



# City Planning Commission

POST OFFICE BOX 3300

DANVILLE, VIRGINIA

(434) 799-5261

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APRIL 13, 2015

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 PLSUP20150000086, filed by Niaz Yousafzai requesting a Special Use Permit to allow for a waiver of yard requirements in accordance with Article 3.M; Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, as amended at 544 Memorial Drive, otherwise known as Grid 1712, Block 011, Parcel 000002 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to reduce the front yard setback to 6 feet where 30 feet is required.*
  2. *Special Use Permit Application PLSUP20150000090, filed by Michael Benton requesting a Special Use Permit to allow retail sales in a warehouse, wholesale or manufacturing establishment in accordance with Article 3.O; Section C, Item 12 of the Code of the City of Danville, Virginia, 1986, as amended at 823 Industrial Avenue, otherwise known as Grid 2605, Block 010, Parcel 000022 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a retail establishment within a warehouse.*
- IV. APPROVAL OF MINUTES FROM MARCH 9, 2015
- V. OTHER BUSINESS
- VI. ADJOURNMENT



# PLANNING REPORT

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P.O. Box 3300

Danville, VA 24543

(434) 799-5261

## City Planning Commission

Meeting of April 13, 2015

### Subject:

*Special Use Permit Application PLSUP20150000086, filed by Niaz Yousafzai requesting a Special Use Permit to allow for a waiver of yard requirements in accordance with Article 3.M; Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, as amended at 544 Memorial Drive, otherwise known as Grid 1712, Block 011, Parcel 000002 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to reduce the front yard setback to 6 feet where 30 feet is required.*

### Background:

The subject property, 544 Memorial Drive is currently the home of Nick's Restaurant. The applicant is requesting a Special Use Permit to waive the yard requirements in accordance with Article 3.M; Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, to waive the 30' front yard setback to allow for a 6' front yard setback.

Nick's Restaurant sits on a .91 acre parcel of land. The property owners would like to cover a patio on the south side of the property to expand the existing primary structure within 6' of the front property line along Memorial Drive. The applicant is seeking shelter for an outdoor eating area to expand seating options due to the limited amount indoor seating available.

The new addition will provide for an additional 20 seats. No additional parking is required since the existing parking lot has sufficient spaces to meet the seating needs.

Twelve (12) 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 April 13, 2015.

### Staff Analysis and Recommendation:

Staff believes the expansion will be in keeping with the character of surrounding properties and will not impact traffic along Memorial Drive. 544 Memorial Drive is located on the edge of the TW-C (Tobacco Warehouse District) where yard

requirements are not regulated and where many of the nearby structures are closer than 30' to the front property line. The new structure will also be located approximately 166' from the Union St Bridge and Memorial Drive intersection which staff believes will not create any visibility issues for traffic entering westbound Memorial Drive.

Based on the above analysis, staff recommends approval of Special Use Permit Application PLSUP20130000086, to waive the yard requirements to allow an addition to existing structure in accordance with Article 3.M; Section C, Item 21 of the Code of the City of Danville, Virginia, 1986, as amended, at 544 Memorial Drive. Staff recommends approval with the following condition:

1. The front yard setback shall not be less than 6' along the Memorial Drive (south side) of the property.
2. There shall be no construction within 75 feet of the intersection of Memorial Drive and Union Street Bridge Intersection to preserve site distance.

**City Planning Commission Alternatives:**

1. Recommend approval of Special Use Permit Application PLSUP20150000086 with conditions per staff.
2. Recommend approval of Special Use Permit Application PLSUP20150000086 subject to conditions by the Planning Commission.
3. Recommend approval of Special Use Permit Application PLSUP20150000086 as submitted.
4. Recommend denial of Special Use Permit Application PLSUP20150000086 as submitted.

**Attachments:**

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

**EXPLANATION OF REQUEST:**

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

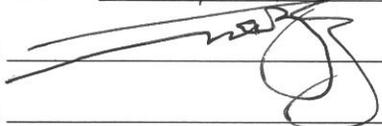
Please provide a site plan with the following information:

- 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:

REDUCE FRONT YARD SETBACK TO 6 FEET  
ALONG MEMORIAL DR.

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

1. NAME: NIAZ YOUSAFZAI TELEPHONE: 434 770 6335  
MAILING ADDRESS: 544 Memorial Dr Danville VA 24541  
SIGNATURE:  DATE: 3-2-15  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_  
EMAIL ADDRESS: nigzy4u@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: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
EMAIL ADDRESS: \_\_\_\_\_  
SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

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: \_\_\_\_\_

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

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

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

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

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

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

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

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

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

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

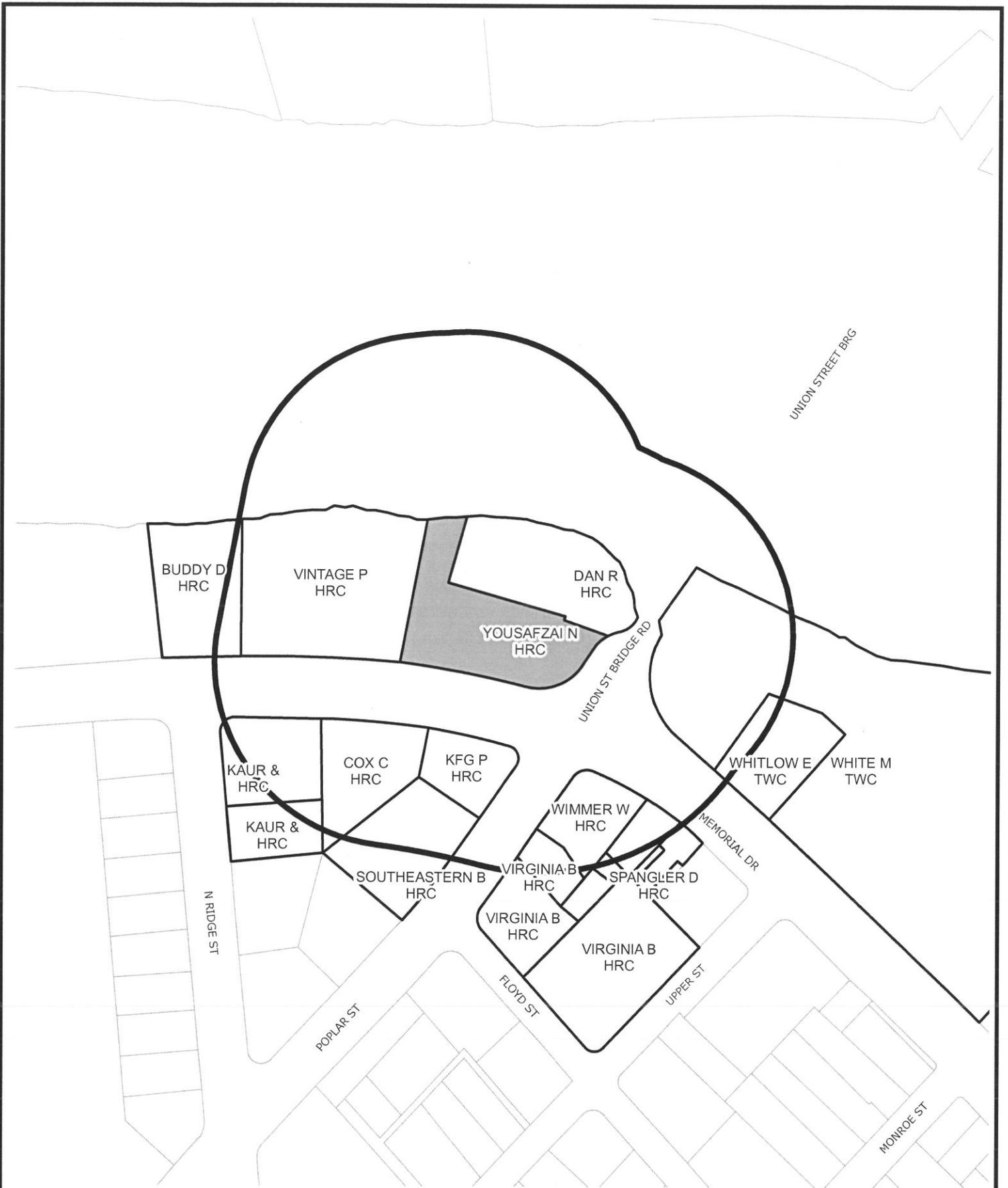
Gross Area/Net Area: \_\_\_\_\_ Property Address: 544 MEMORIAL DR.

Property Location: N S E W Side of: \_\_\_\_\_

Between: \_\_\_\_\_ and \_\_\_\_\_

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

\_\_\_\_\_



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



Prepared by:  
 Planning Division  
 3/17/2015

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.



### 2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
3/17/2015

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IT GIS



**YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY**

Prepared by:  
 Planning Division  
 3/17/2015

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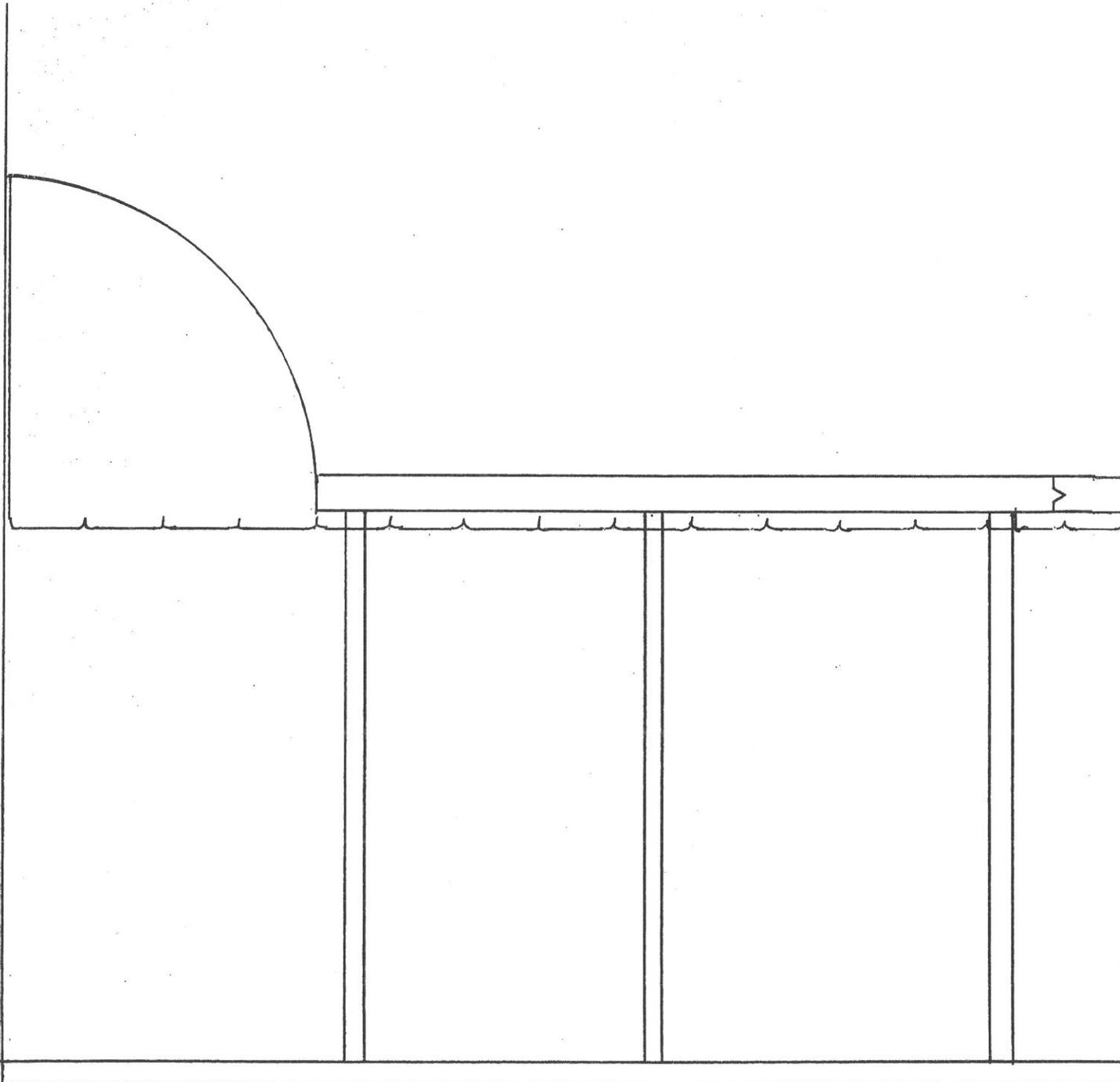


Nicks

*J. W. Squire Co., Inc.*

205 HAIRSTON STREET  
DANVILLE, VIRGINIA 24540

434-792-3822  
FAX 434-793-1638

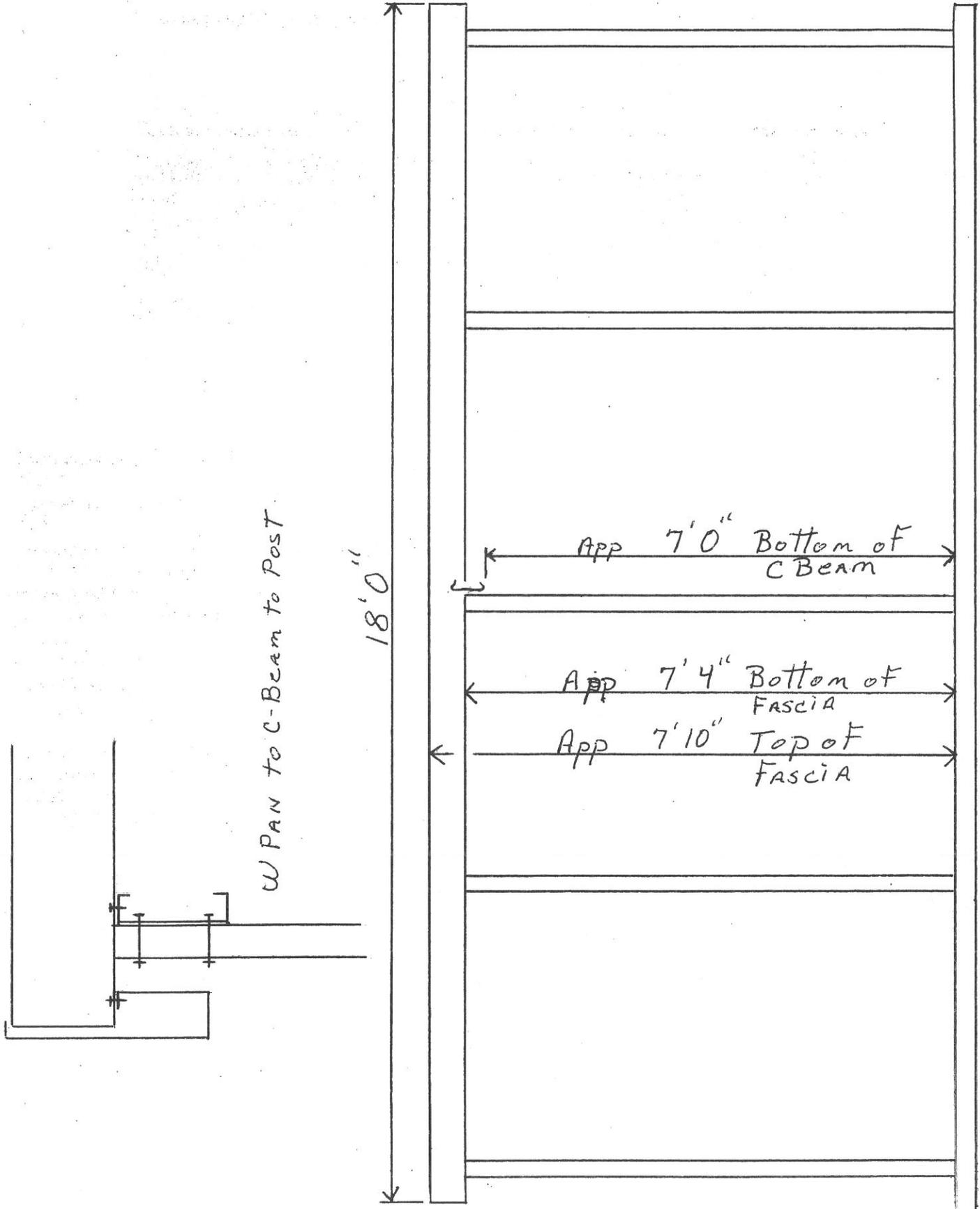


Nicks

*J. W. Squire Co. Inc.*

205 HAIRSTON STREET  
DANVILLE, VIRGINIA 24540

434-792-3822  
FAX 434-793-1638



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

**DATE:** April 13, 2015

**LOCATION OF PROPERTY:** 544 Memorial Drive

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

**LAND USE PLAN DESIGNATION:** DM, Downtown Mix

**ACTION REQUESTED:** The applicant is proposing to reduce the front yard setback to 6 feet where 30 feet is required.

**PRESENT USE OF PROPERTY:** Nicks Restaurant

**PROPERTY OWNER (S):** Niaz Yousafzai

**NAME OF APPLICANT (S):** Same

**PROPERTY BORDERED BY:** Dan River to the north, and commercial to the east, west, and south.

**ACREAGE/SQUARE FOOTAGE:** .91 acres

**CHARACTER OF VICINITY:** Commercial

**INGRESS AND EGRESS:** Memorial Drive

**TRAFFIC VOLUME:** High

**NEIGHBORHOOD REACTION:** To be reported at the Planning Commission meeting of April 13, 2015.



# PLANNING REPORT

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P.O. Box 3300

Danville, VA 24543

(434) 799-5261

**City Planning Commission**  
Meeting of April 13, 2015

**Subject:**

*Special Use Permit Application PLSUP20150000090, filed by Michael Benton requesting a Special Use Permit to allow retail sales in a warehouse, wholesale or manufacturing establishment in accordance with Article 3.O; Section C, Item 12 of the Code of the City of Danville, Virginia, 1986, as amended at 823 Industrial Avenue, otherwise known as Grid 2605, Block 010, Parcel 000022 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a retail establishment within a warehouse.*

**Background:**

The subject property, 823 Industrial Avenue is currently used as a warehouse by the applicant, Michael Benton. This use is allowed by right in the LED-I zoning district. The applicant is requesting a Special Use Permit to allow retail sales in a warehouse, wholesale or manufacturing establishment in accordance with Article 3.O; Section C, Item 12 of the Code of the City of Danville, Virginia, 1986.

823 Industrial Avenue is approximately 1.77 acres with a warehouse that according to real estate records is 42,439 sf of finished space. Mr. Benton would like to operate a retail establishment for mattresses and used office furniture. According to the applicant, the retail space will be approximately 2000 square feet and the remainder of the structure will be used for storage. Zoning Code states that one (1) space must be provided per 200 sf of retail space. According to the applicant there are a minimum of ten (10) spaces available on site.

Thirty (30) 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 April 13, 2015.

**Staff Analysis and Recommendation:**

Staff recommends approval of Special Use Permit Application PLSUP20150000090, to allow retail sales in a warehouse, wholesale or manufacturing establishment in accordance with Article 3.O; Section C, Item 12 of the Code of the City of Danville,

Virginia, 1986, as amended at 823 Industrial Avenue. Staff recommends approval with the following conditions:

1. That parking is provided in accordance with the Zoning Code.
2. That in order to be sensitive to the residential development to the south of the subject property. The hours of retail operation shall be limited to:
  - Sunday – Thursday 8:00 am to 8:00 pm
  - Friday – Saturday 8:00 am to 10:00 pm
3. That the operation and construction required creating a retail space will comply with all Zoning, Building and Fire Codes.

**City Planning Commission Alternatives:**

1. Recommend approval of Special Use Permit Application PLSUP20150000090 with conditions per staff.
2. Recommend approval of Special Use Permit Application PLSUP20150000090 subject to conditions by the Planning Commission.
3. Recommend approval of Special Use Permit Application PLSUP20150000090 as submitted.
4. Recommend denial of Special Use Permit Application PLSUP20150000090 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: \_\_\_\_\_

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: 42000 Sq Feet Property Address: 823 Industrial Ave.

Property Location: N S E W Side of: \_\_\_\_\_

Between: \_\_\_\_\_ and \_\_\_\_\_

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:

used office Furniture Retail Outlet

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

1. NAME: Benton-Crews Properties, LLC TELEPHONE: \_\_\_\_\_

MAILING ADDRESS: 627 MAIN ST, DANVILLE, VA 24541

SIGNATURE: Michael D. Bent DATE: 3/10/2015

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

EMAIL ADDRESS: mbenton@duff-egraphix.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: (SAME) TELEPHONE: \_\_\_\_\_

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

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

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

Earl B. Reynolds, Jr.  
Director of  
Community Development

Kenneth C. Gillie, Jr.  
Director of Planning

Jerry D. Rigney  
Director of Inspections

John L. Moody, J.D.  
Director of Social Services



427 Patton Street  
P. O. Box 3300  
Danville, Virginia 24543  
Phone: (434) 799-5261  
TTY: (434) 773-8142  
Fax: (434) 797-8919  
www.danville-va.gov

March 6, 2015

Michael Benton  
PO Box 646  
South Boston, VA 24592

Benton Crews Properties LLC  
627 Main Street  
Danville, VA 24541

**RE: MULTIPLE VIOLATIONS AT 823 INDUSTRIAL AVENUE**

Dear Sir:

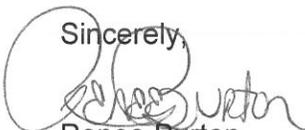
This letter is to inform you of multiple violations at 823 Industrial Avenue. Present on the structure are numerous signs advertising TBM Mattress Outlet and The Furniture Outlet that have not received permits for display and neither aforementioned business have received a zoning clearance or business license for operation. All of which needs to be corrected immediately.

To comply with the Code, sign permits, zoning clearances and business licenses must issued for TBM Mattress and The Furniture Outlet to operate. Operation of the businesses must cease until the violations have been abated.

**YOU HAVE TEN (10) DAYS FROM THE DATE OF THIS LETTER TO CONTACT OUR OFFICE ON THIS MATTER TO NOTIFY THE CITY OF YOUR INTENTIONS ON ABATING THIS VIOLATION.**

Our department strives to fairly and justly enforce the provisions of the Zoning Ordinance of the City of Danville. However, this is not possible without your full cooperation. Therefore, if you wish to discuss this letter, please contact me at (434) 799-5261.

Sincerely,



Renee Burton  
Senior Planner

CC: Jimmy Gillie, Commissioner of the Revenue



823 Industrial Ave

Google earth

Google earth

feet  
meters



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

**DATE:** April 13, 2015

**LOCATION OF PROPERTY:** 823 Industrial Avenue

**PRESENT ZONE:** LED-I, Light Economic Development  
Industrial

**LAND USE PLAN DESIGNATION:** USR, Urban Single Family Residential

**ACTION REQUESTED:** The applicant is proposing to operate a  
retail establishment within a warehouse

**PRESENT USE OF PROPERTY:** warehouse

**PROPERTY OWNER (S):** Benton Crews Properties, LLC

**NAME OF APPLICANT (S):** Michael Benton

**PROPERTY BORDERED BY:** Warehouses and industrial uses to the  
north, east and west and residential  
development to the south.

**ACREAGE/SQUARE FOOTAGE:** 1.77 acres

**CHARACTER OF VICINITY:** Industrial

**INGRESS AND EGRESS:** Industrial Avenue

**TRAFFIC VOLUME:** Medium

**NEIGHBORHOOD REACTION:** To be reported at the Planning  
Commission meeting of April 13, 2015.



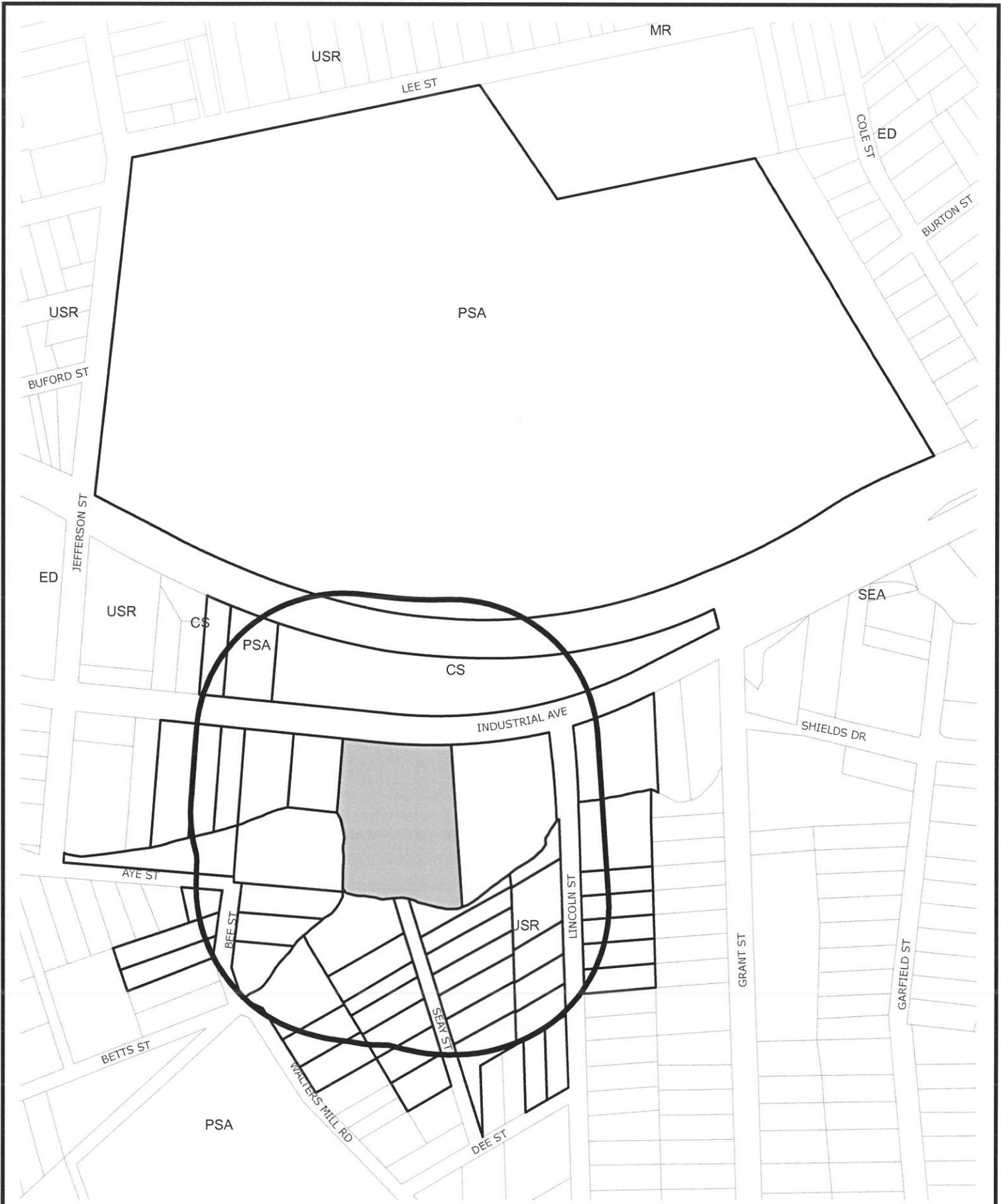


## 2012 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
Planning Division  
3/19/2015

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## YEAR 2020 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:  
 Planning Division  
 3/19/2015

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**PLANNING COMMISSION MINUTES  
MARCH 9, 2015**

**MEMBERS PRESENT**

**Mr. Searce  
Mr. Dodson  
Mr. Garrison  
Mr. Wilson  
Mr. Bolton  
Mrs. Evans  
Mr. Jones**

**MEMBERS ABSENT**

**STAFF**

**Shanta Hairston  
Ken Gillie  
Renee Burton  
Scott Holtry  
Alan Spencer**

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

**I. ITEMS FOR PUBLIC HEARING**

1. *Rezoning Application PLRZ20150000058, filed by Danville Tobacco District, LLC, requesting to amend the Year 2020 Land Use Plan from USR Urban Single Family to CS Community Service and to rezone from OT-R, Old Town Residential to "Conditional" HR-C Highway Retail Commercial District, 425 Hughes St., otherwise known as Grid 1611, Block 009, Parcel 000014 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to rezone to allow for office and commercial uses.*

Mrs. Burton read the staff report. 34 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed; two responses were opposed.

Mr. Searce opened the Public Hearing.

Present to speak on behalf of the request was Mr. Randy Gentry.

Mr. Gentry stated Good afternoon, I'm Randy Gentry and I'm here on behalf of Danville Tobacco District LLC and I'm here to answer any questions if anyone has any.

Mr. Searce asked any questions?

Mr. Jones stated half of that lot is vacant. Is there any idea what you're going to do with that vacant lot? Are you going to expand?

Mr. Gentry stated not at the moment. Whoever could potentially lease that building has access to that lot. But there are no plans at this time.

Mr. Garrison stated I have a question for staff. With the uses that are listed here, are any of those requiring that the other half of that lot be paved?

Mr. Gillie stated not the entire lot. There will be additional parking where that may be necessary so some of that lot will need to be expanded upon, but not the entire portion.

Mr. Wilson asked if it were used for some of the allowances here correct? Like places of worship or microbrewery or something.

Mr. Gillie stated depending on what the final use is, they may be required to provide some additional parking and that's one of the things. That site has the space to expand, they have some pavement on the one side of the building as well as limited on the other side. They could potentially just add a strip and do some angle parking. There are a couple of options available for that site. At this point we don't have any plans except for the folks who want to go in that building and that's very limited on what they would need.

Mrs. Evans asked would you pave it or use whatever the State wants us to use? I don't exactly know what it's called.

Mr. Gillie asked remote offsite?

Mrs. Evans stated no, the type of surface.

Mr. Gillie asked the pervious paving or some other type of material?

Mrs. Evans stated yes.

Mr. Gillie stated depending on what goes in there we have a couple of options available. They could ask to come back based on the size of the lot and ask for some pervious pavement. As a side note, we're going to talk about that later on in other business. Right now they probably would need some additional parking area to what I guess would be the west side where the lot circles around now. It's not enough to cover the entire grassed area which encompasses that large area to the west depending on what Planning Commission decides later on. A little bit of paving is probably going to be necessary but not the whole thing.

Mr. Searce closed the Public Hearing.

**Mr. Bolton made a motion for approval with conditions per staff Mr. Wilson seconded the motion. The motion was approved by a 7-0 vote.**

## **II. MINUTES**

**Mr. made a motion to approve the February 9, 2015 minutes. Mr. Wilson seconded the motion. The motion was approved by a 7-0 vote.**

## **III. OTHER BUSINESS**

Mr. Gillie informed the Commissioners of an upcoming Planning Commission training course and extended the invitation for them to attend.

Mr. Gillie provided an explanation on new potential changes to parking. Staff is going to be checking into making changes to parking due to new off street parking guidelines.

Mr. Gillie informed the Commissioners that there are agenda items for next month and there will be a meeting held.

With no further business, the meeting adjourned at 3:09 p.m.

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APPROVED