



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

September 4, 2018

7:00 P.M.

PRESIDING: Alonzo L. Jones, Mayor

CITY COUNCIL MEMBERS: James B. Buckner
L.G. "Larry" Campbell, Jr.
Gary P. Miller
Sherman M. Saunders

Fred O. Shanks, III
J. Lee Vogler, Jr., Vice Mayor
Adam J. Tomer
Madison J. Whittle

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

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

Time and Place of Meeting

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

Communications from Visitors

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

Guidelines for Public Hearings

For Public Hearings the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and address. There

shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The presiding officer may limit or preclude comment which is repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - L.G. "Larry" Campbell, Jr.

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS & SPECIAL RECOGNITIONS

Proclamation: National Suicide Prevention Month

**Presented to: Lorrie Eanes-Brooks, Secretary
American Foundation for Suicide Prevention - Virginia Chapter**

COMMUNICATIONS FROM VISITORS

Citizens who desire to speak on matters not listed on the agenda will be heard at this time. Citizens who desire to speak on agenda items will be heard when the agenda item is considered.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine, have previously been discussed by City Council and/or introduced for First Reading. There will be no separate discussion on these items and they will be enacted by one motion. If discussion is desired by a Council Member or a citizen, the item(s) will be removed from the consent process and considered separately.

- A. Consideration of Approval of Minutes from Regular Council Meeting held on August 9, 2018.
Council Letter Number CL - 1975
- B. Consideration of Amending the FY 2019 Budget Appropriation Ordinance for a Grant from the Virginia Housing Development Authority.
Council Letter Number CL - 1964

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance to Provide for a Grant from the Virginia Housing Development Authority in the Amount of \$125,000 and Local Share in the Amount of \$75,000 and Appropriating the Same.

FINAL ADOPTION

- C. Consideration of Amending the FY 2019 Budget Appropriation Ordinance for a Virginia Commission for the Arts Grant in the Amount of \$4,500.
Council Letter Number CL - 1941

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance to Provide for a Virginia Commission for the Arts Grant in the Amount of \$4,500, and to Provide for the Local Share in the Amount of \$5,000 for a Total Grant of \$9,500.

FINAL ADOPTION

NEW BUSINESS

- A. Consideration of Amending the FY 2019 Budget Appropriation Ordinance for VDOT Highway Safety Improvement Program Funds in the Amount of \$70,830.
Council Letter Number CL - 1962

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance for Safety Projects to be Undertaken within the City and to be Financed Anticipating Revenues from Virginia Department of Transportation (VDOT) Highway Safety Improvement Program Funds in the Amount of \$70,830.

FIRST READING

- B. Consideration of Amending the FY 2019 Budget Appropriation Ordinance for VDOT State of Good Repair/Primary Extension Funds in the Amount of \$999,000.
Council Letter Number CL - 1963

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance for Roadway Maintenance Projects to be Undertaken within the City and to be Financed Anticipating Revenues from Virginia Department of Transportation (VDOT) State of Good Repair/Primary Extension Funds in the Amount of \$999,000.

FIRST READING

- C. Consideration of Amending the FY 2019 Budget Appropriation Ordinance for Senior Citizen Programs.
Council Letter Number CL - 1490

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Increasing Certain Revenues to Provide for Title III-B Grant Funds and Local Share for Senior Citizen Programs and Appropriating Same.

FIRST READING

- D. Consideration of Amending the FY 2019 Budget Appropriation by Transferring \$3,000,000 from the Unreserved Fund Balance from the Wastewater Fund for an Economic Development Project.
Council Letter Number CL - 1988

An Ordinance Amending the Fiscal Year 2019 Budget Appropriation Ordinance by Transferring \$3,000,000 from the Unreserved Fund Balance of the Wastewater Fund for an Economic Development Project to Establish a Revolving Economic Development Loan Fund and Appropriating the Same.

FIRST READING

- E. Consideration of Approval of a Special Use Permit at 523 Lynn Street.
Council Letter Number CL - 1976
1. Public Hearing
 2. An Ordinance Granting a Special Use Permit for Residential Uses in a Structure with Non-Residential Use on the First Floor, a Waiver to the Density, and Floor Area Ratio in Accordance with Article 3:L, Section C, Items 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, As Amended at 523 Lynn Street, Otherwise Known As Grid 2713, Block 004, Parcel 0000014, of the City of Danville, Virginia Zoning District Map.
- F. Consideration of Approval of a Special Use Permit at 525 Lynn Street.
Council Letter Number CL - 1977
1. Public Hearing
 2. An Ordinance Granting a Special Use Permit for Residential Uses in a Structure with Non-Residential Use on the First Floor, a Waiver to the Density, and Floor Area Ratio in Accordance with Article 3:L, Section C, Items 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, As Amended at 525 Lynn Street, Otherwise Known as Grid 2713, Block 004, Parcel 0000013, of the City of Danville, Virginia Zoning District Map.
- G. Consideration of a Special Use Permit to Operate a Bed and Breakfast at 418 Plum Street.
Council Letter Number CL - 1978.
1. Public Hearing
 2. An Ordinance Granting a Special Use Permit to Operate a Bed and Breakfast in Accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as Amended at 418 Plum Street, Otherwise Known as Grid 2710, Block 006, Parcel 000005 of the City of Danville, Virginia Zoning District Map.
- H. Consideration of Amending Chapter 41, Zoning Ordinance, of the Danville City Code, Article #3.M, Section C to Allow for Urban Agriculture.
Council Letter Number CL - 1979.
1. Public Hearing
 2. An Ordinance Amending Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 As Amended, More Specifically Article 3.M: Entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by Adding Item #28 to Allow for Urban Agriculture.
- I. Consideration of Approval of a Special Use Permit for Urban Agriculture at 760 Memorial Drive.
Council Letter Number CL - 1980
1. Public Hearing
 2. An Ordinance Granting a Special Use Permit for Urban Agriculture in Accordance with Article 3:M, Section C., Item 28, As Amended at 760 Memorial Drive Otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map.

- J. Consideration of Approving Canceling the October 2, 2018 Regular City Council Meeting.
Council Letter Number CL - 1983.

A Resolution Canceling the Regular Meeting of City Council Scheduled for Tuesday, October 2, 2018 and Scheduling a Special Meeting of City Council on Thursday, October 4, 2018.

COMMUNICATIONS FROM:

- A. City Manager
- B. Deputy City Manager
- C. City Attorney
- D. City Clerk
- E. Roll Call

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL-1975

Consent Agenda Item #: A.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Consideration of Approval of Minutes

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 09/04/2018

SUMMARY

Consideration of Approval of Minutes from Regular Council Meeting held on August 9, 2018.

Attachments

[Meeting Minutes](#)

August 9, 2018

The Regular August meeting of the Danville City Council was held on August 9, 2018, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Dr. Gary P. Miller, Sherman M. Saunders, Fred O. Shanks, III, Vice Mayor J. Lee Vogler, Jr., Adam J. Tomer and Madison J.R. Whittle (9).

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Fred O. Shanks, III; the Pledge of Allegiance to the Flag followed.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Superintendent Stan Jones and Anne Moore Sparks who gave Council a brief update on Danville's first day of school. Ms. Sparks thanked the Police Department; their presence in the schools and school buses set the tone for the day, welcoming students back to school. Dr. Jones thanked City Council for their support of the children in Danville Public Schools.

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Sandy Williams, Glendale Avenue, who noted her problems with one of the City's leaking garbage trucks. Mayor Jones noted the City Manager or Deputy City Manager would have someone get in touch with her.

Mayor Jones recognized Ty'Quan Graves, a member of the Danville School Board, who noted they were honored to have Chief Booth and his staff participate in the first day of school and thanked Council members for their support.

CONSENT AGENDA

Council Member Saunders **moved** for adoption of the following Consent Agenda Items:

Minutes from the Inaugural Meeting held on July 2, 2018 and Regular Council Meeting held on July 5, 2018. Draft copies had been distributed prior to the Meeting.

Amending the Fiscal Year 2019 BAO to Provide for Virginia Department of Aviation Maintenance Grant Funds

An Ordinance entitled Ordinance No. 2018-07.05, presented by its First Reading on July 17, 2018, Amending the Fiscal Year 2019 Budget Appropriation Ordinance to Provide for the Virginia Department of Aviation Maintenance Grant Funds Related to the Maintenance of Certain Airport Properties in the Amount of \$100,000 and for the Local Share in the Amount of \$16,719 for a Total Appropriation of \$116,719 and Appropriating the Same.

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

VOTE: 9-0

August 9, 2018

AYE: Buckner, Campbell, Jones, Miller, Saunders,
Shanks, Tomer, Vogler and Whittle (9)
NAY: None

NEW BUSINESS

BUDGET AMENDMENT – CONSIDERATION OF AMENDING THE FY 2019 BAO FOR COMPREHENSIVE SERVICES ACT FUNDS

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

ORDINANCE NO. 2018-08.01

AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE BY APPROPRIATING COMPREHENSIVE SERVICES ACT FUNDS AND PROVIDING LOCAL MATCHING FUNDS FOR A TOTAL AMOUNT OF \$4,747,214

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

PUBLIC HEARING – APPROVAL TO REZONE FROM N-C NEIGHBORHOOD COMMERCIAL TO “CONDITIONAL” HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT AT 5011 RIVERSIDE DRIVE

Mayor Jones opened the floor for a Public Hearing regarding rezoning 5011 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 26, 2018 and August 2, 2018. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2018-08.02

REZONING FROM N-C NEIGHBORHOOD COMMERCIAL TO “CONDITIONAL” HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT, 5011 RIVERSIDE DRIVE, OTHERWISE KNOWN AS GRID 9712, BLOCK 005, PARCEL 0000046, OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP.

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

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

PUBLIC HEARING – REZONING FROM S-R SUBURBAN RESIDENTIAL TO LED-I, LIGHT ECONOMIC DEVELOPMENT DISTRICT, PARCEL ID#S 78315 AND 75881

Mayor Jones opened the floor for a Public Hearing regarding rezoning Parcels ID#s 78315 and 75881. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 26, 2018 and August 2, 2018. Mayor Jones recognized Danny Marshall, owner of the property

August 9, 2018

who explained this rezoning was to create a parking area. No one further desired to be heard and the Public Hearing was closed.

Vice Mayor Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2018-08.03

REZONING FROM S-R SUBURBAN RESIDENTIAL TO LED-I LIGHT ECONOMIC DEVELOPMENT DISTRICT, PARCEL ID#S 78315 & 75881, OTHERWISE KNOWN AS GRID 2505, BLOCK 001, PARCEL ID'S 0000011 & 00008, OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP.

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

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

PUBLIC HEARING – REZONING FROM S-R SUBURBAN RESIDENTIAL TO HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT, PARCEL ID #60407

Mayor Jones opened the floor for a Public Hearing regarding rezoning Parcel ID #60407. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 26, 2018 and August 2, 2018. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2018-08.04

REZONING FROM S-R SUBURBAN RESIDENTIAL TO HR-C HIGHWAY RETAIL COMMERCIAL DISTRICT, PARCEL ID# 60407 (3.32 ACRES ON TERRY AVE) OTHERWISE KNOWN AS GRID 2913, BLOCK 001, PARCEL 000001, OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP.

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

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

PUBLIC HEARING – REZONING FROM OT-R OLD TOWN RESIDENTIAL TO “CONDITIONAL” TO-C TRANSITIONAL OFFICE COMMERCIAL DISTRICT, 711 JEFFERSON STREET

Mayor Jones opened the floor for a Public Hearing regarding rezoning 711 Jefferson Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 26, 2018 and August 2, 2018. Mayor Jones recognized Alfreda Bennett, owner of the property who explained the purpose of this building is for after school tutoring and adult education. No one further desired to be heard and the Public Hearing was closed.

August 9, 2018

Vice Mayor Vogler **moved** for adoption of an Ordinance entitled:

ORDINANCE NO. 2018-08.05

REZONING FROM OT-R, OLD TOWN RESIDENTIAL TO "CONDITIONAL" TO-C, TRANSITIONAL OFFICE COMMERCIAL, 711 JEFFERSON STREET, OTHERWISE KNOWN AS GRID 2717, BLOCK 023, PARCEL 000004 OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP.

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

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

PUBLIC HEARING – GRANTING A SPECIAL USE PERMIT AT 711 JEFFERSON STREET FOR A COMMUNITY FACILITY

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 711 Jefferson Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on July 26, 2018 and August 2, 2018. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2018-08.06

GRANTING A SPECIAL USE PERMIT FOR A COMMUNITY FACILITY IN ACCORDANCE WITH ARTICLE 3:I, SECTION C, ITEM 4 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA 1986, AS AMENDED, AT 711 JEFFERSON STREET, OTHERWISE KNOWN AS GRID 2717, BLOCK 023, PARCEL 000004, OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP.

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

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

COMMUNICATIONS

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

ROLL CALL

Council Members noted National Night Out was a wonderful event and thanked everyone who attended and took part. There was a great turnout, they enjoyed visiting the different

August 9, 2018

communities and Council thanked Corporal Searce, the entire Police Department and City employees for planning the event.

Council Member Tomer thanked the Police Department for taking part in the opening of the schools and wished the students going back to school a fantastic year, as well as all the teachers and administrators.

Vice Mayor Vogler noted this Saturday at 11:00 a.m. will be the dedication of the Ruby B. Archie Public Library; this will be the first municipal building in the City to be named after a woman.

Council Member Buckner noted he will not be able to attend the re-naming of the library for Mrs. Archie, but it is well deserved. Mr. Buckner noted the Main Line Trolley has a new route which serves a lot more of the community.

Council Member Campbell noted the City has come a long way from where it was, with over \$150M invested in the downtown and development of the Riverfront; the City must continue to move forward.

Mayor Jones noted to the teachers and everyone in the school system, Council supports and encourages them in their work. Averett University has their students returning and encouraged citizens to welcome them to the City.

Council Member Miller noted Danville Utilities is going to start putting LED lighting on North Main Street. Dr. Miller noted Mrs. Archie was a wonderful person and teacher, and noted it was a great honor to name the Library after her.

Council Member Saunders noted a special thanks to the organizers and attendees of National Night Out and thanks to the community for coming out and supporting it. Mr. Saunders thanked the Public Safety employees and all City Employees.

Council Member Shanks noted he will miss the dedication of the library to Mrs. Archie but is glad to see what is being done for her. Mr. Shanks reminded citizens that schools are back in session, children are running around and please drive carefully.

The meeting adjourned at 7:47 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL-1964

Consent Agenda Item #: B.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Acceptance of a VHDA Grant to Assist with the Stabilization of 205 Jefferson Avenue

From: Earl B. Reynolds, Jr., Deputy City Manager

COUNCIL ACTION

First Reading: 08/21/2018

Final Adoption: 09/04/2018

SUMMARY

The subject property was condemned as being unfit for human habitation in 2014 after years of enforcement actions by City Inspections staff (see attached Register and Bee article). The property is currently owned by a Texas registered LLC, Agomuo Ventures, LLC. City staff was authorized to file a Circuit Court Petition in April 2017 to obtain Receivership rights under Virginia Code Statute 15.2-907.2. Receivership allows City staff or their designees to enter the property, make necessary repairs, and take measures deemed necessary and appropriate to protect the property from further destruction. The Receivership Order also puts the owner(s) on notice that the Court will allow the City to recover its documented costs of providing the aforementioned services by either voluntary payment by the owner(s) or by judicial sale, subject to Court approval.

BACKGROUND

Since the Receivership Order was issued by the Circuit Court, City staff objectives have been to (1) identify a redevelopment scenario which would get the property into responsible ownership to ensure a high quality renovation project equal to what has been experienced in the River District, and (2) be the least costly alternative to the City. Two very favorable events have occurred, which will allow these objectives to be met.

1. VHDA Community Impact Grant in the amount of \$125,000 has been awarded to the City to assist with property stabilization. A \$75,000 local contribution for stabilization has been reserved in the Blight Eradication CIP to assist with this effort.
2. Danville Neighborhood Development Corporation Purchase: The DNDC will purchase the property with a deferred loan to be provided by Preservation Virginia, Inc. (PV); the PV Board of Directors has acted favorably on the loan. The loan details are still being worked out between Preservation Virginia, Inc., and the Virginia Department of Historic Resources.

RECOMMENDATION

It is recommended that the City Council concur with the following actions:

1. Authorize the City Manager or the Deputy City Manager to execute the VHDA grant award which will provide \$125,000 to help stabilize the subject property. This action acknowledges the use of \$75,000 from the Blight CIP Fund to support this activity; and
2. Authorize the Budget Director to set up an account in the Grant Fund for this purpose.

Attachments

Ordinance

R/B Article

Grant Award

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018 - _____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR GRANT FROM THE VIRGINIA HOUSING DEVELOPMENT AUTHORITY IN THE AMOUNT OF \$125,000 AND LOCAL SHARE IN THE AMOUNT OF \$75,000 AND APPROPRIATING THE SAME.

WHEREAS the City of Danville has received a grant from the Virginia Housing Development Authority to underwrite the cost of property stabilization for 205 Jefferson Street within the Old West End Historic District.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2019 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues from the Virginia Housing Development Authority in the amount of \$125,000 for the purpose of structural stabilization for 205 Jefferson Street within the Old West End Historic District and such funds to be appropriated in the Special Grant Fund as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
VHDA-205 Jefferson Street Categorical Aid-State	61455000-45840	\$ 125,000

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
VHDA-205 Jefferson Street	61455999-50	\$125,000

AND BE IT FURTHER ORDAINED that a transfer is authorized from the City's Comprehensive Blight Removal project to the VHDA-205 Jefferson Street Project in the amount of \$75,000 such transfer as follows:

TRANSFER FROM

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Capital Projects Fund		
Comprehensive Blight Removal		
Transfer Out to Special Grants	60806000-6014	\$ 75,000
Comprehensive Blight Removal Project	60806999-50	75,000

TRANSFER TO

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Special Grant Fund		
VHDA-205 Jefferson Street		
Transfer In From Capital Projects	61455000-6125	\$ 75,000
Five Forks Historical Project	61455999-50	75,000

AND BE IT FURTHER ORDAINED that this appropriation shall be a flexible budget to appropriate additional State revenue received and transfer from the Comprehensive Blight Removal Project any local share required by the State; and

AND BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

City wants to avoid tearing down apartment building unfit for occupancy

John Crane

- - Nov 20, 2016

Built in the 1920s, the 26-unit, stucco-covered building was declared unfit for human occupancy in 2014.

A window pane hangs precariously over a sidewalk at the side of the apartment building at 205 Jefferson Ave. in Danville.

City officials want to avoid tearing down the 16,773-square-foot structure at 205 Jefferson Ave., which has historic importance in the neighborhood.

Danville is close to declaring an apartment building at 205 Jefferson Ave. a blighted property.

Built in the 1920s, the 26-unit, stucco-covered building was declared unfit for human occupancy in 2014. It had gas, ceiling and roof leaks, mold, roaches, deteriorated floors and plumbing that didn't work, said Jerry Rigney, director of Danville's inspections division.

City officials want to avoid tearing down the 16,773-square-foot structure, which has historic importance in the neighborhood.

The city is giving the owner a chance to make repairs or it will petition the court to act as a receiver for the property.

"We don't believe it is too much to the point where we can force demolition on it," said City Manager Ken Larking. "There is still an opportunity for it to be rehabbed. We prefer that buildings get rehabbed rather than demolished. In this case, we feel like there's a good opportunity for that apartment complex to be redeveloped."

The building could fill a housing need close to the River District, Larking said.

"This is an effort to try not to lose the building," Rigney said during an interview at the property Friday morning.

According to the city's online real estate records, Agomuo Ventures LLC owns the property. A voice message left at the firm's phone number was not returned Friday.

The city's inspections division has imposed numerous enforcement measures on the property since the late 1980s. The first correction order for maintenance code violations was issued in 1988, and additional orders were issued in 2002, 2008, 2013, 2014, 2015 and 2016, according to city officials.

The city declared the building unfit for human occupancy in 2014 and the tenants were removed. It has since been boarded up and secured.

"It's deteriorating from the inside out," Rigney said.

During a visit to the property by the Danville Register & Bee, a window pane hung precariously over a sidewalk at the side of the building. Windows were boarded up and trash littered the property.

Virginia law has provided localities the option of receivership to control a property in exchange for its repair, City Attorney Clarke Whitfield said during Danville City Council's work session Tuesday night.

Once the property is brought back up to code, it would be sold and the city paid for the cost of repairs. The property owner would get any money left over, Whitfield said.

The goal of receivership is for the city to spend enough money on the property to bring it into compliance and make it ready for someone to make use of it, Whitfield said.

The city must declare the property blighted before it can petition for receivership in circuit court. A blighted property means that the structure "endangers the public health, safety or welfare" because it is "dilapidated, or deteriorated, or because the structure or improvements violate minimum health and safety standards," according to state law.

Receivership provides an option for the city when it's not able to pursue a case administratively because a property is not unsafe enough to warrant it, said Cory Wolfe, assistant city attorney.

Danville must also adopt a spot blight abatement plan outlining the blight conditions on the property and giving the owner a time frame to make repairs.

City Council will vote next month whether to declare the property blighted and adopt a spot blight abatement plan.



Recipient	
1. Cont	
Informa	
Agency	
Address	
2. Unive	
3. VHDA	
4. Grant	
5. Fundin	
6. Grant /	
7. Grant	
8. Grant	
Amount	
9. Perio	
Award	
18. Proj	
19. Aut	
J. Mich	
Date:	

**VIRGINIA HOUSING DEVELOPMENT AUTHORITY
DEPARTMENT OF COMMUNITY HOUSING
COMMUNITY IMPACT PLANNING GRANT**

This Agreement entered into by and between the Virginia Housing Development Authority hereinafter referred to as "VHDA" and the City of Danville hereinafter referred to as "Grantee"

Article 1 – General

Grantee is the recipient of a VHDA Community Impact Grant in the amount of \$125,000.00. This Grantee Agreement sets forth the terms and conditions under which VHDA will provide grant funds to the Grantee. Grantee agrees to carry out its eligible activities under this Grantee Agreement.

Whereas, the Grantee has identified the need for financial resources to the following activities:

1. Develop construction write up and plans.
2. Post public Request for Proposals and complete contract with chosen construction company.
3. Construction for the exterior rehabilitation and stabilization of 205 Jefferson Avenue.

Article 2 – Terms & Conditions

The parties hereto agree to the terms and conditions as follows:

1. To accept the \$125,000.00 awarded by the Virginia Housing Development Authority in support of this redevelopment initiative to market to developers. This project is located within the Old West End Historic District (OWE). The boundaries stretch along Main Street/West Main Street from Patton Street to Mt Vernon Avenue, including the side streets of Jefferson Avenue, Pine Street, Chestnut Street, Green Street and Holbrook Avenue.
2. The period of performance shall begin on **June 30, 2018** and expire at midnight on **June 30, 2021**.
3. To use the VHDA awarded funds solely for the stated purpose of supporting the costs associated with the planning and development for the referenced area.
4. To provide VHDA with copies of all planning, design, or development documents generated as a result of the referenced project including such documents generated as a result of financial support provided by other leveraged resources.
5. To authorize VHDA full use of all such generated documents
6. Grantee agrees to provide quarterly status updates on the project to VHDA due by the last day of the month in March, June, September, and December.
7. VHDA agrees to provide grantee with technical assistance in application for VHDA multifamily permanent financing. VHDA and Grantee acknowledge and agree that this Planning Grant Agreement does not in any way guarantee that the Grantee will receive multifamily permanent financing through VHDA.

8. The following documents which are a part of this AGREEMENT and are incorporated by reference herein as if set out in full: PLANNING GRANT APPLICATION PACKAGE, BUDGET, and STATUS REPORTS.

Article 3 – Oversight

By entering into this Agreement, Grantee including any subsidiary or affiliate of Grantee agrees to cooperate fully with the monitoring and oversight efforts as conducted by VHDA, its agents, authorized representatives, and third-party contractors, through site visits, file audits, and other methods. Oversight may include, but is not limited to, remote inspection or on-site performance reviews by VHDA and/or third parties acting on behalf of VHDA. Grantee must cooperate with all VHDA oversight activities, to include requests for access to facilities, access to Grantee's records and requests for information. If Grantee has other obligations that require client information to be kept confidential, measures must be taken to ensure that VHDA and/or third parties acting on behalf of VHDA has access to client files and information for audit and oversight purposes that demonstrates to the satisfaction of VHDA the requirements of this Agreement are being or have been met.

Article 4 - Recordkeeping, Compliance, and Recording Keeping

1. **Record Keeping Requirements.** All files associated with this Agreement (see list below) for three (3) years after completion of this Agreement.
 - a. Grantee agrees to retain all financial records, supporting documentation, statistical records, and all other records pertinent to this Agreement for a period of three (3) years. The only exceptions are the following:
 - i. If any litigation, claim or audit is started before expiration of the three (3) year period, the records shall be retained until the litigation, claims or audit findings involving the records have been resolved and final action taken.
 - ii. Records for real property and equipment acquired shall be retained for three (3) years after final disposition.
 - b. Note that Grantee may also be subject to record retention requirements under other applicable laws and regulations.
2. **Type of Record Keeping System.** Grantee may use any record keeping system provided that the chosen system results in a complete and accurate set of records that are retained per the requirements in this agreement. The resulting records must enable easy monitoring by VHDA when conducting a performance review of the Grantee's activities.
 - a. Grantee agrees to provide updated financial statements (including general ledger details and quarterly financial statements) before each disbursement of funds as requested by VHDA and/or third parties acting on behalf of VHDA.
3. **Compliance.** Grantees must comply with all requirements to include applicable handbooks, current legislative & programmatic requirements, as well as requirements for program eligibility, approval, delivery of services, record keeping, reporting, performance monitoring, and all other documentation related to this Agreement.
 - a. Grantee is required to notify VHDA if they are the subject of any pending investigation related to the disbursement of funds, financial reporting, and use of funds, related to this Agreement.

4. **Auditing.** Grantee agrees to cooperate fully with VHDA, its agents, authorized representatives, and third-party contractors as they perform evaluation, monitoring, quality control, audit, audit-related activities and compliance reviews.
- Whenever possible, VHDA and/or third parties acting on behalf of VHDA will give Grantee fifteen (15) days' notice before conducting an on-site review. However, in situations where a specific concern warrants immediate action, VHDA and/or third parties acting on behalf of VHDA reserves the right to give less than fifteen (15) days' notice.
 - VHDA and/or third parties acting on behalf of VHDA shall have the right to request,

Default and Termination. If Grantee fails to resolve the non-compliance to the satisfaction of VHDA within six months of the date of the notice of suspension, or within any extended timeframe previously approved, VHDA may take one or more of the following actions: (1) recover misspent or unspent funds, (2) de-obligate awarded but un-disbursed funds, (3) terminate the Agreement for cause, or (4) take other remedies that may be legally available. Upon termination of the Agreement, all unspent funds (as determined by VHDA) shall revert immediately to VHDA, either in the form of recapture or de-obligation.

VHDA reserves the right to amend or cancel this grant agreement at any time with a written notice to be provided to the grantee at the contact information provided in the application. Upon termination of the Agreement, all unspent funds (as determined by VHDA) shall revert immediately to VHDA, either in the form of recapture or de-obligation.

In witness whereof, the parties hereto have executed or caused to be executed by their duly authorized official this Agreement in duplicate, each copy of which will be deemed an original.

VIRGINIA HOUSING DEVELOPMENT AUTHORITY

DATE: _____

BY: _____
Its: Authorized Officer

DATE: _____

City of Danville
Organization

BY: _____

Title: _____

Start

1 / 5

I agree to the [Terms of Use](#) and [Consumer Disclosure](#) of this document

Council Letter

City of Danville, Virginia



CL-1941

Consent Agenda Item #: C.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Creative Communities Partnership Grant

From: William Sgrinia, Director of Parks, Recreation & Tourism

COUNCIL ACTION

First Reading: 08/21/2018

Final Adoption: 09/04/2018

SUMMARY

In the past, the City of Danville has participated in the Creative Communities Partnership Grant, formerly known as the Local Government Challenge Grants program through the Virginia Commission for the Arts. The City has received notification from the Commission that a grant of \$4,500 has been awarded for Fiscal Year 2019.

BACKGROUND

The local match of \$5,000 has been provided in the FY 2019 Budget, General Fund Support of Grants account. With these funds, assistance is provided to local arts organizations. Some of the local groups that have been assisted under this program over the years include: Danville Choral Arts Society, Danville Concert Association, Danville Area Association for the Arts and Humanities, Danville Museum of Fine Arts and History, Danville Festival in the Park, Inc., and the Danville Symphony Orchestra. The advertising for availability of funding and the submittal for funding requests will begin immediately. A public notice will be advertised in the Danville Register and Bee on September 8, 2018 soliciting applications; agencies listed above will be sent letters advising them of the funding opportunity and informing them that they must complete an application. The applications are due back to the City no later than October 1, 2018. City staff reviews the applications and makes award recommendations to a local arts grant task force, who vote on the final awards. Award recipients are notified by letter of their grant amount and that the funds must be spent prior to June 30, 2019.

RECOMMENDATION

It is recommended that City Council adopt the accompanying Ordinance providing funds for a Creative Communities Partnership Grant from the Virginia Commission for the Arts and the required local share.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A VIRGINIA COMMISSION FOR THE ARTS GRANT IN THE AMOUNT OF \$4,500, AND TO PROVIDE FOR THE LOCAL SHARE IN THE AMOUNT OF \$5,000 FOR A TOTAL GRANT OF \$9,500.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the FY 2019 Budget Appropriation Ordinance be, and the same is hereby, amended by increasing revenues for a grant in the amount of \$4,500 from the Commonwealth of Virginia, Virginia Commission for the Arts, and the local share of the grant in the amount of \$5,000, all for its support of local arts, such funds to be appropriated in the Special Grants fund and to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid—State: Virginia Commission for the Arts	60134000-47520	\$ 4,500
Local Share: Transfer from General Fund	60134000-6101	<u>\$ 5,000</u>
	TOTAL	<u>\$9,500</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Creative Communities Partnership Grant	60139000-55005	<u>\$9,500</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the FY 2019 Budget Appropriations Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-1962

New Business Item #: A.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Virginia Department of Transportation - Highway Safety Improvement Program

From: Brian Dunevant, Assistant Public Works Director & City Engineer

COUNCIL ACTION

First Reading: 09/04/2018

Final Adoption: 09/18/2018

SUMMARY

The Commonwealth Transportation Board approved the City of Danville to receive funding from the Virginia Department of Transportation's (VDOT) Highway Safety Improvement Program. The funding amount is \$70,830 and is to be used for the installation of high visibility traffic signal backplates. These funds need to be appropriated before the preliminary engineering can begin.

BACKGROUND

The City submitted an application to VDOT for Highway Safety Improvement Program funding in 2016. VDOT's Highway Safety Improvement Program provides funding opportunities for certain proposed safety improvements. The appropriation of the Highway Safety Improvement Program funds will provide funding for the installation of high visibility traffic signal backplates. These backplates have been used across the country and have been shown to improve safety by increasing the visibility of traffic signals. There are no matching funds required by the City.

RECOMMENDATION

It is recommended that City Council adopt the accompanying Ordinance Appropriating Highway Safety Improvement Program funds from the Virginia Department of Transportation in the amount of \$70,830.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE FOR SAFETY PROJECTS TO BE UNDERTAKEN WITHIN THE CITY AND TO BE FINANCED ANTICIPATING REVENUES FROM VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS IN THE AMOUNT OF \$70,830.

WHEREAS the City of Danville requested VDOT to allocate Highway Safety Improvement Program funds for the installation of high visibility traffic signal backplates; and

WHEREAS the City of Danville has received notification from the Commonwealth Transportation Board of an allocation in the amount of \$70,830 from the Highway Safety Improvement Program; and

WHEREAS, these funds will be appropriated for the installation of high visibility traffic signal backplates.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2019 Budget Appropriation Ordinance be, and is hereby amended by using anticipated revenues from the Virginia Department of Transportation in the amount of \$70,830 from Highway Safety Improvement Program funds, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
High Visibility Traffic Signal Backplates VDOT HSIP	61451000-47415	\$ 70,830
	TOTAL	<u>\$ 70,830</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
High Visibility Traffic Signal Backplates VDOT HSIP	61451999-50	\$ 70,830
	TOTAL	<u>\$ 70,830</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriation Ordinance as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-1963

Item #: B.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Virginia Department of Transportation - FY 2019 State of Good Repair Program Funds

From: Brian Dunevant, Assistant Public Works Director & City Engineer

COUNCIL ACTION

First Reading: 09/04/2018

Final Adoption: 09/18/2018

SUMMARY

At their June 20th meeting, the Commonwealth Transportation Board approved the City of Danville to receive funding from the Virginia Department of Transportation's (VDOT) State of Good Repair/ Primary Extensions Program in the total amount of \$999,000. These funds will be used for the resurfacing of various segments of streets identified by VDOT as being deficient:

Central Boulevard	\$ 312,000
Riverside Drive	\$ 395,000
Memorial Drive	\$ 292,000

BACKGROUND

The City submitted applications to VDOT for State of Good Repair/Primary Extension funding in January 2018. This program provides funding opportunities for repair of primary roadways that have a Combined Condition Index (CCI) of less than 60 (as determined by VDOT). The City typically uses VDOT maintenance funds to resurface a limited number of streets each year. The appropriation of these funds will increase the planned resurfacing of streets for FY 2019. There are no matching funds required by the City.

RECOMMENDATION

It is recommended that City Council adopt the accompanying Ordinances Appropriating State of Good Repair/Primary Extension program funds from the Virginia Department of Transportation totaling \$999,000.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE FOR ROADWAY MAINTENANCE PROJECTS TO BE UNDERTAKEN WITHIN THE CITY AND TO BE FINANCED ANTICIPATING REVENUES FROM VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) STATE OF GOOD REPAIR / PRIMARY EXTENSION FUNDS IN THE AMOUNT OF \$999,000.

WHEREAS, the City of Danville requested VDOT to allocate State of Good Repair / Primary Extension program funds for resurfacing specific segments of Central Boulevard, Riverside Drive and Memorial Drive; and

WHEREAS, the City of Danville has received notification from the Commonwealth Transportation Board of total allocations in the amount of \$999,000 from the VDOT FY 2019 State of Good Repair / Primary Extension program; and

WHEREAS, these funds will be appropriated for use in FY2019.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2019 Budget Appropriation Ordinance be, and is hereby amended by using anticipated revenues from the Virginia Department of Transportation in the amount of \$999,000 from State of Good Repair / Primary Extension program funds, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
VDOT SGR – Central Boulevard UPC 113484	61452000-47415	\$312,000
VDOT SGR – Riverside Drive UPC 113485	61453000-47415	\$395,000
VDOT SGR – Memorial Drive UPC 113512	61454000-47415	<u>\$292,000</u>

TOTAL \$999,000

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
VDOT SGR – Central Boulevard UPC 113484	61452999-50	\$312,000
VDOT SGR – Riverside Drive UPC 113485	61453999-50	\$395,000
VDOT SGR – Memorial Drive UPC 113512	61454999-50	\$292,000
	TOTAL	<u>\$999,000</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriation Ordinance as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-1490

New Business Item #: C.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Older Americans Act Grant FY2019

From: William Sgrinia, Director of Parks, Recreation & Tourism

COUNCIL ACTION

First Reading: 09/04/2018

Final Adoption: 09/18/2018

SUMMARY

Each year, the City applies for Older Americans Act funds and Virginia General Assembly funds from the Southern Area Agency on Aging to provide transportation services for senior citizens, age sixty and over, residing in the City of Danville. Last year, Danville Parks and Recreation's Senior Transportation Services provided 432 Danville seniors, 19,317 one-way trips, thanks to this grant funded by Southern Area Agency on Aging.

BACKGROUND

The Department of Parks and Recreation is requesting the appropriation of Title III-B Older Americans Act Grant funds for federal year October 1, 2018 through September 30, 2019, in the amounts of \$65,571 from Title III-B funds, \$23,281 from the Virginia General Assembly, and Program Income of \$2,000 for transportation services.

This Ordinance includes appropriations for in-kind services for Title III-B Older Americans Act Grant in the amount of \$522,297. This charge is appropriated in the General Fund as well. The appropriation for in-kind service is necessary for administrative and reporting purposes and includes in-kind revenues and equal in-kind expenditures in the Special Grants Fund.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance appropriating the Title III-B Older Americans Act Grant funds from the Southern Area Agency on Aging for FY 2019.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE BY INCREASING CERTAIN REVENUES TO PROVIDE FOR TITLE III-B GRANT FUNDS AND LOCAL SHARE FOR SENIOR CITIZEN PROGRAMS AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2019 Budget Appropriation Ordinance be, and it is hereby, amended to provide for a grant from Title III-B Older Americans Act funds in the amount of \$65,571; Virginia General Fund monies in the amount of \$23,281, administered by the Southern Area Agency on Aging, to the Department of Parks and Recreation for Ballou Recreation Center (formerly Senior Citizens Center) Programs for the Federal Fiscal Year beginning October 1, 2018, and ending September 30, 2019; \$2,000 Program Income; and \$522,297 In-Kind Services for a total of \$613,149, and appropriating such funds within the Special Grants Fund, such revenue and appropriations to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid—Federal: Older Americans Act Title III-B Funds (18-19)	61444000-48142	\$ 88,852
Local Share: Older Americans Act Title III-B Program Income (18-19)	61446000-44650	2,000
Title III-B Older Americans Act In-Kind (18-19)	61445000-44890	<u>522,297</u>
	TOTAL	<u>\$613,149</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B (18-19):		
P/T Salaries/Wages Regular	61444000-51200	\$ 23,838
FICA	61444000-51450	1,824
Mass Transit Services	61444000-52660	58,767
Postage	61444000-54050	300
Telephone/Internet	61444000-54100	903
Travel/Training Expense	61444000-54900	1,500
Office Supplies	61444000-55820	1,000
Gas/Lubricants	61444000-55975	500
Dues/Memberships	61444000-56242	220
	Subtotal	<u>\$ 88,852</u>

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B Program Income (18-19):		
P/T Salaries/Wages Regular	61446000-51200	\$ 500
Outside Services	61446000-52349	500
Travel & Training Expense	61446000-54900	500
Materials & Supplies	61446000-55940	500
	Subtotal	<u>\$ 2,000</u>

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B In-Kind (18-19):		
Labor	61445000-59500	\$406,791
FICA	61445000-59510	31,120
Retirement	61445000-59520	25,402
Group Hospital Insurance	61445000-59530	5,519
Workers' Compensation	61445000-59540	16,272
Janitorial	61445000-59605	3,000
Outside Services	61445000-59610	550
Print Shop	61445000-59620	3,000
Utilities	61445000-59625	18,000
Postal Services	61445000-59630	750
Telephone	61445000-59635	1,400
Travel Expense	61445000-59645	1,833
Office Supplies	61445000-59650	1,000
Materials & Supplies	61445000-59655	1,660
Lease/Rent Buildings	61445000-59670	6,000
	Subtotal	<u>\$522,297</u>
	GRAND TOTAL	<u>\$613,149</u>

AND BE IT FURTHER ORDAINED that this is a much needed program and provides transportation and other services for senior citizens; and

BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter amended or repealed; and

BE IT FINALLY ORDAINED that the City Manager, Ken F. Larking, be, and he is hereby, authorized to execute the necessary documents to accept such grants.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-1988

New Business Item #: D.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Transfer from the Unreserved Fund Balance of the Wastewater Fund for an Economic Development Project

From: Telly D. Tucker, Economic Development Director

COUNCIL ACTION

First Reading: 09/04/2018

Final Adoption: 09/18/2018

SUMMARY

The Office of Economic Development is requesting a one-time investor dividend transfer in the amount of \$3,000,000 from the Unreserved Fund Balance of the Wastewater Fund in order to establish a unique financing tool called the Special Projects Loan Fund. The intent of the Special Projects Loan Fund is to provide short term (3-5 year) financing for significant and impactful historic redevelopment projects within the Tobacco Warehouse District or Central Business District. This program will target projects that are over 30,000 square feet in size, unique in concept and/or amenities, and further contribute to accomplishing the goals of the River District Revitalization Plan.

BACKGROUND

Over the past seven years, the City of Danville has seen significant growth and investment within the River District. Even with this growth, developers have expressed a need for bridge financing tools to accompany traditional financing methods to successfully redevelop certain catalyst or high impact projects. In order to assist developers in implementing these projects and continue the momentum within this district, the Office of Economic Development recommends establishment a Special Projects Loan Fund in which development teams can apply for a short term (3-5 year) financing through the Industrial Development Authority (IDA).

Prospective applicants will need to be creditworthy, have a proven track record of successfully redeveloping multiple projects of this scale, demonstrate evidence of market demand for the concept, and exhibit the financial sources of capital and reserves necessary to successfully complete a project of this magnitude. Projects must also be well-suited for traditional bank refinancing after operating successfully over a 3-5 year period. Underwriting assistance will be provided by Virginia Community Capital or a comparable federally insured banking institution.

RECOMMENDATION

City Staff recommends approval of the FY 2019 Budget Appropriation Ordinance for the transfer of \$3,000,000 from the Unreserved Fund Balance of the Wastewater Fund for an Economic Development Project to Establish a Special Projects Loan Fund and appropriating the same.

Attachments

Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2019 BUDGET APPROPRIATION ORDINANCE BY TRANSFERRING \$3,000,000 FROM THE UNRESERVED FUND BALANCE OF THE WASTEWATER FUND FOR AN ECONOMIC DEVELOPMENT PROJECT TO ESTABLISH A REVOLVING ECONOMIC DEVELOPMENT LOAN FUND AND APPROPRIATING THE SAME.

WHEREAS, the Danville Office of Economic Development is proposing the transfer of funds from the Wastewater Fund Balance in the amount of \$3,000,000 for economic development projects that would provide for the creation of a loan fund to be called the “Revolving Economic Development Loan Fund” through the Industrial Development Authority (IDA).

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2019 Budget Appropriation Ordinance be, and the same is hereby, amended by a transfer from Wastewater Fund Balance to Support of Economic Development Projects (Revolving Economic Development Loan Fund), such transfer to be as follows:

REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Wastewater Fund Balance	XXXX	<u>\$3,000,000</u>

APPROPRIATION

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Wastewater Fund Transfer Out to General Fund	5140901-6101	<u>\$3,000,000</u>

AND BE IT FURTHER ORDAINED that these funds are to be appropriated to the General Fund for the Support of Economic Development, such appropriation to be as follows:

REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
General Fund Transfer In from Wastewater	0100000-6151	<u>\$3,000,000</u>

APPROPRIATION

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
General Fund Transfer Out to Econ Dev Fund	0199525-6098	<u>\$3,000,000</u>

AND BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that the transfer to the Economic Development Fund will be held in the General Fund until such time as an entity is selected and meets all the requirements of the Revolving Economic Development Loan Fund including approval of the Loan Committee; and

BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia that upon such approval the funds will be transferred to the Economic Development Fund and appropriated therein and forwarded to the IDA for the creation of the Revolving Economic Development Loan Fund; and

BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and carried forward from year to year until such time as an entity qualifies for a loan through the Revolving Economic Development Loan Fund; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2019 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL-1976

New Business Item #: E.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Request for a Special Use Permit to Allow Residential Uses and Waivers to the Zoning Code at 523 Lynn Street.

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 09/04/2018

SUMMARY

A request has been filed by Ross Fickenscher, on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Items 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended, at 523 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000014, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.

BACKGROUND

The request is to construct a total of forty-six (46) market rate apartment units and approximately 30,000 sq. ft. of commercial space in 523 and 525 Lynn St (combined). Specifically, the applicant requests approval for mixed-use occupants and specific relief from any and all density and parking requirements.

The Planning Commission previously heard a similar proposal for these two same properties on March 12, 2018. The prior proposal requested a Special Use Permit to construct a total of forty (40) one, two and three bedroom market rate apartments and approximately 30,000 sq. ft. of commercial space. The prior proposal was approved by the Planning Commission on March 12, 2018, and by City Council on April 3, 2018. The current proposal is different from the previous proposal by requesting the following:

1. Specific relief from any and all density and parking requirements; and
2. Forty-six (46), rather than forty (40) market rate apartments, a net increase of six (6) apartments.

At their meeting of August 13, 2018, the Planning Commission voted 7-0 to recommend approval of the request subject to the following conditions:

1. The maximum floor area ratio (FAR) shall not exceed 6.0;
2. There shall be no more than forty-six (46) multifamily residential units between the two properties;
3. Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

RECOMMENDATION

It is recommended that City Council grant a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 523 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000014, of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. The maximum floor area ratio (FAR) shall not exceed 6.0;
2. There shall be no more than forty-six (46) multifamily residential units between the two properties;
3. Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR RESIDENTIAL USES IN A STRUCTURE WITH NON-RESIDENTIAL USE ON THE FIRST FLOOR, A WAIVER TO THE DENSITY, AND FLOOR AREA RATIO IN ACCORDANCE WITH ARTICLE 3:L, SECTION C, ITEM'S 9, 12, AND 13 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 523 LYNN STREET, OTHERWISE KNOWN AS GRID 2713, BLOCK 004, PARCEL 0000014, OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20180000191, filed by Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12, and 13 of the Code of the City of Danville, Virginia, 1986, as amended, at 523 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000014, of the City of Danville, Virginia Zoning District Map, is hereby received, subject to the following conditions:

1. The maximum floor area ratio (FAR) shall not exceed 6.0; and
2. There shall be no more than forty-six (46) multifamily residential units between the two properties; and
3. Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20180000191, filed by Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C,

Item's 9, 12, and 13 of the Code of the City of Danville, Virginia, 1986, as amended, at 523 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000014, of the City of Danville, Virginia, Zoning District Map. is hereby granted and approved subject to the following conditions:

1. The maximum floor area ratio (FAR) shall not exceed 6.0; and
2. There shall be no more than forty-six (46) multifamily residential units between the two properties; and
3. Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: AUGUST 13, 2018
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST
REQUEST:

Special Use Permit application PLSUP20180000191, filed by Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 523 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000014, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.

RECOMMENDATION:

The Planning Commission voted 7-0 to recommend approval of the request subject to the following conditions:

1. The maximum floor area ratio (FAR) shall not exceed 6.0;
2. There shall be no more than forty-six (46) multifamily residential units between the two properties;
3. Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

Michael W. Searce (216)
Mr. Michael Searce, Chairman

RESPONSES:

Thirteen (13) notices were sent to property owners within three hundred (300) feet of both 523 and 525 Lynn St. Three statements were returned, all indicating no opposition for the project (Rick Barker Properties LLC, Broadacre Holdings LLC, Davis Storage & Warehouse Inc, John H. Laramore)

COMMENTS:

No responses included additional comments.



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

City Planning Commission

City Planning Commission

Meeting of Monday, August 13, 2018

Subject:

Special Use Permit application PLSUP20180000191, filed by Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 523 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000014, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.

Background:

Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 523 Lynn Street.

The request is to construct a total of forty-six (46) market rate apartment units, and approximately 30,000 sq. ft. of commercial space in 523 and 525 Lynn St (combined). Specifically, the applicant requests approval for mixed-use occupants and specific relief from any and all density and parking requirements.

Planning Commission previously heard a similar proposal for these two same properties on March 12, 2018. The prior proposal requested a Special Use Permit to construct a total of forty (40) one, two and three bedroom market rate apartments and approximately 30,000 sq. ft. of commercial space. The prior proposal was approved by Planning Commission on March 12, 2018, and by City Council on April 3, 2018. The current proposal is different from the previous proposal by requesting the following:

1. Specific relief from any and all density and parking requirements;
2. Forty-six (46), rather than forty (40) market rate apartments, a net increase of six (6) apartments.

Thirteen (13) notices were sent to property owners within three hundred (300) feet of both 523 and 525 Lynn St. Three (3) property owners returned statements. all indicating they are not opposed to the project.

Recommendation:

The Planning staff recommends approval of Special Use Permit application PLSUP20180000190, filed by Ross Fickenscher on behalf of Lynn Street, LLC, with the following conditions:

- The maximum floor area ratio (FAR) shall not exceed 6.0;
- There shall be no more than forty-six (46) multifamily residential units between the two properties;
- Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

This would allow mixed-use development involving commercial space on the ground floor, and residential space above. The bicycle parking is to help offset the waived parking requirement and deal with increased multimodal transportation demand associated with downtown revitalization.

City Planning Commission Alternatives:

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

Attachments:

- Explanation of Existing Requirements
- Application
- Property Ownership/Zoning Map
- Data Sheet
- Existing Land Use Map (2015 Aerial)

Explanation of Existing Requirements:

If no relief from density requirements were granted, the property would be limited to 20 multifamily units between the two properties. Additionally, the maximum square footage for the two properties is currently 111,600.72 sq. ft., including both retail and residential space. A waiver would allow increased units, and a total of 223,201.44 sq. ft. of combined retail and commercial space between the two properties. These calculations are based on Article 3.L of the Zoning Ordinance which states the following:

- *Maximum floor area ratio: 3.0, provided that the floor area ratio of any building may be increased to a maximum of 6.0 by special use permit.*
- *Maximum residential density:*
 - *a. 24 dwelling units per net acre for mixed-use structures containing residential dwellings with commercial uses on first floor.*
 - *b. 24 dwelling units per net acre for multifamily dwellings.*

If no relief were to be granted, the property would be required to provide 41 parking spaces for the retail parking, with the amount for residential to be based on the final total number of bedrooms. At a minimum, there would be 26 parking spaces for the residential use. The combined retail and residential parking would equal a total of 67 parking spaces between both 523 and 525 Lynn St. If parking were provided in the form of perpendicular parking, 6,642 sq. ft. would be required for parking at both properties. These calculations are based on Article 8 of the Zoning Ordinance, which states the following regarding minimum parking requirements:

- *Minimum parking space dimensions and layout.*
 - *(a) Parallel spaces: Standard parallel parking spaces shall have minimum dimensions of seven (7) feet by twenty-three (23) feet.*
 - *(b) Perpendicular spaces: Standard perpendicular parking spaces shall be designed with a width of nine (9) feet and a length of eighteen (18) feet, provided that travelways combined with parking bays providing perpendicular parking shall have a minimum width of twenty four (24) feet (with 2-12 foot lanes) to accommodate two-directional traffic movements. Long-term or compact car perpendicular parking spaces (such as parking lots for full day shift for office or industrial employees or other forms of long-term parking) may reduced to eight and one-half (8.5) feet upon petition to and acceptance by the Planning Commission, provided that such spaces are clearly designated.*
- *Dwelling, Multi-Family, Duplex and Single-Family Attached Dwelling. One and one-half (1.5) space per dwelling unit with one (1) bedroom; two and one half (2.5) spaces per dwelling unit with two (2) bedrooms; three (3) spaces per dwelling unit with three (3) bedrooms; four and one-quarter (4.25) spaces per dwelling unit with four or more bedrooms, provided that parking requirements for housing for the independent elderly (without central dining facilities) may be reduced to two (2) spaces per three (3) dwelling units plus one (1) space per employee at peak shift*
- *Retail Sales Establishment. One (1) space per 200 square feet net floor area for the first 1000 square feet, plus four (4) spaces per each additional 1000 square*

feet. The wholesale component of any industrial, manufacturing or warehousing facility shall provide parking based on requirements for Retail Sales Establishments. Discount stores, wholesale outlets, "big box retailers" and "superstores" marketing as wholesale establishments shall provide parking based on requirements for Retail Sales Establishments.

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).

City Of Danville Tax Parcel #26811

Gross Area/Net Area: 24,785 SF Property Address: 523 Lynn Street

Property Location: N Side of: Lynn Street

Between: Colquhoun Street and Newton Street

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

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

Construct 17 market rate apartment units and 10,000 square feet of commercial space all within exterior wall of the existing building. This SUP application requests approval for mixed-use occupancy and specific relief from any and all density and parking requirements. Note: TOTAL DEVELOPMENT OF BOTH PARCELS @ 523 & 525 LYNN STREET = 46 APARTMENT UNITS AND 30,000 SQ FT OF COMMERCIAL SPACE.

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

1. NAME: Lynn Street LLC TELEPHONE: 804.925.0109

MAILING ADDRESS: 3210 Chamberlayne Avenue, Richmond, VA 23227

SIGNATURE:  DATE: 07/06/18

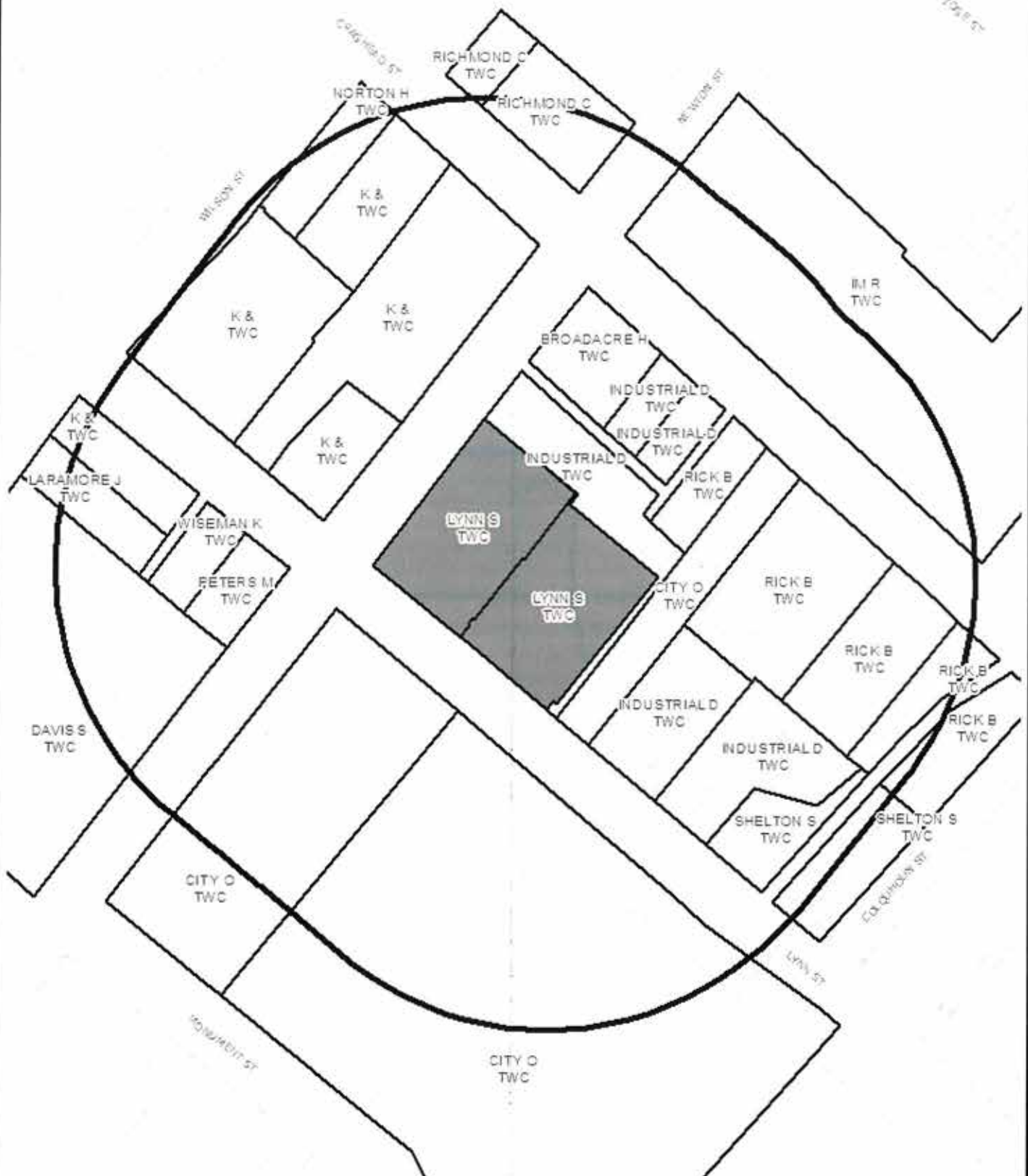
APPLICANT (PLEASE TYPE OR PRINT)

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

NAME: Ross Fickenscher TELEPHONE: 804.925-0109 – ross.fick@gmail.com

MAILING ADDRESS: 3210 Chamberlayne Avenue, Richmond, VA 23227

SIGNATURE:  DATE: 07/06/18



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
7/26/2018

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 showing 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 REQUESTS
DATA SHEET

DATE:	July 26, 2018
LOCATION OF PROPERTY:	523 & 525 Lynn Street
PRESENT ZONE:	TW-C Tobacco Warehouse Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	The applicant is requesting Special Use Permits to have residential units above a first floor commercial use, with specific relief from any and all density and parking requirements
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Residential units above a first floor commercial use
PROPERTY OWNER (S):	Lynn Street, LLC
NAME OF APPLICANT (S):	Ross Fickenscher
PROPERTY BORDERED BY:	Mixed commercial and residential development to north, east and west, City Fire Station to the south.
ACREAGE/SQUARE FOOTAGE:	0.438 & 0.416 Acres (0.854 acre total)
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Lynn & Newton Streets
TRAFFIC VOLUME:	Low to medium
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of August 13, 2018



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/3/2018

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

Council Letter

City of Danville, Virginia



CL-1977

New Business Item #: F.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Requests for a Special Use Permit to Allow Residential Uses and Waivers to the Zoning Code at 525 Lynn Street.

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 09/04/2018

SUMMARY

A request has been filed by Ross Fickenscher on behalf of Lynn Street, LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Items 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 525 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000013, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.

BACKGROUND

The request is to construct a total of forty-six (46) market rate apartment units, and approximately 30,000 sq. ft. of commercial space in 523 and 525 Lynn St (combined). Specifically, the applicant requests approval for mixed-use occupants and specific relief from any and all density and parking requirements.

The Planning Commission previously heard a similar proposal for these two same properties on March 12, 2018. The prior proposal requested a Special Use Permit to construct a total of forty (40) one, two and three bedroom market rate apartments and approximately 30,000 sq. ft. of commercial space. The prior proposal was approved by the Planning Commission on March 12, 2018, and by City Council on April 3, 2018. The current proposal is different from the previous proposal by requesting the following:

1. Specific relief from any and all density and parking requirements; and
2. Forty-six (46), rather than forty (40) market rate apartments, a net increase of six (6) apartments.

At their meeting of August 13, 2018, the Planning Commission voted 7-0 to recommend approval of Special Use Permit application PLSUP20180000190, filed by Ross Fickenscher on behalf of Lynn Street, LLC, with the following conditions:

1. The maximum floor area ratio (FAR) shall not exceed 6.0;
2. There shall be no more than forty-six (46) multifamily residential units between the two properties;
3. Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

RECOMMENDATION

It is recommended that City Council approve an Ordinance granting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 525 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000013, of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. The maximum floor area ratio (FAR) shall not exceed 6.0;
2. There shall be no more than forty-six (46) multifamily residential units between the two properties;
3. Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR RESIDENTIAL USES IN A STRUCTURE WITH NON-RESIDENTIAL USE ON THE FIRST FLOOR, A WAIVER TO THE DENSITY, AND FLOOR AREA RATIO IN ACCORDANCE WITH ARTICLE 3:L, SECTION C, ITEM'S 9, 12, AND 13 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 525 LYNN STREET, OTHERWISE KNOWN AS GRID 2713, BLOCK 004, PARCEL 0000013, OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20180000190, filed by Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12, and 13 of the Code of the City of Danville, Virginia, 1986, as amended, at 525 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000013, of the City of Danville, Virginia, Zoning District Map, is hereby received, subject to the following conditions:

1. The maximum floor area ratio (FAR) shall not exceed 6.0; and
2. There shall be no more than forty-six (46) multifamily residential units between the two properties; and
3. Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20180000190, filed by Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C,

Item's 9, 12, and 13 of the Code of the City of Danville, Virginia, 1986, as amended, at 525 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000013, of the City of Danville, Virginia, Zoning District Map is hereby granted and approved subject to the following conditions:

1. The maximum floor area ratio (FAR) shall not exceed 6.0; and
2. There shall be no more than forty-six (46) multifamily residential units between the two properties; and
3. Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: AUGUST 13, 2018
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20180000190, filed by Ross Fickenscher on behalf of Lynn Street, LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 525 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000013, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.

RECOMMENDATION:

The Planning Commission voted 7-0 to recommend approval of the request subject to the following conditions:

1. The maximum floor area ratio (FAR) shall not exceed 6.0;
2. There shall be no more than forty-six (46) multifamily residential units between the two properties;
3. Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

Michael W. Searce (K16)
Mr. Michael Searce, Chairman

RESPONSES:

Thirteen (13) notices were sent to property owners within three hundred (300) feet of both 523 and 525 Lynn St. Three statements were returned, all indicating no opposition for the project (Rick Barker Properties LLC, Broadacre Holdings LLC, Davis Storeage & Warehouse Inc, John H. Laramore)

COMMENTS:

No responses included additional comments.



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

City Planning Commission

City Planning Commission

Meeting of Monday, August 13, 2018

Subject:

Special Use Permit application PLSUP20180000190, filed by Ross Fickenscher on behalf of Lynn Street, LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 525 Lynn Street, otherwise known as Grid 2713, Block 004, Parcel 0000013, of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have residential units above a first floor commercial use.

Background:

Ross Fickenscher on behalf of Lynn Street LLC, requesting a Special Use Permit for residential uses in a structure with non-residential use on the first floor, a waiver to the density, and floor area ratio in accordance with Article 3:L, Section C, Item's 9, 12 & 13 of the Code of the City of Danville, Virginia 1986, as amended at 523 Lynn Street.

The request is to construct a total of forty-six (46) market rate apartment units, and approximately 30,000 sq. ft. of commercial space in 523 and 525 Lynn St (combined). Specifically, the applicant requests approval for mixed-use occupants and specific relief from any and all density and parking requirements.

Planning Commission previously heard a similar proposal for these two same properties on March 12, 2018. The prior proposal requested a Special Use Permit to construct forty (40) one, two and three bedroom market rate apartments and approximately 30,000 sq. ft. of commercial space. The prior proposal was approved by Planning Commission on March 12, 2018, and by City Council on April 3, 2018. The current proposal is different from the previous proposal by requesting the following:

1. Specific relief from any and all density and parking requirements;
2. Forty-six (46), rather than forty (40) market rate apartments, a net increase of six (6) apartments.

Thirteen (13) notices were sent to property owners within three hundred (300) feet of both 523 and 525 Lynn St. Three statements were returned, all indicating no opposition for the project.

Recommendation:

The Planning staff recommends approval of Special Use Permit application PLSUP20180000191, filed by Ross Fickenscher on behalf of Lynn Street, LLC, with the following conditions:

- The maximum floor area ratio (FAR) shall not exceed 6.0;
- There shall be no more than forty-six (46) multifamily residential units between the two properties;
- Bicycle parking sufficient for a total of six (6) bicycles between the two properties, preferably covered.

This would allow mixed-use development involving commercial space on the ground floor, and residential space above. The bicycle parking is to help offset the waived parking requirement and deal with increased multimodal transportation demand associated with downtown revitalization.

City Planning Commission Alternatives:

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

Attachments:

- Explanation of Existing Requirements
- Application
- Property Ownership/Zoning Map
- Data Sheet
- Existing Land Use Map (2015 Aerial)

Explanation of Existing Requirements:

If no relief from density requirements were granted, the property would be limited to 20 multifamily units between the two properties. Additionally, the maximum square footage for the two properties is currently 111,600.72 sq. ft., including both retail and residential space. A waiver would allow increased units, and a total of 223,201.44 sq. ft. of combined retail and commercial space between the two properties. These calculations are based on Article 3.L of the Zoning Ordinance which states the following:

- *Maximum floor area ratio: 3.0, provided that the floor area ratio of any building may be increased to a maximum of 6.0 by special use permit.*
- *Maximum residential density:*
 - *a. 24 dwelling units per net acre for mixed-use structures containing residential dwellings with commercial uses on first floor.*
 - *b. 24 dwelling units per net acre for multifamily dwellings.*

If no relief were to be granted, the property would be required to provide 41 parking spaces for the retail parking, with the amount for residential to be based on the final total number of bedrooms. At a minimum, there would be 26 parking spaces for the residential use. The combined retail and residential parking would equal a total of 67 parking spaces between both 523 and 525 Lynn St. If parking were provided in the form of perpendicular parking, 6,642 sq. ft. would be required for parking at both properties. These calculations are based on Article 8 of the Zoning Ordinance, which states the following regarding minimum parking requirements:

- *Minimum parking space dimensions and layout.*
 - *(a) Parallel spaces: Standard parallel parking spaces shall have minimum dimensions of seven (7) feet by twenty-three (23) feet.*
 - *(b) Perpendicular spaces: Standard perpendicular parking spaces shall be designed with a width of nine (9) feet and a length of eighteen (18) feet, provided that travelways combined with parking bays providing perpendicular parking shall have a minimum width of twenty four (24) feet (with 2-12 foot lanes) to accommodate two-directional traffic movements. Long-term or compact car perpendicular parking spaces (such as parking lots for full day shift for office or industrial employees or other forms of long-term parking) may reduced to eight and one-half (8.5) feet upon petition to and acceptance by the Planning Commission, provided that such spaces are clearly designated.*
- *Dwelling, Multi-Family, Duplex and Single-Family Attached Dwelling. One and one-half (1.5) space per dwelling unit with one (1) bedroom; two and one half (2.5) spaces per dwelling unit with two (2) bedrooms; three (3) spaces per dwelling unit with three (3) bedrooms; four and one-quarter (4.25) spaces per dwelling unit with four or more bedrooms, provided that parking requirements for housing for the independent elderly (without central dining facilities) may be reduced to two (2) spaces per three (3) dwelling units plus one (1) space per employee at peak shift*
- *Retail Sales Establishment. One (1) space per 200 square feet net floor area for the first 1000 square feet, plus four (4) spaces per each additional 1000 square*

feet. The wholesale component of any industrial, manufacturing or warehousing facility shall provide parking based on requirements for Retail Sales Establishments. Discount stores, wholesale outlets, "big box retailers" and "superstores" marketing as wholesale establishments shall provide parking based on requirements for Retail Sales Establishments.

525

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).

City Of Danville Tax Parcel #21396

Gross Area/Net Area: 25,134 SF Property Address: 525 Lynn Street

Property Location: N Side of: Lynn Street

Between: Colquhoun Street and Newton Street

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

EXPLANATION OF REQUEST:

I. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Construct 29 market rate apartment units and 20,000 square feet of commercial space all within exterior wall of the existing building. This SUP application requests approval for mixed-use occupancy and **specific relief from any and all density and parking requirements.** Note: TOTAL DEVELOPMENT OF BOTH PARCELS @ 523 & 525 LYNN STREET = 46 APARTMENT UNITS AND 30,000 SQ FT OF COMMERCIAL SPACE.

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

1. NAME: Lynn Street LLC TELEPHONE: 804.925.0109

MAILING ADDRESS: 3210 Chamberlayne Avenue, Richmond, VA 23227

SIGNATURE:  DATE: 07/06/18

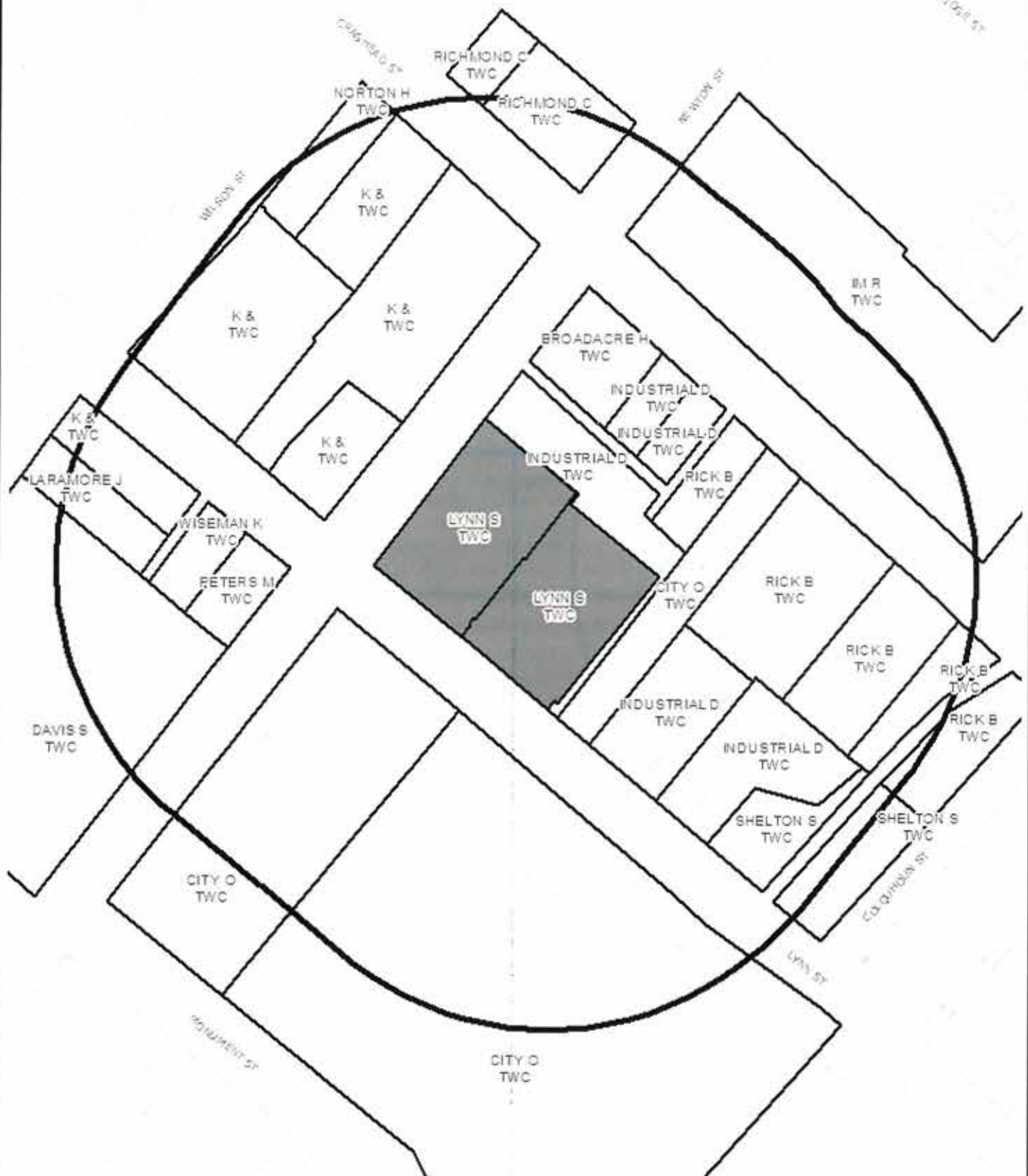
APPLICANT (PLEASE TYPE OR PRINT)

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

NAME: Ross Fickenscher TELEPHONE: 804.925-0109 – ross.fick@gmail.com

MAILING ADDRESS: 3210 Chamberlayne Avenue, Richmond, VA 23227

SIGNATURE:  DATE: 07/06/18



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
7/26/2018

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation or warranty as to the 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 REQUESTS
DATA SHEET

DATE:	July 26, 2018
LOCATION OF PROPERTY:	523 & 525 Lynn Street
PRESENT ZONE:	TW-C Tobacco Warehouse Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	The applicant is requesting Special Use Permits to have residential units above a first floor commercial use, with specific relief from any and all density and parking requirements
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Residential units above a first floor commercial use
PROPERTY OWNER (S):	Lynn Street, LLC
NAME OF APPLICANT (S):	Ross Fickenscher
PROPERTY BORDERED BY:	Mixed commercial and residential development to north, east and west, City Fire Station to the south.
ACREAGE/SQUARE FOOTAGE:	0.438 & 0.416 Acres (0.854 acre total)
CHARACTER OF VICINITY:	Commercial
INGRESS AND EGRESS:	Lynn & Newton Streets
TRAFFIC VOLUME:	Low to medium
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of August 13, 2018



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/3/2018

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation or warranty as to the 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.

Council Letter

City of Danville, Virginia



CL-1978

New Business Item #: G.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Request for a Special Use Permit to Operate a Bed and Breakfast at 418 Plum Street

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 09/04/2018

SUMMARY

A request has been filed by Barry Davis, on behalf of Spotlight Express LLC, requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an Airbnb on a residential property.

BACKGROUND

Barry Davis, has filed a request for a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an Airbnb on a residential property. This use is defined in the Zoning Ordinance as:

"Bed and breakfast lodging. A single family dwelling, occupied by its owner or operator, containing sleeping and breakfast accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no more than eight (8) room accommodations for transient persons and wherein a charge is normally paid for such accommodations. A bed and breakfast may include banquet/event facilities for private parties as an accessory use."

As stated in the Zoning Ordinance, a bed and breakfast lodging requires the owner or operator to occupy the site. The applicant has listed the neighboring property of 406 Plum St. as his mailing address, but specified that he uses both 406 and 418 Plum St. as his home.

At their meeting of August 13, 2018, the Planning Commission voted 7-0 to recommend approval of Special Use Permit application PLSUP20180000192, filed by Barry Davis, requesting a Special Use Permit to operate a bed and breakfast, subject to the following conditions:

1. 418 Plum St. continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast.
2. The facility shall use no more than three (3) guest rooms for occupancy.
3. Guests may not stay for longer than 30 consecutive calendar days.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000005 of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. 418 Plum St. continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast.
2. The facility shall use no more than three (3) guest rooms for occupancy.
3. Guests may not stay for longer than 30 consecutive calendar days.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO OPERATE A BED AND BREAKFAST IN ACCORDANCE WITH ARTICLE 3:E, SECTION C, ITEM 3 OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, AT 418 PLUM STREET, OTHERWISE KNOWN AS GRID 2710, BLOCK 006, PARCEL 000005 OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20180000192, filed by Barry Davis, on behalf of Spotlight Express LLC, requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E, Section C, Item 3 of the Code of the City of Danville, Virginia, 1986, as amended, at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000005 of the City of Danville, Virginia, Zoning District Map, is hereby received, subject to the following conditions:

1. 418 Plum Street continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast.
2. The facility shall use no more than three (3) guest rooms for occupancy.
3. Guests may not stay for longer than 30 consecutive calendar days.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20180000192, filed by Barry Davis, on behalf of Spotlight Express LLC, requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E, Section C, Item 3 of the Code of the City of Danville, Virginia, 1986, as amended, at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000005 of the City of

Danville, Virginia, Zoning District Map is hereby granted and approved subject to the following conditions:

1. 418 Plum St. continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast.
2. The facility shall use no more than three (3) guest rooms for occupancy.
3. Guests may not stay for longer than 30 consecutive calendar days.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: AUGUST 13, 2018
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20180000192, filed by Barry Davis, on behalf of Spotlight Express LLC, requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an Airbnb on a residential property.

RECOMMENDATION:

The Planning Commission voted 7-0 to recommend approval of the request subject to the following conditions:

1. 418 Plum St. continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast.
2. The facility shall use no more than three (3) guest rooms for occupancy.
3. Guests may not stay for longer than 30 consecutive calendar days.

Michael W. Searce (KLG)
Mr. Michael Searce, Chairman

RESPONSES:

Thirty-two (32) notifications were sent to surrounding property owners within 300' of the subject property. Nine (9) statements were returned, with two (2) indicating opposition (Shirley L Abbot, Davis Rental Real Estate) to the project and seven (7) indicating no opposition (Imogene Bumpass's family, Lashonia Richardson, Ramon Rassie, H.R. Stuart, WWW Contractor LLC, Wanda Starr Martin, Gary R and Susan Francine Davis) to the project.

COMMENTS:

Two responses included comments. See attached.



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

City Planning Commission

MEMORANDUM

DATE: AUGUST 13, 2018
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST
REQUEST:

Special Use Permit application PLSUP20180000192, filed by Barry Davis, on behalf of Spotlight Express LLC, requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an Airbnb on a residential property.

RECOMMENDATION:

The Planning Commission voted 7-0 to recommend approval of the request subject to the following conditions:

1. 418 Plum St. continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast.
2. The facility shall use no more than three (3) guest rooms for occupancy.
3. Guests may not stay for longer than 30 consecutive calendar days.

Michael W. Searce (KLG)
Mr. Michael Searce, Chairman

RESPONSES:

Thirty-two (32) notifications were sent to surrounding property owners within 300' of the subject property. Nine (9) statements were returned, with two (2) indicating opposition (Shirley L Abbot, Davis Rental Real Estate) to the project and seven (7) indicating no opposition (Imogene Bumpass's family, Lashonia Richardson, Ramon Rassie, H.R. Stuart, WWW Contractor LLC, Wanda Starr Martin, Gary R and Susan Francine Davis) to the project.

COMMENTS:

Two responses included comments. See attached.



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

City Planning Commission

City Planning Commission

Meeting of Monday, August 13, 2018

Subject:

Special Use Permit application PLSUP20180000192, filed by Barry Davis, on behalf of Spotlight Express LLC, requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an Airbnb on a residential property.

Background:

Barry Davis, has filed a request a Special Use Permit to operate a bed and breakfast in accordance with Article 3:E Section C, Item 3 of the Code of the City of Danville, Virginia 1986, as amended at 418 Plum Street, otherwise known as Grid 2710, Block 006, Parcel 000002 of the City of Danville, Virginia Zoning District Map.

The applicant is proposing to operate an Airbnb on a residential property. This use is defined in the Zoning Ordinance as:

"Bed and breakfast lodging. A single family dwelling, occupied by its owner or operator, containing sleeping and breakfast accommodations as an accessory use to the principal use as a private residence. Such lodging shall have no more than eight (8) room accommodations for transient persons and wherein a charge is normally paid for such accommodations. A bed and breakfast may include banquet/event facilities for private parties as an accessory use."

As stated in the Zoning Ordinance, a bed and breakfast lodging requires the owner or operator to occupy the site. The applicant has listed the neighboring property of 406 Plum St. as his mailing address, but specified that he uses both 406 and 418 Plum St. as his home.

Notifications were sent to surrounding property owners within 300' of the subject property. A full report will be presented at the meeting of August 13th.

Recommendation:

The Planning staff recommends approval of Special Use Permit application PLSUP20180000192, filed by Barry Davis, requesting a Special Use Permit to operate a bed and breakfast, subject to the following conditions:

- 418 Plum St. continue to primarily be used as a residential property occupied by the owner or operator of the bed and breakfast.
- The facility shall use no more than three (3) guest rooms for occupancy.
- Guests may not stay for longer than 30 consecutive calendar days.

This would allow the applicant to operate a bed and breakfast in an OTR – Old Town Residential District.

City Planning Commission Alternatives:

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

Attachments:

- Application
- Property Ownership/Zoning Map
- Data Sheet
- Existing Land Use Map (2015 Aerial)

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Please provide a brief description of the proposed development:

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

1. NAME: BARRY DAVIS TELEPHONE: 434 251 8000
MAILING ADDRESS: 406 PLUM ST.
SIGNATURE:  DATE: 6-13-18
SIGNATURE:  DATE: _____
EMAIL ADDRESS: BARRY DAVIS FX (a) COMCAST.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: _____ 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: AIR BNB

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: 418 PLUM ST

Property Location: N S E W Side of: _____

Between: _____ and _____

Proffered Conditions (if any, please attach): _____

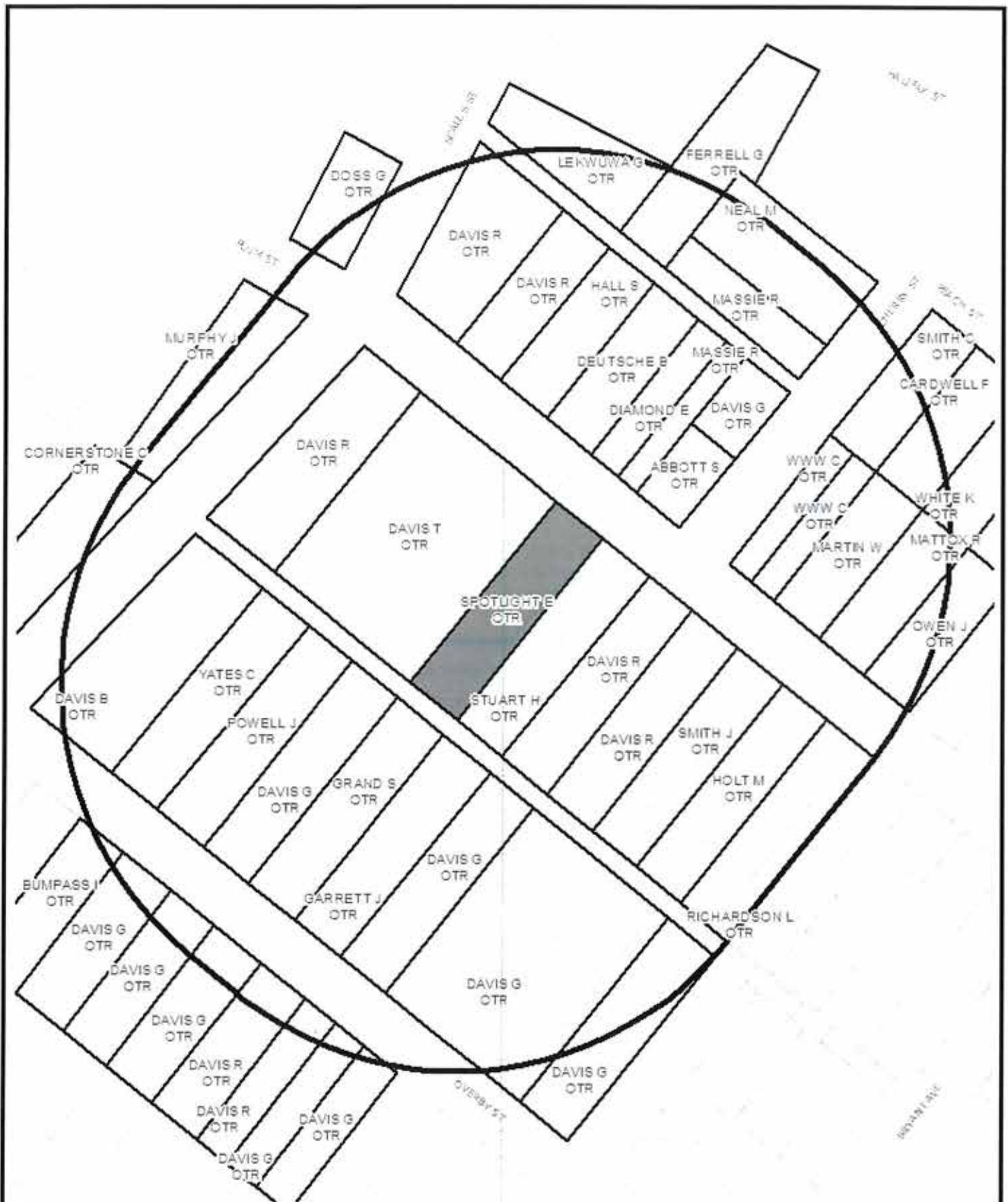


The Ski Lodge Air B&B



**418 Plum Street
Danville, VA 24540**

**Call For Reservations
434-251-8000**



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
7/31/2018

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation or warranty as to the map's accuracy, and in particular its accuracy in showing 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 REQUESTS
DATA SHEET

DATE:	August 13, 2018
LOCATION OF PROPERTY:	418 Plum St
PRESENT ZONE:	OTR - Old Town Residential
PROPOSED ZONE:	Unchanged
ACTION REQUESTED:	Special use permit to allow a bed and breakfast
PRESENT USE OF PROPERTY:	Residential
PROPOSED USE OF PROPERTY:	Residential with bed and breakfast
PROPERTY OWNER (S):	SPOTLIGHT EXPRESS LLC
NAME OF APPLICANT (S):	Barry Davis
PROPERTY BORDERED BY:	Residential on all sides
ACREAGE/SQUARE FOOTAGE:	0.23 (Acres)
CHARACTER OF VICINITY:	Residential
INGRESS AND EGRESS:	Plum St
TRAFFIC VOLUME:	Low to medium
NEIGHBORHOOD REACTION:	To be reported at public hearing on Monday, August 13, 2018



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
7/31/2018

Disclaimer: Information contained on the map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation or warranty as to the map's accuracy, and in particular its accuracy in showing 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.

Council Letter

City of Danville, Virginia



CL-1979

New Business Item #: H.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Request to Amend Article 3:M of the City Zoning Code to Allow for Urban Agriculture by Special Use Permit

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 09/04/2018

SUMMARY

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more specifically, Article 3.M: entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for Urban agriculture.

BACKGROUND

There has been a request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically, Article 3.M: entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for Urban agriculture.

Urban agriculture is defined in the Zoning Ordinance as:

"Urban agriculture. The production, keeping or maintenance, for sale or lease on lots or portions of lots equal to or less than two (2) acres, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products. The raising of livestock shall be no more than one (1) form of livestock animal or five (5) poultry per every three (3) acres. This district does not permit feed lots and confinement operations for swine, veal, poultry and the like."

At present, there are unused lots within the HR-C Highway Retail Commercial District which offer viable sites for urban agriculture. In the *Danville: 2030 Comprehensive Plan*, some of these sites are marked for future open space. Additionally, urban agriculture use would allow use of properties in this district even if development might be discouraged, such as for properties existing in the Flood Zone. However, not all properties in this district are suitable for urban agriculture. Therefore, this use should be subject to approval through a special use permit, granted by City Council with the advice of the City Planning Commission.

At their meeting of August 13, 2018, the Planning Commission voted 7-0 to recommend approval of the request.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance Amending Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, more specifically, Article 3.M: entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for Urban agriculture.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY ARTICLE 3.M.; ENTITLED "HR-C HIGHWAY RETAIL COMMERCIAL", SECTION C., ENTITLED "USES PERMITTED BY SPECIAL USE PERMIT" BY ADDING ITEM #28 TO ALLOW FOR URBAN AGRICULTURE.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of amendments to Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, for Article 3.M.; entitled "HR-C Highway Retail Commercial", Section C., entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for Urban agriculture, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that certain paragraphs and subparagraphs of Article 3.M.; entitled "HR-C Highway Retail Commercial", Section C., entitled "Uses Permitted by Special Use Permit" of Chapter 41, entitled "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be, and the same is hereby, amended and reordained to read as follows:

CHAPTER 41. ZONING ORDINANCE

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

C. Uses Permitted by Special Use Permit.

28. Urban Agriculture

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: AUGUST 13, 2018
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: ZONING CODE AMENDMENT REQUEST

REQUEST:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more Article 3.M: entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for Urban agriculture.

RECOMMENDATION:

The Planning Commission voted 7-0) to recommend approval of the request.


Mr. Mike Scarce, Chairman



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

City Planning Commission

City Planning Commission

Meeting of Monday, August 13, 2018

Subject:

Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended for Article 3.M: entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for Urban agriculture.

Background:

There has been a request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended more Article 3.M: entitled "HR-C Highway Retail Commercial", Section C. entitled "Uses Permitted by Special Use Permit" by adding item #28 to allow for Urban agriculture.

Urban agriculture is defined in the Zoning Ordinance as:

"Urban agriculture. The production, keeping or maintenance, for sale or lease on lots or portions of lots equal to or less than two (2) acres, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products. The raising of livestock shall be no more than one (1) form of livestock animal or five (5) poultry per every three (3) acres. This district does not permit feed lots and confinement operations for swine, veal, poultry and the like."

At present, there are unused lots within the HR-C Highway Retail Commercial District, which offer viable sites for urban agriculture. In the *Danville: 2030 Comprehensive Plan*, some of these sites are marked for future open space. Additionally, urban agriculture use would allow use of properties in this district even if development might be discouraged, such as for properties existing in the Flood Zone. However, not all properties in this district are suitable for urban agriculture. Therefore, this use should be subject to approval through a special use permit, granted by City Council with the advice of the City Planning Commission.

Recommendation:

The Planning staff recommends the Article 3.M: be amended to read as follows:

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

C. - Uses Permitted by Special Use Permit.

28. Urban Agriculture

This would allow urban agriculture on property within the HRC – Highway Retail Commercial District, subject to obtaining a special use permit. This process would make sure that surrounding property owners were notified, and allow for the placement of conditions to protect the interests of the citizens.

City Planning Commission Alternatives:

1. Recommend approval of the requested code amendment
2. Recommend approval of the code amendment with modifications per Planning Commission
3. Recommend denial of the request

Council Letter

City of Danville, Virginia



CL-1980

New Business Item #: I.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: Request for a Special Use Permit for Urban Agriculture at 760 Memorial Drive.

From: Kenneth C. Gillie, Jr., Community Development Director

COUNCIL ACTION

Business Meeting: 09/04/2018

SUMMARY

A request has been filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map. The applicant is proposing an urban agriculture project/community garden.

BACKGROUND

An application has been filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map.

The applicant is proposing an urban agriculture project/community garden. The application includes a Soil Test Report, which includes recommendations for how to manage the property's soil for the use of urban agriculture. The report makes no mention of lead within the soil.

This property is in the HR-C – Highway Retail Commercial District, which does not currently allow for urban agriculture as a by-right use or by special use permit. Therefore, this application is also considered with a proposal to amend the Zoning Ordinance to allow urban agriculture by special use permit within this zoning district.

Urban agriculture is defined in the Zoning Ordinance as:

“Urban agriculture. The production, keeping or maintenance, for sale or lease on lots or portions of lots equal to or less than two (2) acres, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products. The raising of livestock shall be no more than one (1) form of livestock animal or five (5) poultry per every three (3) acres. This district does not permit feed lots and confinement operations for swine, veal, poultry and the like.”

If the Zoning Ordinance were amended to allow urban agriculture in this district, the site meets the conditions of the zoning ordinance regarding being less than two (2) acres, and being useable for growing crops. At this time, the applicant has not discussed the raising of any animals on the site.

Additionally, the rear portion of the property falls within the flood zone. Here, the flood zone includes land with a 0.2% annual chance of flooding, and land with a 1% annual chance of flooding.

At their meeting of August 13, 2018, the Planning Commission voted 6-0-1 (Commissioner Wilson abstained) to recommend approval subject to the following conditions:

1. Unless a soil test reports the absence of lead, any crop growth will be restricted to raised beds of at least 12 inches in height, or planting pots;
2. Any and all accessory structures must adhere to the Zoning Ordinance's specifications regarding the FP-O, Floodplain Overlay District if located within the floodplain;
3. No chemical fertilizers or animal waste may be stored on the property unless located within an accessory structure and not in exceedance of the amount allowed by building and fire codes.
4. No waste shall be kept within 10 linear feet of the floodplain line.
5. Composting of material shall be permitted on site, but not within 100' of Memorial Drive and 30' from adjacent property lines.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map subject to the following conditions:

1. Unless a soil test reports the absence of lead, any crop growth will be restricted to raised beds of at least 12 inches in height, or planting pots;
2. Any and all accessory structures must adhere to the Zoning Ordinance's specifications regarding the FP-O, Floodplain Overlay District if located within the floodplain;
3. No chemical fertilizers or animal waste may be stored on the property unless located within an accessory structure and not in exceedance of the amount allowed by building and fire codes.
4. No waste shall be kept within 10 linear feet of the floodplain line.
5. Composting of material shall be permitted on site, but not within 100' of Memorial Drive and 30' from adjacent property lines.

Attachments

Ordinance

Planning Backup

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2018-____.____

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR URBAN AGRICULTURE IN ACCORDANCE WITH ARTICLE 3:M, SECTION C., ITEM 28, AS AMENDED, AT 760 MEMORIAL DRIVE OTHERWISE KNOWN AS GRID 1711, BLOCK 006, PARCEL 0000002, OF THE CITY OF DANVILLE, VIRGINIA, ZONING DISTRICT MAP.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit application PLSUP20180000196, filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended, at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia, Zoning District Map is hereby received, subject to the following conditions:

1. Unless a soil test reports the absence of lead, any crop growth will be restricted to raised beds of at least 12 inches in height, or planting pots; and
2. Any and all accessory structures must adhere to the Zoning Ordinance's specifications regarding the FP-O, Floodplain Overlay District if located within the floodplain; and
3. No chemical fertilizers or animal waste may be stored on the property unless located within an accessory structure and not in exceedance of the amount allowed by building and fire codes; and
4. No waste shall be kept within 10 linear feet of the floodplain line; and
5. Composting of material shall be permitted on site, but not within 100' of Memorial Drive and 30' from adjacent property lines.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PLSUP20180000196, filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M,

Section C., Item 28, as amended, at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map is hereby granted and approved subject to the following conditions:

1. Unless a soil test reports the absence of lead, any crop growth will be restricted to raised beds of at least 12 inches in height, or planting pots; and
2. Any and all accessory structures must adhere to the Zoning Ordinance's specifications regarding the FP-O, Floodplain Overlay District if located within the floodplain; and
3. No chemical fertilizers or animal waste may be stored on the property unless located within an accessory structure and not in exceedance of the amount allowed by building and fire codes; and
4. No waste shall be kept within 10 linear feet of the floodplain line; and
5. Composting of material shall be permitted on site, but not within 100' of Memorial Drive and 30' from adjacent property lines.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to Form and
Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: AUGUST 13, 2018
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
SUBJECT: SPECIAL USE PERMIT REQUEST

REQUEST:

Special Use Permit application PLSUP20180000196, filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map. The applicant is proposing an urban agriculture project/community garden.

RECOMMENDATION:

The Planning Commission voted 6-0-1 (Commissioner Wilson abstained) to recommend approval of the request subject to the following conditions:

1. Unless a soil test reports the absence of lead, any crop growth will be restricted to raised beds of at least 12 inches in height, or planting pots;
2. Any and all accessory structures must adhere to the Zoning Ordinance's specifications regarding the FP-O, Floodplain Overlay District if located within the floodplain;
3. No chemical fertilizers or animal waste may be stored on the property unless located within an accessory structure and not in exceedance of the amount allowed by building and fire codes.
4. No waste shall be kept within 10 linear feet of the floodplain line.
5. Composting of material shall be permitted on site, but not within 100' of Memorial Drive and 30' from adjacent property lines.

Michael W. Searce (Kc6)
Mr. Michael Searce, Chairman

RESPONSES:

Seven (7) notifications were sent to property owners within three hundred (300) ft. of the subject property. Three (3) responses were returned, all not opposed (Memorial Properties LP, Dodson Brothers Exterminating Co Inc, Danville Redevelopment and Housing Authority) to the project.

COMMENTS:

No responses included additional comments.



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

City Planning Commission

City Planning Commission

Meeting of Monday, August 13, 2018

Subject:

Special Use Permit application PLSUP20180000196, filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map. The applicant is proposing an urban agriculture project/community garden.

Background:

An application has been filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture in accordance with Article 3:M, Section C., Item 28, as amended at 760 Memorial Drive otherwise known as Grid 1711, Block 006, Parcel 0000002, of the City of Danville, Virginia Zoning District Map.

The applicant is proposing an urban agriculture project/community garden. The application includes a Soil Test Report, which includes recommendations for how to manage the property's soil for the use of urban agriculture. The report makes no mention of lead within the soil.

This property is in the HRC – Highway Retail Commercial District, which does not currently allow for urban agriculture as a by-right use or by special use permit. Therefore, this application is also considered with a proposal to amend the Zoning Ordinance to allow urban agriculture by special use permit within this zoning district.

Urban agriculture is defined in the Zoning Ordinance as:

"Urban agriculture. The production, keeping or maintenance, for sale or lease on lots or portions of lots equal to or less than two (2) acres, of plants and animals useful to man, including, but not limited to: forage and sod crops, grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, flora, ornamental and greenhouse products. The raising of livestock shall be no more

than one (1) form of livestock animal or five (5) poultry per every three (3) acres. This district does not permit feed lots and confinement operations for swine, veal, poultry and the like."

If the Zoning Ordinance were amended to allow urban agriculture in this district, the site meets the conditions of the zoning ordinance regarding being less than two (2) acres, and being useable for growing crops. At this time, the applicant has not discussed the raising of any animals on the site.

Additionally, the rear portion of the property falls within the flood zone. Here, the flood zone includes land with a 0.2% annual chance of flooding, and land with a 1% annual chance of flooding.

Notifications were sent to property owners within three hundred (300) ft. of the subject property. A report will be presented at the Planning Commission meeting of August 13th.

Recommendation:

The Planning staff recommends approval of Special Use Permit application PLSUP20180000196, filed by Robert Maher on behalf of Memorial Properties LP, requesting a Special Use Permit for urban agriculture, subject to the following conditions:

1. Unless a soil test reports the absence of lead, any crop growth will be restricted to raised beds of at least 12 inches in height, or planting pots;
2. Any and all accessory structures must adhere to the Zoning Ordinance's specifications regarding the FP-O, Floodplain Overlay District if located within the floodplain;
3. No chemical fertilizers or animal waste may be stored on the property unless located within an accessory structure and not in exceedance of the amount allowed by building and fire codes.
4. No waste shall be kept within 10 linear feet of the floodplain line.
5. Composting of material shall be permitted on site, but not within 100' of Memorial Drive and 30' from adjacent property lines.
6. No sales of agricultural products shall occur on site.

This would allow urban agriculture on a property within the HRC – Highway Retail Commercial District at 760 Memorial Drive. The recommended conditions are to minimize potential adverse impact, specifically related to the nearby presence of the Dan River.

City Planning Commission Alternatives:

1. Recommend approval of the request as submitted.
2. Recommend approval of the request subject to conditions recommended by staff.

3. Recommend approval of the request subject to conditions by the Planning Commission.
4. Recommend denial of the request.
5. Recommend tabling the request.

Attachments:

- Application
- Property Ownership/Zoning Map
- Data Sheet
- 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: _____

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: 760 Memorial Drive

Property Location: N S E W Side of: Memorial drive

Between: Cleveland St. and Sycamore

Proffered Conditions (if any, please attach): _____

EXPLANATION OF REQUEST:

I. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

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

Urban agriculture project / community garden

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

1. NAME: JAMES A. RICH JR TELEPHONE: 434 250 2635
MAILING ADDRESS: 455 PINE LAKE RD DANVILLE VA 24541
SIGNATURE: James A. Rich Jr EXECUTOR DATE: 7.12.18
SIGNATURE: _____ DATE: _____
EMAIL ADDRESS: JRICH3RD@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: Robert Maher TELEPHONE: 541-848-7361
MAILING ADDRESS: 750 Memorial Dr.
EMAIL ADDRESS: urbanfarm@godsstorehouse.org
SIGNATURE: RM DATE: 7/12/18

Virginia Cooperative Extension

Soil Test Report

Questions? Contact:
 Danville City Office
 128 Third Avenue
 Danville, VA 24540-2710
 434-799-6558

Virginia Tech Soil Testing Laboratory
 145 Smyth Hall (0465)
 185 Ag Quad Ln
 Blacksburg, VA 24061
www.soiltest.vt.edu

SEE NOTES:

1 19at www.soiltest.vt.edu under Report NotesO
W
N
E
R

HOLDER EMILY
 750 MEMORIAL DR

C F
O O
P R
Y

DANVILLE, VA 24541

SAMPLE HISTORY

Sample ID	Field ID	LAST CROP		LAST LIME APPLICATION		SOIL INFORMATION				
		Name	Yield	Months Prev.	Tons/Acre	SMU-1 %	SMU-2 %	SMU-3 %	Yield Estimate	Productivity Group
GSG										

LAB TEST RESULTS (see Note 1)

Analysis	P (lb/A)	K (lb/A)	Ca (lb/A)	Mg (lb/A)	Zn (ppm)	Mn (ppm)	Cu (ppm)	Fe (ppm)	B (ppm)	S.Salts (ppm)
Result	237	200	2336	480	2.2	13.7	0.7	52.3	0.2	
Rating	VH	H-	VH	VH	SUFF	SUFF	SUFF	SUFF	SUFF	

Analysis	Soil pH	Buffer Index	Est.-CEC (meq/100g)	Acidity (%)	Base Sat. (%)	Ca Sat. (%)	Mg Sat. (%)	K Sat. (%)	Organic Matter (%)
Result	6.2	6.24	9.0	10.5	89.5	64.7	21.9	2.8	

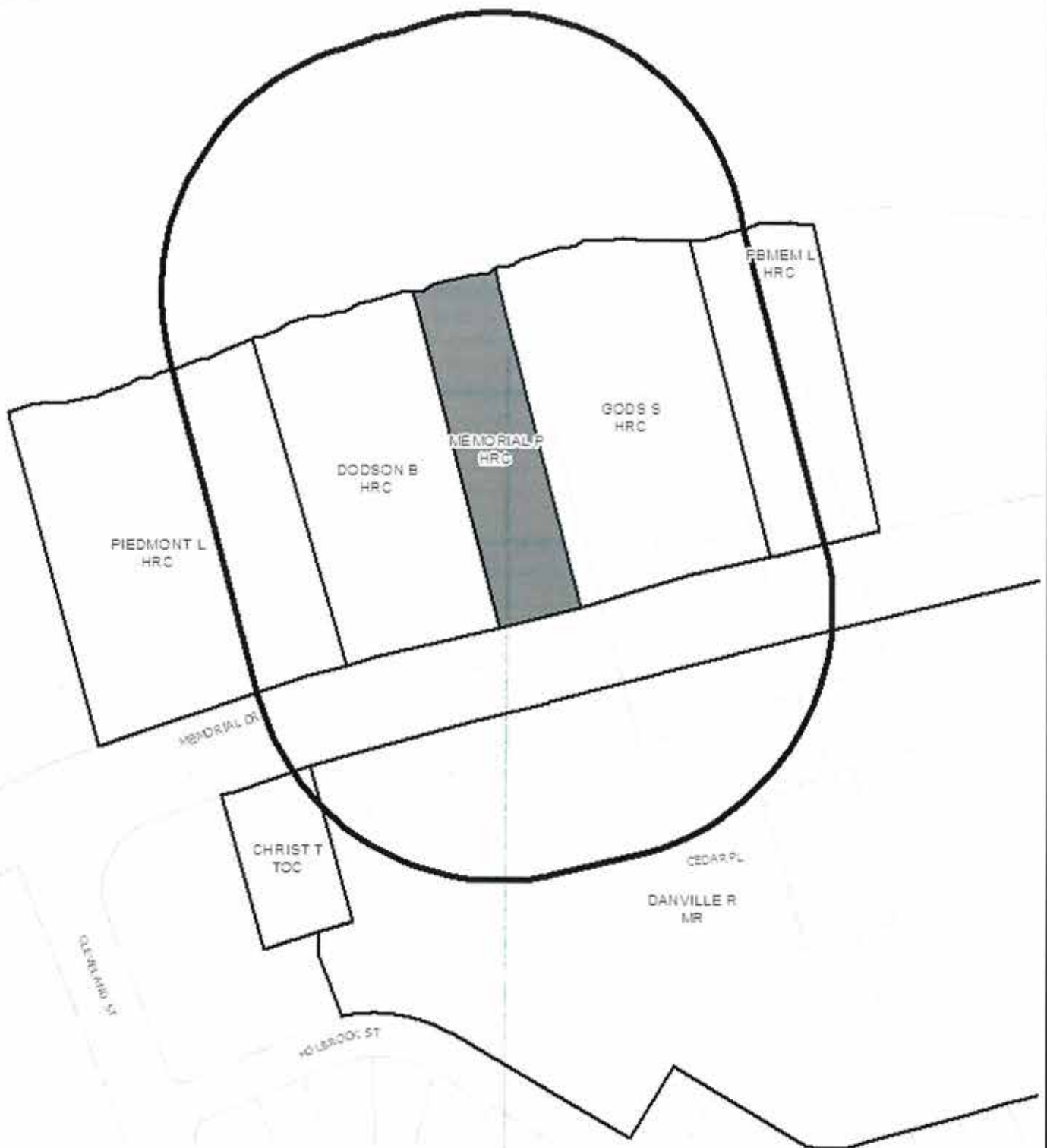
FERTILIZER AND LIMESTONE RECOMMENDATIONS

Crop: VEGETABLE GARDEN (210)

610. LIME RECOMMENDATIONS: Apply 6 pounds of agricultural limestone (ground or pulverized) per 100 square feet. If lime is not going to be mixed into the soil, make several small applications of up to 5 lbs each, at intervals of 1 to 6 months, until the full amount is applied.

991. "Explanation of Soil Tests, Note 1" and other referenced notes are viewable at www.soiltest.vt.edu under Report Notes.

225. FERTILIZER RECOMMENDATIONS: Apply a nitrogen-only fertilizer, such as one of the following amounts per 100 sq. ft. --- 1.25 lbs (2 cups) of nitrate of soda (16-0-0) or 1.33 lbs (2 2/3 cups) of calcium nitrate (15-0-0) or 1.0 lb (2 1/2 cups) of ammonium sulfate (21-0-0) or 0.4 lbs (1 cup) of urea (46-0-0). Do not over fertilize! These products will burn plants at high rates! If you are unable to find one of these fertilizers, apply a turf-type (lawn maintenance) fertilizer that is high in nitrogen with little or no phosphorus and potassium at a rate close to 0.2 lb of nitrogen per 100 sq. ft., such as applying two-thirds of a pound of either 26-0-2 or 32-0-4. For additional information on fertilization, see Note 19.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
7/26/2018

Disclaimer: Information contained on this map is to be used for reference purposes only. The City of Danville is not responsible for any inaccuracies herein contained. The City of Danville makes no representation or warranty as to the 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 REQUESTS
DATA SHEET

DATE:	August 13, 2018
LOCATION OF PROPERTY:	760 Memorial Drive
PRESENT ZONE:	TW-C Tobacco Warehouse Commercial
PROPOSED ZONE:	Same
ACTION REQUESTED:	The applicant is requesting Special Use Permits to allow urban agriculture on the property
PRESENT USE OF PROPERTY:	Vacant
PROPOSED USE OF PROPERTY:	Urban agriculture/community garden
PROPERTY OWNER (S):	Memorial Properties LP
NAME OF APPLICANT (S):	Robert Maher
PROPERTY BORDERED BY:	Commercial to the West and East, Dan River to the North, Retail to the South.
ACREAGE/SQUARE FOOTAGE:	0.9 (Acres)
CHARACTER OF VICINITY:	Highway Commercial
INGRESS AND EGRESS:	Memorial Drive
TRAFFIC VOLUME:	Medium to High
NEIGHBORHOOD REACTION:	To be reported at the Planning Commission meeting of August 13, 2018



2015 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/3/2018

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.

Council Letter

City of Danville, Virginia



CL-1983

New Business Item #: J.

City Council Regular Meeting

Meeting Date: 09/04/2018

Subject: City Council Meeting Date Change

From: Susan M. DeMasi, City Clerk

COUNCIL ACTION

Business Meeting: 09/04/2018

SUMMARY

The 2018 Virginia Municipal League Conference is scheduled for September 30 - October 2, 2018 in Hampton, Virginia. As a number of members of City Council and administrative staff will be attending the conference, it is recommended that the Regular City Council Meeting scheduled for Tuesday, October 2, 2018 be canceled and a Special Meeting of City Council be held on Thursday, October 4, 2018.

RECOMMENDATION

It is recommended that City Council approve the attached Resolution canceling the October 2, 2018 Regular City Council Meeting and scheduling a Special Meeting of City Council on October 4, 2018.

Attachments

Resolution

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2018-____.____

A RESOLUTION CANCELING THE REGULAR MEETING OF CITY COUNCIL SCHEDULED FOR TUESDAY, OCTOBER 2, 2018 AND SCHEDULING A SPECIAL MEETING OF CITY COUNCIL ON THURSDAY, OCTOBER 4, 2018.

WHEREAS, the Virginia Municipal League's Annual Conference will be held on September 30, 2018 through October 2, 2018; and

WHEREAS, a regular meeting of Council is scheduled for Tuesday, October 2, 2018 at 7:00 p.m.; and

WHEREAS, it is desirable to cancel the regular meeting of Council scheduled for Tuesday, October 2, 2018 at 7:00 p.m. and schedule a special meeting of Council on Thursday, October 4, 2018 at 7:00 p.m. to permit members of Council and the City Manager's staff to attend the Virginia Municipal League's Annual Conference.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the regular meeting of Council scheduled for Tuesday, October 2, 2018 be, and it is hereby, canceled; and

BE IT FURTHER RESOLVED, that a special meeting of Council is called for Thursday, October 4, 2018 at 7:00 p.m. to consider matters of municipal business.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney