and recorded June 07, 2000 in Instrument No. WF 00-152.

Tax Parcel No. 73020

AT&T Mobility Services LLC
Tower Strategy
308 S Akard Street
Dallas, TX 75202

October 1, 2019

City Of Danville
Planning & Zoning Division
427 Patton Street, Room 207
P.O. Box 3300
Danville, VA 24541

Attn: Kenneth C. Gillie, Jr., Director of Planning

RE: Letter of support from AT&T regarding proposed new tower construction by Tillman Infrastructure, LLC at 995 Piney Forest Road, Danville, VA

To whom it may concern,
I manage AT&T's high-rent relocation program, under which AT&T identifies high-cost, economically burdensome site leases that accommodate AT&T's communications equipment. My team selectively relocates AT&T communications equipment onto lower-cost locations, while either improving or maintaining wireless coverage.

AT&T currently leases space on thousands of towers nationwide. Leases typically have a duration of five or ten years, after which we have the option to renew. AT&T maintains a co-location agreement with SBA for the current Tower, in which SBA can and does sharply increase the rent, assesses other one-time costs and poses unacceptable logistical issues whenever AT&T replaces or adds new equipment. If Tillman is permitted to build the requested tower, as we request, AT&T intends to relocate onto it. The current SBA Tower in Danville, VA is economically burdensome for AT&T and would not result in the same cost-effective operation as compared to what AT&T could achieve if it relocated onto the local Tillman Tower.

By sharply reducing its tower costs, AT&T is better positioned to invest in other new towers for improved coverage, and fund critical initiatives, such as FirstNet, for emergency response, 5G support, and other new technologies -- all to the benefit of the community.

AT&T will only consider decommissioning an existing Wireless Facility in favor of moving to an alternate tower in limited circumstances. We bear a significant capital cost whenever we decommission a Wireless Facilities installation. As a result, on behalf of AT&T, we request your support in approving the new tower.
Sincerely,

Tim Brenner
Director, Network Planning – AT&T

TI-OPP-11882
FA#14664618

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TILLMAN INFRASTRUCTURE

**Site Name: TI-OPP-11882**

**Site Number: TI-OPP-11882**

**Address: 995 Piney Forest Road Lot 128**

**Danville, VA 24540**

FULLERTON ENGINEERING · DESIGN

*Vicinity Area*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.

TILLMAN INFRASTRUCTURE

**Site Name: TI-OPP-11882**

**Site Number: TI-OPP-11882**

**Address: 995 Piney Forest Road Lot 128**

**Danville, VA 24540**

FULLERTON ENGINEERING · DESIGN

*View 1-Before [Looking Northeast on Beavers Mill Rd.-Distance from 1500ft]*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.

TILLMAN INFRASTRUCTURE

**Site Name: TI-OPP-11882**

**Site Number: TI-OPP-11882**

**Address: 995 Piney Forest Road Lot 128**

**Danville, VA 24540**

FULLERTON ENGINEERING · DESIGN

*View 1-After [Looking Northeast on Beavers Mill Rd.-Distance from 1500ft]*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.

TILLMAN INFRASTRUCTURE

**Site Name: TI-OPP-11882**

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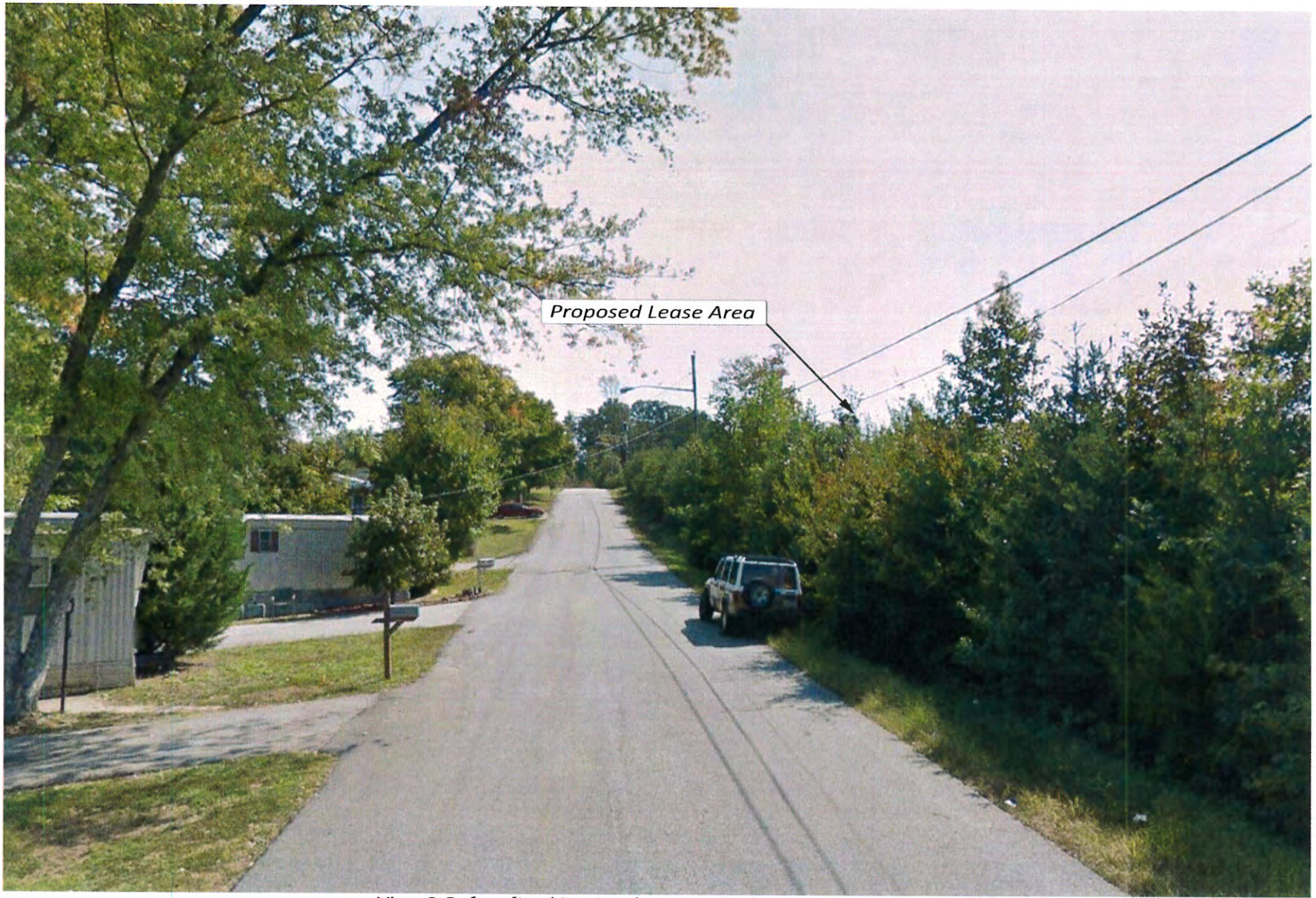
FULLERTON ENGINEERING · DESIGN




*View 2-Before [Looking Southeast on Rocky Ln.-Distance from 550ft]*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.

TILLMAN INFRASTRUCTURE

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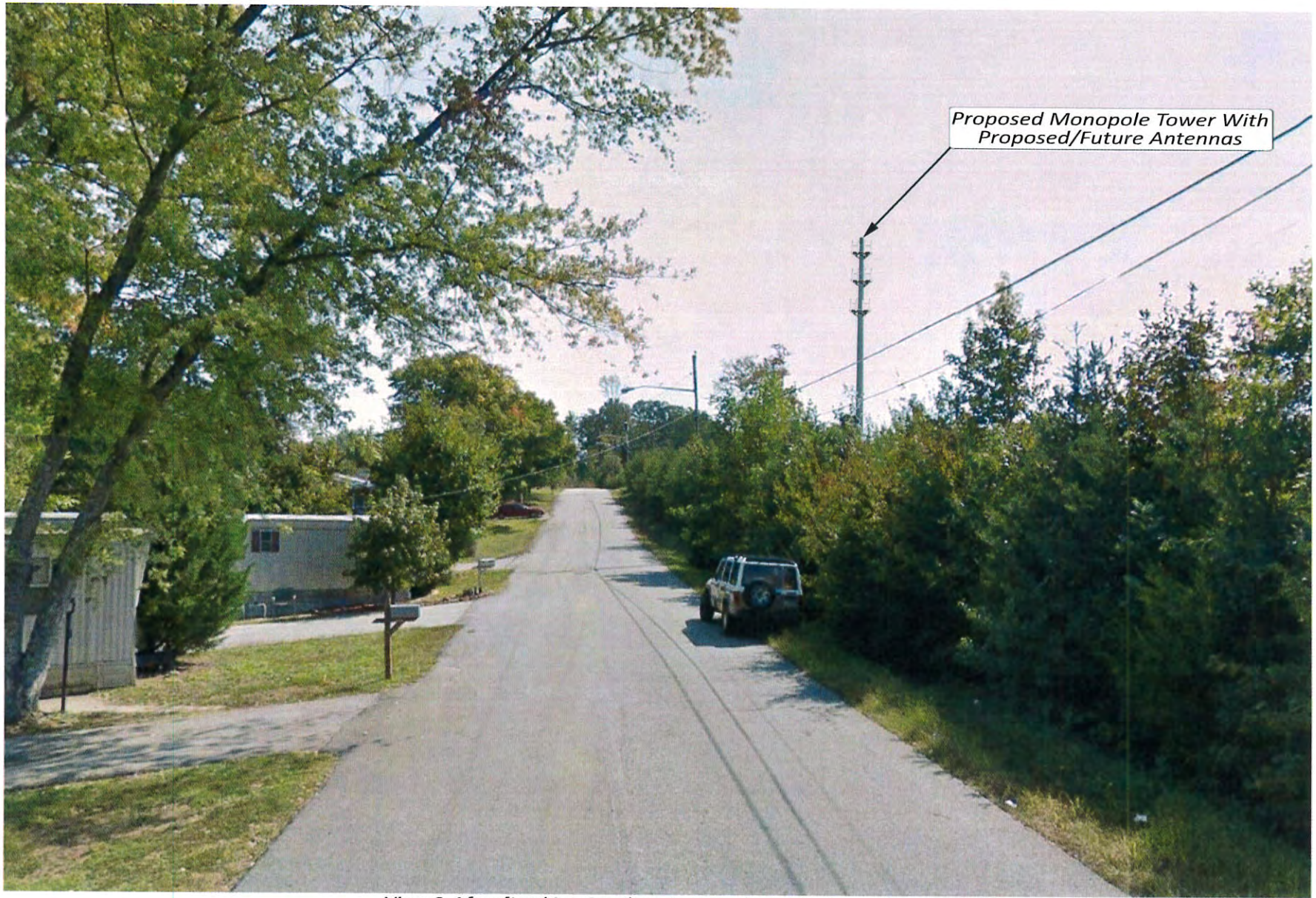
**Site Number: TI-OPP-11882**

**Address: 995 Piney Forest Road Lot 128**

**Danville, VA 24540**

FULLERTON ENGINEERING · DESIGN




*View 2-After [Looking Southeast on Rocky Ln.-Distance from 550ft]*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.

TILLMAN INFRASTRUCTURE

**Site Name: TI-OPP-11882**

**Site Number: TI-OPP-11882**

**Address: 995 Piney Forest Road Lot 128**

**Danville, VA 24540**

FULLERTON ENGINEERING · DESIGN

*View 3-Before [Looking Northwest on Piney Foster Rd .-Distance from 800ft]*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.

TILLMAN INFRASTRUCTURE

**Site Name: TI-OPP-11882**

**Site Number: TI-OPP-11882**

**Address: 995 Piney Forest Road Lot 128**

**Danville, VA 24540**

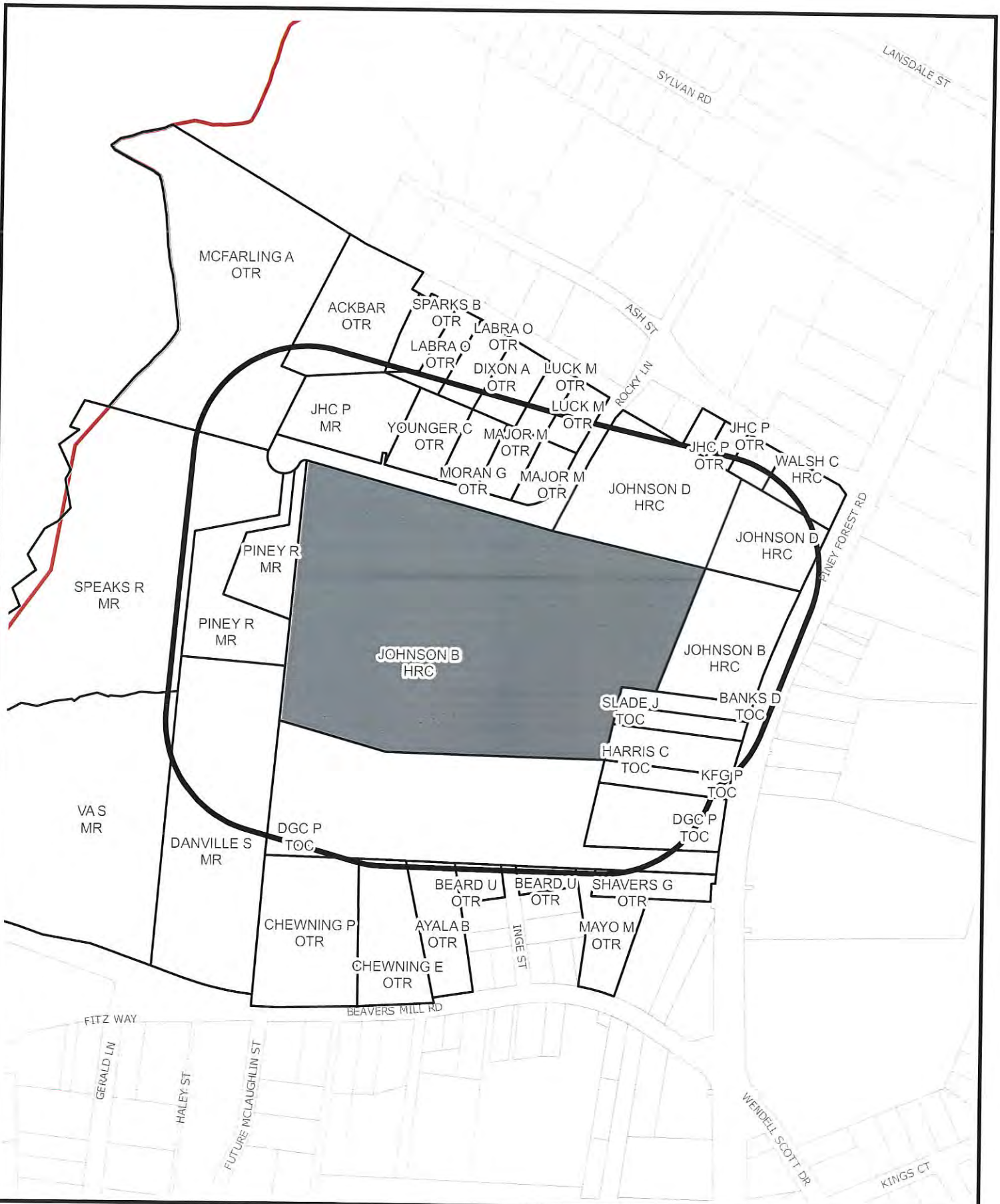
FULLERTON ENGINEERING · DESIGN

*View 3-After [Looking Northwest on Piney Foster Rd .-Distance from 800ft]*

These depictions are for demonstrative purposes only. They are to be used in addition to the engineering drawings for an accurate representation of the site.

# SPECIAL USE PERMIT REQUEST
# DATA SHEET

| | |
|---|---|
| **PUBLIC HEARING DATES:** | Planning Commission at 3pm on January 13, 2020 |
| **LOCATION OF PROPERTY:** | 995 Piney Forest Road |
| **PRESENT ZONE:** | HR-C Highway Retail Commercial |
| **PROPOSED ZONE:** | No change |
| **ACTION REQUESTED:** | Special Use Permit for 150' Cellular Communication Tower |
| **PRESENT USE OF PROPERTY:** | Vacant |
| **PROPOSED USE OF PROPERTY:** | 150' Cellular Communication Tower |
| **FUTURE LAND USE DESIGNATION:** | Commercial |
| **PROPERTY OWNER (S):** | Betty Johnson |
| **NAME OF APPLICANT (S):** | Fullerton Engineering |
| **PROPERTY BORDERED BY:** | Multiple Family residential to the west, commercial and residential to the north, south and east. |
| **ACREAGE:** | 13.75 acres |
| **CHARACTER OF VICINITY:** | Mixed Residential and Commercial |
| **INGRESS AND EGRESS:** | Rocky Lane/Piney Forest Road |
| **TRAFFIC VOLUME:** | Low/High |




# SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
12/20/2019

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

# 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
12/20/2019

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

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

# City Planning Commission

**City Planning Commission**
Meeting of January 13, 2020

**Subject:**

*Special Use Permit Application PLSUP20190000450, filed by Shanks Associates on behalf of Danville Mall, LLC, requesting a Special Use Permit for a waiver to yard requirements per Article 3.N, Section C, Item 21, of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 350 Mall Dr., otherwise known as Grid 1709, Block 001, Parcel 0000021 of the City of Danville, Virginia Zoning District Map. The applicant is requesting a waiver to the minimum setback requirements to construct a dumpster enclosure.*

**Background:**

Danville Mall, LLC is requesting to create a new out parcel along Piedmont Drive to the west of the eastern most entrance. This parcel will be served by the ring road surrounding the mall and will be developed with a commercial building. This building will have an external dumpster pad, enclosed by a brick enclosure. The dumpster structure location places it within required yard setbacks. Based on the proposed new property lines, a Special Use Permit is required.

Forty-five (45) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on January 13, 2020.

**Recommendation:**

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

**City Planning Commission Options**:

1. Recommend approval of Special Use Permit application PLSUP20190000450 as submitted.
2. Recommend approval of Special Use Permit application PLSUP20190000450 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP20190000450 subject to conditions by the Planning Commission.

4. Recommend denial of Special Use Permit application PLSUP20190000450 as submitted.
5. Tabling of Special Use Permit application PLSUP20190000450 by Planning Commission.

**Attachments:**

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

**INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION**

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

_____

CASE NUMBER: _____ EXISTING ZONING: _____

PROPOSED ZONING: _____ TAX MAP NUMBER: _____

RECEIVED BY: _____ DATE FILED: _____

PLANNING COMMISSION DATE: _____ CITY COUNCIL DATE: _____

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

Exact legal description of property (Attach if insufficient space). PART OF PIN 59212

Gross Area/Net Area: 0.795± Ac Property Address: 380 MALL DRIVE

Property Location: N (S) E W Side of: PIEDMONT DRIVE

Between: MALL DRIVE and OLD MT. CROSS ROAD

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

_____

## 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:

PROPOSED DEVELOPMENT IS A TWO-BUILDING (TWO TENANT) OUTPARCEL FOR COMMERCIAL USE. REQUEST FOR SPECIAL USE IS TO WAIVE REAR & SIDE YARD REQUIREMENT AS SHOWN ON ATTACHED PLAN

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

1. NAME: DANVILLE MALL LLC TELEPHONE: (706) 863-2222

MAILING ADDRESS: C/O HULL PROPERTY GROUP ATT: ROB JOHNSON

~~SIGNATURE~~: 1190 INTERSTATE PARKWAY AUGUSTA GA ~~DATE~~: 30909

X SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: rjohnson@hullpg.com & cstratton@hullpg.com

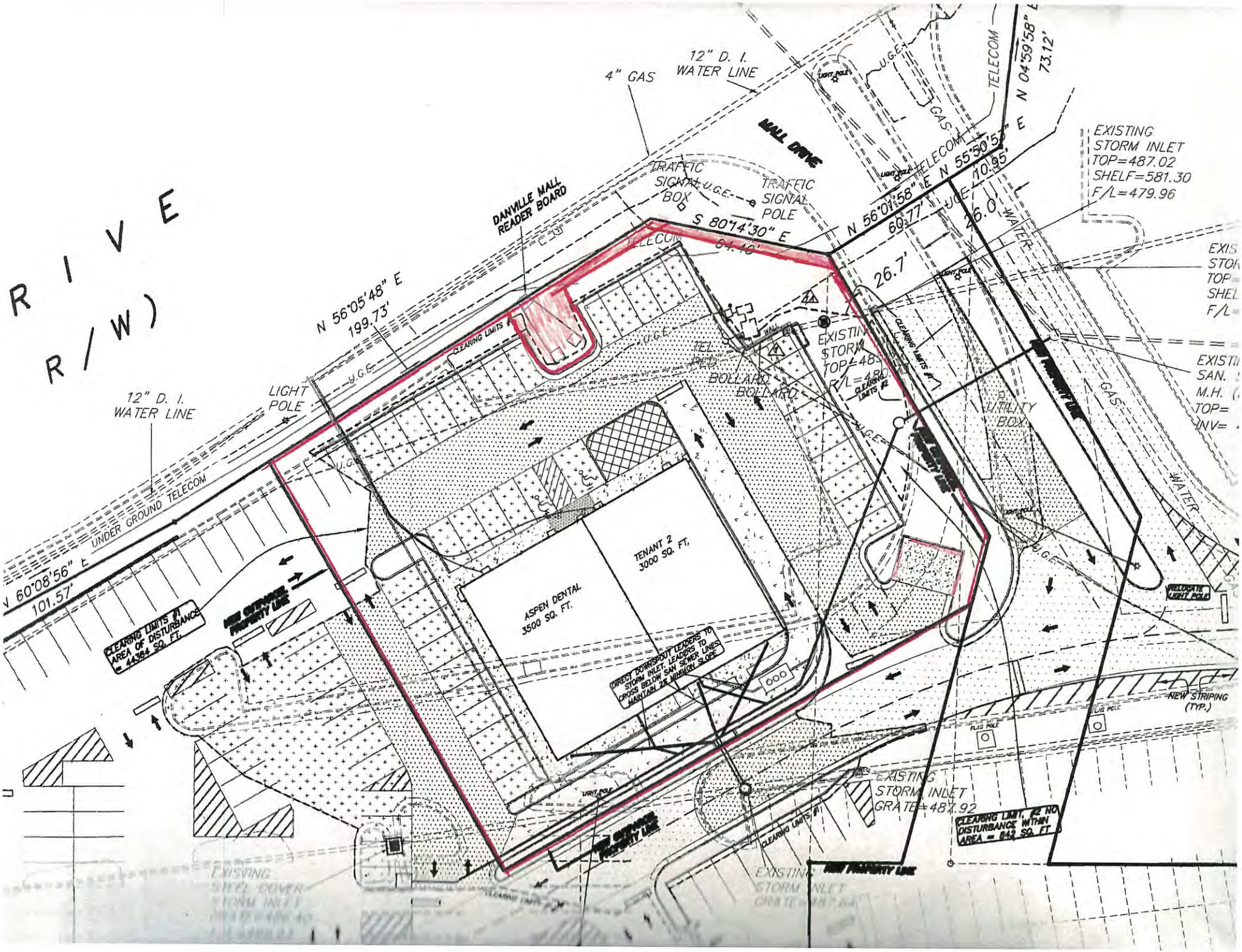
**APPLICANT** (PLEASE TYPE OR PRINT):
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

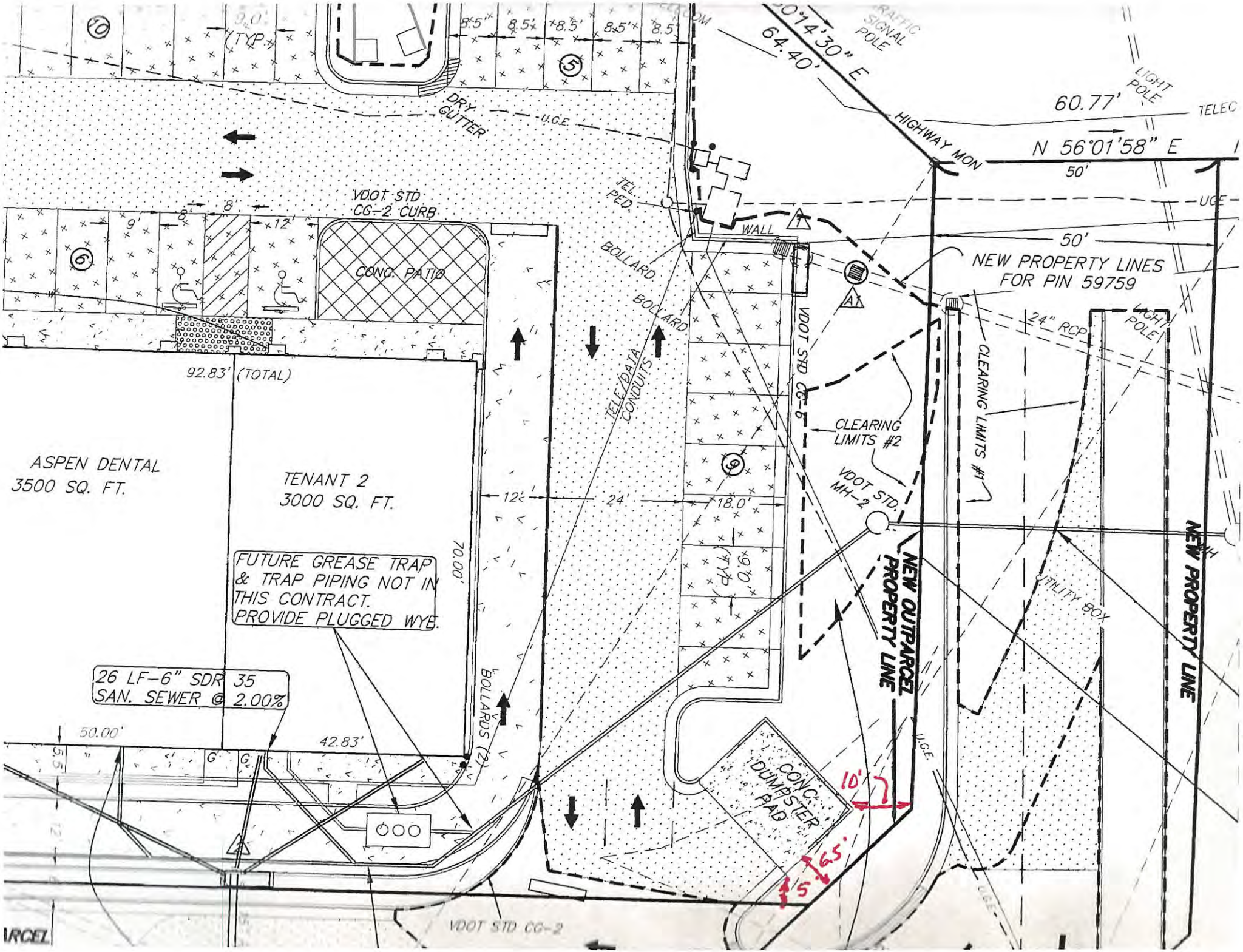
NAME: FRED SHANKS - SHANKS ASSOCIATES TELEPHONE: 434-797-5446

MAILING ADDRESS: 507 LOYAL ST. DANVILLE, VA 24541

EMAIL ADDRESS: fshanks@gamewood.net

SIGNATURE: Fred Shanks III DATE: 12/16/19


R I V E
R / W)
4" GAS
12" D. I. WATER LINE
MALL DRIVE
DANVILLE MALL READER BOARD
TRAFFIC SIGNAL BOX
TRAFFIC SIGNAL POLE
U.G.E.
TELECOM
GAS
N 04°59'58" E
73.12'
N 55°50'52" E
10.95'
EXISTING STORM INLET
TOP=487.02
SHELF=581.30
F/L=479.96
S 80°14'30" E
94.16'
N 56°01'58" E
60.77'
26.0'
WATER
26.7'
CLEARING LIMITS #1
CLEARING LIMITS #2
EXISTING STORM
TOP=485
F/L=48
BOLLARD
UTILITY BOX
PROPERTY LINE
N 56°05'48" E
199.73'
LIGHT POLE
12" D. I. WATER LINE
UNDER GROUND TELECOM
N 60°08'56" E
101.57'
CLEARING LIMITS #1 AREA OF DISTURBANCE = 44364 SQ. FT.
NEW CATCHBASIN
NEW PROPERTY LINE
ASPEN DENTAL
3500 SQ. FT.
TENANT 2
3000 SQ. FT.
DIRECT DOWNSPOUT LEADERS TO STORM INLET, LEADERS TO CROSS BELOW SAN SEWER LINES MAINTAIN 2% MINIMUM SLOPE
NEW STRIPING (TYP.)
FLAG POLE
EXISTING STORM INLET GRATE=487.92
CLEARING LIMIT #2 NO DISTURBANCE WITHIN AREA = 843 SQ. FT.
EXISTING STEEL COVER STORM INLET


9.0' (TYP.)
8.5'
8.5'
8.5'
8.5'
8.5'
DRY GUTTER
U.G.E.
VDOT STD CG-2 CURB
8'
9'
8'
12'
CONC. PATIO
92.83' (TOTAL)
ASPEN DENTAL
3500 SQ. FT.
TENANT 2
3000 SQ. FT.
12'
24'
18.0'
9.0' TYP.
70.00'
FUTURE GREASE TRAP & TRAP PIPING NOT IN THIS CONTRACT. PROVIDE PLUGGED WYE.
26 LF-6" SDR 35 SAN. SEWER @ 2.00%
50.00'
42.83'
BOLLARDS (2)
VDOT STD CG-2
TEL. PED
BOLLARD
BOLLARD
WALL
TELE/DATA CONDUITS
VDOT STD CG-6
CLEARING LIMITS #2
VDOT STD. MH-2
CONC. DUMPSTER PAD
10'
6.5'
5'
U.G.E.
NEW OUTPARCEL PROPERTY LINE
N 14°30" E
64.40'
TRAFFIC SIGNAL POLE
HIGHWAY MON
60.77'
LIGHT POLE
TELEC
N 56°01'58" E
50'
50'
NEW PROPERTY LINES FOR PIN 59759
24" RCP
LIGHT POLE
CLEARING LIMITS #1
UTILITY BOX
NEW PROPERTY LINE

# SPECIAL USE PERMIT REQUEST
# DATA SHEET

| | |
|---|---|
| **PUBLIC HEARING DATES:** | Planning Commission at 3pm on January 13, 2020 |
| **LOCATION OF PROPERTY:** | 325 Piedmont Drive |
| **PRESENT ZONE:** | PS-C Planned Shopping Center Commercial |
| **PROPOSED ZONE:** | No change |
| **ACTION REQUESTED:** | Special Use Permit for setback waiver |
| **PRESENT USE OF PROPERTY:** | Vacant outparcel at Piedmont Mall |
| **PROPOSED USE OF PROPERTY:** | Dumpster enclosure |
| **FUTURE LAND USE DESIGNATION:** | Commercial |
| **PROPERTY OWNER (S):** | Danville Mall LLC |
| **NAME OF APPLICANT (S):** | Shanks Associates on behalf of Danville Mall, LLC |
| **PROPERTY BORDERED BY:** | Commercial to the north, east, and south; and west |
| **ACREAGE:** | 34.04 acres |
| **CHARACTER OF VICINITY:** | Commercial |
| **INGRESS AND EGRESS:** | Piedmont Drive. |
| **TRAFFIC VOLUME:** | High |

# SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
12/20/2019

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

# 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
12/20/2019

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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 Monday, January 13, 2020

**Subject:**

*Review of a Final Major Subdivision plat for the dedication of right-of-way for Preston Place to create a cul-de-sac.*

**Background:**

A request has been filed to review a Final Major Subdivision plat for the dedication of right-of-way for Preston Place to create a cul-de-sac.

**Recommendation:**

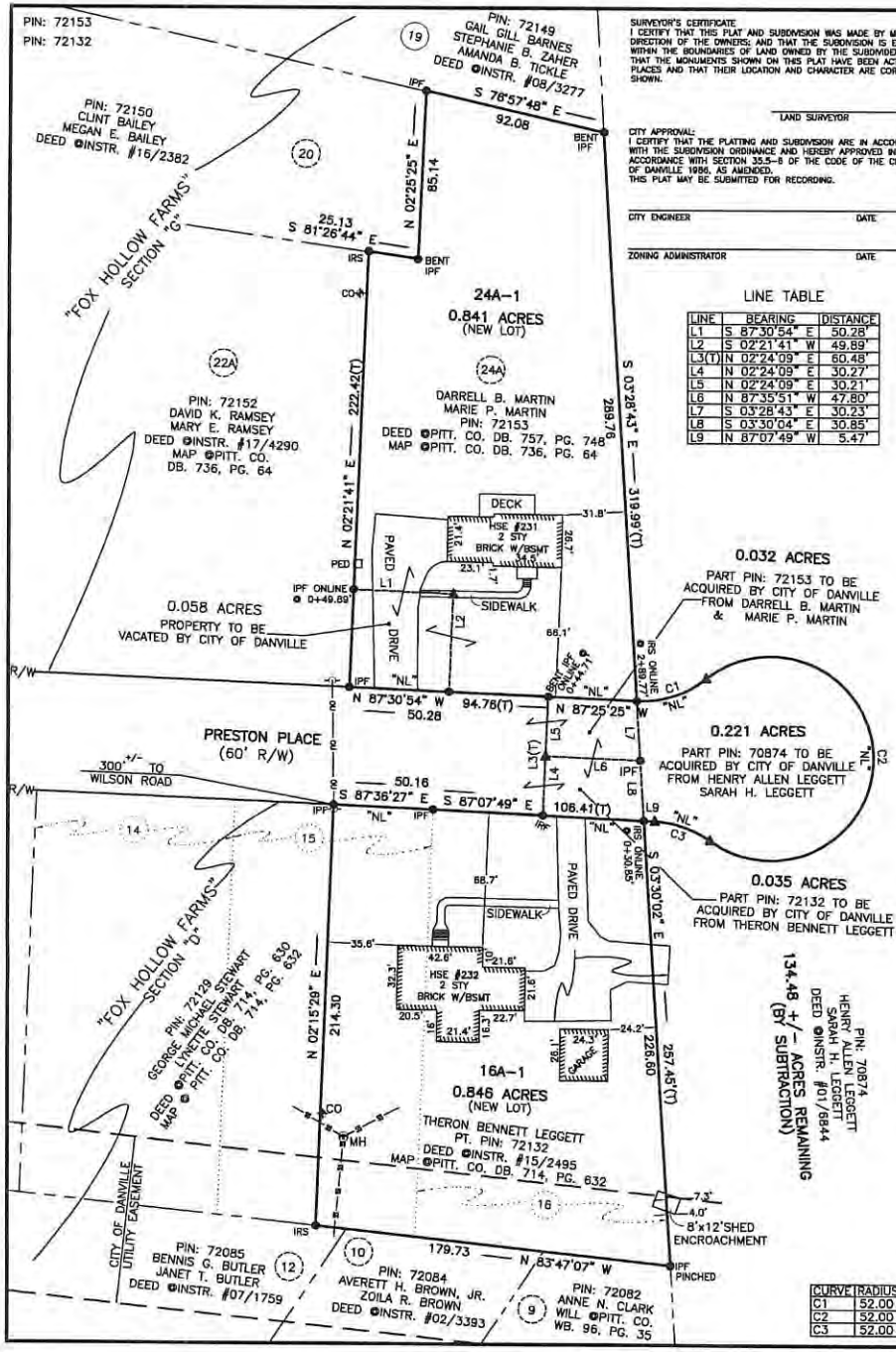
Staff recommends that Planning Commission adopt a resolution to grant approval of the Final Major Subdivision Plat for abandonment and acceptance of right-of-way for the creation of a new cul-de-sac for Preston Place.

**City Planning Commission Alternatives**:

- Adopt a resolution to grant approval of a Final Major Subdivision Plat for abandonment and acceptance of right-of-way for the creation of a new cul-de-sac for Preston Place, subject to the allowance for minor changes for typographical errors and errors of omission
- Deny approval of the Final Major Subdivision Plat for abandonment and acceptance of right-of-way for the creation of a new cul-de-sac for Preston Place.

**Attachments:**

- Final Subdivision Plat
- Resolution




LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | S 87°30'54" E | 50.28' |
| L2 | S 02°21'41" W | 49.89' |
| L3(T) | N 02°24'09" E | 60.48' |
| L4 | N 02°24'09" E | 30.27' |
| L5 | N 02°24'09" E | 30.21' |
| L6 | N 87°35'51" W | 47.80' |
| L7 | S 03°28'43" E | 30.23' |
| L8 | S 03°30'04" E | 30.85' |
| L9 | N 87°07'49" W | 5.47' |

CURVE TABLE

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|---|---|---|---|---|---|
| C1 | 52.00 | 37.64 | 36.82 | N 71°50'11" E | 41°28'09" |
| C2 | 52.00 | 231.30 | 82.59 | S 01°28'25" E | 254°51'41" |
| C3 | 52.00 | 30.03 | 29.61 | N 70°35'12" W | 33°05'04" |

SURVEYOR'S CERTIFICATE:
I CERTIFY THAT THIS PLAT AND SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNERS; AND THAT THE SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY THE SUBDIVIDERS; AND THAT THE MONUMENTS SHOWN ON THIS PLAT HAVE BEEN ACTUALLY PLACED AND THAT THEIR LOCATION AND CHARACTER ARE CORRECTLY SHOWN.

LAND SURVEYOR

CITY APPROVAL:
I CERTIFY THAT THE PLATTING AND SUBDIVISION ARE IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND HEREBY APPROVED IN ACCORDANCE WITH SECTION 35.5-8 OF THE CODE OF THE CITY OF DANVILLE 1986, AS AMENDED.
THIS PLAT MAY BE SUBMITTED FOR RECORDING.

CITY ENGINEER DATE

ZONING ADMINISTRATOR DATE

OWNER'S CERTIFICATE:
THE PLATTING OR DEDICATION OF THE LAND DESCRIBED BY THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

DARRELL B. MARTIN

MARIE P. MARTIN

COMMONWEALTH OF VIRGINIA
AT LARGE, TO WIT:

I _____ A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE HEREBY CERTIFY THAT _____ WHOSE NAME(S) ARE SIGNED TO THIS PLAT DATED: _____ HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE COMMONWEALTH OF AFORESAID. GIVEN UNDER MY HAND THIS _____ DAY OF _____, 20

NOTARY PUBLIC

MY COMMISSION EXPIRES:

OWNER'S CERTIFICATE:
THE PLATTING OR DEDICATION OF THE LAND DESCRIBED BY THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

THERON BENNETT LEGGETT

COMMONWEALTH OF VIRGINIA
AT LARGE, TO WIT:

I _____ A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE HEREBY CERTIFY THAT _____ WHOSE NAME(S) ARE SIGNED TO THIS PLAT DATED: _____ HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE COMMONWEALTH OF AFORESAID. GIVEN UNDER MY HAND THIS _____ DAY OF _____, 20

NOTARY PUBLIC

MY COMMISSION EXPIRES:

OWNER'S CERTIFICATE:
THE PLATTING OR DEDICATION OF THE LAND DESCRIBED BY THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY.

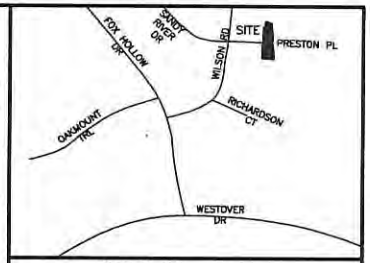
CITY OF DANVILLE AUTHORITY

COMMONWEALTH OF VIRGINIA
AT LARGE, TO WIT:

I _____ A NOTARY PUBLIC IN AND FOR THE COMMONWEALTH OF VIRGINIA AT LARGE HEREBY CERTIFY THAT _____ WHOSE NAME(S) ARE SIGNED TO THIS PLAT DATED: _____ HAVE ACKNOWLEDGED THE SAME BEFORE ME IN THE COMMONWEALTH OF AFORESAID. GIVEN UNDER MY HAND THIS _____ DAY OF _____, 20

NOTARY PUBLIC

MY COMMISSION EXPIRES:




LOCATION MAP N.T.S.

LEGEND

| | | |
|---|---|---|
| ● | IPF | IRON PIN FOUND |
| ● | IRF | IRON ROD FOUND |
| ● | IRS | IRON ROD SET |
| ▲ | | COMPUTED POINT |
| | PIN | PARCEL ID NUMBER |
| ◇ | UP | UTILITY POLE |
| □ | PED | TELEPHONE PEDESTAL |
| Ⓜ | MH | MANHOLE |
| ⊕ | CO | CLEANOUT |
| | R/W | RIGHT-OF-WAY |
| | "NL" | NEW LINE |
| | —OU—OU— | OVERHEAD UTILITY LINE |
| | —SS—SS— | SANITARY SEWER LINE |
| | | LOT LINES TO BE VACATED |

GRID NORTH
NAD 83 (VA. SOUTH ZONE)

COMMONWEALTH OF VIRGINIA
PATRICK T. CRANE
Lic. No. 2476
LAND SURVEYOR

THIS BOUNDARY SURVEY IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBERANCES ON THE PROPERTY.

THIS PROPERTY IS NOT LOCATED WITHIN A F.E.M.A. DEFINED FLOOD HAZARD ZONE AS OF 9-29-2010.
SEE COMMUNITY PANEL 51143C0262E.

THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS OR RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS PLAT, WHICH WERE NOT VISIBLE AT THE TIME OF MY INSPECTION.

## DANVILLE, VIRGINIA

**SITUATED IN**
**"FOX HOLLOW FARMS" SUBDIVISON**
**SECTION "G" LOT 24A-1**
**SECTION "D" LOT 16A-1**
**BEING PINS: 72153 & 72132**
**PLAT OF SURVEY SHOWING**
**RIGHT-OF-WAY ACQUISITION AND ABANDONMENT**
**FOR :**

**THE CITY OF DANVILLE, VIRGINIA**

**DATE : DECEMBER 20, 2019**

**SCALE : 1"=40'**

0 40 80 120

FILE: 19128


CRANE SURVEYING PLLC
113 TALBOTT DRIVE DANVILLE, VA. 24540
(434)836-5598 patrickcrane03@comcast.net

PRESENTED: JANUARY 13, 2020

ADOPTED: JANUARY 13, 2020

RESOLUTION NO. 2020 – 1.1

A RESOLUTION APPROVING A FINAL MAJOR SUBDIVISION PLAT FOR THE ABAONDMENT AND DEDICATION OF RIGHT-OF-WAY TO CREATE A CUL-DE-SAC FOR PRESTON PLACE UNDER THE SUBDIVISION ORDINANCE OF THE CITY OF DANVILLE, VIRGINIA.

BE IT RESOLVED by the Planning Commission of the City of Danville, Virginia that a Final Major Subdivision Plat for abandonment and acceptance of right-of-way for the creation of a new cul-de-sac for Preston Place, is approved under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended, said plat being more fully described as follows:

SITUATED IN "FOX HOLLOW FARMS" SUBDIVISION SECTION "G" LOT 24A-1, SECTION "D" LOT 16A-1 BEING PINS: 72153 & 72132 PLAT OF SURVEY SHOWING RIGHT-OF-WAY ACQUISITION AND ABANDONMENT FOR : THE CITY OF DANVILLE, as drawn by Crane Surveying, PLLC, dated December 20, ,2019 and shown as attached Exhibit A.

APPROVED

_____

Chairman, City Planning Commission

# PLANNING COMMISSION MINUTES

**December 9, 2019**

| MEMBERS PRESENT | MEMBERS ABSENT | STAFF |
|---|---|---|
| Mr. Wilson | | Lisa Jones |
| Mr. Dodson | | Ken Gillie |
| Mr. Garrison | | Alan Spencer |
| Mr. Jones | | |
| Mr. Bolton | | |
| Mr. Scearce | | |
| Mr. Petrick | | |

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

## I. ITEM FOR PUBLIC HEARING

1. *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.*

Mr. Scearce opened the Public Hearing.

Mr. Bob Vaughan spoke on behalf of River Penny Saver. Mr. Vaughan stated we were here last month and we asked to be postponed until today to give us an opportunity to have a consolidation plat completed. That plat is now complete and it was submitted to Mr. Gillie about a week ago and this one is dated 11-19-19. It is a consolidation of the entire property. The problem with this consolidation of the entire property is that we do have some inconsistent zoning. I have had a meeting with Mr. Gillie about this last week and he has made a suggestion for how Mr. Armstrong, the surveyor, could address this in a fairly simple way that would allow the business zoning part to be on one side and that would accommodate our parking and possibly have some room for additional parking. The residential part would be on the other side and it would just be a matter of drawing a line in the middle of the map. I have submitted this to Mr. Armstrong this morning and he was going to try to get this done during the day. It is just the matter of revising the plat and once that is done we can get the signatures on it and circulate and get it recorded in due course. What I ask now that we have it at this stage to go ahead and consider this application and hopefully you will approve it. I know that City Council sent a bunch of them back but we would simply like to have the record complete that the consolidation has been done and the new certificate of occupancy it has been obtained and we have met all the preliminary requirements and that the suggestions that have been made about the City are acceptable to us.

Mr. Scearce stated a question on the map are these two lots?

Mr. Gillie stated the initial proposal was to consolidate everything into one. Because we have split zoning, you can't consolidate in split zoning. I drew the line on where they would make it into two lots that would fully comply. That is why staff said that it is minor and they should be able to fix that in a day or two. Staff believes that the consolidation has been addressed sufficiently and will be fully addressed by the time it makes it to City Council.

Mr. Scearce stated so it will be two separate lots?

Mr. Gillie stated two separate lots and one would have the commercial portion and the other one would have the residential. We are fine with the way that the map will be.

Beverly Richardson stated I am a member of the Friends of the Old West End. I'm also a member of the Danville Community with the best interest of Danville in mind. At the last Planning Commission meeting we had all these gaming applications in neighborhoods where they are already poor. We all know that Danville is trying to make a comeback. The problem I have with this and has made me come down here, all of these gaming facilities in convenience stores that are in neighborhoods that are economically at a disadvantage. There is no advantage at all to issue a special use permit in neighborhoods that are blighted, poor, struggling and poverty stricken. What I don't understand is that we talk about making Danville and reimagine Danville, is that the kind of Danville that we want to reimagine. I felt like the leadership in the Community, black and white, red and yellow will take us in the wrong direction. I sense that somebody thinks that a poor person wants to take their last few dollars, I'm already upset about the economic outlook and the lack of opportunities and jobs, taking their last few dollars and going to a gaming facility with some kind of false notion that you are going to hit it big or hit a jack pot. It is going to bring more crime and the police are going to have to take on more resources. I feel like all of us here want the best for Danville. What I can't understand is why we can't see that some of these things are just not good for our neighborhoods. Why do we want to take Danville backwards when we know that we want to Danville to be the best in the country? That is why I came here, because I think that Danville can do these things, but if I can see that gaming and convenience stores and blight those three things are strikes, what is a gaming facility with a video machine for winning money going to do for a poor person? It is going to take every nickel and dime that you have and bleed it out till you can't pay your light bill.

Amy Whitehouse stated I have a composed a little letter here that I would like to give to you folks. (Please see attached letter).

Mr. Jones stated Mrs. Whitehouse did you take this letter to City Council last week?

Ms. Whitehouse stated I just found out about it listening to the news.

Mr. Scearce stated if both of you would take your information to City Council next time it might help.

Mr. Vaughan stated I just want to remind you of something. We have a convenience store here it was a convenience store before we made this application and it will be a convenience store after it is determined. It is not a gaming parlor and it's not a casino. It is only being considered for three machines. I submit that this application should be approved, not turned down for the reasons that were brought to you.

December 9, 2019

FROM: Amy Whitehouse
936 Main Street
Danville, VA 24541

TO: Members of the Town Council

RE: Proposed Zoning Variance for a 50 Machine Betting Parlour

These small operations are detrimental to the larger, more financially stable business endeavours that are obviously being pursued by the Town, hence the millions of dollars that have been poured into the River District over the past nine years that I have lived here, AND, I have noted ARE bearing fruit.

Small operations like the one being proposed have huge drawbacks when you view it through a prism of the LONG TERM goals our Town is trying to achieve.

These gaming/betting operations are similar to convenience stores with televised horse racing, people mulling around making very modest wagers, and creating the usual social problems that are a given with this kind of business operation with none of the long term benefits.

This operation would negatively effect real estate values in the surrounding area where this business is proposing to locate. The area in question is too close to actual productive operating businesses and would hinder the continued, general investment, in area improvements.

Allowing a business, of this nature, to go forward is very short sighted – IN LIEU OF THE POSSIBILITIES THAT ARE NOW LOOMING LARGE IN THE FORM OF A FINANCALLY SOLID CASINO BUSINESS, THAT ONCE ESTABLISHED, WOULD PRODUCE ALL MANNER OF POSITIVE ECONOMIC CHANGES TO DANVILLE.

JOBS – possibly 700-1,000

HOUSING - People have to live some place and as they move in for work, they might possibly want to live close to their jobs which would mean a lot of this blighted housing that now exists will be bought up, repaired and put back on the tax rolls.

BUSINESS - Other local businesses will enjoy the "financial fall out" from the Tourists who will patronize a well run upscale casino with restaurants and shops.

AND, DANVILLE HAS THE ABSOLUTELY MOST PERFECT LOCATION FOR A VERY HIGH END CASINO COMPANY TO OPERATE OUT OF – THE WHITE MILL BUILDING! This location and the surrounding area is tailor made for a CASINO COMPANY to operate in. However, your chances of attracting one after you have let a place like the one now under consideration get a "toe hold" in the Town and then perhaps other like it, will send this opportunity DOWN THE DRAIN!

Although this is only a 50 machine operation, this, and places like it, will contribute little to the overall Town coffers , nor will it do anything to encourage a financially viable place to live and work. IT WILL CERTAINLY NOT BE AN ASSET TOWARDS ATTRACTING FINANCIALLY SOLID BUSINESSES IN THE FUTURE.

ON THE OTHER HAND, IT WILL PEEL OFF 10-15% OF THE REVENUES THAT WOULD BE REALIZED BY A FINANCIALLY SOLID CASINO COMPANY THAT MAY BE CONSIDERING AN INVESTMENT IN DANVILLE AND COULD IMPACT NEGATIVELY ON THE QUALITY OF CASINO OPERATION THE TOWN WILL ATTRACT.

We don't want Danville to wind up with dark, dank, little betting parlours dotting the River District Landscape where millions of dollars in upgrades have already been invested.

I recall when a convenience store was trying to get located on Main Street where the old Exxon Station was AND, WHERE, WE NOW HAVE THE THRIVING, CHARMING, TOWN ASSET KNOWN AS "CREAMA AND VINE"! Local Town folks and Old West End Residents saw this for what it was and only loud, dedicated dissent sent them packing back to Richmond.

I suggest that this 50 machine gaming parlour could be a very similar misstep. It has the potential to take away a lot more from Danville than it brings.

Again, if I may, I would suggest you think LONG TERM. Don't settle for a baloney sandwich when an opportunity for a filet mignon dinner is on the table!!!

Please think hard about this before you unleash an operation like this one on the Town and its Citizens many of whom have made investments here both in real estate and businesses.

Sincerely,

AMY WHITEHOUSE

Mr. Garrison stated the zoning code allows for these businesses to request a special use permit. We have to hear those cases when it comes to us. As it stands right now there is no definition in the code for indoor recreation. Which I am assuming is the reason that these cases last Tuesday were remanded to us to define indoor recreation and we will have a work session where we will try to do that. As for right now, the request these people are making is legal and it fits the code as it stands right now. We have a ninety day period in which to act on it from the time that it first comes to us and we have to take action.

Mr. Scearce closed the Public Hearing.

**Mr. Bolton made a motion to recommend approval for special use permit PLSUP20190000297 subject to conditions by staff. Mr. Garrison seconded the motion. The motion was approved by a 6-1 vote.**

2. *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.*

Mr. Scearce opened the Public Hearing.

Mr. Scearce closed the Public Hearing.

**Mr. Bolton made a motion to deny special use permit PLSUP20190000311. Mr. Dodson seconded the motion. The motion was denied by a 6-1 vote.**

3. *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, Mr. Garrison made a motion to table this till we have the information needed for this special use permit PLSUP20190000295. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote. Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Scearce opened the Public Hearing.

Mr. Scearce closed the Public Hearing.

**Mr. Dodson made a motion to deny special use permit PLSUP20190000312. Mr. Jones seconded the motion. The motion was denied by a 6-1 vote.**

4. Special Use Permit application PLSUP20190000330, filed by Uwashi Patel on behalf of Larry Soyers, 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,

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.

Mr. Scearce opened the Public Hearing.

Uwashi Patel spoke on behalf on Larry Soyars. Ms. Patel stated we have done everything, but the only issue that we have right now is with the property. Mr. Larry Soyars is having his property surveyed and they have not finished it yet. I would like to postpone if it is possible.

Mr. Scearce closed the Public Hearing.

**Mr. Jones made a motion to table this until we have the information needed for this special use permit PLSUP20190000330. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.**

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

Mr. Scearce opened the Public Hearing.

Mr. Mubashar Choudhrey spoke on his behalf in support of the application.

Mr. Gillie stated our staff member Mr. Stan Rush went out to confirm it they provided parking but the problem is the parking does not comply with the code. The spaces are not wide enough and they don't allow for access. If someone is parked in it you actually can't drive around it or the other spaces. While they may be painted on the ground they are not conforming. We are sticking by our recommendation and there is not enough parking that comply.

Mr. Scearce closed the Public Hearing.

**Mr. Bolton made a motion to deny special use permit PLSUP20190000302. Mr. Dodson seconded the motion. The motion was denied by a 6-1 vote.**

6. *Special Use Permit application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, 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 City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Scearce opened the Public Hearing.

Ms. Michelle Adkins stated the request was not updated. We no longer want 24 hours because we understand that you want us to be closed at 11:00 pm and we are okay with the

guidelines. One thing that I would like to ask is the definition of multiplayer, because we are a little confused by that?

Mr. Gillie stated one person per machine.

Ms. Adkins stated so a pool table, only one person can play it?

Mr. Gillie stated if you are putting it in for money yes. If someone can go in there and win money playing pool, then it should be a one person game.

Ms. Adkins stated one person no matter what?

Mr. Gillie stated if they are going in there to win money. That is our recommendation.

Ms. Adkins stated just in the future can you make sure the definition is in there.

Mr. Gillie stated okay.

Ms. Adkins stated we are okay with everything that is there.

Mr. Petrick stated are we applying the same restrictions on a pool table as we would a gaming machine?

Mr. Gillie stated if they can win money at it, yes.

Mr. Petrick stated but I don't think that is the content.

Ms. Adkins stated no. It would be for recreation.

Mr. Gillie stated from a staff's stand point that would be very difficult to determine if they are winning money playing pool or not. Staff stands by its recommendation that if it's there consider that it should be for one player.

Mr. Jones stated they throw bean bags at Kick Back Jack's is only one person allowed to thrown bean bags?

Mr. Gillie stated they are not making money at Kick Back Jack's on throwing bean bags. bean bags are not electronic games. This could be a rabbit hole that is one of the issues with this whole system is these were games before and now they are saying skill based games. What defines that? There is nothing in the state code.

Mr. Jones we approved four or five months ago that you can throw axes can only one person do that at a time?

Mr. Gillie stated no money is changing hands except when they are buying beer or food at that place. They don't bet on hatchet throwing.

Ms. Adkins stated but they do pay to throw the axes correct?

Mr. Gillie stated correct but they don't walk out of there with more than they come in with.

Mr. Garrison stated I'm never going to be convinced that there are not two people betting on throwing axes. Nor will you convince me that at a current restaurant that has pool tables approved by Planning Commission and City Council that they are not betting on those pool tables.

Mr. Gillie stated we have what we have in front of us.

Mr. Garrison stated you can't stop gambling.

Mr. Scearce closed the Public Hearing.

**Mr. Wilson made a motion to table this until we have the information needed for this special use permit PLSUP20190000386. Mr. Jones seconded the motion. The motion was approved by a 4-3 vote.**

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

Mr. Scearce opened the Public Hearing.

Mr. Kirpal Singh spoke on behalf of Route 58 Raceway. Mr. Singh stated first issue if we have parking then the staff puts conditions on the number of machines. If the store doesn't have parking then we are in trouble. Second is the hours. If the store is open then the hours of operation should be 6 to 11. I have requested ten machines and staff says I can only have two machines. I believe that a minimum of six machines should be approved.

Mr. Scearce closed the Public Hearing.

**Mr. Bolton made a motion to approve this special use permit PLSUP20190000397 with subject to conditions by staff. Mr. Garrison seconded the motion. The motion was approved by a 6-1 vote.**

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

Mr. Scearce opened the Public Hearing.

Mrs. Dorothy Jones stated I got this letter and they are going to take this building and move it to another block. My home is 300 yards from that building. So where is the building going to be?

Mr. Scearce stated they are not going to move the building.
Mr. Gillie stated if you look at the map on the screen. The office building is there. They want to create a property line around the office building so they can make it on its on piece of property. They are not moving the office building or anything else. Just the new property line will be at the corner of the building because that road that went back to it. That road is going to be created and dedicated to a public road but right now it's just a private road that served that property. Because of that they will have a property line right besides the building between the road and the building and they have to get a waiver for that. Nothing is changing physically and everything is going to look the same. It's just lines on paper but because that line is close to the building they had to get approval from the Planning Commission. We have to notify all property owners within 300 feet of the property. It's not taking land from anybody but to comply with the law we had to send the notices out.

Mr. Scearce closed the Public Hearing.

**Mr. Dodson made a motion to approve this Special Use Permit PLSUP20190000430 subject to conditions by staff. Mr. Petrick seconded the motion. The motion was approved by a 7-0 vote.**

## II. MINUTES

**The November 12, 2019 minutes were approved by unanimous vote.**

## II. OTHER BUSINESS

**Mr. Gillie thanked Chairman Scearce and Mr. Jones for their long term service with the Planning Commission and remarked you will be sorely missed. You are more than welcome to come back and attend any meetings. Thank you very much for your service and the City appreciates it. There will be two new members appointed for the meeting in January.**

**With no further business, the meeting adjourned at 4:25 p.m.**

**APPROVED** _____