



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

## **City Planning Commission**

MARCH 9, 2020  
3:00 P.M.  
CITY COUNCIL CHAMBERS

### **AGENDA**

- I. WELCOME AND CALL TO ORDER
- II. ROLL CALL
- III. ITEMS FOR PUBLIC HEARING
  1. *Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*
  2. *Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*
  3. *Special Use Permit Application PLSUP202000039, filed by Danville Regional Industrial Authority on behalf of Mid Atlantic Broadband Communities Corporation, requesting a Special Use Permit for a waiver to yard setbacks in accordance with Article 3.O, Section C, Item 25 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended On Parcel ID #78380 on Cain Street, otherwise known as Grid 4717, Block 005, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to build a structure closer to the property line than permitted by Code.*
  4. *Rezoning Application PLRZ202000029, filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, & 70046),*

*otherwise known as Grid 1916, Block 011, Parcel ID's 000039, 000040 &, 000041 of the City of Danville, Zoning District Map. The applicant is proposing to build mini-storage warehouses on the property.*

IV. ITEM NOT FOR PUBLIC HEARING

1. *Request to review a Final Major Subdivision plat for the dedication of right-of-way for Airport Road.*
2. *Request a waiver to the requirements to provide paved parking in accordance with Article 8 Parking and Loading Requirements, Section 6, paragraph (b) for 301 Trade Street.*

V. OTHER BUSINESS

VI. APPROVAL OF MINUTES FROM FEBRUARY 10, 2020

VII. ADJOURNMENT



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

## ***City Planning Commission***

**City Planning Commission**  
Meeting of March 9, 2020

**Subject:**

*Special Use Permit application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

**Background:**

Justin Williams & Michelle Adkins, are requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have an indoor gaming facility.

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

Based on information provided to the Inspections Division, the City can limit the occupant load to 63 for the amount of parking spaces that exists. An Assembly Card must be posted for the Fire Marshall's Office as well as the new C of O.

**Recommendation:**

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

1. The hours of operation for the machines shall be limited to between 8:00 a.m. and 10:00 p.m. Sunday through Friday and 8:00 a.m. and 11:00 p.m. on Saturday; and
2. There shall be no more than one (1) gaming machine per three (3) persons permitted under the maximum building occupancy specified on a Certificate of Occupancy for the building and its current on-site uses; if a current Certificate of Occupancy is not on file, a new inspection must be undertaken to determine the maximum number of machines permitted and
3. No person under the age of eighteen(18) years old shall be permitted to play any game which presents an opportunity to obtain monetary or cash prizes; and

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

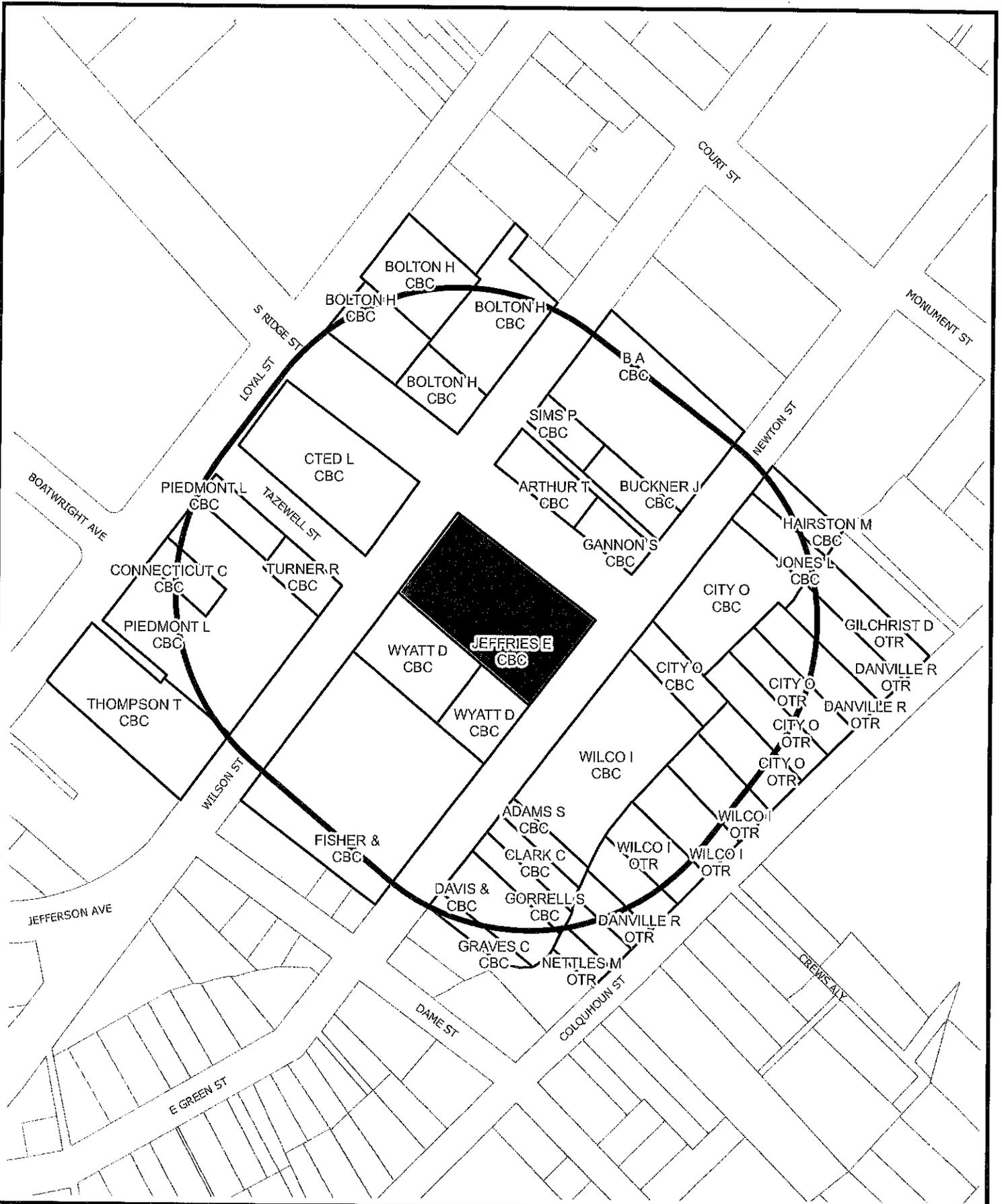
The conditions are intended to alleviate the mentioned safety and welfare concerns. The conditions also ensure the business complies with all applicable zoning requirements.

**City Planning Commission Options:**

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

**Attachments:**

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



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



Prepared by:  
 Planning Division  
 10/28/2019

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



### 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
10/28/2019

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



# SPECIAL USE PERMIT



The City Council, with the advice of the City Planning Commission, is authorized by the Municipal Code to grant a Special Use Permit to any property within the City as long as this action is justified by the PUBLIC NECESSITY, GENERAL WELFARE, OR GOOD ZONING PRACTICE.

## PROCEDURE

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

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

*Every action, by an affected party, contesting a decision of the City Council to adopt, or failing to adopt a proposed Special Use Permit ordinance shall be filed with the Danville Circuit Court within 60 days of the date of Council's decision.*

**EXPLANATION OF REQUEST:**

**1. PROPOSED USE FOR THE SPECIAL USE PERMIT:**

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

See typed document (Explanation of Request)  
Amusement Parlor

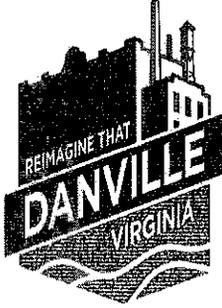
**PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):**

1. NAME: Joseph Jackson TELEPHONE: 203 650-3041  
MAILING ADDRESS: 401 South Ridge Street Danville VA 24541  
SIGNATURE: [Signature] DATE: 9-13-2019  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
EMAIL ADDRESS: JOEACTIN@SBCGLOBAL.NET

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

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

NAME: Justin Williams + Michelle Adkins TELEPHONE: 434-248-4517 + 434-709-2604  
MAILING ADDRESS: 724 South Main St / Danville, VA 24541  
EMAIL ADDRESS: broadstpromo@gmail.com / j.williams@broadstholdings.com  
SIGNATURE: [Signatures] DATE: 13 Sept 2019



## City of Danville, Inspections Division

427 Patton Street, Suite 208

Danville VA, 24541

Phone: (434) 799-5260

### RECEIPT

**Date:** October 01, 2019

**Name:** Justin Williams and Michelle Adkins

**Address:** 724 S. Main Street #3927  
Danville, VA 24541

**Project #:** PLSUP20190000386

**Received by:** Lisa K Jones

**Payment Type:** Check

**Check No:** 68-7497-2560

DESCRIPTION	AMOUNT
Special Use Permit Fee	\$360.00
<b>Totals</b>	<b>\$360.00</b>



## City of Danville

427 Patton Street, Suite 208  
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Phone: (434) 799-5260

# City Planning Commission

October 29, 2019

Justin Williams & Michelle Adkins  
724 S. Main St.  
#3927  
Danville, VA 24540

***The purpose of this letter is to notify you in accordance with Section 15.2-2204 of the Code of Virginia that the following request has been filed with the City of Danville:***

*Special Use Permit application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

A public hearing will be held on this request, by the Danville City Planning Commission on **Tuesday, November 12, 2019 at 3:00 P.M.** in the City Council Chambers located on the fourth floor of City Hall. You or a representative are encouraged to attend this public hearing to explain your request and address any questions the Commission may have. The Commission will vote on a recommendation to the City Council. The Council will then hold another meeting before making a final decision on this request.

As the applicant, you are required to a "Public Notice" sign on your property, within ten (10) feet of the public right-of-way. If you have not yet received your sign from staff, please contact us immediately. The sign must remain posted from August 26 until after the final public hearing by City Council.

The agenda for public meetings is typically available on the City's website a week prior to their meeting. The public meetings will be streamed on River City TV. If you have any questions, or if we can be of further assistance, please contact our office at (434) 799-5260.

Sincerely,

Kenneth C. Gillie Jr.  
Director of Community Development  
Zoning Administrator

Item 16

# Certificate of Use and Occupancy

CITY OF DANVILLE, VIRGINIA  
Department of Community Development  
Inspections Division

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

For the following location:  
401 S RIDGE ST, DANVILLE, VA 24541

For occupancy by:  
Megalodon

Use Group:  
A-3 Assembly

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

Building Owner and Address: JEFFRIES ELI M & IANTA W  
240 OAKWOOD CIR  
DANVILLE, VA 24541

Occupancy Load: 156 Persons

CODE	PERMIT#	INSPECTOR	FINAL APPROVED
Property Maintenance Inspector	PRCOUO201901963	Dennis J. Bisson Jr.	10/21/2019
Fire Marshal	PRCOUO201901963	Shelby Irving	10/15/2019
Building Inspector	PRCOUO201901963	Chris Clark	10/22/2019

**Conditions or Modifications:** Modification-Building Code Corrections, Drinking water shall be provided for customers at no charge during hours of operation. Cooking equipment shall not be utilized unless Fire Department approves and proper permits have been obtained for use.

**\*FIRE SPRINKLER SYSTEM NOT INSTALLED AND NOT REQUIRED\***

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

  
\_\_\_\_\_  
Building Official

October 29, 2019  
\_\_\_\_\_  
Date



POST IN A CONSPICUOUS PLACE



## City of Danville

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Phone: (434) 799-5260

# City Planning Commission

## City Planning Commission

Meeting of March 9, 2020

### Subject:

*Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

### Background:

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

Twenty-one notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on February 10, 2020.

### Staff Analysis and Recommendation:

Due to actions currently ongoing in the Virginia General Assembly, staff recommends that this item be continued to the April meeting.

If the Planning Commission does not wish to continue this item, staff would recommend denial of the request.

### City Planning Commission Alternatives:

1. Recommend approval of Special Use Permit Application PLSUP202000004 as submitted.
2. Recommend approval of Special Use Permit Application PLSUP202000004 subject to the condition per staff.
3. Recommend approval of Special Use Permit Application PLSUP202000004 subject to conditions by the Planning Commission.

4. Recommend denial of Special Use Permit Application PLSUP202000004 as submitted.

**Attachments:**

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

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

USE: SKILLS GAMES

CASE NUMBER: \_\_\_\_\_

EXISTING ZONING: \_\_\_\_\_

PROPOSED ZONING: \_\_\_\_\_

TAX MAP NUMBER: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

DATE FILED: \_\_\_\_\_

PLANNING COMMISSION DATE: \_\_\_\_\_

CITY COUNCIL DATE: \_\_\_\_\_

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

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

Gross Area/Net Area: 500 sq Feet Property Address: 2980 W. Main St Danville, VA  
24541

Property Location: N S E W Side of: WEST

Between: OLD Mayfield Rd and WITHERS Rd

Proffered Conditions (if any, please attach): \_\_\_\_\_

**EXPLANATION OF REQUEST:**

**1. PROPOSED USE FOR THE SPECIAL USE PERMIT:**

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

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

1. NAME: SHAZAD TAHSEEN TELEPHONE: 434 713 8559

MAILING ADDRESS: 2980 WEST MAIN ST DANVILLE VA 24541

SIGNATURE:  DATE: 12-22-19

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

EMAIL ADDRESS: Shazad233@gmail.com

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

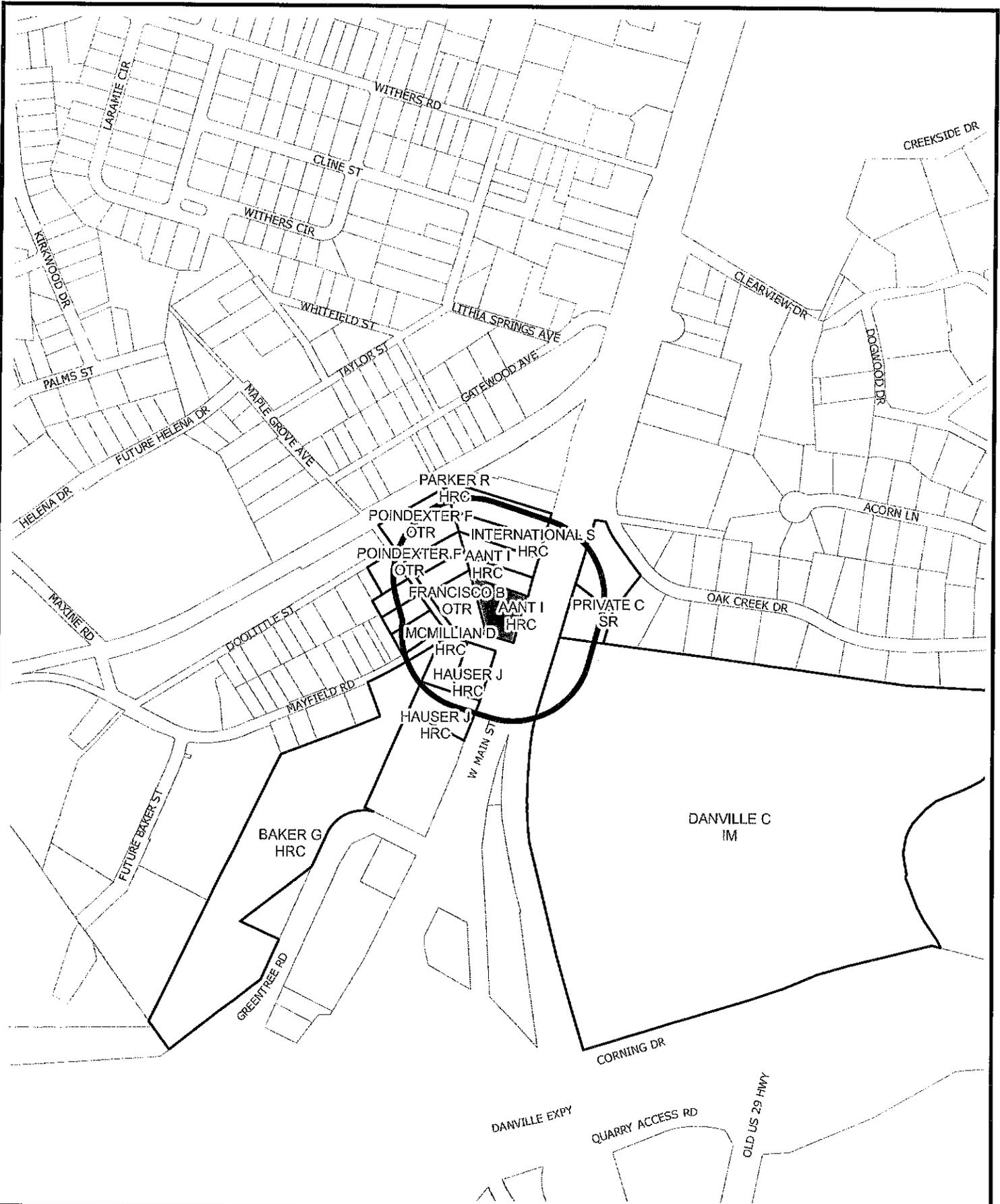
If the applicant is not the property owner, written authorization from the property owner must accompany this application.

NAME: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_



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



Prepared by:  
 Planning Division  
 1/22/2020

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**SPECIAL USE PERMIT REQUEST**  
**DATA SHEET**

**PUBLIC HEARING DATES:** Planning Commission at 3pm on February 10, 2020

**LOCATION OF PROPERTY:** 2980 W. Main St

**PRESENT ZONE:** HR-C Highway Retail Commercial District

**PROPOSED ZONE:** No change

**ACTION REQUESTED:** Special Use Permit for commercial indoor recreation

**PRESENT USE OF PROPERTY:** Convenience store

**PROPOSED USE OF PROPERTY:** Convenience store with gaming machines

**FUTURE LAND USE DESIGNATION:** Commercial

**PROPERTY OWNER (S):** AANT Inc.

**NAME OF APPLICANT (S):** Shazad Tahseen

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

**ACREAGE:** .81 acres

**CHARACTER OF VICINITY:** Mixed

**INGRESS AND EGRESS:** W. Main St. & Mayfield Road

**TRAFFIC VOLUME:** High and Moderate



## 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
1/22/2020

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## City of Danville

427 Patton Street, Suite 208  
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Phone: (434) 799-5260

# City Planning Commission

## City Planning Commission

Meeting of March 9, 2020

### Subject:

*Special Use Permit Application PLSUP202000039, filed by Danville Regional Industrial Authority on behalf of Mid Atlantic Broadband Communities Corporation, requesting a Special Use Permit for a waiver to yard setbacks in accordance with Article 3.O, Section C, Item 25 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended On Parcel ID #78380 on Cain Street, otherwise known as Grid 4717, Block 005, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to build a structure closer to the property line than permitted by Code.*

### Background:

The Danville Regional Industrial Authority on behalf of Mid Atlantic Broadband Communities Corporation is requesting a Special Use Permit for a waiver to yard setbacks. They are proposing to build a 12' x 27' (324 sq. ft.) equipment shelter and exterior generator at the intersection of Cain Street and South Boston Road. The location proposed places it within required yard setbacks. There is a 160' X 116' (18,560 sq. ft.) easement area for equipment location. The applicant was notified of City setback requirements, but has requested a Special Use Permit to deviate from these.

Eighteen (18) notifications were sent to surrounding property owners within 300 feet of the subject property. A full report will be presented to Planning Commission on March 9, 2020.

### Recommendation:

The Planning staff recommends the City Planning Commission make a recommendation on this case. Staff also serves as staff to the Authority and to prevent a conflict of interest, feels that making a recommendation would be improper.

There are concerns with the location of the generator on the east side, which places it closer to the residential uses on Cain Street and the potential for noise to impact the homes. There is also sufficient space to place the structure without the need for this Special Use.

If the Planning Commission recommends approval, staff would suggest that the location of the generator be taken into consideration, and that the setback waiver only be for this structure and not future structures.

**City Planning Commission Options:**

1. Recommend approval of Special Use Permit application PLSUP202000039 as submitted.
2. Recommend approval of Special Use Permit application PLSUP202000039 subject to conditions by staff.
3. Recommend approval of Special Use Permit application PLSUP202000039 subject to conditions by the Planning Commission.
4. Recommend denial of Special Use Permit application PLSUP202000039 as submitted.
5. Tabling of Special Use Permit application PLSUP202000039 by Planning Commission.

**Attachments:**

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

CITY OF DANVILLE

SPECIAL USE PERMIT APPLICATION

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

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

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

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CASE NUMBER: \_\_\_\_\_ EXISTING ZONING: \_\_\_\_\_  
PROPOSED ZONING: \_\_\_\_\_ TAX MAP NUMBER: \_\_\_\_\_  
RECEIVED BY: \_\_\_\_\_ DATE FILED: \_\_\_\_\_  
PLANNING COMMISSION DATE: \_\_\_\_\_ CITY COUNCIL DATE: \_\_\_\_\_

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

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

City of Danville, Commonwealth of Virginia, commonly known as tax parcel identification number 78380 on Tax Map 4717-005-000001.000

Gross Area/Net Area: 18,530 square feet (easement area) Property Address: 101 Cain Street Danville, VA

Property Location: W Side of: Cain Street, Danville, VA

Between: South Boston Rd (US 58) and Sellers Rd

Proffered Conditions (if any, please attach): \_\_\_\_\_  
\_\_\_\_\_

**EXPLANATION OF REQUEST:**

**1. PROPOSED USE FOR THE SPECIAL USE PERMIT:**

Please provide a site plan with the following information:

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

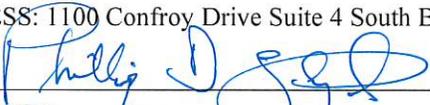
Please provide a brief description of the proposed development:

Mid-Atlantic Broadband, a non-profit 501 (c) (4) corporation headquartered in South Boston, VA, operates an open access fiber optic network in Virginia. Its current equipment node for the Danville and Pittsylvania County, located at 239 S. Ridge Street in the City of Danville, has reached its floor space capacity and there is no available space for future telecommunications equipment installation. D-P RIFA has granted MBC an easement to install a concrete telecommunications equipment shelter and ancillary support equipment to allow MBC to accommodate network growth in the City of Danville and Pittsylvania County

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

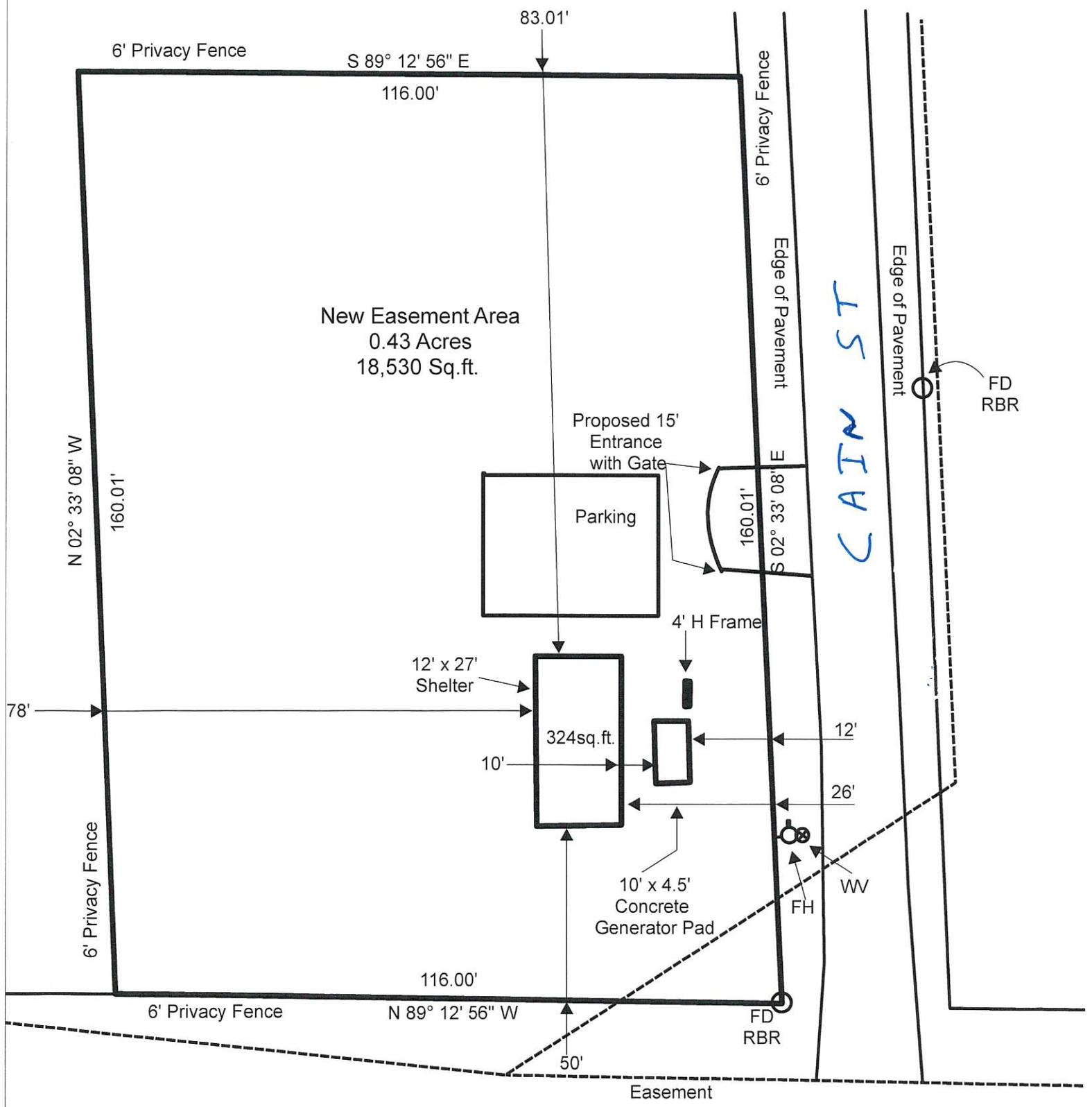
1. NAME: Mid-Atlantic Broadband Communities Corporation (MBC) TELEPHONE: (434) 570-1310

MAILING ADDRESS: 1100 Confroy Drive Suite 4 South Boston, VA 24592

SIGNATURE:  DATE: 2/5/2020

*Printed Name*  
SIGNATURE: Phillip D. Lloyd, Secretary/Treasurer DATE: \_\_\_\_\_

EMAIL ADDRESS: [daniel.lloyd@mbc-va.com](mailto:daniel.lloyd@mbc-va.com) [mark.petty@mbc-va.com](mailto:mark.petty@mbc-va.com)



**SPECIAL USE PERMIT REQUEST**  
**DATA SHEET**

**PUBLIC HEARING DATES:** Planning Commission at 3pm on March 9, 2020

**LOCATION OF PROPERTY:** Corner of Cain St and US 58

**PRESENT ZONE:** I-M Industrial Manufacturing

**PROPOSED ZONE:** Same

**ACTION REQUESTED:** The applicant is proposing to build a structure closer to the property line than permitted by Code

**PRESENT USE OF PROPERTY:** Vacant land

**PROPOSED USE OF PROPERTY:** Broadband equipment structure

**FUTURE LAND USE DESIGNATION:** Industrial

**PROPERTY OWNER (S):** Mid Atlantic Broadband Communities Corporation/Danville Pittsylvania Regional Industrial Authority

**NAME OF APPLICANT (S):** Danville Pittsylvania Regional Industrial Authority

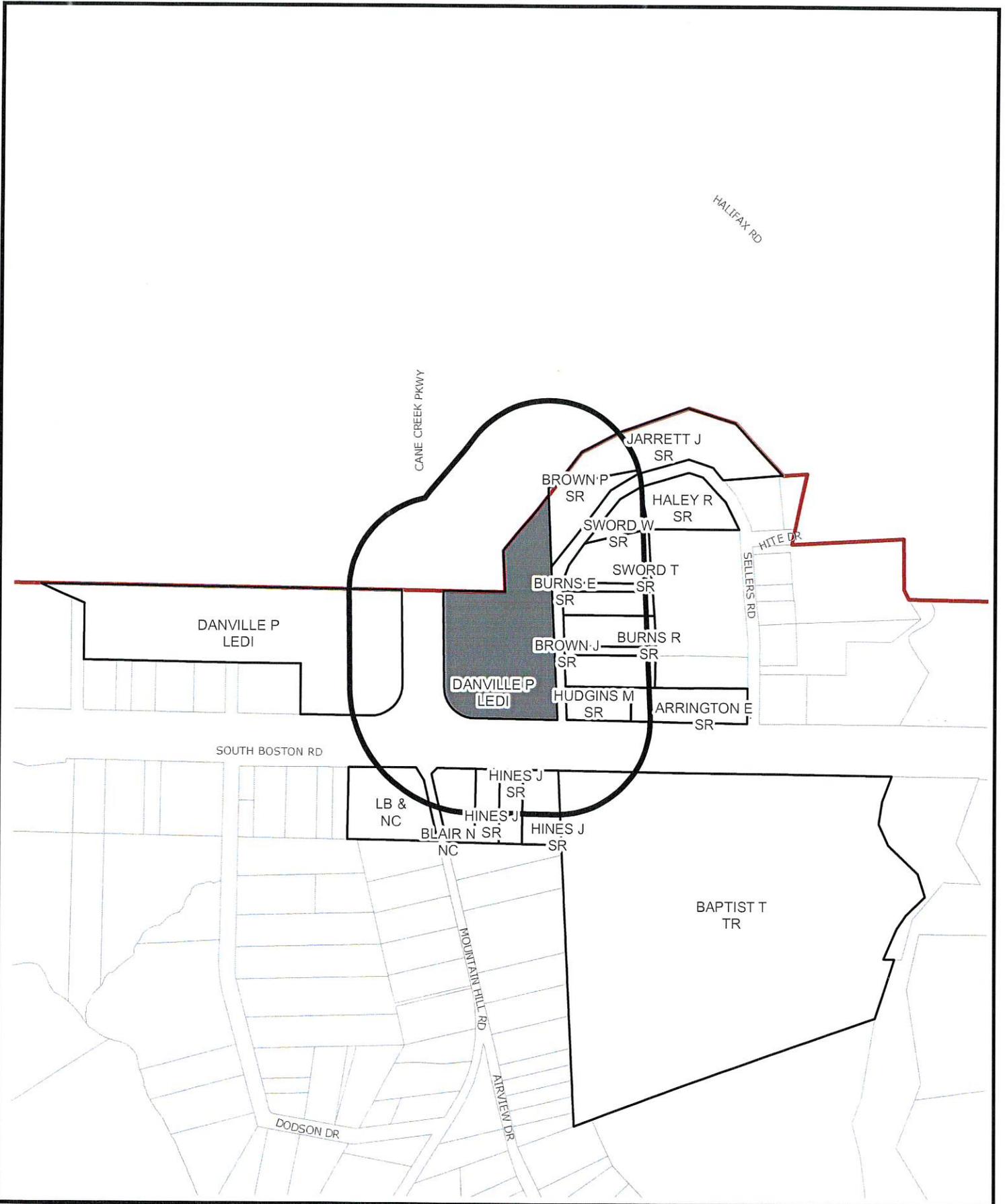
**PROPERTY BORDERED BY:** Industrial land to the north, commercial and industrial land to the west and south, residential to the east

**ACREAGE:** 3.99 acres (approximately)

**CHARACTER OF VICINITY:** Commercial/Industrial

**INGRESS AND EGRESS:** Cain Street/US 58.

**TRAFFIC VOLUME:** Low on Cain, high on US 58



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



Prepared by:  
 Planning Division  
 2/19/2020

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

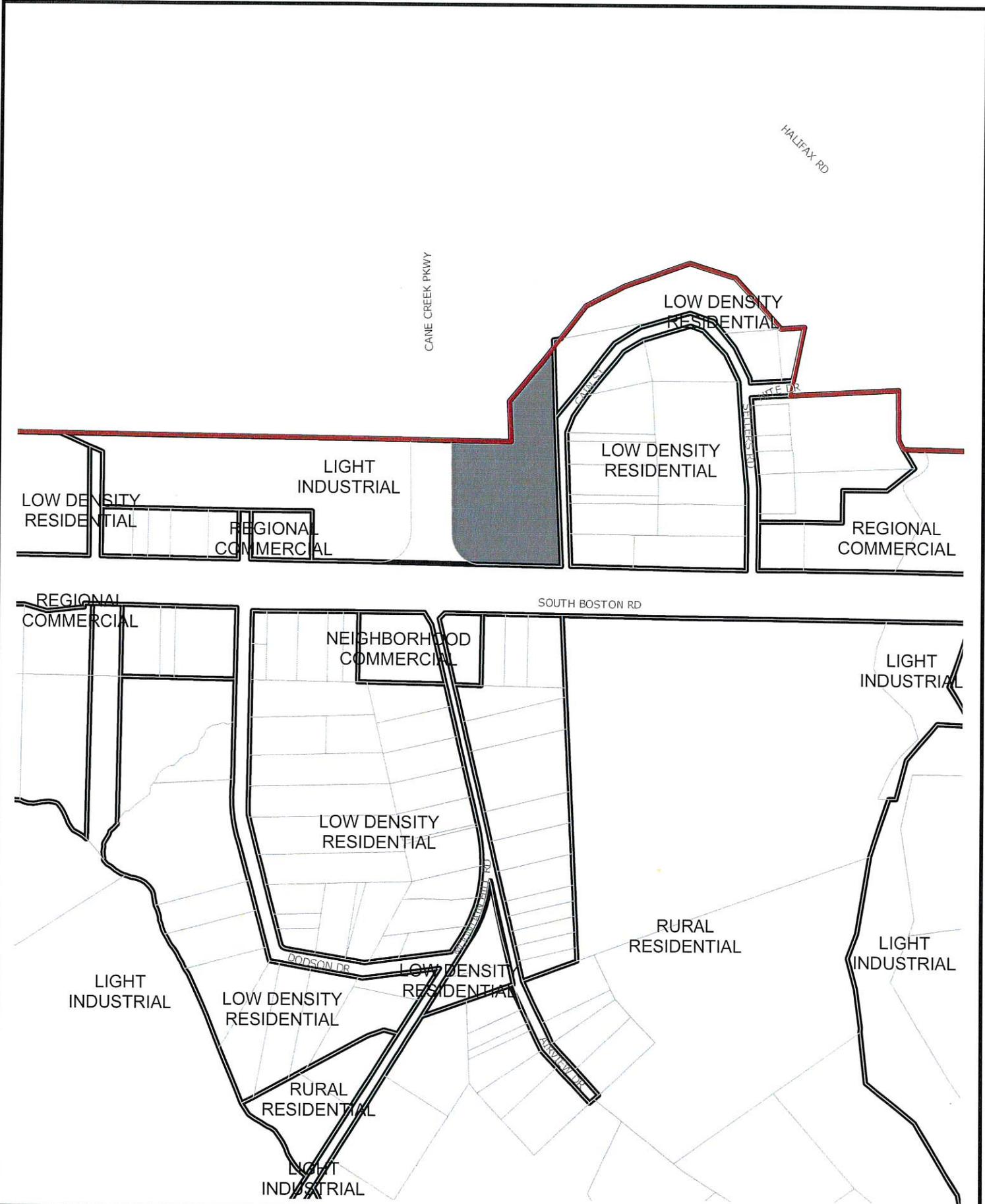


## 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
2/19/2020

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**YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY**

Prepared by:  
 Planning Division  
 2/19/2020

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## City of Danville

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

# City Planning Commission

## City Planning Commission

Meeting of March 9, 2020

### Subject:

*Rezoning Application PLRZ2020000029, filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, & 70046), otherwise known as Grid 1916, Block 011, Parcel ID's 000039, 000040 &, 000041 of the City of Danville, Zoning District Map. The applicant is proposing to build mini-storage warehouses on the property.*

### Background:

A rezoning application has been filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, & 70046).

The site is served by all City utilities. The applicant is requesting to rezone to allow for the addition of mini-storage warehouses. Currently that use is not permitted in the N-C District. The applicant has requested to change the Zoning to "Conditional" HR-C to allow for this use. The applicant has proffered out all uses that differ between the HR-C and N-C district, except for ministorage warehouses. Thus the only use not currently permitted would be the addition of mini-warehouses.

The surrounding area is developed with a mixture of single-family dwellings, church automobile service station, hair salon, and offices. The site is located on a 5 lane commercial roadway.

Thirty-five (35) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. A full report will be presented at the City Planning Commission meeting on March 9, 2020.

### Staff Analysis and Recommendation:

Staff recommends approval of Rezoning Application PLRZ2020000029, filed by the Gerald Kelly on behalf of TriCor Properties LLC, requesting to rezone from N-C Neighborhood Commercial District to "Conditional" HR-C Highway Retail Commercial District, 1113 Franklin Turnpike and two adjacent parcels (Parcel ID#s 70167, 70166, &

70046), otherwise known as Grid 1916, Block 011, Parcel ID's 000039, 000040 &, 000041 of the City of Danville, Zoning District Map. The applicant is proposing to build mini-storage warehouses on the property.

**City Planning Commission Alternatives:**

1. Recommend approval of Rezoning Application PLSUP202000029 as submitted.
2. Recommend approval of Rezoning Application PLSUP202000029 subject to conditions by the Planning Commission.
3. Recommend denial of Rezoning Application PLSUP202000029 as submitted.

**Attachments:**

Application  
Property Ownership/Zoning Map  
Data Sheet  
Existing Land Use Map (2019 Aerial)  
Year 2020 Land Use Map

CITY OF DANVILLE

REZONING APPLICATION

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: \_\_\_\_\_ EXISTING ZONING: \_\_\_\_\_  
PROPOSED ZONING: \_\_\_\_\_ TAX MAP NUMBER: \_\_\_\_\_  
RECEIVED BY: \_\_\_\_\_ DATE FILED: \_\_\_\_\_  
PLANNING COMMISSION DATE: \_\_\_\_\_ CITY COUNCIL DATE: \_\_\_\_\_

INFORMATION TO BE PROVIDED BY THE APPLICANT

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

Gross Area/Net Area: 3 Acres Property Address: 1113 Franklin Turn Pike  
Property Location: N SE W Side of: Franklin Turnpike  
Between: Aanhurst Dr and Vicar Pl  
Proffered Conditions (if any, please attach): N/A

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

1. NAME: Tricor TELEPHONE: (434) 770-2276  
MAILING ADDRESS: 1000 Mountain Valley Rd, Axton VA 24054  
SIGNATURE: Gerald W Kelly DATE: 1-28-20  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
EMAIL ADDRESS: geraldw.kelly@hotmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: Gerald W Kelly <sup>Owner</sup> <sub>Manager</sub> TELEPHONE: (434) 251-5796  
MAILING ADDRESS: 137 Dakota Dr Danville, VA 24540  
EMAIL ADDRESS: geraldw.kelly@hotmail.com  
SIGNATURE: Gerald W Kelly DATE: 1-28-20

## EXPLANATION OF REQUEST:

### 1. NEW COMMERCIAL/INDUSTRIAL DEVELOPMENT:

Please provide ten (10) sets, blue or black line copies, of a final site plan with the following information:

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

Please provide a brief description of the proposed development:

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### 2. ALTERATION OF ZONING BOUNDARIES:

Please provide a survey of proposed Zoning boundaries.

Please provide a brief description of the request:

Request of rezoning for Mini Storage Buildings at  
1113 Franklin Turnpike.

### 3. RESIDENTIAL REZONING:

Please provide a brief description of the request:

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10. In addition to landscaping and screening requirements, there shall be a minimum landscaped buffer strip of feet in depth along all N-C District property frontage. This buffer area may include the yard setbacks described in subsection E. Bulk Regulations of this district. No parking is permitted within the buffer strip.
11. Where a lot is contiguous to property located in a residential district, fencing may be required in addition to landscape buffers in such cases deemed necessary by the Planning Commission with fence material and heights subject to final plan approval.
12. Gasoline pump islands, canopies and structural elements shall be governed by the same regulations as applied to a principal structure.
13. Any subdivision or lot which is proposed to be developed on shrink/swell soils shall require a geotechnical report to be submitted with the preliminary plat and plans. Such report shall be prepared by a professional engineer and shall address the feasibility of development on the subject soils. No subdivision plat or site plan shall be approved for final recordation until a foundation engineering report has been reviewed by the City. All recorded plats for lots containing shrink/swell soils shall bear the following note: "This lot contains shrink/swell soils which require special engineering design for foundations and structural elements. No structure will be approved for issuance of a building permit until a foundation engineering design prepared by a certified professional engineer has been approved for the proposed structure."
14. All retail-sales-related business services, storage, and display shall be conducted within the principal structure which is to [be] completely enclosed.

(Ord. No. 2004-02.04, Art. 3.J, § H, 2-17-04; Ord. No. 2011-10.05, 10-18-11)

#### ARTICLE 3.M: - HR-C, HIGHWAY RETAIL COMMERCIAL (Highway Retail Commercial District)

##### A. - Purpose and Intent.

The HR-C District is established to provide suitable locations in Danville's heavily traveled collector streets and arterial highways for those commercial and business uses which are oriented to the automobile and which require regional access characteristics independent of the marketplace attributable to adjoining neighborhoods or pedestrian trade. The application of the HR-C District should be to those areas of the City where individual uses can be grouped into planned concentrations which limit the "strip" development effect on newly developing areas as well as on redevelopment areas where retail and business uses currently exist. In addition, the Corridor Overlay District may impact the regulation of uses in this district.

Adequate transportation and site planning of uses within the HR-C District should have the goal of minimizing conflicts with through-traffic movements along the entrance City's corridors and major arterial streets. The HR-C District is not intended to be applied to shopping centers. Given the implications of traffic, pedestrian access, landscaping, and inter-parcel connections, large-scale individual retailers in excess of 60,000 per establishment (typically referred to as "big boxes" or "superstores") shall require a special use permit.

Minimum site improvements for uses within the HR-C District shall include adequate on-site parking, public water and sewer service, public street frontage and safe access, pedestrian improvements, storm drainage, stormwater management facilities, and outdoor lighting for parking areas.

(Ord. No. 2004-02.04, Art. 3.M, § A, 2-17-04)

B. - Permitted Uses.

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

1. ~~Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles).~~
2. ~~Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage).~~
3. Banks and financial institutions.
4. Business services and office supply establishments.
5. Car washes.
6. Churches and places of worship.
7. Convenience stores (with or without gasoline sales).
8. ~~Fast food restaurants.~~
9. ~~Funeral homes.~~
10. ~~Gasoline sales establishments.~~
11. Health club, spa or fitness center.
12. Hospitals and health care facilities with inpatient services.
13. ~~Hotels and motels.~~
14. ~~Laundromats/dry cleaners.~~
15. Light intensity wholesale trade establishments (with no outdoor sales or display of products).
16. Medical offices and outpatient care facilities.
17. Mini-storage warehouses, with no exterior storage.
18. ~~Movie theaters.~~
19. Offices (general and professional).
20. Parking lots (private and public with off-street parking as the principal use).
21. Personal service establishments.
22. Private post office and delivery service.
23. Public uses.
24. ~~Repair service establishments (exclusive of automobile and light vehicle service and repair, with no outdoor storage).~~
25. ~~Restaurants.~~ Restaurant
26. Retail sales and leasing establishments, with screened outdoor sales or display of products limited to no greater than 15% of the net developable lot area. (See Additional Regulations.)
27. Schools, colleges and universities (public and private).

28. Seasonal retail uses.
29. Temporary retail sales.
30. Exterminator.
31. Bicycle shop.
32. Adult day support services.
33. Child therapeutic day support services.

(Ord. No. 2004-02.04, Art. 3.M, § B, 2-17-04; Ord. No. 2005-04.04, 4-5-05; Ord. No. 2009-12.08, 12-15-09; Ord. No. 2013-06.01, 6-4-13; Ord. No. 2014-08.09, 8-19-14)

#### C. - Uses Permitted by Special Use Permit.

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

1. Auction establishments.
2. Bed and breakfast, inn or tourist home (as defined).
3. ~~Bus stations.~~
4. Commercial recreation facilities (indoor and outdoor).
5. Conference centers.
6. Day care centers (adult and child).
7. Kennels, commercial.
8. Light warehousing uses related to an adjunct retail use permitted either by-right or special permit, provided that warehousing space does not exceed 50% of the gross floor area.
9. ~~Drive-in movie theaters.~~
10. Parking garages and structures.
11. Pet clinics.
12. Plant nurseries.
13. Public utilities.
14. ~~Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than 15% of the gross floor area in the assembling or processing of products. All assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.~~
15. Schools, colleges and universities (public or private).
16. Taxidermists.
17. ~~Uses with lot frontage on the Dan River.~~
18. ~~Vehicle sale, rental and ancillary service establishments, including mobile homes.~~
19. Veterinary clinics.
20. Waiver for increase in building heights to over 50 feet.

21. Waiver of yard requirements, subject to the prohibition of parking in front yards.
22. Caretaker's residence.
23. Homeless shelter.
24. ~~Microbrewery or micro-winery.~~
25. Wholesale sales.
26. ~~Indoor shooting facilities.~~
27. ~~Distillery.~~
28. Urban agriculture.

(Ord. No. 2004-02.04, Art. 3.M, § C, 2-17-04; Ord. No. 2008-07.04, Art. 3.M, § C, 7-15-08; Ord. No. 2009-11.07, 11-5-09; Ord. No. 2012-09.09, 9-18-12; Ord. No. 2015-01.04, 1-20-15; Ord. No. 2016-04.03, 4-5-16; Ord. No. 2017-08.01, 8-3-17; Ord. No. 2018-09.08, 9-4-18)

#### D. - Lot Size Requirements.

1. Minimum district size: Not regulated, provided that districts should be located, sized and spaced to limit potential "strip" development impacts.
2. Minimum lot areas:
  - (1) Interior lot: 13,500 square feet.
  - (2) Corner lot: 15,000 square feet.
3. Minimum lot width:
  - (1) Interior lot: 90 feet.
  - (2) Corner lot: 150 feet.
4. No HR-C District lot shall be designed or employed for use in which an area more than 25% of the prescribed minimum lot area is comprised of either of the following physical land units: (a) wetlands or (b) water features.

(Ord. No. 2004-02.04, Art. 3.M, § D, 2-17-04)

#### E. - Bulk Regulations.

1. Maximum building height: 50 feet.
2. Minimum yard requirements:
  - a. Front yard: 30 feet, provided that a 20 foot setback is required for the outdoor display of items within the front yard. For a corner lot, the front yard shall be 20 feet if access is not provided onto a non-arterial or collector street.
  - b. Side yard: 20 feet, provided, where side yard abuts a residential district, the side yard shall be 30 feet.
  - c. Rear yard: 20 feet, provided, where rear yard abuts a residential district, the rear yard shall be 30 feet.
  - d. In addition to the above regulations, buffer yard provisions shall apply in accordance with landscape and screening regulations.

**REZONING REQUEST**  
**DATA SHEET**

**PUBLIC HEARING DATES:** Planning Commission at 3pm on March 9, 2020

**LOCATION OF PROPERTY:** 1113 Franklin Turnpike and two adjacent parcels  
(#70167 & 70046)

**PRESENT ZONE:** N-C Neighborhood Commercial

**PROPOSED ZONE:** "Conditional" HR-C Highway Retail Commercial

**ACTION REQUESTED:** Rezone to construct mini-warehouses

**PRESENT USE OF PROPERTY:** Vacant Single Family Dwelling

**PROPOSED USE OF PROPERTY:** Mini storage warehouses

**FUTURE LAND USE DESIGNATION:** Residential

**PROPERTY OWNER (S):** TriCor Properties

**NAME OF APPLICANT (S):** Gerald Kelly on behalf of TriCor Properties

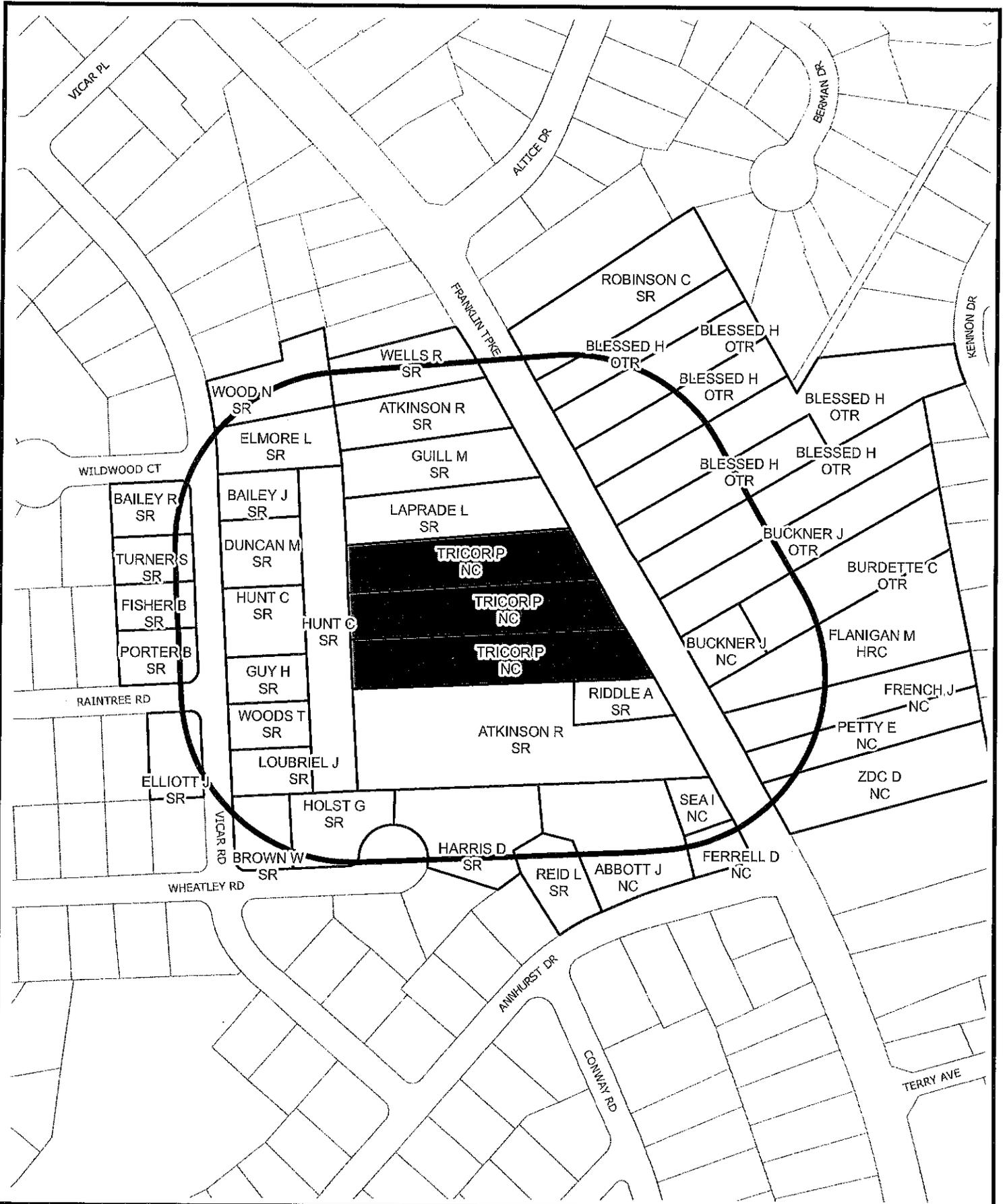
**PROPERTY BORDERED BY:** Mixed commercial and residential to the north, east,  
south and west

**ACREAGE:** 2.97 acres (approximately)

**CHARACTER OF VICINITY:** Mixed commercial and residential

**INGRESS AND EGRESS:** Franklin Turnpike.

**TRAFFIC VOLUME:** High



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

Prepared by:  
 Planning Division  
 2/19/2020

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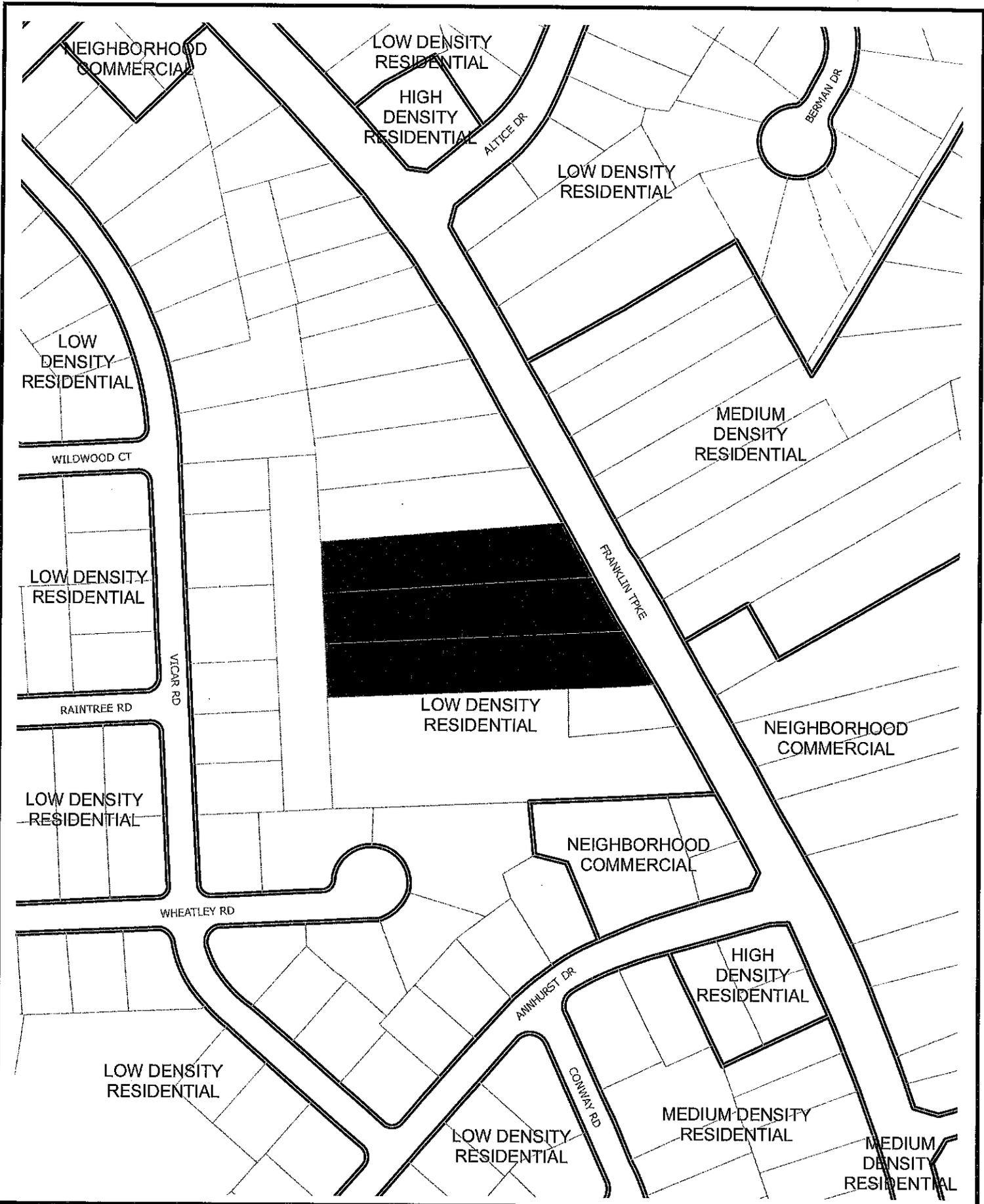


## 2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY



Prepared by:  
Planning Division  
2/19/2020

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**YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY**

Prepared by:  
 Planning Division  
 2/19/2020

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

## *City Planning Commission*

### **City Planning Commission**

Meeting of Monday, March 9, 2020

#### **Subject:**

*Request to review a Final Major Subdivision plat for the dedication of right-of-way for Airport Road.*

#### **Background:**

A request has been filed to review a Final Major Subdivision plat for the dedication of right-of-way for Airport Road.

#### **Recommendation:**

Staff recommends that Planning Commission adopt a resolution to grant approval of the Final Major Subdivision Plat for abandonment and acceptance of right-of-way for the modification of Airport Road.

#### **City Planning Commission Alternatives:**

- Adopt a resolution to grant approval of a Final Major Subdivision Plat for acceptance of right-of-way for the modification to Airport Road, subject to the allowance for minor changes for typographical errors and errors of omission
- Deny approval of the Final Major Subdivision Plat for acceptance of right-of-way for the modification to Airport Road.

#### **Attachments:**

- Final Subdivision Plat
- Resolution

PRESENTED: MARCH 9, 2020

ADOPTED: MARCH 9, 2020

RESOLUTION NO. 2020 – 3.1

A RESOLUTION APPROVING A FINAL MAJOR SUBDIVISION PLAT FOR THE DEDICATION OF RIGHT-OF-WAY FOR AIRPORT ROAD UNDER THE SUBDIVISION ORDINANCE OF THE CITY OF DANVILLE, VIRGINIA.

BE IT RESOLVED by the Planning Commission of the City of Danville, Virginia that a Final Major Subdivision Plat for acceptance of right-of-way for Airport Road, be approved under the provision the Subdivision Code of the City of Danville, Virginia, 1986 as amended, said plat being more fully described as follows:

PLAT OF SURVEY SHOWING CONSOLIDATION OF TRACTS A& B CREATING NEW TRACT B1 FOR: THE CITY OF DANVILLE, as drawn by Crane Surveying, PLLC, dated February 21, 2020 and shown as attached Exhibit A.

APPROVED

---

Harold E. Garrison  
Chairman, City Planning Commission





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

## ***City Planning Commission***

**City Planning Commission**  
Meeting of March 9, 2020

**Subject:**

*Request a waiver to the requirements to provide paved parking in accordance with Article 8 Parking and Loading Requirements, Section 6, paragraph (b) for 301 Trade St.*

**Background:**

The applicant represents JEB Realty. The operation is using the facility as a warehouse and possible processing operation. This use will require delivery by large trucks to a new door and dock being installed onto the west side of the facility. The applicant has requested a waiver to providing pavement for driveway in accordance with Article 8, Section 6 paragraph (b), which allows Planning Commission to waive this requirement for special considerations.

**Recommendation:**

Staff has no issue with waiving this requirement for pavement for the driveway or storage of heavy equipment so long as provisions are in place to keep loose stones, dirt, etc. from being tracked onto public streets. Staff would recommend that a condition be placed that any driveway connection from this parcel be provided with a minimum of 40' of asphalt or concrete prior to connection to any City street to allow materials to fling from tires.

**City Planning Commission Options:**

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

**Attachments:**

- A. Letter of application
- B. Site plan

February 12, 2020

City of Danville Planning Commission  
C/O Mr. Kenneth C. Gillie, JR  
Director of Community Development  
427 Patton Street  
Room 207  
Danville, Virginia 24541

***Re: Request for Waiver  
Article 8-Parking and Loading Requirements  
For PIN #s 53993, 53995, 53996, & 53997***

Dear Mr. Gillie:

On behalf of Lea 3, LLC we respectfully request a waiver to the City of Danville Zoning Ordinance Article 8-Parking and Loading Requirements, Section 6 paragraph (b), requirement for “paved surfacing” for entrances and loading/unloading areas.

Background: An existing warehouse is to be repurposed for AGRO business use. A concrete pad and canopy is proposed for material unloading. An access drive will access the unloading area from Trade Street. (Site plan attached).

It is the intent of the Owners to consolidate the four referenced parcels. (Preliminary plat attached).

Justification for Request: The Owners request to install compacted gravel over access drive rather than bituminous asphalt paving. The Owners contend that compacted gravel will provide a surface which will be easier to maintain than asphalt pavement. A fifty feet long concrete section at both entrances will be provided to prevent tracking of gravel onto Trade Street.

Your consideration of our request is greatly appreciated. Please do not hesitate to call if you have any questions or need any additional information concerning this request for a waiver.

Sincerely,  
LE&D Professionals, PC



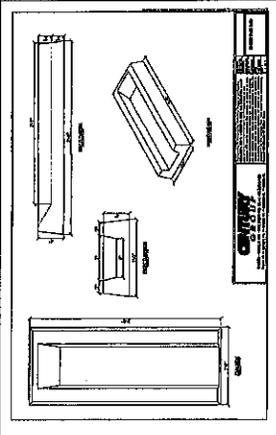
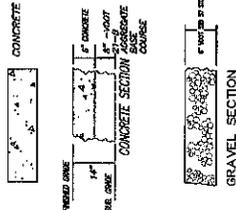
G. Mark Johnson, PLS  
President

**LEED**  
**PROFESSIONALS, P.C.**  
 ENGINEERS IN THE PUBLIC INTEREST  
 11010 LANE 4, SUITE 111  
 CHARLOTTE, NC 27204  
 NC LICENSE # 427  
 VA LICENSE # 0000001001  
 STATE OF NORTH CAROLINA  
 STATE OF VIRGINIA  
 PROFESSIONAL SEAL

**WAREHOUSE CANOPY & ENTRANCE**  
**JEB REALTY**  
**TRADE STREET-DANVILLE, VIRGINIA**  
**SITE PLAN**



NO.	DATE	DESCRIPTION	BY
4	FEBRUARY 7, 2020	PROJECT NO. 20	
		PROJECT NO.	
		SCALE	
		DATE	
		PROJECT NO.	
		SCALE	
		DATE	



- LEGEND**
- 12" CONCRETE MASONRY
  - 8" CONCRETE MASONRY
  - 4" CONCRETE MASONRY
  - 2" P.W. CONCRETE
  - 1" P.W. CONCRETE
  - 1/2" P.W. CONCRETE
  - 1/4" P.W. CONCRETE
  - 1/8" P.W. CONCRETE
  - 1/16" P.W. CONCRETE
  - 1/32" P.W. CONCRETE
  - 1/64" P.W. CONCRETE
  - 1/128" P.W. CONCRETE
  - 1/256" P.W. CONCRETE
  - 1/512" P.W. CONCRETE
  - 1/1024" P.W. CONCRETE
  - 1/2048" P.W. CONCRETE
  - 1/4096" P.W. CONCRETE
  - 1/8192" P.W. CONCRETE
  - 1/16384" P.W. CONCRETE
  - 1/32768" P.W. CONCRETE
  - 1/65536" P.W. CONCRETE
  - 1/131072" P.W. CONCRETE
  - 1/262144" P.W. CONCRETE
  - 1/524288" P.W. CONCRETE
  - 1/1048576" P.W. CONCRETE
  - 1/2097152" P.W. CONCRETE
  - 1/4194304" P.W. CONCRETE
  - 1/8388608" P.W. CONCRETE
  - 1/16777216" P.W. CONCRETE
  - 1/33554432" P.W. CONCRETE
  - 1/67108864" P.W. CONCRETE
  - 1/134217728" P.W. CONCRETE
  - 1/268435456" P.W. CONCRETE
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## PLANNING COMMISSION MINUTES

February 10, 2020

### MEMBERS PRESENT

Mr. Wilson  
Mr. Garrison  
Mr. Bolton  
Mr. Petrick  
Mr. Dodson  
Mrs. Evans

### MEMBERS ABSENT

Mr. Craft

### STAFF

Lisa Jones  
Ken Gillie  
Clarke Whitfield

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

### ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Garrison opened the Public Hearing.

Ms. Stephanie Mendez stated last month we postponed it because Planning Commission was going to come up with a definition for the games.

Mr. Garrison stated and that has not been done.

Ms. Mendez stated we would like to postpone this again.

Mr. Garrison closed the Public Hearing.

**Mr. Bolton made a motion to postpone this special use permit PLSUP20190000386. Ms. Evans seconded the motion. The motion was approved by a 5-1 vote.**

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

Mr. Garrison opened the Public Hearing.

Mr. Tony Phillips stated I am with Fullerton Engineering Consultants. I'm here on behalf of AT&T/Tillman for this cell tower. I can answer any questions that you may have. Basically to provide another option for AT&T to have a place to put their equipment. They are currently on a location close to there, and they are running out of gas across the country from high rents and situations where the tower owners are basically trying to be the only land owners. AT& T has found out that we will put up a tower and charge them half the rent and not charge them to come on and off.

Mr. Dodson stated so the cost will be half of what they are paying now?

Mr. Phillips stated the rent yes, over a thirty year lease they can save a lot of money.

Ms. Evans are you aware of the opposition from SBA?

Mr. Phillips stated yes they follow me everywhere.

Mr. Bolton stated we have approved a number of these, but we have never had any opposition from someone stating health issues? I noticed in some of the comments that we have at least one or two have mentioned health issues.

Mr. Phillips stated the Federal Government has basically said that you can't deny for health reasons, and there is a Government guide, and you would have to be in a hot air balloon in front of it, for it to do any damage. Your cell phone actually does more damage to you than that cell tower level.

Ms. Evans stated is this an instance where if we build it they will come?

Mr. Phillips stated we are in contract with AT&T and we have an agreement. (Please see attached letter from Mr. Phillips).

Mr. Edward Donohue stated I wrote you two letters trying to address some of the things that Mr. Phillips brought to your attention. Back in January SBA was opposed to the application because it had looked at the structural integrity of the existing tower. (Please see attached letter from Mr. Donohue).

Mr. Garrison closed the Public Hearing.

**Mr. Petrick made a motion to approve this special use permit PLSUP20190000449. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

3. *Rezoning Application PLRZ2020000024, filed by the Danville Redevelopment and Housing Authority, requesting to rezone from OT-R Old Town Residential District to M-R Multi-family Residential District, Parcel ID#s 76125, 76124, 76123, 76122, 76121, 76140, 76141, 76142, 76143, 76144 & 76145 on Seeland Road and the future Haraway Lane, otherwise known as Grid 2606, Block 014, Parcel ID's 000013, 000014, 000015, 000016, 000017, 000018, 000019, 000020, 000021, 000022 & 000023 of the City of Danville, Zoning District Map. The applicant is proposing to build multi-family dwellings on the property.*

Mr. Garrison opened the Public Hearing.



December 12, 2019

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

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

Dear Mr. Gillie,

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

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

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

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

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

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

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

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

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

Sincerely,



**Tony Phillips**  
Zoning & Permitting Manager  
Fullerton Engineering for AT&T & Tillman Infrastructure  
847-331-3659  
[tphillips@fullertonengineering.com](mailto:tphillips@fullertonengineering.com)



July 11, 2017

Sba Structures, Llc  
8051 Congress Avenue 2Nd Floor, Site Administration  
Boca Raton, FL 33487-1307

Re: AT&T Cell Site Lease |FA: **10153765**|Site Name: WI0353/WEST SALEM

Dear Sba Structures, Llc,

AT&T is in a very competitive space and we need to ensure that our lease terms and conditions are supportive of our current and future needs. AT&T has the option to either extend or terminate the above referenced lease ("Lease") in approximately three years. AT&T is instituting a new program to evaluate terms and conditions of all leases coming up for renewal, explore advance renegotiation options and consider possible alternative site locations. Our first choice is to create a new agreement that serves both parties well. Conditions we desire to implement in all new "go forward" leases include:

- "Real Estate Rights": In its simplest form, a lease right to utilize the entire RAD center without any "per touch" rent upcharges.
- Rents reduced to competitive rates.
- Reduced or no annual escalators (depending on other terms of the overall new deal).
- "Fair" early termination rights.

As you know, it takes time to negotiate, plan and execute a site relocation. That is why AT&T's review process is starting now. Please review the specifics of our Lease agreement and advise if you are willing to enter into discussions regarding a new, modified contract. For new terms consistent with the above, AT&T will in turn consider additional term extensions.

AT&T will appreciate a reply within 60 days of receipt of this letter. A "no" or non-response will trigger AT&T's review of alternate locations. A positive response will be appreciated, but satisfactory terms and conditions must be negotiated within 90 days or AT&T will continue to evaluate alternative site locations. Responses may be sent via email, standard mail, or called in as designated below. Please reference FA number **10153765** in your response so that AT&T may ensure your response is documented accordingly. AT&T values its association with you and looks forward to continuing this relationship for the long term.

Sincerely,

A handwritten signature in black ink that reads "Gram Meadors".

Gram Meadors  
AVP – Contract/Sourcing Ops

Email Responses to: [g03998@att.com](mailto:g03998@att.com) with a Subject line of **Partnership** - FA 10153765

Mail Responses to: AT&T Cell Site Partnership 1347 (FA 10153765)  
Rm 12D67  
575 Morosgo Dr. NE  
Atlanta, GA 30324-3300

Telephone Number: **888-517-1212** (8am to 5pm PDT)



DONOHUE & STEARNS, PLC

February 7, 2020

Kenneth C. Gillie, Jr., Director  
City of Danville Planning and Zoning  
427 Patton Street, Room 207  
Danville, Virginia 24541

Cc: Members of the Planning Commission

Re: PLSUP 2019 0000 449  
Planning Commission Hearing Date 2/10/20

Mr. Gillie:

Previously, we submitted a written statement in opposition, dated January 13, 2020. Attached to that statement was a letter from Elaine Tarkington, National Director of Site Marketing for SBA. Ms. Tarkington stated in her letter that the SBA tower could certainly accommodate upgrades and additional equipment, including 5G and FirstNet equipment.

Since the January hearing was postponed and rescheduled to February 10<sup>th</sup>, SBA has had an opportunity to thoroughly review its files and correspondence pertaining to the SBA tower. SBA states that no request for equipment upgrades were received from AT&T, and of course, that no such request was denied or ignored. To the contrary, the only correspondence found in the SBA files was a form letter AT&T sent out in July of 2017 demanding renegotiations of leases and reductions in rent for sites such as the SBA tower in Danville. A copy of the letter, identical to the thousands of which SBA received from AT&T for each of its sites nationwide, is attached.

Accordingly, it is the position of SBA that the referenced application was submitted under false pretenses. AT&T has submitted no requests to replace or add to equipment at the SBA tower, and that tower has the structural capacity to allow for such equipment changes and additions as needed.

The City of Danville Code is quite clear—an applicant for a tower within 500 feet of a residential zone must demonstrate through **coverage, interference and capacity analysis** that the proposed location of the antenna is necessary to meet the frequency reuse and spacing needs of the wireless telecommunications facility and to provide adequate coverage and capacity to areas which cannot be adequately served by locating the tower(s) in a less sensitive area.” (Emphasis added.)The Applicant has failed to do so and the special use permit request should be denied.

AT&T and SBA are discussing lease terms at the national level. Given the Applicant’s failure to prove need or that the existing facility is unable to accommodate existing or future equipment, this application fails to meet the City’s code and fails sound planning practice.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Donohue". The signature is fluid and cursive, with a large initial "E" and a prominent "D" in "Donohue".

Edward Donohue

**Enclosure**

Mr. Gary Wasson, Director of Danville Redevelopment Housing Authority spoke on behalf of this request. Mr. Wasson stated I'm just here to talk about the project a little bit. This is a project that has been in the works for a number of years to get everything together to make it a possibility. What we have is a total of forty-eight units going in that area. It will not be necessary to be designated as senior housing. If you have any questions I would be happy to answer them.

Mr. Garrison closed the Public Hearing.

**Mr. Bolton made a motion to approve this Rezoning Application PLRZ2020000024. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

4. *Rezoning Application PLRZ2020000026, filed by Bibleway Church of Danville Trustees & Bibleway Cathedral Trustees, requesting to rezone from OT-R Old Town Residential District to M-R Multi-family Residential District, 151 Grant Street, 218, 220, & 224 Garfield Street, otherwise known as Grid 2605, Block 004, Parcel ID#s 000012, 00003, 00004 & 00005 of the City of Danville, Zoning District Map. The applicant is proposing to build 18 multi-family dwelling units on the site when combined.*

Mr. Garrison open the Public Hearing.

Mr. Gary Wasson, Director of Danville Redevelopment Housing Authority spoke on behalf of this request. Mr. Wasson stated this will consist of eighteen homes and if you have any questions I would be glad to answer.

Mr. Larry Campbell, Pastor representing Bibleway Church of Danville Trustees. Pastor Campbell stated to Mr. Chairman Garrison and to the Staff we appreciate your service. We do understand the time that you put in serving the Community. It has been a long dream of our founder and board members to serve this Community in reference to Housing. For the sixty five years we have given a lot to the Community and this is one project that has been special to us that we will be able to serve our Senior Citizens. We pray that you will endorse the variance so we can move forward and build senior living within our Community. Do you have any questions?

Mr. Wilson stated is this primarily senior living?

Pastor Campbell stated we are also considering Veterans.

Mr. Petrick stated I'm just trying to understand, is Bibleway conveying these lots to Redevelopment?

Pastor Campbell stated it is a collaborative and we are working together.

Mr. Garrison stated but you will still own the lots?

Pastor Campbell stated yes.

Mr. Garrison closed the Public Hearing.

**Mr. Dodson made a motion to approve this Rezoning Application PLRZ2020000026. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote.**

- 5. Special Use Permit Application PLSUP202000004, filed by Shazad Tahseen on behalf of AANT INC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2980 W. Main St., otherwise known as Grid 0617, Block 007, Parcel 0000015 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Garrison opened the Public Hearing.  
Mr. Garrison closed the Public Hearing.

Mr. Gillie stated staff received no notifications back and Staff's recommend this to be continued till March's meeting.

**Mr. Wilson made a motion to continued Special Use Permit PLSUP2020000004 to March's Meeting. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.**

- 6. Special Use Permit Application PLSUP20200000011, filed by Ted Lacks on behalf of Weitz and Lacks Investments, LLC, requesting a Special Use Permit to allow for a duplex in accordance with Article 3.E: Section C., Item 2 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 120 Hurt St., otherwise known as Grid 2805, Block 021, Parcel 000001 of the City of Danville Virginia Zoning District Map. The applicant is requesting to use the structure as a two unit dwelling.*

Mr. Garrison opened the Public Hearing.

Mrs. Ted Lacks spoke on behalf of Ted Lacks. Mrs. Lacks stated I don't have anything to add to what you just read. I'm just hear if you have any questions.

Mrs. Evans stated was the house originally built as a single family residence?

Mrs. Lacks stated I do not have that information. We obtained the house about a year and half ago under a foreclosure status.

Mr. Bolton stated it says that it was a duplex in the past.

Mrs. Lacks stated I'm assuming that it was in the past. If you look at the front of the house it has two separate doors going into it and it has the walls right in the middle of the two properties.

Mr. Bolton stated it is very similar to the one next door. I believe it is being used as a duplex.

Mrs. Lacks stated my fault for not knowing my neighbors.

Mr. Bolton stated are they renting the duplex next door to you?

Mrs. Lacks stated I just don't know.

Mr. Garrison closed the Public Hearing.

**Mr. Bolton made a motion to approve Special Use Permit PLSUP20200000011 subject to conditions listed by Staff. Mr. Petrick seconded the motion. The motion was approved by a 6-0 vote.**

### **III. OTHER BUSINESS**

**Mr. Bolton requested that Planning Staff come up with guidelines and definitions with Casinos.**

### **IV. Minutes**

**The January 13, 2019 minutes were approved by unanimous vote.**

With no further business, the meeting adjourned at 3:59 p.m.

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APPROVED