



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

July 6, 2023

7:00 PM

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL MEMBERS:	James B. Buckner	Dr. Gary P. Miller, Vice Mayor
	L.G. "Larry" Campbell, Jr.	Sherman M. Saunders
	Bryant Hood	J. Lee Vogler, Jr.,
	Barry P. Mayo	Madison J. Whittle

STAFF:	Ken F. Larking, City Manager	W. Clarke Whitfield, Jr., City Attorney
	Earl B. Reynolds, Jr., Deputy City Manager	Susan M. DeMasi, City Clerk

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

Time and Place of Meeting

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

Communications from Visitors

Communication from Visitors is an opportunity for citizens, who have signed up to speak, to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address, and shall have three uninterrupted minutes. A representative of a group may have up to five uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

Guidelines for Public Hearings

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

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - L.G. "LARRY" CAMPBELL, JR.

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

- A. Presentation: Treasurer's Department Accreditation
Presented by: Sheila Williamson-Branch

MEETING MINUTES

- A. Consideration of Approval of Minutes from Regular Council Meeting held on June 6, 2023.
Council Letter Number CL - 669.

APPOINTMENTS

- A. Consideration of Appointments to Boards and Commissions.
Council Letter Number CL - 664.
1. A Resolution Reappointing Stephen Daniel as a Member of the Airport Commission.
 2. A Resolution Reappointing Robert Jiranek as a Member of the Airport Commission.
 3. A Resolution Reappointing Michael Sheetz as a member of the Dan River Alcohol Safety Action Program.
 4. A Resolution Reappointing Ernestine Payne as a Member of the Danville Community College Board.
 5. A Resolution Reappointing Tammy Warren as a Member of the Danville Community Policy and Management Team.
 6. A Resolution Reappointing Jerome Holman as a Member of the Danville Community Policy and Management Team.
 7. A Resolution Reappointing Geary Davis as a member of the Danville Pittsylvania Community Services Board.
 8. A Resolution Appointing Pamela Saunders as a Member of the Danville Pittsylvania Community Services Board.
 9. A Resolution Reappointing Helm Dobbins as a Member of the Danville Utility Commission.
 10. A Resolution Reappointing Vanessa Cain as a Member of the Danville Utility Commission.
 11. A Resolution Reappointing Dr. Gary P. Miller as a Member of the Danville Utility

Commission.

12. A Resolution Appointing John Ranson to the Planning Commission.
13. A Resolution Reappointing Cynthia-Pruitt Rhodes as a Member of the Social Services Advisory Board.
14. A Resolution Appointing Debra Hairston as a Member of the Transportation Advisory Committee.
15. A Resolution Appointing Rhonda Spraggins as a Member of the Transportation Advisory Committee.

NEW BUSINESS

- A. Consideration of a Special Use Permit at 162 Howeland Circle to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 644.
 1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00118, filed by Katie Newcomb, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 23539 (162 Howeland Circle) in Accordance with Article 3.E., Section C, Item 29.
- B. Consideration of a Special Use Permit Application at 122 Benefield Street to Allow Short Term Rental as Principal Use.
Council Letter Number CL - 645.
 1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23-00164, filed by Charles Walker, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 01417 (122 Benefield Street) in Accordance with Article 3.E., Section C, Item 29.
- C. Consideration of a Special Use Permit Application at 491 West Main Street to Allow a Duplex.
Council Letter Number CL - 646.
 1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23-00173, filed by Kelly Riddle, on Behalf of Nicholas R. Preston, Requesting s Special Use Permit to Operate a Duplex at Parcel ID 22549 (491 West Main Street) in Accordance with Article 3.E., Section C., Item 1.
- D. Consideration of a Special Use Permit Application at 1224 West Main Street to Allow a Mixed-Use Development.
Council Letter Number CL - 647.
 1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23-00169, Filed by Allen Stone Requesting a Special Use Permit to Allow a Mixed Use Development with

Residential Use on the Upper Level(s) and Commercial Use on the Street Level at Parcel ID 56046 (1224 West Main Street) in Accordance with Article 3.X. Section C Item 2.

- E. Consideration of a Request to Amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, specifically to Amend Article 2 Section P Item 8, to Amend the Height and Size of a Flag Pole.

Council Letter Number CL - 648.

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 2, Section P, Item 8, to Amend the Height and Size of a Flagpole.

COMMUNICATIONS FROM VISITORS

Communication from Visitors is an opportunity for citizens, who have signed up to speak, to address Council on matters not on the agenda. Citizens who desire to speak on agenda items will be heard when the agenda item is considered. Each speaker shall clearly state his or her name and address. Each individual speaker shall have three uninterrupted minutes. A representative of a group may have up to five uninterrupted minutes to make a presentation. The representative shall identify the group and a group may have no more than one spokesperson. Time will be kept using the electronic timer on the podium.

COMMUNICATIONS

A. City Manager

B. Deputy City Manager

C. City Attorney

D. City Clerk

E. Roll Call

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL - 669

MEETING MINUTES A.

City Council REGULAR MEETING

Meeting Date: July 6, 2023

Subject: Approval of Meeting Minutes

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Attachments

1. Meeting Minutes
-

June 6, 2023

The Regular June meeting of the Danville City Council was held on June 6, 2023, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (9).

Staff Members present were: City Manager Ken F. Larking, Deputy City Manager Earl B. Reynolds, Jr., Deputy City Attorney Alan Spencer, and City Clerk Susan M. DeMasi.

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

Vice Mayor Gary P. Miller gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Certificate of Recognition: Vickie Fuquay

Presented To: The Family of Vickie Fuquay

Mayor Jones recognized the family of Vickie Fuquay who were in attendance. Melissa Fuquay thanked Council for recognizing the memory of her mother.

Update On: PLAN Danville

Presented By: Renee Burton, Division Director of Planning

Mayor Jones recognized Renee Burton and Marjorie Valentine. Ms. Burton gave a brief update on PLAN Danville which was a twenty year plan for the City. Ms. Valentine discussed the overwhelming response from citizens and community partners, the five phases of the plan were explained, as well as how community engagement helps to empower everyone during the process. There was a project storefront people can go to, and community events where people can see their voices being heard. Social media has been a great place for people to share posts and communicate with each other; over 75,000 people have been reached through social media. The Big Dream event will be on July 11 at Coates.

Council Member Whittle asked how they were reaching out to people that were not tech savvy or able to come to the store front, and Ms. Valentine explained that they were planning to do pop ups around the City to reach those people. Promotional products, media posts, and posters were being handed out to reach people as well. Council Member Campbell noted how impressed he was with the turn out and the activities that were being provided, and commended them on the excellent work they were doing. Council Member Buckner commented on the 2.8 million unique clicks and asked how many of those resulted in surveys being completed, and Ms. Valentine stated that over 1,000 people completed surveys. Mayor Jones commented that people often feel like no one wants to hear what they have to say and stated to the citizens, they want to hear what citizens have to say.

City Manager Ken Larking noted that one thing he asked staff to do when this process started was to bring a process and a proposal that would win a national award. The part that he was really excited about was the community ambassadors. A \$200,000 DRF grant was approved so they can have ambassadors throughout the community who can reach those who cannot come to the storefront, or were not tech savvy.

June 6, 2023

Council thanked Ms. Burton and Ms. Valentine for the presentation.

MEETING MINUTES

Upon **Motion** by Council Member Vogler, and **second** by Council Member Campbell, Minutes from Regular Council Meeting held on May 2, 2023 were approved as presented. Draft copies of the Minutes had been distributed prior to the meeting.

OLD BUSINESS

CONSIDERATION OF FEE CHANGES EFFECTIVE JULY 1, 2023

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

AN ORDINANCE AMENDING AND ESTABLISHING AND INCREASING CERTAIN FEES OF THE CITY OF DANVILLE EFFECTIVE JULY 1, 2023.

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

Council Member Whittle questioned if wastewater or water fees were increasing, and Mr. Larking stated that utility fees were not included in this increase; fees included in this ordinance included fire department fees. The main fire department fee increases keep the department fees in line with what other jurisdictions were charging. Council Member Campbell noted that several citizens have asked why fees were increasing and it was important for them to understand that these fees were increasing to provide better services to the citizens. Council Member Saunders reminded everyone with regard to the utilities that they pay, please understand that utility funds also help the City to fund their regular city budget. In addition, with regards to the casino funds, those funds help Council's three priorities of education, reducing crime, and growing Danville. The City has to have funds to do that, and they have enough evidence already to show that these three priorities were being met and they were working. Vice Mayor Miller noted the City has to set aside casino funds so the City has ample funds for the future; at some point, North Carolina may start putting in casinos. Council Member Vogler noted he hopes Council has a conversation soon about setting aside a percentage every year that automatically goes into the reserve fund, from the casino funds, as a policy. Mayor Jones noted his agreement, that a plan needs to be in place.

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

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

NEW BUSINESS

PUBLIC HEARING - CONSIDERATION OF REZONING 3300 NORTH MAIN STREET FROM N-C NEIGHBORHOOD COMMERCIAL TO HR-C HIGHWAY RETAIL COMMERCIAL

Mayor Jones opened the floor for a Public Hearing regarding Rezoning 3300 North Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 23, 2023 and May 30, 2023.

June 6, 2023

Mayor Jones recognized Danielle Weaver with Kimley Horne, 4525 Main Street, Virginia Beach, VA, representing the applicant; Ms. Home noted she was there to answer any questions. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-06.01

CONSIDERATION OF REZONING 3300 NORTH MAIN STREET FROM N-C NEIGHBORHOOD COMMERCIAL TO HR-C HIGHWAY RETAIL COMMERCIAL.

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

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

CONSIDERATION OF A SPECIAL USE PERMIT ON BALDWIN STREET FOR CONSTRUCTION OF A DUPLEX

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit on Baldwin Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 23, 2023 and May 30, 2023.

Mayor Jones recognized Edith Gowin, 45 Baldwin Street, who spoke against the construction of two duplexes on Baldwin Street and the support of single home use which was what the community has been since built. The duplex will cause an increase in noise, population, and parking issues.

Mayor Jones recognized Sandra Walton, 23 Baldwin Street, who spoke against the construction and asked that Mr. Leggett build two single family homes instead. Parking was going to be an issue as was noise.

Mayor Jones recognized Henry Leggett, applicant for the project, who stated that there would be no on-street parking and that parking will be on the lot. Each unit will only be 1200 square feet which was much smaller than the average house on that street.

No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-06.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00107, FILED BY HENRY LEGGETT, REQUESTING A SPECIAL USE PERMIT TO CONSTRUCT A DUPLEX AT PARCEL ID 60569 (BALDWIN STREET) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 1.

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

June 6, 2023

Council Member Campbell asked if citizens came to the Planning Commission meeting to voice concerns over this, and if it was a unanimous vote to proceed. Zoning Administrator Renee Burton stated that several citizens attended the meeting, and the Planning Commission did unanimously vote to proceed.

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

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

PUBLIC HEARING - CONSIDERATION OF A SPECIAL USE PERMIT AT 821 HUGHES STREET (PARCEL 25373) FOR CONSTRUCTION OF A DUPLEX

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 821 Hughes Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 23, 2023 and May 30, 2023.

Mayor Jones recognized Thomas Brooks with Acres of Virginia Incorporated, representing the applicants and was available for any questions; handouts were given to Council regarding the project. Mr. Brooks reviewed traffic concerns and the types of housing that would be built on the property. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-06.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00106, FILED BY ACRES OF VIRGINIA, INC., ON BEHALF OF JCJ HOLDINGS, LLC, REQUESTING A SPECIAL USE PERMIT TO CONSTRUCT A DUPLEX AT PARCEL ID 25373 (821 HUGHES STREET) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 1.

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

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

PUBLIC HEARING - CONSIDERATION OF AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, TO CREATE ARTICLE 3.X TITLED "WEST MAIN STREET CORRIDOR OVERLAY"

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Code for the West Main Street Corridor Overlay. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 23, 2023 and May 30, 2023.

Mayor Jones recognized Robin Crews, 322 West Main Street, who spoke about concerns regarding regulations, design standards, and streetscapes that were currently defined as reserved. There were concerns over what those "reserved" definitions could mean and what this

June 6, 2023

means for residents of that area, not being clarified in the context of the Zoning Ordinance. Residents were interested in knowing how this will impact current home ownership, what regulations will be imposed, and what barriers may be put in place. Ms. Crews suggested that Council consider a business only overlay area, and not include residents in this Zoning Ordinance. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-06.04

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO CREATE ARTICLE 3X, ENTITLED "WEST MAIN STREET CORRIDOR OVERLAY".

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

Council Member Buckner asked for clarification, it was his understanding that this was to ensure quality of businesses and new construction in the West Main corridor; it will not affect homeowners. Ms. Burton noted that was correct, this will not affect any current businesses or homeowners.

Council Member Whittle asked Ms. Crews if all of her questions were answered, and Ms. Crews asked if the Schoolfield Master Plan was available for review. Mayor Jones noted they were not there yet. There will be opportunities to speak with City employees in the community about what was being presented.

Council Member Whittle asked if the blue areas were around homes, the areas that have not been designated yet, and Mayor Jones stated that those areas were reserved and were not a part of this. Ms. Burton stated that there were areas within this particular section for signs, design standards, and streetscapes. These were marked as reserved now because they are empty. They do not have the regulations to infill those. That will come later as they develop the Schoolfield Master Plan and that was presented to the public.

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

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

PUBLIC HEARING - CONSIDERATION OF AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CITY OF DANVILLE, TO AMEND ARTICLE 2 SECTION AA ENTITLED "CAMPGROUNDS"

Mayor Jones noted before he opened the Public Hearing, there has been much conversation about campgrounds and asked Council Member Vogler to discuss this issue. Council Member Vogler reminded everyone that the discussion tonight and what was being voted on tonight was just the policy. This did not have anything to do with any specific project; that would be in a separate vote.

June 6, 2023

Mayor Jones opened the floor for a Public Hearing regarding Amending the Zoning Ordinance Regarding Campgrounds. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 23, 2023 and May 30, 2023. No one present desired to speak and the Public Hearing was closed.

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

ORDINANCE NO. 2023-06.05

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 2 SECTION AA, ENTITLED "CAMPGROUNDS" TO INCLUDE REGULATIONS FOR ONSITE AMENITIES AND NOISE.

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

Council Member Whittle noted it seemed restrictive to thirty acres or more, and buffers and things that go with it, were those part of the plan, and Ms. Burton stated those regulations he mentioned were already in effect. This particular code change will only address amenities making them to registered guests only, and not open to the public. Mr. Whittle noted that if he was at the campground having a party, they would not be able to have people in from the public and Ms. Burton noted that was correct, only registered guests may take part in the amenities such as a pool, spa, restaurant, bar, grille, tennis courts; they were for the registered guests only, not for the general public.

Council Member Campbell questioned if there would be a traffic study done in this process and Ms. Burton explained the code amendment before Council does not address that, that would be development specific. Vice Mayor Miller asked if grandparents were registered guests, and their grandchildren came to visit for the day would they be able to use the pool and amenities, was there a stipulation for that and Ms. Burton noted there was not at this time; it was registered guests only. If that was something that staff needed to look at in the future, they can look at that case by case possibly, but at this time, the regulations would read registered guests only.

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

VOTE: 5-4
AYE: Vogler, Buckner, Jones, Mayo, and Miller (5)
NAY: Saunders, Whittle, Campbell, Hood (4)
ABSENT: None (0)

PUBLIC HEARING - CONSIDERATION OF AUTHORIZING THE RENEWAL OF A RADIO TOWER LEASE AT 646 EAGLE SPRINGS ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Tower Lease at 646 Eagle Springs Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 22, 2023 and May 28, 2023. No one present wished to speak and the Public Hearing was closed.

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

RESOLUTION NO. 2023-05.01

June 6, 2023

A RESOLUTION AUTHORIZING THE RENEWAL OF A TOWER LEASE WITH AMERICAN TOWERS, LLC AT 646 EAGLE SPRINGS ROAD.

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

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

CONSIDERATION OF TRANSIENT OCCUPANCY TAX UPDATE

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

ORDINANCE NO. 2023-06.06

AN ORDINANCE REPEALING AND REORDAINING IN ITS ENTIRETY ARTICLE VI, ENTITLED "TAX ON TRANSIENT LODGERS" OF CHAPTER 37, ENTITLED "TAXATION" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED.

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

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

CONSIDERATION OF APPALACHIAN POWER EASEMENT AGREEMENT – WEST FORK SUBSTATION FOURTH DELIVERY POINT

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

RESOLUTION NO. 2023-06.02

A RESOLUTION AUTHORIZING AND APPROVING THE CITY OF DANVILLE, VIRGINIA TO ENTER INTO AN EASEMENT AGREEMENT WITH APPALACHIAN POWER COMPANY FOR LAND ASSOCIATED WITH THE CITY'S FOURTH ELECTRIC DELIVERY POINT.

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

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

BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO ACCEPT SCHOOLFIELD MASTER PLAN FUNDING FROM CAESARS LLC

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

ORDINANCE NO. 2023-06.07

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM CAESARS VIRGINIA, LLC, CASINO REVENUES FOR THE SCHOOLFIELD MASTER PLAN FOR AN APPROPRIATION IN THE AMOUNT OF \$360,000 AND APPROPRIATING THE SAME.

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

BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR BUDGET APPROPRIATION ORDINANCE FOR A RECREATION ENRICHMENT PROGRAM IN THE AMOUNT OF \$262,494

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

ORDINANCE NO. 2023-06.08

AN ORDINANCE AMENDING THE FISCAL YEAR 2023 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FUNDS IN THE AMOUNT OF \$55,611 FOR A RECREATION ENRICHMENT PROGRAM AND THE LOCAL IN-KIND SHARE OF \$206,883 FOR A TOTAL APPROPRIATION OF \$262,494 AND APPROPRIATION OF SAME.

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

CONSIDERATION OF THE CITY OF DANVILLE BUDGET, CSP, AND BUDGET APPROPRIATION ORDINANCE

Mayor Jones opened the floor for a Public Hearing regarding the Budget, CSP and Budget Appropriation Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on May 26, 2023. No one present desired to be heard and the Public Hearing was closed.

Upon **Motion** by Council Member Buckner and **second** by Council Member Campbell, a Resolution entitled:

RESOLUTION NO. 2023-06.03

A RESOLUTION APPROVING THE BUDGETS OF THE VARIOUS FUNDS OF THE CITY OF DANVILLE FOR THE FISCAL YEAR ENDING JUNE 30, 2024.

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

A Resolution entitled:

RESOLUTION NO. 2023-06.04

A RESOLUTION APPROVING THE FISCAL YEAR 2024 CAPITAL AND SPECIAL PROJECTS PLAN FOR THE CITY OF DANVILLE, VIRGINIA

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

June 6, 2023

An Ordinance entitled:

ORDINANCE NO. 2023-06.09

BUDGET APPROPRIATION ORDINANCE FOR FISCAL YEAR 2024.

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

COMMUNICATIONS

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

Council Member Hood commended Council Member Buckner on a successful food truck rodeo this past weekend and a shout out to the citizens in the Virginia Beach/Tidewater area with the R&B Explosion featuring different artists at the Carrington Pavilion.

Council Member Mayo congratulated Council Member Buckner on a successful event; there was so much going on in Danville. PLAN Danville was doing a great job and had a great event. The Chamber of Commerce award ceremony was phenomenal, and congratulations to the class of 2023.

Vice Mayor Miller commented on Caesar's giving back to the community with checks given to Hope Harbor and HAVEN in the amount of \$100,000 each. Dr. Miller noted it was sad to see what the newspaper was doing, with reduced papers and no more home delivery. Dr. Miller also discussed D-Day, his neighbor and family friends fought and the experiences they shared with him.

Council Member Saunders commented on the Register and Bee reducing operations and stated that his morning routine consists of getting his newspaper and reading it. Even though they can look at the paper digitally it was not the same as holding that piece of paper and reading local information. Mr. Saunders noted the City was growing, and thought the City Manager and his staff were doing an excellent job managing this growth. The decisions they have to make cannot please everyone, but it was clear in his mind that they have the entire City and all the citizens in mind as they make recommendations to Council and make decisions. To the City Manager and all 1100 plus employees, thank you so very much.

Council Member Vogler congratulated all the teachers, staff, and 2023 graduates.

Council Member Buckner noted his agreement with what Council Member Saunders said and thanked staff for everything they do every single day, it was truly amazing to see what they all do. There was not a question that gets thrown out there that they cannot answer, and Council really appreciates them for that. Thank you.

Mayor Jones noted this Saturday, graduation was taking place at Averett for G.W. High School and Galileo. To all the Danville Public School staff, thank you for a great year. They want to make sure their young people were safe as they celebrate this weekend. Mayor Jones thanked John Crane for all the work he does for the Register and Bee and for the City. Every phone call and questioning has been nothing but respectful and Mayor Jones noted he wanted to thank him for that.

June 6, 2023

Meeting was adjourned at 8:21p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

DRAFT

Council Letter

City of Danville, Virginia



CL - 664

APPOINTMENTS A.

City Council REGULAR MEETING

Meeting Date: July 6, 2023

Subject: Appointments to City Boards and Commissions.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

1. A Resolution Reappointing Stephen Daniel as a Member of the Airport Commission.
2. A Resolution Reappointing Robert Jiranek as a Member of the Airport Commission.
3. A Resolution Reappointing Michael Sheetz as a member of the Dan River Alcohol Safety Action Program.
4. A Resolution Reappointing Ernestine Payne as a Member of the Danville Community College Board.
5. A Resolution Reappointing Tammy Warren as a Member of the Danville Community Policy and Management Team.
6. A Resolution Reappointing Jerome Holman as a Member of the Danville Community Policy and Management Team.
7. A Resolution Reappointing Geary Davis as a member of the Danville Pittsylvania Community Services Board.
8. A Resolution Appointing Pamela Saunders as a Member of the Danville Pittsylvania Community Services Board.
9. A Resolution Reappointing Helm Dobbins as a Member of the Danville Utility Commission.
10. A Resolution Reappointing Vanessa Cain as a Member of the Danville Utility Commission.
11. A Resolution Reappointing Dr. Gary P. Miller as a Member of the Danville Utility Commission.
12. A Resolution Appointing John Ranson to the Planning Commission.

13. A Resolution Reappointing Cynthia-Pruitt Rhodes as a Member of the Social Services Advisory Board.
14. A Resolution Appointing Debra Hairston as a Member of the Transportation Advisory Committee.
15. A Resolution Appointing Rhonda Spraggins as a Member of the Transportation Advisory Committee.

Attachments

1. Resolutions
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07 . ____

**A RESOLUTION REAPPOINTING STEPHEN DANIEL AS A MEMBER OF THE
AIRPORT COMMISSION.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Stephen Daniel be, and he is hereby reappointed as a member of the Airport Commission for a three year term commencing July 1, 2023 and ending June 30, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07 . ____

**A RESOLUTION REAPPOINTING ROBERT JIRANEK AS A MEMBER OF
THE AIRPORT COMMISSION.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Robert Jiranek be, and he is hereby reappointed as a member of the Airport Commission for a three year term commencing July 1, 2023 and ending June 30, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07.____

**A RESOLUTION REAPPOINTING MICHAEL SHEETZ AS A MEMBER OF
THE DAN RIVER ALCOHOL SAFETY ACTION PROGRAM.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Michael Sheetz be, and he is hereby reappointed as a member of the Dan River Alcohol Safety Action Program, to serve as such for a three-year term commencing July 1, 2023 and ending June 30, 2026.

APPROVED:

MAYOR

ATTEST:

CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07.____

**A RESOLUTION REAPPOINTING ERNESTINE PAYNE AS A MEMBER OF
THE DANVILLE COMMUNITY COLLEGE BOARD.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Ernestine Payne be, and she is hereby reappointed as a member of the Danville Community College Board for a four year term commencing July 1, 2023 and ending June 30, 2027.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07.____

**A RESOLUTION REAPPOINTING TAMMY WARREN AS A MEMBER OF THE
DANVILLE COMMUNITY POLICY AND MANAGEMENT TEAM.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Tammy Warren be, and she is hereby reappointed as a member of the Danville Community Policy and Management Team for a one year term commencing July 1, 2023 and ending June 30, 2024.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07. _____

**A RESOLUTION REAPPOINTING JEROME HOLMAN AS A MEMBER OF
THE DANVILLE COMMUNITY POLICY AND MANAGEMENT TEAM.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Jerome Holman be, and he is hereby reappointed as a member of the Danville Community Policy and Management Team for a one year term commencing July 1, 2023 and ending June 30, 2024.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07. _____

**A RESOLUTION REAPPOINTING GEARY DAVIS AS A MEMBER OF THE
DANVILLE PITTSYLVANIA COMMUNITY SERVICES BOARD.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Geary Davis be, and he is hereby reappointed as a member of the Danville Pittsylvania Community Services Board for a three year term commencing July 1, 2023 and ending June 30, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07. _____

**A RESOLUTION APPOINTING PAMELA SAUNDERS AS A MEMBER OF THE
DANVILLE PITTSYLVANIA COMMUNITY SERVICES BOARD.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Pamela Saunders be, and she is hereby appointed as a member of the Danville Pittsylvania Community Services Board for a three year term commencing July 1, 2023 and ending June 30, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07.____

**A RESOLUTION REAPPOINTING HELM DOBBINS AS A MEMBER OF THE
DANVILLE UTILITY COMMISSION.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Helm Dobbins be, and he is hereby reappointed as a member of the Danville Utility Commission for a three year term commencing July 1, 2023 and ending June 30, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07. _____

**A RESOLUTION REAPPOINTING VANESSA CAIN AS A MEMBER OF THE
DANVILLE UTILITY COMMISSION.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Vanessa Cain be, and she is hereby reappointed as a member of the Danville Utility Commission for a three year term commencing July 1, 2023 and ending June 30, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07.____

**A RESOLUTION REAPPOINTING DR. GARY P. MILLER AS A MEMBER OF
THE DANVILLE UTILITY COMMISSION.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Dr. Gary P. Miller be, and he is hereby reappointed as a member of the Danville Utility Commission for a three year term commencing July 1, 2023 and ending June 30, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07.____

**A RESOLUTION APPOINTING JOHN RANSON AS A MEMBER OF THE
PLANNING COMMISSION.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that John Ranson be, and he is hereby appointed as a member of the Planning Commission for a term commencing July 1, 2023 and ending December 31, 2026.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07.____

**A RESOLUTION REAPPOINTING CYNTHIA PRUITT-RHODES AS A
MEMBER OF THE SOCIAL SERVICES ADVISORY BOARD.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Cynthia Pruitt-Rhodes be, and she is hereby reappointed as a member of the Social Services Advisory Board for a four year term commencing July 1, 2023 and ending June 30, 2027.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07. _____

**A RESOLUTION APPOINTING DEBRA HAIRSTON AS A MEMBER OF THE
TRANSPORTATION ADVISORY COMMITTEE.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Debra Hairston be, and she is hereby appointed as a member of the Transportation Advisory Committee, to serve as such for a four-year term commencing July 1, 2023 and ending June 30, 2027.

APPROVED:

MAYOR

ATTEST:

CLERK

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – 07.____

**A RESOLUTION APPOINTING RHONDA SPRAGGINS AS A MEMBER OF
THE TRANSPORTATION ADVISORY COMMITTEE.**

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Rhonda Spraggins be, and she is hereby appointed as a member of the Transportation Advisory Committee, to serve as such for a four-year term commencing July 1, 2023 and ending June 30, 2027.

APPROVED:

MAYOR

ATTEST:

CLERK



STAFF REPORT

DATE: July 6, 2023
TO: City Council
FROM: Renee Burton, Division Director of Planning
RE: Consideration of a Special Use Permit at 162 Howeland Circle to Allow Short-Term Rental as Principal Use.

SUMMARY

162 Howeland Circle is a single family dwelling built in 1932 and located in the OT-R, Old Town Residential District zoning classification. The applicant, Katie Newcomb, on behalf of property owner David Lovell, is requesting a Special Use Permit in accordance with Article 3.E. Section C Item 29 to operate a Short Term Rental at this location.

162 Howeland Circle has a driveway of adequate size for two (2) vehicles and public parking is also available on Howeland Circle.

Inspections have not been completed for a Certificate of Occupancy at 162 Howeland Circle.

Forty-one (41) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) of the fourteen (14) responses received were unopposed. Seven (7) of the fourteen (14) responses received were opposed.

On June 12, 2023, the City Planning Commission voted 5-0 to recommend approval of Special Use Permit request PZ23-00118 to operate a Short Term Rental at 162 Howeland Circle (Parcel ID #23539) in accordance with Article 3.E. Section C Item 29.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to operate a Short Term Rental at 162 Howeland Circle (Parcel ID #23539) in accordance with Article 3.E. Section C Item 29 .

ATTACHMENTS

1. Ordinance
2. Application
3. Short Term Rental Regulations
4. 162 Howeland Circle_AERIALS
5. 162 Howeland Circle_LANDUSE
6. 162 Howeland Circle_OWNERS
7. Planning Commission Recommendation

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00118, FILED BY KATIE NEWCOMB, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 23539 (162 HOWELAND CIRCLE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00118, filed by Katie Newcomb requesting a Special Use Permit to operate a short-term rental at Parcel ID 23539 (162 Howeland Circle) in accordance with Article 3.E., Section C., Item 29, be and the same is hereby, received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00118, filed by Katie Newcomb requesting a Special Use Permit to operate a short-term rental at Parcel ID 23539 (162 Howeland Circle) in accordance with Article 3.E., Section C., Item 29, be, and is hereby, granted and approved.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Address: _____

Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): _____

162 Howeland Circle Danville, VA 24541

Applicant: David Lovell & Katie Newcomb

Applicant's Address: 321 Lynn Street Ste A Danville, VA 24541

Applicant's Phone Number: 434-770-0187

Applicant's E-mail: katie@preferredmngmtgrp.com

Describe Proposed Request: _____

Operate a short term rental at the property

Katie Newcomb 5/19/23
Applicant Signature date

DocuSigned by:
R. Zap 5/19/2023
Property Owner Signature date
(if not applicant)

Y. - Short-Term Rentals.

1. Short-term rental approval.

- a. Short-term rentals must obtain a business license clearance from the Zoning Administrator and register with the Commissioner of Revenue prior to operating or advertising the property for short-term rental.
- b. A short-term owner/operator must apply for and receive a business license clearance prior to registering with the Commissioner of Revenue.
- c. The short-term rental must register with the Commissioner of Revenue to collect and remit the City's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation."

2. Short-term rental standards.

- a short-term rental may only provide short-term occupancy services for compensation for guests including lodging, packaged food and beverages, and other incidental items typically found within a residence. The short-term rental must not prepare food or beverages, provide event services, or provide unrelated services for compensation.
- b. Short-term rentals are permissible accessory uses to permitted dwellings in the SR-R, T-R, S-R, NT-R, OT-R, A-R, MHP-R, TO-C, CB-C, and TW-C zoning districts.
- c. If the owner of a short-term rental does not live within 50 miles of the City, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance.
- d. Short-term rentals must comply with applicable provisions of the Virginia Uniform Statewide Building Code (Danville City Code sections 9-81 through 9-88). Including a Certificate of Occupancy for each unit
- e. If a short-term rental is within a City Rental Housing Inspection Division District, then the property must register as a rental property and maintain a certificate of compliance (City Code sections 9-204 through 9-207).
- f. The minimum short-term rental contract rental period is 18 hours.
- g. Short-term rentals are allowed the same signage as their associated dwellings under Article 10.
- h. Short-term rental parking must be on the associated property or on street immediately adjacent to it unless the short-term rental is in the CB-C or TW-C zoning districts.
- i. Units must have a working multi-purpose fire extinguisher, interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service).
- j. Units must have an emergency exit plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling.
- k. Events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term lodging.

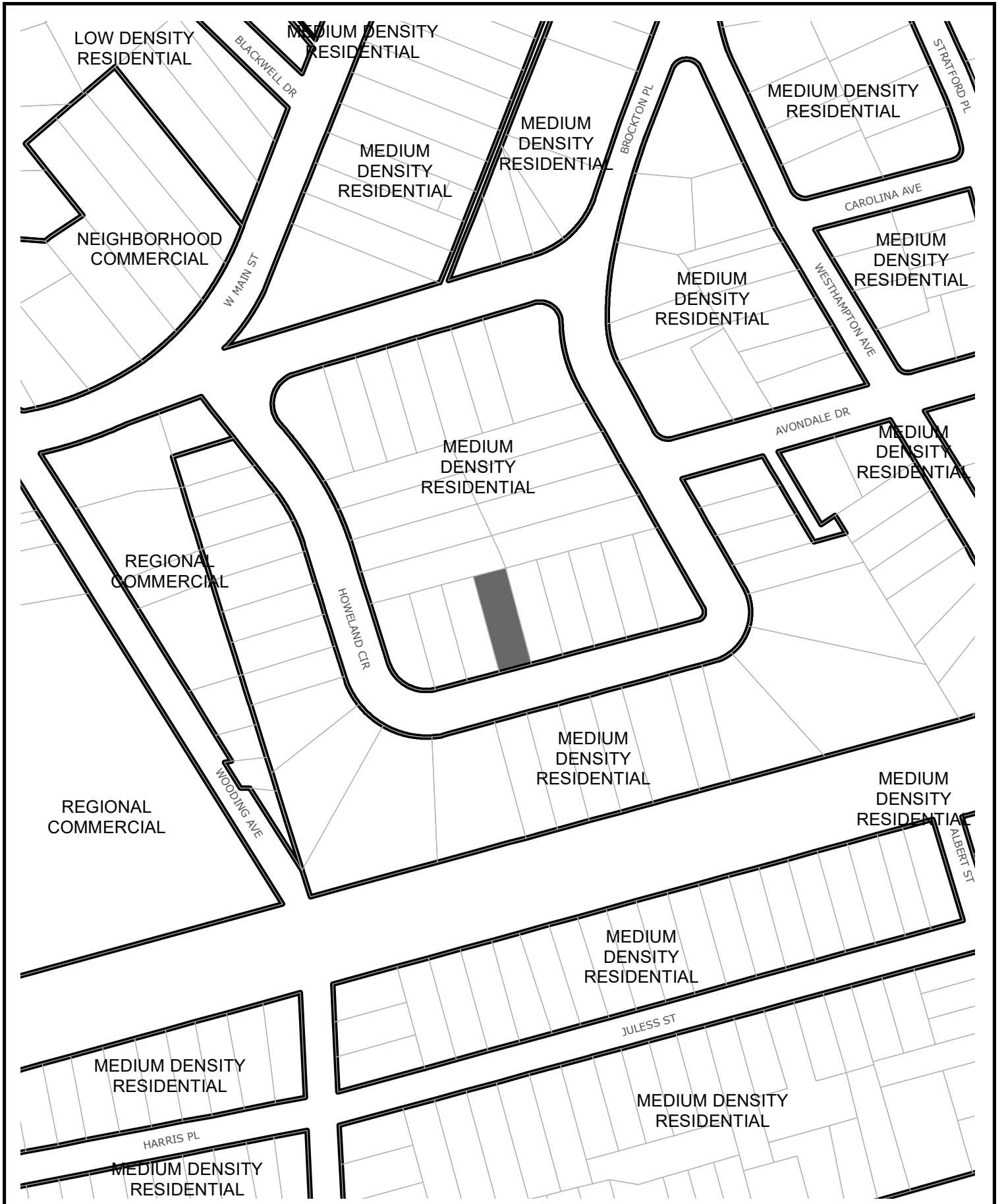


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
5/19/2023

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/19/2023

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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
5/19/2023

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

MEMORANDUM

DATE: JUNE 12, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00118

REQUEST

Special Use Permit Application PZ23-00118 filed by Katie Newcomb requesting a Special Use Permit at 162 Howland Circle (Parcel 23539) to allow short term rental, as principal use in accordance with Article 3.E. Section C Item 29.

RECOMMENDATION

The Planning Commission, at their June 12, 2023, meeting, voted 5 - 0 to recommend approval of Special Use Permit Request PZ23-00118 as submitted.

Mr. Steve Petrick, Chair



STAFF REPORT

DATE: July 6, 2023
TO: City Council
FROM: Renee Burton, Division Director of Planning
RE: Consideration of a Special Use Permit Application at 122 Benefield Street to Allow Short Term Rental as Principal Use.

SUMMARY

122 Benefield Street is zoned OT-R, Old Town Residential. The applicant, Charles Walker, has requested a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article 3.E. Section C Item 29.

122 Benefield Street was built in 1920 and has functioned as a single family dwelling since that time. The property has a driveway large enough to accommodate three (3) cars in tandem. Additional on-street parking is also available on Benefield Street.

122 Benefield Street was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in May.

Forty-seven (47) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Nine (9) of the fifteen (15) responses received were unopposed. Six (6) of the fifteen (15) responses received were opposed.

On June 12, 2023, the City Planning Commission voted 5-0 to recommend approval of Special Use Permit request PZ23-00164 to operate a Short Term Rental on Parcel ID #01417 (122 Benefield Street) in accordance with Article 3.E. Section C. Item 29.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to operate a Short Term Rental on Parcel ID #01417 (122 Benefield Street) in accordance with Article 3.E. Section C. Item 29.

ATTACHMENTS

1. Ordinance
2. Application
3. Short Term Rental Regulations
4. 122 Benefield Street_AERIALS
5. 122 Benefield St_LANDUSE
6. 122 Benefield St_OWNERS
7. Planning Commission Recommendation

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00164, FILED BY CHARLES WALKER, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 01417 (122 BENEFIELD STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00164, filed by Charles Walker requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 01417 (122 Benefield Street) in accordance with Article 3.E, Section C, Item 29, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00164, filed by Charles Walker requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 01417 (122 Benefield Street) in accordance with Article 3.E, Section C, Item 29, be, and is hereby, granted and approved.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Address: _____

Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 122 Benefield St, Danville, VA 24540

Applicant: Charles walker

Applicant's Address: 101 Beverly Rd, Danville, VA 24541

Applicant's Phone Number: 434-548-5203

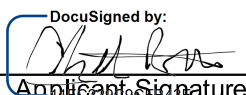
Applicant's E-mail: crwprize@gmail.com

Describe Proposed Request: Requesting to use the property as a short-term rental

in the City of Danville to help address the housing shortage issue in the city. The home

will be listed on listing sites such as AirBNB and VRBO for booking stays 2 days and

longer.

	5/1/2023 4:32 PM EDT		
Applicant Signature	date	Property Owner Signature (if not applicant)	date

Y. - Short-Term Rentals.

1. Short-term rental approval.

- a. Short-term rentals must obtain a business license clearance from the Zoning Administrator and register with the Commissioner of Revenue prior to operating or advertising the property for short-term rental.
- b. A short-term owner/operator must apply for and receive a business license clearance prior to registering with the Commissioner of Revenue.
- c. The short-term rental must register with the Commissioner of Revenue to collect and remit the City's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation."

2. Short-term rental standards.

- a short-term rental may only provide short-term occupancy services for compensation for guests including lodging, packaged food and beverages, and other incidental items typically found within a residence. The short-term rental must not prepare food or beverages, provide event services, or provide unrelated services for compensation.
- b. Short-term rentals are permissible accessory uses to permitted dwellings in the SR-R, T-R, S-R, NT-R, OT-R, A-R, MHP-R, TO-C, CB-C, and TW-C zoning districts.
- c. If the owner of a short-term rental does not live within 50 miles of the City, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance.
- d. Short-term rentals must comply with applicable provisions of the Virginia Uniform Statewide Building Code (Danville City Code sections 9-81 through 9-88). Including a Certificate of Occupancy for each unit
- e. If a short-term rental is within a City Rental Housing Inspection Division District, then the property must register as a rental property and maintain a certificate of compliance (City Code sections 9-204 through 9-207).
- f. The minimum short-term rental contract rental period is 18 hours.
- g. Short-term rentals are allowed the same signage as their associated dwellings under Article 10.
- h. Short-term rental parking must be on the associated property or on street immediately adjacent to it unless the short-term rental is in the CB-C or TW-C zoning districts.
- i. Units must have a working multi-purpose fire extinguisher, interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service).
- j. Units must have an emergency exit plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling.
- k. Events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term lodging.

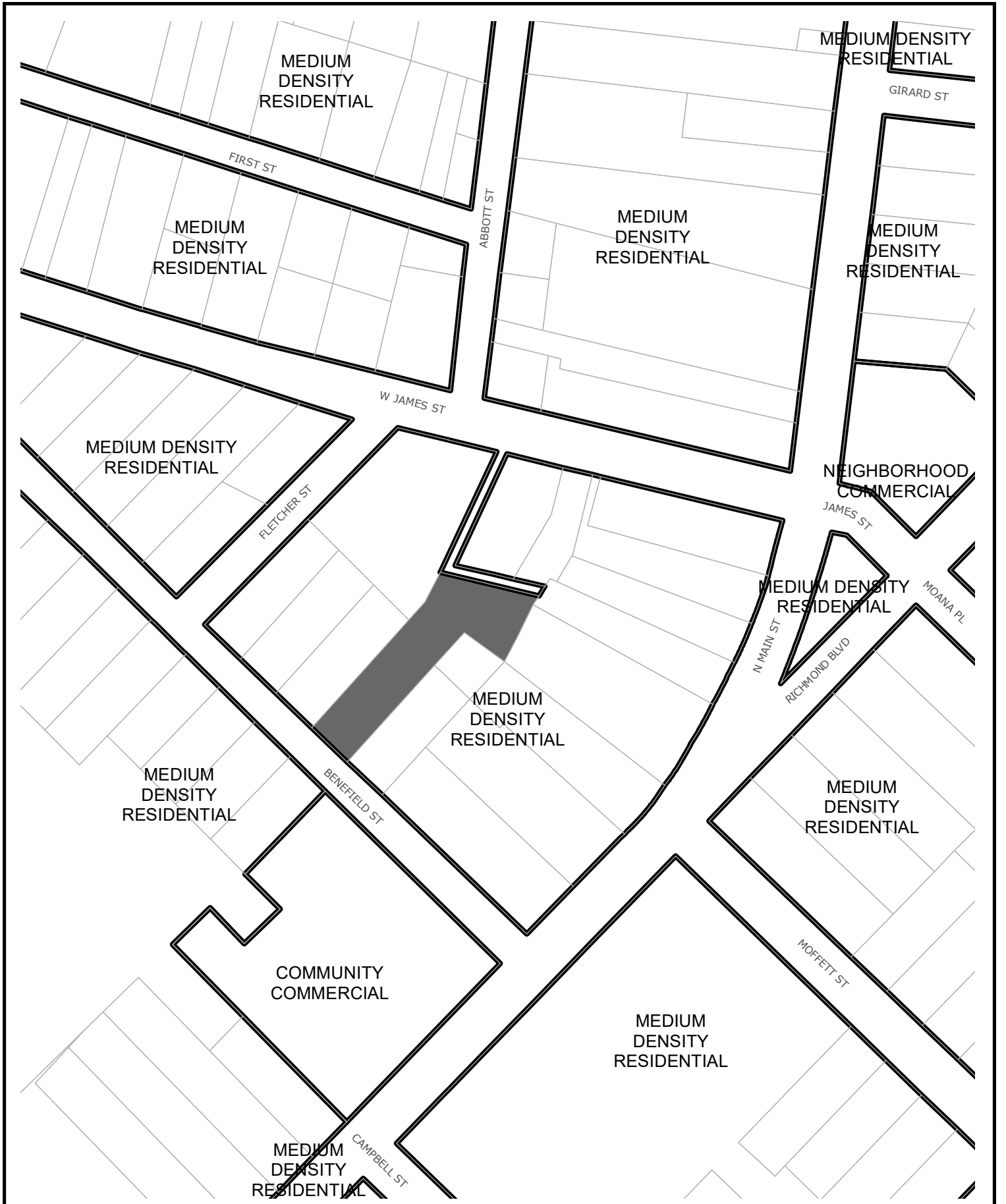


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
5/19/2023

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/19/2023

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.



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

MEMORANDUM

DATE: JUNE 12, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00164

REQUEST

Special Use Permit Application PZ23-00164 filed by Charles Walker requesting a Special Use Permit at 122 Benefield Street (Parcel 01417) to allow short term rental, as principal use in accordance with Article 3.E. Section C Item 29.

RECOMMENDATION

The Planning Commission, at their June 12, 2023, meeting, voted 5 - 0 to recommend approval of Special Use Permit Request PZ23-00164 as submitted.

 RB

Mr. Steve Petrick, Chair



STAFF REPORT

DATE: July 6, 2023
TO: City Council
FROM: Renee Burton, Division Director of Planning
RE: Consideration of a Special Use Permit Application at 491 West Main Street to Allow a Duplex.

SUMMARY

491 West Main Street is zoned OT-R, Old Town Residential, a single family zoning classification. Article 3.E. Section C Item 1 allows the operation of a duplex in the OT-R zoning classification by Special Use Permit. The applicant, Kelly Riddle, on behalf of Nicholas R. Preston, has filed for a Special Use Permit to continue the operation of a duplex at 491 West Main Street.

Mr. Preston purchased 491 West Main Street on February 13, 2020; the property was zoned OT-R at the time of purchase. Based on City records, the property was used as a single family dwelling with an accessory home occupation at the time of transfer.

The Department of Community Development received a complaint about noise and excessive activity at 491 West Main Street. The first notice of violation was sent on March 30, 2023. The property owner contacted our office as a result and it was discovered through conversation that the property was being used as a duplex. A second notice was then sent on April 28, 2023 to discuss terms of compliance. The applicant then submitted a Special Use Permit application on behalf of the property owner on May 15, 2023.

The 2020 Comprehensive Plan identifies this area as medium density residential for current and future use.

Forty-three (43) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) of the seventeen (17) responses were unopposed. Eleven (11) of the seventeen (17) responses were opposed.

On June 12, 2023, the City Planning Commission voted 4-1 to recommend approval of Special Use Permit request PZ23-00173 to operate a duplex on Parcel ID #22549 (491 West Main Street) in accordance with Article 3.E. Section C Item 1.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to operate a duplex on Parcel ID #22549 (491 West Main Street) in accordance with Article 3.E. Section C. Item 1.

ATTACHMENTS

1. Ordinance
2. Application
3. Zoning Violation Letter 491 W Main St Letter March 30, 2023
4. Zoning Violation Letter 491 W Main St Letter April 28, 2023
5. 491 W Main St_AERIALS
6. 491 W Main St_LANDUSE
7. 491 W Main St_OWNERS
8. Planning Commission Recommendation

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00173, FILED BY KELLY RIDDLE, ON BEHALF OF NICHOLAS R. PRESTON, REQUESTING A SPECIAL USE PERMIT TO OPERATE A DUPLEX AT PARCEL ID 22549 (491 WEST MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 1.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00173, filed by Kelly Riddle, on behalf of Nicholas R. Preston, requesting a Special Use Permit to operate a duplex at Parcel ID 22549 (491 West Main Street) in accordance with Article 3.E., Section C., Item 1, be, and the same is hereby; received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00173, filed by Kelly Riddle, on behalf of Nicholas R. Preston, requesting a Special Use Permit to operate a duplex at Parcel ID 22549 (491 West Main Street) in accordance with Article 3.E., Section C., Item 1, be, and is hereby, granted and approved.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency :

City Attorney



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of \$360.
2. If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.
3. The application shall include the following information:
 - a. A preliminary site plan in accordance with the Site Plan Regulations.
 - b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
 - c. A written statement of proposed project compatibility with the following:
 - (1.) The Comprehensive Plan.
 - (2.) The applicable zoning district.
 - (3.) The surrounding properties.
 - (4.) Current and future neighborhood conditions.
 - (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - (6.) Adequate public facilities.
 - d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
 - (1.) The architectural elevations and floor plans of proposed building(s).
 - (2.) Traffic impact analysis.
 - (3.) Fiscal impact analysis.
 - (4.) Parking and site circulation analysis.
 - (5.) Photographs of property and surrounding area.
 - (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Address: _____

Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 4911 Westmain St Danville VA

Applicant: Hauser Property management (for Nick Preston)

Applicant's Address: 1225 Westmain St Danville VA 24541

Applicant's Phone Number: 434-791-4056 or 434-792-3220

Applicant's E-mail: triple-es@yahoo.com

Describe Proposed Request:

Unit is currently metered for 2 units (duplex)
both have their own mailing / physical
addresses 4911 + 4913 W. main. The property was
bought with both units metered and we
are asking to continue to rent as a duplex



Applicant Signature

5/19/23

date

Property Owner Signature
(if not applicant)

date



City of Danville
Community Development
Planning Division

March 30, 2023

491 W Main St.
DANVILLE VA 24541

RE: ZONING VIOLATION AT 491 W MAIN ST.

Dear TO WHOM IT MAY CONCERN:

This letter informs you of potential Zoning Code violations at 491 W Main St. property.

These violations include:

More than three (3) unrelated persons living in a single housekeeping unit.

The OT-R, Old Town Residential District (ARTICLE 3.E, Section B) provides for **single family residences**. The City Zoning Ordinance defines ‘family’ as: (1) One (1) person or two (2) or more persons related by blood, adoption, marriage, or guardianship living together as a single housekeeping unit with no more than two (2) boarders; or (2) A group of not more than three (3) unrelated persons living together as a single housekeeping unit.

You have **Ten (10) DAYS** from the date of this letter to comply with the provisions of the Code. If compliance with the regulations will result in housing displacement, then the City may be able to accept an alternative timeline for meeting the law. If you have any questions, please contact our office at (434) 799-5260.

Sincerely,

Lisa Jones

434-799-5260 Ext. 3783
joneslk@danvilleva.gov



FINAL NOTICE

APRIL 28, 2023

NICHOLAS R PRESTON
348 HANLEY CIRCLE
DANVILLE, VA 24541

RE: ZONING VIOLATION AT 491 W MAIN ST.

Dear TO WHOM IT MAY CONCERN:

On March 30, 2023, a Notice of Violation letter was sent to you in regards to the above referenced property. In that letter you were ordered to comply with the provisions of the Code as stated below:

These violations include:

More than three (3) unrelated persons living in a single housekeeping unit.

The OT-R, Old Town Residential District (ARTICLE 3.E, Section B) provides for **single family residences**. The City Zoning Ordinance defines ‘family’ as: (1) One (1) person or two (2) or more persons related by blood, adoption, marriage, or guardianship living together as a single housekeeping unit with no more than two (2) boarders; or (2) A group of not more than three (3) unrelated persons living together as a single housekeeping unit.

You have **THIRTY (30) DAYS** from the date of this letter to comply with the provisions of the Code. If the violation is not abated, this office may be required to take legal action due to your noncompliance, which could result in fines up to \$3,000.00. If you have any questions call me at (434) 799-52660 Ext: 3783 Monday – Friday, 8:00-4:00. Thank you for your cooperation.

Sincerely,

Lisa Jones

434-799-5260 Ext. 3783
joneslk@danvilleva.gov

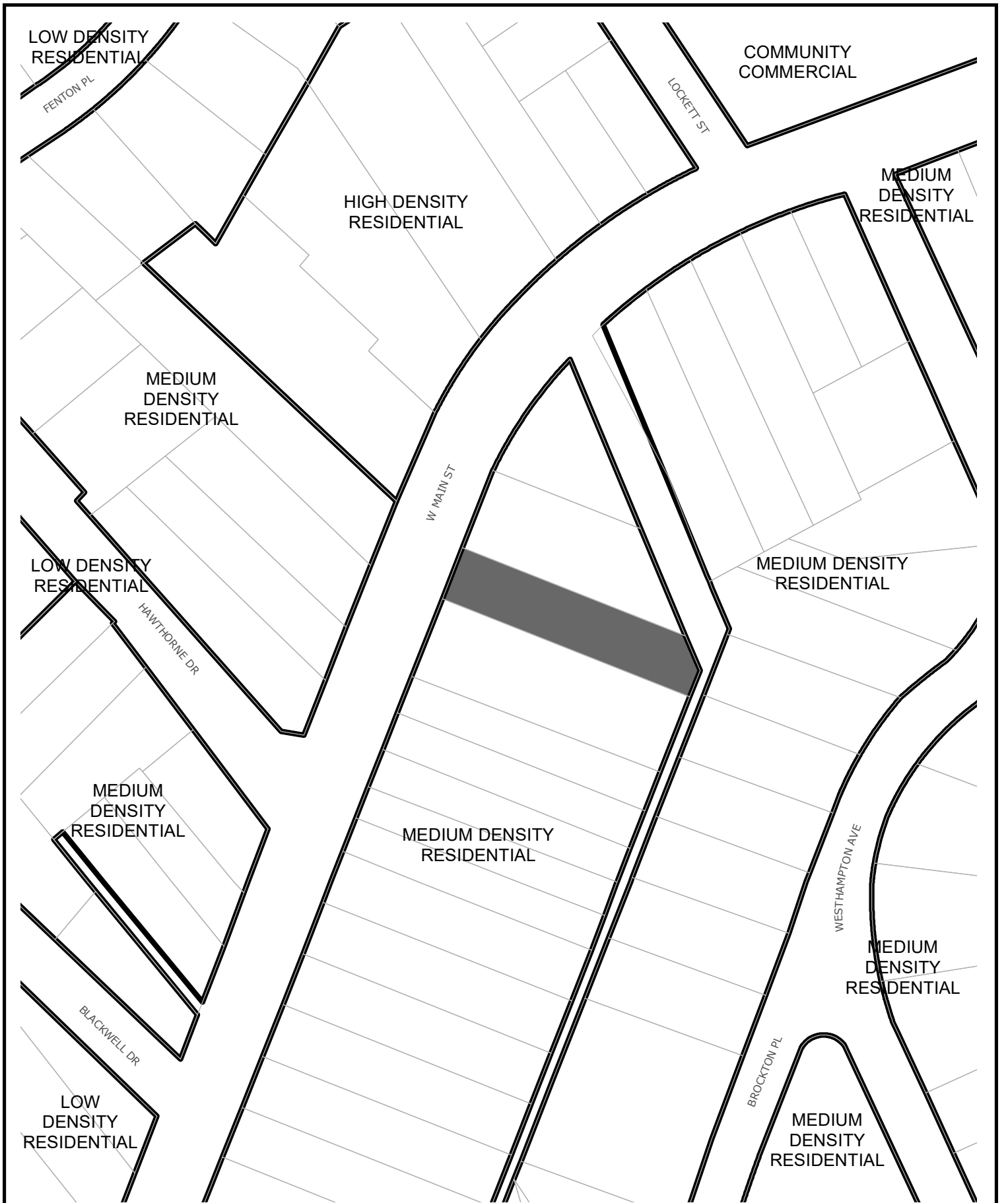


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
5/19/2023

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/19/2023

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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
5/19/2023

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

MEMORANDUM

DATE: JUNE 12, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00173

REQUEST

Special Use Permit Application PZ23-00173 filed by Kelly Riddle on behalf of Nicholas R. Preston requesting a Special Use Permit at 491 West Main Street (Parcel 22549) to allow a duplex in accordance with Article 3.E. Section C Item 1.

RECOMMENDATION

The Planning Commission, at their June 12, 2023, meeting, voted 4 - 1 to recommend approval of Special Use Permit Request PZ23-00173 as submitted.

Mr. Steve Petrick, Chair



STAFF REPORT

DATE: July 6, 2023
TO: City Council
FROM: Renee Burton, Division Director of Planning
RE: Consideration of a Special Use Permit Application at 1224 West Main Street to Allow a Mixed-Use Development.

SUMMARY

1224 West Main Street is a brick two-story structure built in 1916 and zoned HR-C, Highway Retail Commercial. The street level of 1224 West Main Street contains three (3) active commercial store fronts; the upper level is currently vacant. The applicant states that the upper level was historically used as apartments.

The applicant, Allen Stone, is requesting a Special Use Permit in accordance with Article 3.X. Section C Item 2 to operate a mixed use development at 1224 West Main Street, with commercial uses on the street level and residential uses on the upper level(s). 1224 West Main Street has onstreet parking available as well as a parking lot behind the structure.

Fifteen (15) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Two (2) of the two (2) responses received were unopposed.

On June 12, 2023, the City Planning Commission voted 5-0 to recommend approval of Special Use Permit request PZ23-00169 to allow a mixed-use development with residential use on the upper level(s), and commercial use on the street level on Parcel ID #56046 (1224 West Main Street) in accordance with Article 3.X. Section C. Item 2.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow a mixed-use development with residential use on the upper level(s) and commercial use on the street level on Parcel ID #56046 (1224 West Main Street) in accordance with Article 3.X. Section C Item 2.

ATTACHMENTS

1. 647-CL ORD SUP for Alan Stone on West Main St
2. WMCO_regulations
3. 1224 W MainSt_AERIALS
4. 1224 W Main Street LANDUSE
5. 1224 West Main Street OWNERS MAP
6. PC Recommendation

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00169, FILED BY ALLEN STONE REQUESTING A SPECIAL USE PERMIT TO ALLOW A MIXED-USE DEVELOPMENT WITH RESIDENTIAL USE ON THE UPPER LEVEL(S) AND COMMERCIAL USE ON THE STREET LEVEL AT PARCEL ID 56046 (1224 WEST MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.X., SECTION C, ITEM 2.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00169, filed by Allen Stone, requesting a Special Use Permit to allow a mixed use development with residential use on the upper level(s) and commercial use on the street level at Parcel ID 56046 (1224 West Main Street) in accordance with Article 3.X. Section C, Item 2, be and the same is hereby received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00169, filed by Allen Stone requesting a Special Use Permit to allow a mixed use development with residential use on the upper level(s) and commercial use on the street level at Parcel ID 56046 (1224 West Main Street) in accordance with Article 3.X, Section C, Item 2, be, and is hereby, granted and approved.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

West Main Street Corridor Overlay

The West Main Street Corridor Overlay (WMCO) stretches from the North Carolina/Virginia border along West Main Street, north to its termination at the intersection of Rison Street to the east and Broad Street to the west. The Corridor includes each property along West Main Street with at least one property line adjacent to West Main Street.

The intent of the West Main Street Corridor Overlay is to provide regulated growth as the area develops and expands its amenities to the citizens of the City of Danville and its visitors.

- A. Open Space
 - 1. New commercial or multi-family development shall have a minimum of 15% open space. This may include storm water management.
- B. Parking Regulations
 - i. A minimum of 50% of parking must be located behind the principal structure
 - ii. Share parking with adjacent uses is encouraged
 - iii. Shared points of ingress/egress from the public street are encouraged
- C. Additional Regulations
 - i. Short Term Rentals (accessory or principal use) require a Special Use Permit
 - ii. Mixed Use Development with residential use on the upper level(s) and commercial use on the street level is allowed by Special Use Permit in HR-C zoning districts
- D. Sign Regulations
- E. Landscape Regulations
 - i. All private areas not covered with building or surface treatment shall be landscaped with plantings, grass, pedestrian walks or similar features. Landscaping and Screening shall be maintained in good condition
- F. Design Standards
- G. Streetscape
- H. Prohibited Uses
 - i. Adult Entertainment Establishments
 - ii. Annuity Buying Services
 - iii. Ancillary Automobile Sales
 - iv. Automobile Sales
 - v. Automobile Salvage Yard
 - vi. Bail Bondsmen
 - vii. Billboards
 - viii. Body Art Establishments
 - ix. Body Piercing Establishments
 - x. Check Cashing Establishments
 - xi. Fortune Tellers
 - xii. Herbal Wellness Shop
 - xiii. Junkyards
 - xiv. Massage Parlors
 - xv. Motor Vehicle Title Loan Establishments
 - xvi. Pawn Shops
 - xvii. Payday Loan Establishments
 - xviii. Precious Metals Dealers
 - xix. Second Hand Shops
 - xx. Sporting Goods Stores
 - xxi. Tanning Facilities

- xxii. Title Loan Establishments
- xxiii. Vape Shops

I. Definitions

Adult entertainment establishment. An establishment consisting of, including, or having the characteristics of any of the following:

1. Adult Bookstore. An establishment having most of its merchandise stock in trade books, magazines, publications, media, films, objects, or other similar items with an emphasis on matter depicting, describing, or relating to sexual activities or genitalia.
2. Adult Cabaret. Either:
 - A. An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or nudity; or
 - B. A cabaret that features nude, topless, or bottomless dancers, go-go dancers, strippers, burlesque or drag performers, or similar entertainers for observation by patrons.
3. Adult theater. An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or genitalia.
4. Skill Game Parlor. A business that hosts any skill game available for play by the public.

Ancillary automobile sales lot. Any business used for the display or sale of new or used automobile or trailers and where no repair work is done.

Annuity buying service. Any business engaged in the purchasing of annuities or other structured or long-term payments for compensation. An *annuity buying service* shall not include a bank, savings institution, or credit union legally operating under the laws of the United States or the Commonwealth of Virginia.

Automobile sales lot. Any business used for the display or sale of new or used automobile or trailers and where no repair work is done. *Automobile sales lot* shall include but not be limited to businesses which only sale ancillary parts or components for automobiles and trailers such as tires, mufflers, and other similar ancillary parts or components.

Automobile salvage yard. Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative, are placed, located, or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable.

Bail bondsmen. Any person who is licensed by the Commonwealth of Virginia to engage in the business of bail bonding.

Body Art Establishment. A business that performs body-piercing or tattoo services.

Body-piercing means the act of penetrating the skin to make a hole, mark, or scar, generally permanent in nature. Body piercing does not include the use of a mechanized, presterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear.

Check Cashing Establishment. Any business engaged in the cashing of checks, drafts, or money orders for compensation. A *check cashing establishment* shall not include a bank, savings institution, or credit union legally operating under the laws of the United States or the Commonwealth of Virginia. A *check cashing establishment* shall not include any business that:

1. Does not hold itself out to be a check cashing service;
2. Is principally engaged in the bona fide retail sale of goods or services;
3. Either as an incident to or independently of such a retail sale from time to time cashes checks, drafts, or money orders; and
4. Charges a fee or other consideration for the service that does not exceed the greater of two dollars (\$2) or two percent (2%) of the amount of the item.

Electronic cigarette. Any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. *Electronic cigarette* includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor. *Electronic cigarette* also includes any component thereof and any nicotine-containing product that may be consumed through an electronic cigarette.

Fortune telling. Claiming to, pretending to, or holding oneself out as using occult or psychic powers, faculties, or forces, clairvoyance, palmistry, phrenology, craniology, psychometry, mediumship, seership, astrology, numerology, necromancy, witchcraft, or other craft, card, leaf, talisman, charm, potion, or magic of any kind to tell fortunes, commune with or resurrect the dead, overcome evil influences and bad luck, treat the sick or ailing, find lost, stolen, or hidden property, restore or procure love, or influence the weather. Fortune telling does not include performances in a licensed theater as part of an entertainment show or exhibition presented therein, provided that the person so performing clearly informs the audience that such performance is a show or exhibition intended for entertainment purposes only.

Herbal wellness shop. Any retail or service establishment that is not licensed by the Virginia Board of Pharmacy that devotes a majority (51%) of its floor area to the sale and display of products containing *mitragyna speciosa* (kratom), synthetic cannabis, cannabidiol (CBD), tetrahydrocannabinol (THC) including but not limited to Delta-8 THC and Delta-9 THC, or other byproducts of derivatives of cannabis; or any establishment that permits members of the general public to consume such products on site.

Junk. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, or waste; junked, dismantled, or wrecked automobiles or parts thereof; and old scrap iron, steel, or other ferrous or nonferrous material.

Junkyard. An establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile salvage yard. *Junkyard* includes garbage dumps and sanitary landfills.

Massage. A method of treating the external parts of the human body for comfort or the general well-being of the body or for remedial or hygienic purposes, consisting of rubbing, stroking, kneading, tapping, or vibrating with the hand or any instrument.

Massage Parlor. Any establishment or place where massages are administered or where any person engages in, conducts, or carries on, or permits to be engaged in, conducted, or carried on, any business of giving Russian, Turkish, Finnish, Swedish, Japanese, hot air, vapor, electric cabinet, magnetic, steam, mineral, sweat, salt, sauna, fomentation, alcohol, or any other kind or character of massage, bath, alcohol rub, fomentation, manipulation of the body, or other similar procedure. *Massage parlor* shall not include a hospital, nursing home, medical clinic, or the office of a duly licensed physician, surgeon, physical therapist, chiropractor, or osteopath, or to a massage therapist licensed by the Commonwealth of Virginia, or to barbershops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulders, or to ordinary tub baths where an attendant is not required.

Motor vehicle title loan establishment. Any business that engages in the making or underwriting of motor vehicle title loans as defined by Va. Code §6.2-2100. A *motor vehicle title loan establishment* shall not include a bank, savings institution, or credit union legally operating under the laws of the United States or the Commonwealth of Virginia.

Pawn Shop. Any business that lends or advances money or other things for profit on the pledge and possession of personal property, or other valuable things, other than securities or written or printed evidences of indebtedness, or that deals in the purchasing of personal property or other valuable things on condition of selling the same back to the seller at a stipulated price.

Payday loan establishment. Any business that engages in the making or underwriting of short-term loans as defined by Va. Code §6.2-1800. A *payday loan establishment* shall not include a bank, savings institution, or credit union legally operating under the laws of the United States or the Commonwealth of Virginia.

Phototherapy device. A piece of equipment that emits ultraviolet radiation and that is used by a health care provider in the treatment of a disease.

Precious Metal Dealer. Any person engaged in the business of purchasing secondhand precious metals or gems, removing in any manner precious metals or gems from manufactured articles not then owned by such person or buying, acquiring, or selling precious metals or gems removed from such manufactured articles. This definition shall not be construed so as to include persons engaged in the following:

1. Purchases of precious metals or gems directly from other dealers, manufacturers, or wholesalers for retail or wholesale inventories.
2. Purchases of precious metals or gems from a duly qualified fiduciary who is disposing of the assets of the estate being administered by such fiduciary in the administration of an estate.
3. Acceptance by a retail merchant of trade-in merchandise previously sold by such retail merchant to the person presenting that merchandise for trade-in.
4. Repairing, restoring, or designing jewelry by a retail merchant if such activities are within his normal course of business.

5. Purchases of precious metals or gems by industrial refiners and manufacturers, insofar as such purchases are made directly from retail merchants, wholesalers, or dealers or by mail originating outside the Commonwealth of Virginia.

6. Persons regularly engaged in the business of purchasing and processing nonprecious scrap metals which incidentally may contain traces of precious metals recoverable as a by-product.

Secondhand Shop. Any business that buys, sells, barter, or exchanges used or secondhand articles, including but not limited to such items as firearms, office machines, household appliances, electronics, sporting equipment, or any other secondhand merchandise intended to be resold for use as such. *Secondhand Shop* does not include those businesses that exclusively buy, sell, barter, or exchange used or secondhand clothing, furniture, books, or toys; nor does it include those businesses that buy, sell, barter, or exchange used or secondhand items defined and regulated as junk, scrap, or precious metals.

Skill Game. The same as the word is defined in Chapter 16 of the Code of the City of Danville, Virginia.

Sporting Goods Store. Any merchant engaged in the business of selling at retail any sports gear or equipment, firearm or firearm accessory or equipment, bow or archery accessory or equipment, or similar items used in recreational sporting activities. Sporting goods store does not include any merchant who does not sell any sporting good other than clothing, footwear, or bicycles and cycling equipment.

Tanning device. Any equipment that emits electromagnetic radiation with wavelengths in the air between 200 and 400 nanometers and that is used for tanning of human skin, including a sunlamp, tanning booth, or tanning bed. The term also includes any accompanying equipment, including but not limited to any protective eyewear, timer, or handrail. Tanning device shall not include a phototherapy device.

Tanning facility. A business that provides persons access to tanning devices.

Tattoo. To place any design, letter, scroll, figure, symbol, or any other mark upon or under the skin of any person with ink or any other substance resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

Vape Shop. Any retail or service establishment that is not licensed by the Virginia Board of Pharmacy that devotes a majority (51%) of its floor area to the sale and display of electronic cigarettes; or any establishment that permits members of the general public to vape with such products on site.

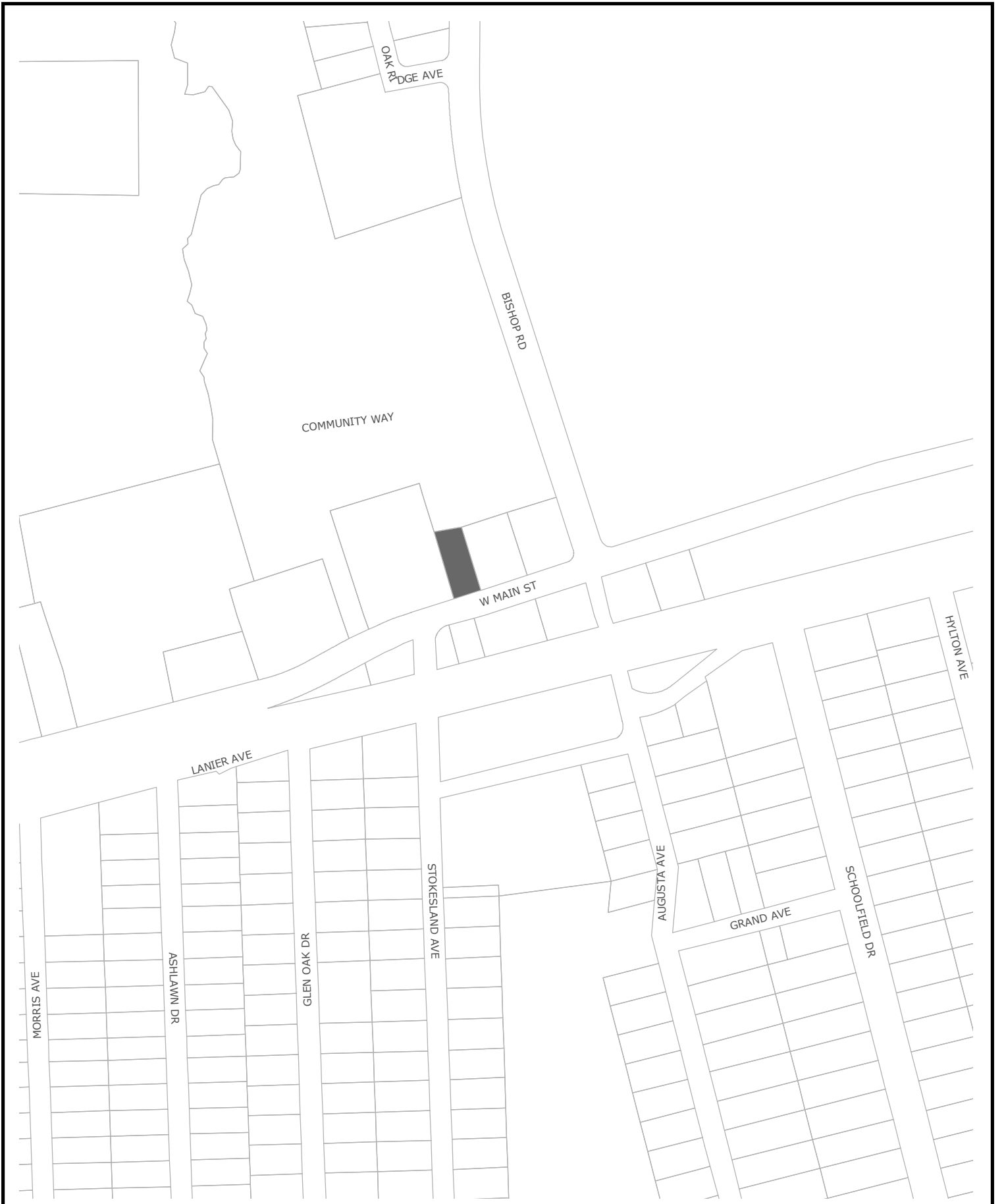


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:
Planning Division
5/19/2023

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



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
5/19/2023

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

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
5/19/2023

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

MEMORANDUM

DATE: JUNE 12, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00169

REQUEST

Special Use Permit Application PZ23-00169 filed by Allen Stone requesting a Special Use Permit at 1224 West Main Street (Parcel 56046) to allow a mixed-use development with residential use on the upper level(s) and commercial use on the street level in accordance with Article 3.X. Section C Item 2.

RECOMMENDATION

The Planning Commission, at their June 12, 2023, meeting, voted 5 - 0 to recommend approval of Special Use Permit Request PZ23-00169 as submitted.

 RB

Mr. Steve Petrick, Chair



STAFF REPORT

DATE: July 6, 2023
TO: City Council
FROM: Renee Burton, Division Director of Planning
RE: Consideration of a Request to Amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, specifically to Amend Article 2 Section P Item 8, to Amend the Height and Size of a Flag Pole.

SUMMARY

In May, the Planning Staff received a request to review the flag pole regulations for the City of Danville. Staff has reviewed the current regulations and have provided amendments that adjust the height and permitted location of flag poles as well as the square footage of the flag(s) that may be displayed.

The amendments are outlined in the attached Exhibit A.

On June 12, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00181 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 2. Section P. Item 8. to amend the height and size of a flagpole.

RECOMMENDATION

The Planning Staff and Planning Commission recommend approval of PZ23-00181 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 2 Section P Item 8, to amend the height and size of a flagpole as submitted.

ATTACHMENTS

1. Ordinance
2. Exhibit A
3. Planning Commission Recommendation

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 ____.

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 2, SECTION P, ITEM 8, TO AMEND THE HEIGHT AND SIZE OF A FLAGPOLE

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41 entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to create Article 2, Section P, Item 8, be and the same is hereby, received; and

BE IT FURTHER ORDAINED, in consideration of said report and the public hearing this day held by Council, specifically, to approve an amendment to of Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to create Article 2 Section P Item 8, be and the same is hereby, amended and reordained to read as follows:

CHAPTER 41: ZONING CODE

ARTICLE 2: GENERAL REGULATIONS

Section P: Accessory Uses and Structures

Item 8. Garages and Flagpoles

~~No accessory structure other than garages and flagpoles shall exceed twenty-four (24) feet in height. Garages may exceed twenty-four (24) feet in height with a special use permit provided that the height of the garage shall not exceed the height of the primary residential structure. Flagpoles may exceed twenty-four (24) feet in height provided that the height of the flagpole does not exceed the maximum building height regulation for the zone in which it is located. Subject to special use permit approval, the height of a flagpole exceeding the maximum building height regulations may be approved when the applicant can provide photo simulations of "before and after" of the proposed flagpole.~~

A. Garages

1. No garage may exceed twenty-four (24) feet in height or the height of the existing principal structure (whichever is less) without a Special Use Permit. Photo simulations of “before and after” or elevation drawings are required with a Special Use Permit request.
2. Within a residential zoning classification, a Special Use Permit is required to construct or install a garage without a principal structure on the same parcel.

B. Flagpoles

1. A Special Use Permit is required to construct or install a flagpole in any district without the presence of a principal structure.
2. Flags and flagpoles are limited to a maximum of two (2) per parcel.
3. Flagpoles may be installed in the earth or attached to the principal structure, provided the point of attachment nor the height of the flagpole exceeds the height of the principal structure.
4. The height of a flagpole or point of attachment to the principal structure, may not exceed the height of the existing principal structure without a Special Use Permit. Photo simulations of “before and after” or elevation drawings are required with a Special Use Permit request.
5. Maximum flag size
 - a. Within a residential zoning classification, the total square footage of flags on display may not exceed forty-eight (48) square feet.
 - b. Within a commercial zoning classification, the total square footage of flags on display may not exceed seventy (70) square feet.
6. The minimum setback from the base of a flagpole to any property line must equal the height of the pole itself.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Exhibit A

Article 2 Section P Item 8

Existing

8. No accessory structure other than garages and flagpoles shall exceed twenty-four (24) feet in height. Garages may exceed twenty-four (24) feet in height with a special use permit provided that the height of the garage shall not exceed the height of the primary residential structure. Flagpoles may exceed twenty-four (24) feet in height provided that the height of the flagpole does not exceed the maximum building height regulation for the zone in which it is located. Subject to special use permit approval, the height of a flagpole exceeding the maximum building height regulations may be approved when the applicant can provide photo simulations of "before and after" of the proposed flagpole.

Proposed

8. Garages and Flagpoles

A. Garages

1. No garage may exceed twenty-four (24) feet in height or the height of the height of the existing principal structure (whichever is less) without a Special Use Permit. Photo simulations of "before and after" or elevation drawings are required with a Special Use Permit request.
2. Within a residential zoning classification, a Special Use Permit is required to construct or install a garage without a principal structure on the same parcel.

B. Flagpoles

1. A Special Use Permit is required to construct or install a flagpole in any district without the presence of a principal structure.
2. There shall be no more than two (2) flagpole(s) per parcel.
3. Flagpoles may be installed in the earth or attached to the principal structure, provided the point of attachment nor the height of the flagpole exceeds the height of the principal structure.
4. The height of a flagpole or point of attachment to the principal structure, may not exceed the height of the existing principal structure without a Special Use Permit. Photo simulations of "before and after" or elevation drawings are required with a Special Use Permit request.
5. Maximum flag size
 - 3a. Within a residential zoning classification, the total square footage of flags on display may not exceed forty-eight (48) square feet.
 - 3b. Within a commercial zoning classification, the total square footage of flags on display may not exceed seventy (70) square feet.
6. The minimum setback from the base of a flagpole to any property line must equal the height of the pole itself.



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

City Planning Commission

MEMORANDUM

DATE: JUNE 12, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT APPLICATION PZ23-00181

REQUEST

Code Amendment Request PZ23-00181 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically amend Article 2 Section P Item 8, to amend the height and size of a flagpole.

RECOMMENDATION

The Planning Commission, at their June 12, 2023, meeting, voted 5 - 0 to recommend approval of Code Amendment Request PZ23-00181 as submitted.

 RB

Mr. Steve Petrick, Chair