PLANNING COMMISSION REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

May 8, 2023

3:00 PM

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. OLD BUSINESS

1. Special Use Permit Application PZ23-00069 filed by J. Cubas Holdings, LLC requesting special use permit at Parcels 75941, 77419,77420,77421, and 77422 to allow a campground according to Article 3.B.C of the Danville Zoning Ordinance.

2. Code Amendment Request PZ23-00046 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 10 to create Section U titled “Billboards”.

IV. NEW BUSINESS

1. Rezoning Application PZ23-00102 filed by CDA Holdings, LLC requesting to rezone 3300 North Main Street (Parcel 50204) from N-C Neighborhood Commercial to HR-C Highway Retail Commercial.

2. Special Use Permit Application PZ23-00106 filed by Acres of Virginia, Inc. on behalf of JCJ Holdings, LLC requesting special use permit at 821 Hughes Street (Parcel 25373) to allow a two (2) story duplex to be constructed according to Article 3.E.C of the Danville Zoning Ordinance.

3. Special Use Permit Application PZ23-00107 filed by Henry Leggett Jr. requesting special use permit on Baldwin Street (Parcel 25373) to allow two duplexes to be constructed on newly subdivided lot according to Article 3.E.C of the Danville Zoning Ordinance.

4. Code Amendment Request PZ23-00108 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 2 Section AA titled “Campgrounds”.

5. Code Amendment Request PZ23-00109 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, create Article 3.X titled “West Main Street Corridor Overlay”.

V. ADJOURNMENT

STAFF REPORT

DATE: May 8, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit Application PZ23-00069 filed by J. Cubas Holdings, LLC requesting special use permit at Parcels 75941, 77419,77420,77421, and 77422 to allow a campground according to Article 3.B.C of the Danville Zoning Ordinance.

SUMMARY

The applicant proposes a 46-acre high end, luxury RV resort with 333 RV sites on the subject property. The application proposes guest amenities such as a clubhouse, restaurant, pool and fitness activities. Each RV site will offer utility connections and certain sites will offer casitas at an additional fee.

The subject properties are zoned T-R, Threshold Residential. With a Special Use Permit, campgrounds are permissible in the T-R, Threshold Residential and SR-R, Sandy River Residential District. Each campground must meet the criteria set forth in Article 2., Section AA of the Zoning Code.

On April 3, 2023, Mr. Cubas held a neighborhood meeting to discuss his proposal.

RECOMMENDATION

Article 2, Section AA of the Danville Zoning Ordinance requires campgrounds to meet eight (8) criteria. The applicant's response to each criterion is noted in red.

1.Campgrounds must comply with all rules and regulations governing them in the Virginia Administrative Code, Title 12, Health, Agency 5, Department of Health, Chapter 450.
Construction of the proposed campground will be subject to all state rules and regulations as applicable during and throughout the plan review process. The applicant is required to file all applicable permits with Inspections and the Virginia Department of Health.

2.Campgrounds are permissible by Special Use Permit in the "SR-R, Sandy River Residential (Single Family Residential District)" and "T-R, Threshold Residential District" zoning districts.
The subject property is within the T-R Threshold Residential zoning district.

3.The minimum campground size is 30 acres.
The subject property is 46.33 acres.

4.If a campground rents sites to users without self-contained camping units, then it must provide toilets, lavatories, and showers according to the schedule in Virginia Administrative Code 12VAC5-450-100, Sanitary facilities.
The proposed development will not provide sites to users without self-contained camping units. All sites will be equipped with water, sewer, and electrical hook-ups for self-contained units. Connection to City services is required.

5.All buildings and camping units within the campground must be set back 40' from all property lines.
The applicant states that all setbacks are met with their proposed development. This will be confirmed during the site plan review process.

6. On-Site Amenities. Accessory on-site amenities including pools, clubhouses (without or without a restaurant), picnic areas, fields, and playgrounds must be provided to guests at a minimum of two hundred (200) square feet per camping unit. Required landscaping, setbacks, and stormwater management features are not included in on-site amenities. All on-site amenities must be limited to current registered guests of the campground facilities.
Per this requirement, the proposed development would require 66,600 square feet of on-site amenities. The applicant reports a total of 146,940 square feet of on-site amenities. This will be confirmed during the site plan review process.

7.Access. Campground entrances and all internal roads must accommodate movements by the largest design vehicle type the campground serves. Additionally, the route from the closest City collector street to the campground site must accommodate turning movements by the largest design vehicle type the campground serves. The most current AASHTO Green Book design vehicle types must be used to analyze access.
The applicant states that entrance and access road meet the requirement for recreational vehicles, the largest design vehicle type for the campground. The applicant proposes internal roads that are one-way with a minimum width of 20 feet. City Code requires one-way aisles to be a minimum of twelve (12) foot in width.

8. Outdoor Entertainment.Outdoor entertainment must be limited to current registered guests of the campground facility. Outdoor entertainment must be in compliance with Article 23.1 of the City Code titled "Noise".

The presented application meets the criteria for a campground as set forth in the Zoning Code. However, the development of an RV resort at this location will require additional studies to determine traffic impact and accessibility to services such as water and sewer. Planning Commission's recommendation to City Council should consider these items as well as the application.

ATTACHMENTS

1. Application
2. RV Resort Application Supplemental Documents
3. Site Plan
4. Aerial Map
5. Landuse Map

6. Owner Map

City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00069 PC Meeting Date: 4/11/23

Date Received: 3/10/23 Received By: r burton

Parcel ID: 77422 Address: Jenny Ln

Existing Zoning: I-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): Parcel IDs: 76941, 77419, 77420, 77421, 77422

Applicant: J. Cubas Holdings, LLC.

Applicant's Address: 13830 SW 28 Street, Miami, Florida 33175

Applicant's Phone Number: 305-219-2658

Applicant's E-mail: Jcubasholdings@aol.com

Describe Proposed Request: The purpose of this submittal application is to request a Special Use Permit in accordance with Chapter 41.Zoning Ordinance, Article 3.B. (C) 28. To develop a luxury RV resort as per the standards Outlined in Sect. AA of Article 1 and Chapter 450 of the Virginia Administrative Code.

Applicant Signature 3/3/23 JOE CUBAS, Manager of J CUBAS HOLDINGS, LLC

2-11-2023 Property Owner Signature date

2-11-2023 Property Owner Signature (if not applicant) date

Chapter 41
Zoning Ordinance
Article 3B.C.26
T-R Threshold Residential District
Special Use Permit
Application Submittal Package

<u>Subject Property</u>
Parcel GPIN: 75941, 77419, 77420, 77421, 77422
Danville, Virginia

Applicant
J. Cubas Holdings, LLC
Joe Cubas, Manager

March 10th, 2023

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City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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      (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
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      (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Address: _____

Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): Parcel IDs: 75941, 77419, 77420, 77421, 77422

Applicant: J. Cubas Holdings, LLC.

Applicant's Address: 13830 SW 28 Street, Miami, Florida 33175

Applicant's Phone Number: 305-219-2558

Applicant's E-mail: Jcubasholdings@aol.com

Describe Proposed Request: The purpose of this submittal application is to request a Special Use Permit in accordance with Chapter 41,Zoning Ordinance, Article 3.B. (C) 26. To develop a luxury RV resort as per the standards Outlined in Sect. AA of Article 1 and Chapter 450 of the Virginia Administrative Code.

Applicant Signature JOE CUBAS, Managing M J CUBAS HOLDINGS, LLC 3/3/23

Property Owner Signature 2-11-2023 date

Property Owner Signature (if not applicant) 2-11-2023 date

OWNER'S CONSENT

On this date, 2-11-2023, 2023, Margaret D. Marshall Revocable Trust and Elizabeth S. Marshall Revocable Trust, the Owner(s) of record of vacant real estate property located in Danville, Virginia, specifically, Parcel IDs 75941, 77419, 77420, 77421 & 77422, with street address on Jenny Lane, through the undersigned legal representatives and Trustees of the respective trusts, grant consent onto J. Cubas Holdings, LLC. as the Contract Purchaser, to pursue a Special Use Permit Application in accordance with City Codes & Ordinances to obtain the entitlement approvals for the purposes of developing the subject property into a luxury RV resort.

Agreed and Consent:

Name: Trustee

Margaret D. Marshall Revocable Trust

Date: 2-11-2023

Agreed and Consent:

Name: Trustee

Elizabeth S. Marshall Revocable Trust

Date: 2-11-2023

REALTOR®

VIRGINIA REALTORS®
Commercial Purchase Agreement

Each commercial transaction is different. This form may not address your specific purpose. This is a legally binding document. If not understood, seek competent advice before signing.

This Commercial Purchase Agreement (the "Agreement") is dated January 9, 2023, between MARGARET D MARSHALL, REVOCABLE TRUST & ELIABETH REVOCABLE TRUST ("Seller") and J CUBAS HOLDINGS, LLC AND/OR ASSIGNS ("Purchaser"). The parties acknowledge that HAUSER REALTY GROUP ("Listing Broker") represents Seller and that HAUSER REALTY GROUP ("Selling Broker") represents **[select one]**: [X] Seller [ ] Purchaser. The parties further acknowledge that disclosure of the brokerage relationships was made to them by the real estate licensees involved in this transaction when specific assistance was first rendered and confirmed in writing.

1. Sale of Property. Purchaser agrees to buy and Seller agrees to sell the land, all improvements thereon, and all rights and appurtenances thereto belonging, located in the City/County of DANVILLE, Virginia, with a tax parcel no. of TRACT(1) 75941,77419,77420,77421,77422 BEING 46.34 & TRACT(2) 78052 BEING 55.35 AC and a street address of JENNY LANE. Seller discloses that **[select one]**: [X] there are no tenants or other parties in possession of the Property OR [ ] there are tenants or persons who are in possession of the Property as set forth on **SCHEDULE A** attached hereto.

2. Purchase Price. The purchase price for the Property is [redacted] Dollars ([redacted]) (the "Purchase Price") and shall be paid to Seller at Settlement, subject to the prorations and adjustments described herein, as follows:

A. Deposit. Purchaser shall make a deposit of $ 30,000.00 to be held by WORLD TITLE TRUST (the "Escrow Agent") in the form of: [ ] check [ ] cash [X] other WIRED FUNDS (the "Deposit"). Purchaser **[select one]**: [ ] has paid the Deposit to the Escrow Agent OR [ ] will pay the Deposit to the Escrow Agent within 5 days (the "Extended Deposit Date") after the date this Contract is fully executed by the parties. If Purchaser fails to pay the Deposit as set forth herein, then Purchaser shall be in breach of this Contract. At Seller's option and in lieu of all other remedies set forth in this Contract, Seller may terminate this Contract by written notice to Purchaser and neither party shall have any further obligation hereunder.

If the Escrow Agent is a Virginia Real Estate Board ("VREB") licensee, the parties direct the Escrow Agent to place the Deposit in an escrow account by the end of the fifth business banking day following the latter of: (i) the date this Contract is fully executed by the parties, or (ii) the Extended Deposit Date. If the Escrow Agent is not a VREB licensee, the parties direct the Escrow Agent to place the Deposit in an escrow account in conformance with applicable Federal or Virginia law and regulations. The Deposit may be held in an interest bearing account and the parties waive any claim to interest resulting from such Deposit. The Deposit shall not be released by the Escrow Agent until (i) credited toward the purchase price at settlement; (ii) Seller and Purchaser agree in writing as to its disposition; (iii) a court of competent jurisdiction orders a disbursement of the funds; or (iv) disbursed in such manner as authorized by the terms of this Contract or by Virginia law or regulations. Seller and Purchaser agree that Escrow Agent shall have no liability to any party for disbursing the Deposit in accordance with this paragraph, except in the event of Escrow Agent's negligence or willful misconduct.

B. Balance. The balance of the Purchase Price shall be paid by Purchaser at Settlement in certified funds or bank wire (inclusive of any loan obtained by Purchaser to purchase the Property).

3. Settlement.

A. Settlement of Property. Settlement of the purchase and sale of the Property shall be made at WORLD TITLE TRUST, 14750 NW 77 COURT, SUITE # 304 MIAMI LAKES, FL 33016 on August 31, 2023 ("Settlement"). Possession of the Property shall be delivered to Purchaser at Settlement.

DWM MAC

Each of the parties has executed this Agreement in its name pursuant to due authority as of the dates set forth below.

Purchaser: J CUBAS HOLDINGS, LLC AND/OR ASSIGNES	Seller:
Printed Name:	Printed Name: MARGARET D MARSHALL REVOCABLE TRUST
Title (if applicable): Manager	Title (if applicable):
Date: 1/9/23	Date: 1/10/23
Purchaser	Seller
Printed Name:	Printed Name: ELIZABETH S MARSHALL REVOCABLE TRUST
Title (if applicable):	Title (if applicable):
Date:	Date: 1/9/2023

Selling Company's Name and Address	Listing Company's Name and Address
HAUSER REALTY GROUP	HAUSER REALTY GROUP
523 MAIN ST , DANVILLE, VA 24541	523 MAIN ST , DANVILLE , VA 24541
Agent's Name MICHAEL W SCEARCE	Agent's Name MICHAEL W SCEARCE
Agent's tel. no. (434)489-1444	Agent's tel. no. (434)489-1444
Fax no.	Fax no.
Agent's email scearce.commercial@gmail.com	Agent's email scearce.commercial@gmail.com

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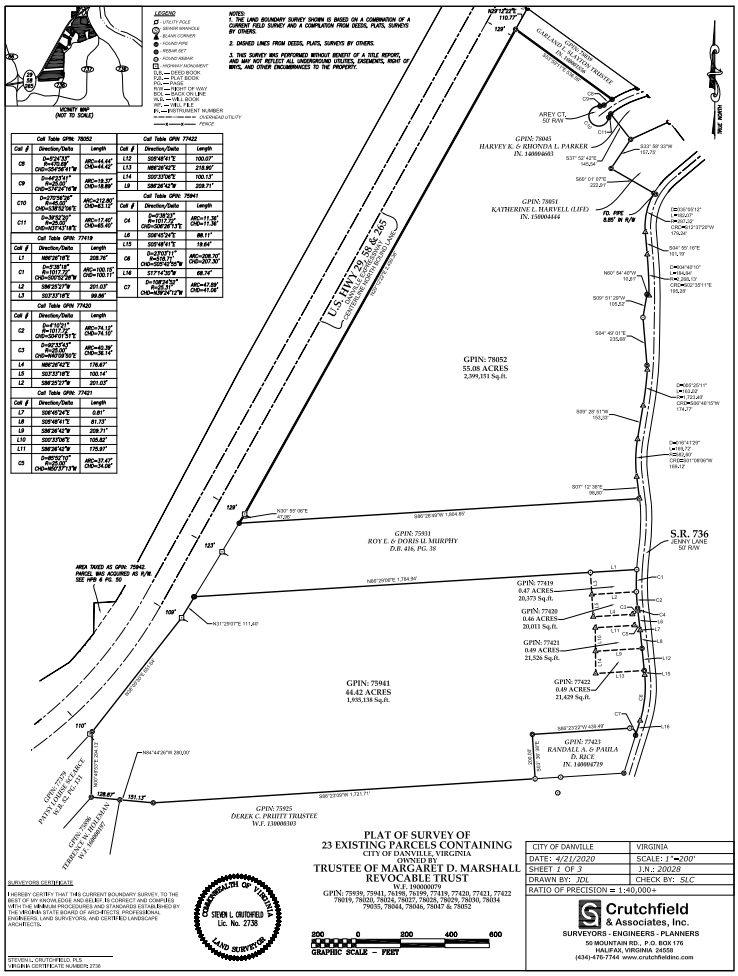
DWM MAC

BACKGROUND

On January 9th, 2023, J. Cubas Holdings, LLC, a Florida Limited Liability Corporation, entered into a Commercial Purchase Agreement, included herein, with a Virginia resident to purchase the subject property, a 46-acre parcel to develop a high end, luxury RV resort that would compliment Casesars Virginia and, a 55-acre parcel to develop a residential subdivision that compliments the existing neighborhood and attempts to fill the housing shortage in Danville while 3,900 new jobs are projected for the immediate horizon, as outlined in the Danville-Danter Housing Study.

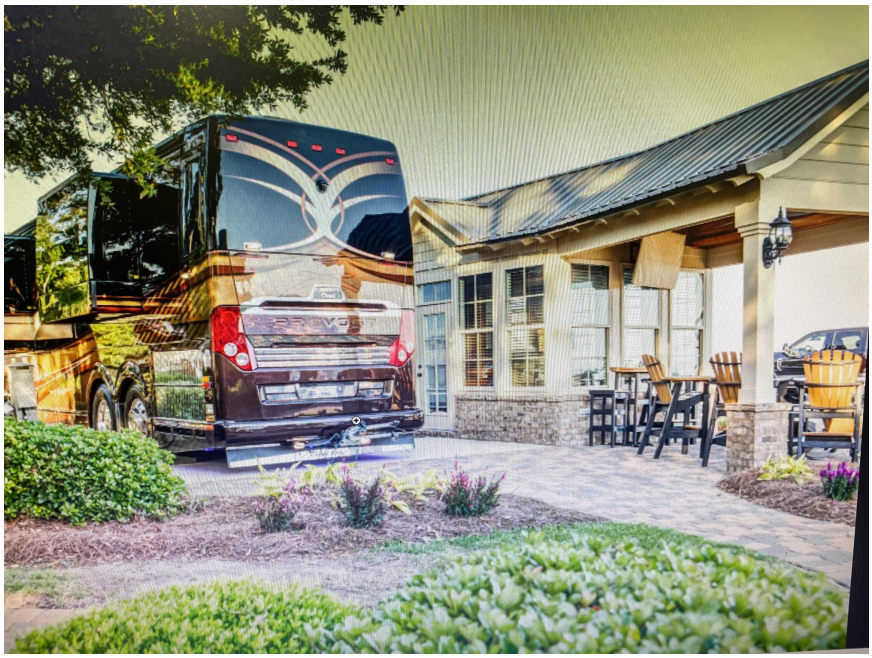


In accordance with the latest Plat of Survey by Crutchfield and Associates dated 4/21/20 and provided by the Seller, the subject property is comprised of five contiguous parcels for a total of

46.33 acres. The largest parcel (ID: 75941) is 44.42 acres and zoned T-R Threshold Residential while the four smaller parcels (ID: 77419, 77420, 77421, 77422) ranging in size from .46 to .49 acres, are contiguous, located alongside Jenny Lane and are also zoned T-R Threshold Residence.

Per Chapter 41 Zoning Ordinance, more specifically, Article 3.B. “T-R Threshold Residential”, the subject property has the proper zoning classification to develop an RV resort. However, the purpose of this application submittal package, is to request the Special Use Permit in accordance with Sub-section C. 26., “Uses Permitted by Special Use Permit”, for the purposes of developing the RV resort as per the standards outlined in Section AA of Article 1, the Virginia Administrative Code, more specifically, Chapter 450, Title 12, Health, Agency 5 and Department of Health.

The Palace Resort is being designed as a high-end, luxury RV resort to compliment the new Caesars Virginia Hotel & Casino under construction just minutes away. The Resort will consist of 333 RV sites, some with “casitas” and will feature first-class resort style amenities such as pools & spas, restaurant, bar & grille, Clubhouse with entertainment rooms, gym, tennis and pickle ball courts and many other features.



The Palace Resort will be the epitome of upscale living. Situated on Jenny Lane in Danville Virginia, our luxury RV resort will be built from the ground up to ensure a truly customized, unique community. A short walk from the Goodyear Golf Course, the resort will also be located just minutes from some of the area’s 5-star venues, Caesars Virginia Casino, Martinsville Speedway and Virginia International Raceway. The Resort will also feature the City’s amazing shopping, fine dining, vineyards, breweries and wineries, golf courses and nightlife, all within a short drive. Our beautiful, gated resort will stretch across 46 lush acres of landscaped grounds in the heart of the City of Danville, minutes from the Virginia/North Carolina border. The Palace RV Resort will be a destination where relaxation, friendly guests, and a beautiful setting combine to make unforgettable memories.

Flanked by renown racetracks, The Palace Resort will be perfectly positioned to capture racing fans as well as, "high rollers" visiting Caesars Virginia Hotel & Casino and surrounding vineyards where 10 of the best wineries and vineyards in Southern Virginia and North Carolina are located within an hour's drive from the Resort. Moreover, to alleviate the intensity created by transportation onto Jenny Lane and Goodyear Boulevard and, as part of The Palace Resort Business Plan, *van pooling services will be provided to our guests from the resort to Caesars Hotel & Casino, the racetracks, the downtown area and other tourist destinations within the City of Danville.*

Therefore, in accordance with the City of Danville's 2030 Comprehensive Plan, Danville Codes & Ordinances, more specifically, Chapter 41 Zoning Ordinance, Chapter 450 of the Virginia Administrative Code, Chapter 35 of the Statutes of the Commonwealth of Virginia, enclosed please find the Special Use Permit Application submittal along with the Conceptual Site Plans and exhibits to secure the required entitlements.

REQUEST FOR SPECIAL USE PERMIT

1. **Consistency with the City of Danville Code, Ordinances & Virginia Administrative Code Chapter 450**

The purpose of this application submittal package is to request under Chapter 41, Zoning Ordinance of the City of Danville, Article 3.B. (C) (26), a Special Use Permit to develop the subject property, more specifically, Parcel Ids: 75941, 77419, 77420, 77421, 77422 into a high-end luxury RV resort consisting of 333 sites, bar & grille, and other first-class recreational amenities. A Conceptual Master Site Plan has been submitted for the proposed luxury RV resort as part of this Special Use Permit application submittal.

In accordance with Section AA (1). Campgrounds, the applicant will comply with all rules and regulations governing them in the Virginia Administrative Code, Title 12, Health, Agency 5, Department of Health, Chapter 450. More specifically, as per 12VAC5-450-70. (B)., "the density of sites shall not exceed an average of 20 campsites per acre inclusive of service roads, toilet buildings, recreational areas, etc." Additionally, as per C., "each campsite (including parking space) shall provide a minimum of 1600 square feet of space and shall not be less than 25 feet at its narrowest point". Moreover, D, "Each campsite shall be identified by number and section. Camping units within a campground shall be required to locate within the designated campsites.

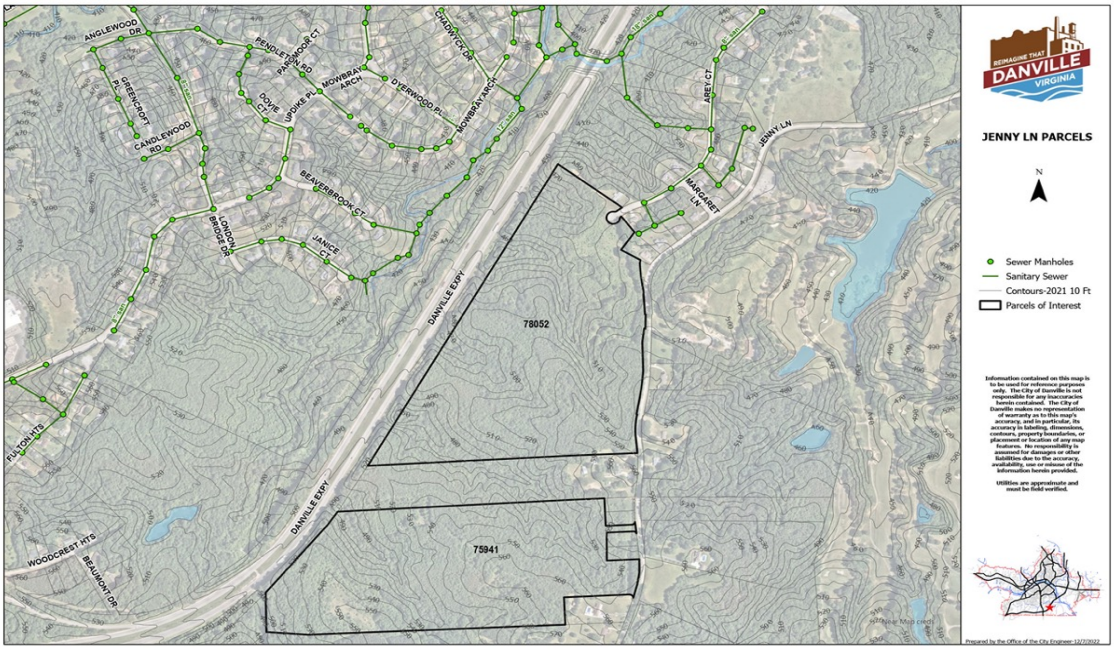
As such, the Conceptual Master Site Plan shows a total of 333 sites or a density of 7.2 sites per acre. It also shows three types of sites ranging in sizes from 1,750 to 5,075 square feet with a minimum width of 25, 30, 35 and 40 feet respectively, at its narrowest point as well as, every site is identified by its respective number. Therefore, the Conceptual Master Site Plan meets or exceeds the standards outlined in paragraphs B, C and D.

12VAC5-450-80. Water Supplies.

The City of Danville has provided a water & sewer location Map as referenced herein, which shows the general location of main lines. The Applicant and City are engaged in ongoing discussions for ways to serve the Resort with water supplies to meet the requirements of Section 12VAC5-450-80. Therefore, in accordance with 12VAC5-450-80, the subject property will connect to City water. Furthermore, each RV site will have frost-free water lines & sewer hookups approved by the Health Department as all units allowed into the resort will be self-contained units.

12VAC5-450-90. Sewage Disposal.

The City of Danville has provided a water & sewer location Map as referenced herein, which shows the general location of main lines. The Applicant and City are engaged in ongoing discussions for ways to serve the Resort with sewage lines to meet the requirements of Section 12VAC5-450-90. Therefore, in accordance with 12VAC5-450-90, the subject property will connect to City sewer. Furthermore, each RV site will have individual sewer connections as per paragraph H., approved by the Health Department as all units allowed into the resort will be self-contained units.



12VAC5-450-100. Sanitary Facilities

In accordance with Section 12VAC5-450-100, (C.), the resort will provide showers and lavatories in the pool areas and/or clubhouse exclusively, as each campsite will have individual sewer connections used solely for self-contained units or cabins with indoor plumbing and approved sewage disposal.

12VAC5-450-150. Safety.

The Conceptual Master Site Plan shows that each site will be supplied with a 30 & 50 Amp electrical connection outlets in accordance with the standards outlined in Section 12VAC5-450-150.

In accordance with Chapter 41, Zoning Ordinance of the City of Danville, Sub-section AA. Campgrounds, paragraph (2), Campgrounds are permissible by Special Use Permit in the T-R, Threshold Residential District zoning districts. The subject property is currently zoned T-R threshold Residential.

The subject property meets or exceeds the minimum requirement in par 3. as it is greater than 30 acres in size. The subject property is 46.42 acres.

The Palace Resort ***will not*** provide tent sites or sites to users without self-contained camping units. All sites will be equipped with water, sewer, and electrical hook-ups for self-contained units. As such, toilets, lavatories, and showers as described in paragraph 4 are not required in accordance with Virginia Administrative Code 12VAC5-450-100, Sanitary facilities.

To protect neighbors and surrounding properties, the Conceptual Master Site Plan shows that undisturbed forestall setbacks acting as buffers, from the parralel property lines to our neighbor's properties are at least, 50 feet in width. As required under paragraph 5, the north and south undisturbed forestall buffer setbacks are 40 feet in width.

Additionally, along the two parralel property lines with neighbors, Rv sites have been located anywhere from 100 to 130 feet respectively, from the property line.

In accordance with paragraph 6, on-site amenities including pools, clubhouses, picnic areas, fields, and playgrounds must be provided to guests at a minimum of two hundred (200) square feet per camping unit. The Conceptual Master Site Plan shows a total of 325RV sites. When applied to this paragraph, a total of 65,000 square feet is required. The Conceptual Master Site Plans meets or exceeds this standard as it calls for 146,940 square feet of On-Site Amenities.

In accordance with paragraph 7, the entrance road of the resort and all internal roads are designed to accommodate movements by the largest design vehicle type the resort will serve. Federal manufacturing guidelines and VDOT require that all recreational vehicles, whether they be travel trailers, 5th wheel or class A motorhomes, have a maximum width of 8 feet to travel through public roads. The Conceptual Master Site Plan shows that the width of the entrance or access road of the resort is 80 feet The internal private roads are one-way roads with a minimum width of 20 feet. Additionally, the entrance of each RV site has been designed at a 60-degree angle to accommodate parking for each RV unit.

The Palace Resort will be a vacation resort for tourism and consist of 333 RV sites, some with "casitas". However, although "casitas" will be erected on some of the premium sites, they will be built in accordance with state and local building codes but more importantly, ***will not*** be attached to any unit whatsoever, or built in a manner that would inhibit the ability of the unit to me moved. Finally, to alleviate the intensity created by traffic onto Jenny Lane and Goodyear Boulevard, as part of The Palace Resort Business Plan, *van pooling services will be provided to our guests from the resort to Caesars Hotel & Casino, the racetracks, the downtown area and other tourist destinations within the City of Danville.*

2. Consistency with the City of Danville 2030 Comprehensive Plan

Introduction/Purpose

The 2030 Comprehensive Plan is designed to serve as a guide for the physical development of Danville to the year 2030. Towards this end, the overriding purpose of the Plan is to encourage the continued development of a safe and healthy community by offering a distinctive "vision" for the continued growth of Danville.

This Plan focuses on those particular areas on which the City, through its elected leaders and those staff involved in the planning and management of the City's growth and development, can and should have a progressive impact, defining what is in the best public interest while ensuring the preservation of private property rights.

Three underlying "themes" for community improvement are obvious in Danville and quickly come out at community meetings. One is the rebuilding and expanding of the City's economic base beyond the traditional manufacturing that was its former cornerstone to include more high-tech industries that can provide good, well-paying jobs for Danville residents. A second is the desire to redevelop the older parts of the City while at the same time protecting and taking advantage of the historic character and natural resources of the City. A third is the need to provide for the public safety and maintain the quality of life enjoyed by Danville residents over the years. This Comprehensive Plan recognizes these themes, and it is the intent of the Plan and its Future Land Use Map to reflect them in a meaningful and creative manner.

This update to the 2030 Plan also includes a greater emphasis on housing and revitalization opportunities; a prioritization of gateway and corridor improvements; and a stronger connection between ongoing economic development efforts and future land use.

GOALS FOR FUTURE DEVELOPMENT

The most essential (and legally required) element of a Comprehensive Plan is its Future Land Use Map which graphically represents the plan for the future. For it to be of use and value, the Future Land Use Map must be integrally tied to its precedent goals, objectives, and policies.

The goals and policies/objectives outlined in the Comprehensive Plan serve to establish the framework around which the Future Land Use Map and plan were designed. They further establish the framework around which the City's physical, community, and economic growth and development can be shaped and guided. The goals are grouped into five general categories and can be stated as:

A. Sustainable Growth & Land Use
B. Transportation
C. Corridors & Gateway
D. Housing & Neighborhoods
E. Historic & Cultural Resources
F. Economic Development

In each plan element contained in this Comprehensive Plan is a statement of policies/objectives. To provide the City with some flexibility, no distinction is made between a policy and an objective. Each policy/objective statement can give birth to more refined policies and/or objectives as the plan is implemented from year to year through additional research and study related to specific projects and through the development of specific actions plans related to a project. In this way, the Plan can be a living, breathing document and is not too quickly outdated.

A. Sustainable Growth & Land Use

Promote a balanced mix of residential, commercial, and industrial uses which will accommodate the needs of existing businesses and residents and encourage well-planned development/redevelopment opportunities for new businesses and residents while at the same time protect the historic, architectural, cultural, and natural environment of Danville.

Policies / Objectives Seek to maintain a viable mix of residential and non-residential uses in Danville, typically defined as 65% residential / 35% nonresidential.

In accordance with the City of Danville Comprehensive Plan's Goals and Sustainable Growth & Land Use policies and objectives, the approval of the RV resort through the Special Use Permit will be compatible with and continue to maintain a viable mixture of residential and non-residential uses as the subject property is located and zoned T-R Threshold Residential, as required under Chapter 41, Zoning Ordinance of the City of Danville, Article 3.B. Additionally, although an RV resort could also be considered a "non-residential" use due to its nature and collection of the Transient Lodging & Short-Term and Meals Tax, it is an approved use under the Zoning Ordinance with a Special Use Permit.

Policies / Objectives Encourage and direct medium and large-scaled industrial development to vacant parcels in established industrial parks or appropriately situated larger parcels near support services, public utilities, major transportation facilities, and other needed infrastructure.

While the RV resort is not technically considered an "industrial development" as outlined in this policy / objective, by its commercial nature and tax collection responsibilities, it is also considered a "non-residential" development. Therefore, in compliance with this policy / objective and upon approval, the RV resort is situated on a larger parcel(s) near support services, public utilities, major transportation facilities, and other needed infrastructure.

Furthermore, while the subject property has a current zoning district of T-R Threshold Residential where the development of the RV resort ***is permissible*** *under Chapter 41, Zoning Ordinance of the City of Danville, Article 3.B with a Special Use Permit as per subparagraph (C) (26) exclusively, the Future Land Use category of the subject property is considered "Rural Residential". Yet, under the requirements of Article 3.B. C26., AA Campgrounds, more specifically, Chapter 450 of the Virginia Administrative Code 12VAC5-450-70 (B), "the density of sites shall not exceed and average of 20 campsites per acre". As such, the Future Land Use designation of "Rural Residential" on the subject property would not be appropriate as it contradicts the Zoning Ordinance, Comprehensive Plan and Virginia Administrative Code specifically, Section 12VAC5-450-70 (B). However, in accordance with this policy / objective, "the future land use categories have been kept general to allow for flexibility in identifying the appropriate zoning designation in areas where new land uses are recommended".*

Additionally, the subject property appears to be located in Planning Area 5: Southwyck and in Sub-Area 9 of the Comprehensive Plan. As such, the subject property is in the southeast quadrant of the City. The Planning Area contains approximately 1450 total acres, which represents slightly over 5% of the City's total area. It is bordered on the west by the College Park Drive, on the north by the Danville Community College, Oakhill Cemetery, and the Liberty View neighborhood, and on the east and south by Goodyear Boulevard.

The Existing Land Use of the Southwyck Planning Area is largely residential in nature, although it does support a wide range in residential uses in terms of affordability. Nonresidential uses include the Southwyck Plaza Shopping Center, Goodyear's private eighteen-hole golf course and Grove Park. Public water service is available throughout the Planning Area however, public sewer is not easily available in the southern half of the planning area yet, its located at the sister property of the subject property, more specifically, Parcel Id. 78052.

The Future Land Use as outlined in the Comprehensive Plan for Planning Area 5 is Medium Density SF Residential infill for areas north of the bypass while predominantly threshold and regional commercial and light industrial uses south of the bypass.

Transportation Access to the Planning Area is provided by a network of major and minor thoroughfares (the Danville Expressway and South Main Street, respectively), local collector streets (Goodyear Blvd.) and minor residential streets. Corridors: South Main Street (Route 86 South).

B. Transportation

The purpose of the Comprehensive Plan's Transportation Plan is to ensure that the location, character, and capacity of the City's existing and future transportation facilities (including thoroughfares, arterial highways, local streets, parking facilities, and the airport) are compatible with the Future Land Use Plan, are supportive of sustainable growth, and enhance the City's livability and economic vitality.

Policy /Objectives Compatibility with Comprehensive Plan - To ensure adequate traffic carrying capacities, future transportation improvements should be commensurate with the Future Land Use Plan.

Bicycle and Pedestrian Elements – To enhance the City's viability as an inviting center for tourism and to better integrate its existing and planned neighborhoods, the City should develop a master planned bicycle and pedestrian system in order to properly integrate these facilities into the existing Transportation Plan.

In accordance with the City's Transportation Policy / Objective, the subject property is located in Planning Area 5 which provides for a network of major and minor thoroughfares (the Danville Expressway and South Main Street, respectively), local collector streets (Goodyear Blvd.) and minor residential streets. Corridors: South Main Street (Route 86 South). It also sits within

proximity of the intersection of Goodyear Blvd and Jenny Lane located on the south-side of the bypass, a major Collector. Additionally, the RV resort will encourage the incorporation of planned bicycle and pedestrian system to properly integrate these facilities into the City's existing Transportation Plan, if possible, to enhance the City's and the RV resort's viability as an inviting center for tourism. Furthermore, the access road and all interior roads of the RV resort will be private streets. While the development and construction of all private streets will be in accordance with local buildings codes as per VDOT standards, the maintenance of the private streets will be the responsibility of the resort in accordance with Title 15 of the Codes of Virginia.

Furthermore, to alleviate any potential intensity created by transportation onto Jenny Lane and Goodyear Blvd, the resort will provide van pooling shuttle services to our guests during operational hours or during special events from the resort to Caesars Hotel & Casino, the racetracks, the downtown area and other tourist destinations within the City of Danville as part of The Palace Resort Business Plan.

However, an overview of the intensity or traffic generated by the RV resort subject to the approval of the Special Use Permit, when compared to the development of a residential subdivision under its existing zoning district of TR Residential of 2 units per acre or SR Residential of 4 or 5 units per acre, will show that the traffic intensity generated by the RV resort is substantially less than the traffic created by the development of either residential subdivision, TR or SR, respectively.

In accordance with the 2020 US Census Bureau, the average household in the City Danville has 2.0 vehicles per household and 2.27 persons per household. The application of these statistics to the subject property under its existing zoning district of TR Residential show that a total number of 92 households can be developed by right generating 184 vehicles. When these statistics are applied to the subject property under the SR Residential Subdivision District, subject to approval, the total number of households is 230 generating 460 vehicles. Furthermore, due to its nature where RV units become stationary temporary lodging during the period of stay, studies show that in addition to the arrival and departure trips to and from the RV resort, RV'ers make an average

of one trip per day for sightseeing and tourism. Contrarily, permanent residents of each respective residential subdivisions (TR or SR) will generate an average of two trips per day per vehicle.

Additionally, when the resort's van pooling services are factored into the overall traffic analysis, the 666 Average Daily Trips (ADT) shown for the RV resort will be significantly and further reduced in comparison with the Average Daily Trips for the TR Residential Subdivision of 1,472 and 3,680 for SR Residential Subdivision.

Overall Traffic Analysis

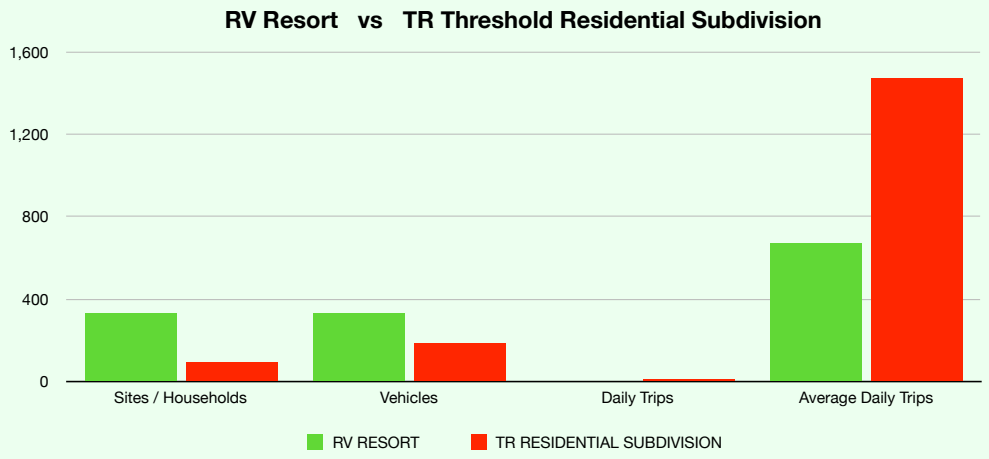


Table 1

	RV RESORT	TR RESIDENTIAL SUBDIVISION		
Sites / Households	333	92		
Vehicles	333	184		
Daily Trips	2	8		
Average Daily Trips	666	1,472		

1

Overall Traffic Analysis

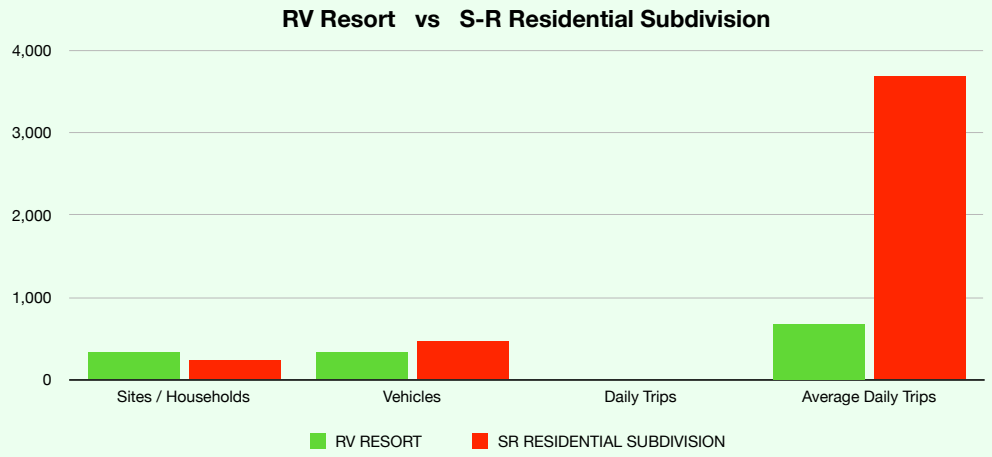


Table 1

		RV RESORT	SR RESIDENTIAL SUBDIVISION		
▼ (blank)					
	Sites / Households	333	230		
	Vehicles	333	460		
	Daily Trips	2	8		
	Average Daily Trips	666	3,680		

1

C. <u>Corridors & Gateway</u>. Enhance the major transportation corridors and entrance gateways into the City to instill a sense of pride among residents, create a good impression to occasional and regular travelers through the City, and communicate clearly that Danville is a desirable place to live, work, and play. Goodyear Boulevard and South Main Street (State Road 86) are two of Danville's principal entrance corridors and Major Gateways into the City.

If the Special Use Permit is approved, in accordance with the Comprehensive Plan, more specifically, subsections A, Sustainable Growth & Land Use, B. Transportation and F. Economic Development, the resort will take access from Jenny Lane located south of the Bypass and intersecting with Goodyear Boulevard, identified in the Comprehensive Plan as a Major Gateway. Heading north into the City, Goodyear Boulevard intersects with South Main Street or State Road

86, another major transportation corridor and entrance gateway into the City. To alleviate the intensity created by transportation onto these roads, as part of The Palace Resort Business Plan, van pooling services will be provided to our guests from the resort to Caesars Hotel & Casino, the racetracks, the downtown area and other tourist destinations within the City of Danville.

D. Housing & Neighborhoods Promote opportunities for a wide variety of housing types in the City through adaptive reuse, redevelopment, and new development within established neighborhoods and districts and through sustainable and well planned new development, including mixed use development, on vacant land with an emphasis on providing safe, sanitary, and affordable homes for low- to moderate-income residents as well as residents with higher incomes.

Although the Policies / Objectives for Housing & Neighborhood outlined in the Comprehensive Plan would not be applicable to the RV resort since the resort would be a "premium tourist destination", the subject property does have the proper zoning designation permissible under the Zoning Ordinance, either by right or Special Use Permit, to develop the RV resort. Furthermore, if approved, the RV resort would have no impacts on affordable housing as it will be a "tourism driver", "premium product" and a tourist destination to compliment the casino and other tourist destinations within the City and surrounding areas.

E. Historical and Cultural Resources Promote historic and cultural resources by preventing deterioration, promoting rehabilitation and reuse, and promoting heritage tourism in the City.

While the RV resort, if approved, is not located at or near any historical and/or cultural resources, as part of its advertising campaigns and in accordance with this section of the Comprehensive Plan, the Resort will promote, among other things, Danville as a heritage tourism destination.

F. <u>Economic Development</u> The City of Danville has a very robust economic development program utilizing its own Economic Development staff supported by the work of the Danville Chamber of Commerce and the staff and resources provided through the Commonwealth of Virginia, most notably, the Virginia Economic Development Partnership and the Tobacco Indemnification and Community Revitalization Commission. The City is also a partner in the West Piedmont Economic Development District, a regional body economic development coordination body required as a condition for receiving U.S.

While success has been hard to come by during the recent poor economy, Danville has continued to build the foundations for future growth.

<u>Goal:</u> Support and promote the City's existing economic base while actively recruiting other economic development opportunities in the areas of basic industry; advanced manufacturing; technology; sustainable/ green energy, automotive, and aerospace research, development, and production; ***<u>and tourism in order to strengthen and expand the economy.</u>***

<u>Policies / Objectives</u>

Actively market the City of Danville as a viable location for business expansion and relocation in light of its position as a manufacturing center, its location at the intersection of US 58 and US 29, its central location within the two states of North Carolina/Virginia, and its proximity to the Research Triangle and Piedmont Triad regions of North Carolina.

Located in the South-Central Piedmont region of Virginia, City of Danville is well positioned to serve the needs of manufacturing and other industry – just a day's shipping distance from two-thirds of the U.S. population.

Consistent with the City's Comprehensive Plan and Zoning Code Ordinance, the subject property lies within the City of Danville, South-Central Piedmont region of Virginia and only a couple miles away from the North Carolina state line where it forms the county's southern boundary. Due to

its location and nature, the Palace Resort will be the epitome of upscale living as it will be built to ensure a truly customized, unique tourist destination with 333 sites and first-class amenities to augment surrounding tourist destinations such as Caesars Virginia, Martinsville Speedway, Virginia International Speedway and Goodyear Golf Course as well as, feature the City's amazing shopping, fine dining, vineyards, breweries and wineries, other golf courses and nightlife, all within a short drive.

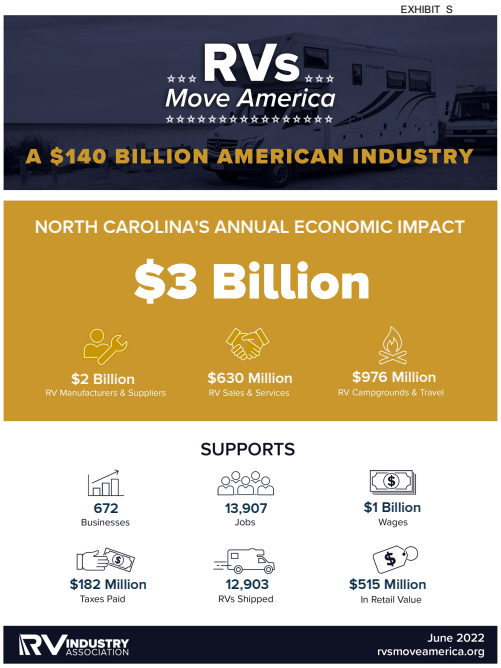
As such, the approval of this application submittal for a Special Use Permit in accordance with the existing zoning district of TR- Threshold Residential, meets or exceeds the Goal outlined in Section F, Economic Development, as the significant amounts of Transient Lodging & Occupancy Tax and Meals Tax generated by the Resort will continue to support, promote and enhance the City's existing economic base while actively recruiting other economic development opportunities around ***tourism in order to strengthen and expand the economy****.*

RV Industry Association of America (RVIA)

With offices in Reston, VA and Elkhart, IN, the RV Industry Association is the leading trade voice of the $140 billion dollar RV industry, representing approximately 495 manufacturers and component and aftermarket suppliers who together produce 98 percent of all RVs made in the United States, and approximately 60 percent of RVs produced worldwide. The association works with federal and state lawmakers and regulators to pursue a favorable business environment for its members, *is the leading source of research, data, and analysis about the RV industry,* and seeks to grow and expand the RV consumer market while cultivating a positive experience for current RVers through its Go RVing program. The association also maintains an inspection program that audits the compliance of RV manufacturers to plumbing, heating, fire and life safety, and electrical systems codes and provides an ongoing Federal Motor Vehicle Safety Standards education program for its members, as well as provides the only industry-backed training program for RV service technicians through the RV Technical Institute.

EXHIBIT R

EXHIBIT S



Danville
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NATIONAL CIVIC LEAGUE
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In accordance with RVIA's June 2022 <u>research, data, and analysis reports,</u> the annual economic impact the RV industry has on the state of Virginia is $2 BILLION DOLLARS. Accordingly, the annual economic impact the RV industry has on the state of North Carolina is $3 BILLION DOLLARS. Combined, the RV industry has an annual economic impact of more than $5 BILLION DOLLARS, affecting over 1,000 businesses, generating more than 22,000 jobs with over $1.5 BILLION DOLLARS in wages and just under $2 BILLION DOLLARS in campgrounds and travel related expenses. Additionally, the RV industry generated more than $350 MILLION DOLLARS in tax revenue to the respective municipalities throughout Virginia and North Carolina. Furthermore, the approval of The Palace Resort in conjunction with the cooperation of the City of Danville and Caesars Virginia, will provide for an extremely favorable tourist destination to bring nationally recognized RV Industry Shows & Conventions to the City of Danville. A substantial portion of the $5 Billion dollars of annual economic impact generated by the RV industry to a local economy comes from the ability to host these Industry Super Shows.

To date, there are no scheduled RV Industry Shows or RV Conventions in Southern Virginia. In 2023, the closest RV Industry Shows or RV Trade Conventions are in Fredericksburg, Hampton & Doswell, Virginia, more than 3.5 hours away and Greensboro, NC, more than an hour south of Danville.

In addition, the approval of The Palace Resort in conjunction with the cooperation of the City of Danville and Caesars Virginia, will provide for an extremely favorable tourist destination to bring nationally recognized Bike Week Conventions to the City of Danville. What is Bike Week ?

Like Sturgis in South Dakota and Daytona, Florida, Bike Weeks are a motorcycle event and rally held annually in the respective cities. Additionally, most "RV'ers" also own motorcycles which

trailer them to tourist destinations such as Bike Weeks. In Daytona alone, ***approximately 500,000 people make their way to the rally area every year for the 10-day event.*** *The festivities include motorcycle racing, concerts, parties, and street festivals. The event is usually held on the first full week of March (including the Fri-Sat-Sun prior to) and contends with the Sturgis Motorcycle Rally as the most popular motorcycle rally in the United States. Similar to Daytona, which has the world-famous racetrack for Nascar's Daytona 500, the City of Danville is within close proximity to Martinsville Racetrack and VIR. However, no other competing city can offer the ability for the Bike Week event(s) to be held in a location or area that includes a Caesars Virginia Casino. Therefore, in accordance with the goals and objectives in the Economic Development section of the City's Comprehensive Plan, the approval of the RV resort and completion of Caesars Virginia, the City of Danville will be able to provide a one-of-a-kind venue to host Danville Bike Week where every business in the City will benefit from an event of this magnitude. Furthermore, it will continue to promote and enhance the City's existing economic base while actively recruiting other economic development opportunities around* ***tourism in order to strengthen and expand the economy.*** *Finally, Applicant is presently engaged in discussions with the City and Thunder Road Harley Davidson to join efforts and bring this event to the City of Danville on a yearly basis starting in 2025.*

Transient Lodging & Occupancy Tax

In accordance with PART II – CITY CODE Chapter 37 - TAXATION ARTICLE VI. TAX ON TRANSIENT LODGERS, more specifically, Section 37-97 (a), levied and imposed upon each transient, in addition to any and all other taxes and fees of every kind imposed by law, a tax equivalent to 8% of the total amount paid by or for such transient for the rental of any room in any hotel. Additionally, as per sub-paragraph (c), an additional $2.00 per night of Occupancy Tax lodging for each room will be levied per day.

Meals Tax

Since the RV resort will have a restaurant, bar & grille, in accordance with PART II – CITY CODE Chapter 37 - TAXATION ARTICLE IX. TAX ON MEALS SERVED IN RESTAURANTS OR BY CATERERS,

as of July 1st, 2018, it will be required to levy a meals tax for the City of Danville in the amount of 6.5% of the cost of meals and/or drinks.

TRANSIENT LODGING TAX (8%)
OCCUPANCY TAX ($2/DAY/SITE)
MEALS TAX (6.5%)

9-Mar-23

Based on 333 RV Sites

Pro-Forma Transient Lodging Tax	Daily Rate	Daily Revenue	Monthly Revenue	Yearly Revenue	[1] ***Transient Lodging Tax (8%)***	***Occupancy Tax $2/Day/Site*** [1,3]	***Meals Tax 6.5%***	***Total Transient & Meals Tax Revenue***	
Ave Rental Nightly Rate (Premium Sites w/Casitas) 30 Sites	$ 149	$ 4,470	$ 134,100	$ 1,609,200					
Ave Rental Nightly Rate (Pull Thru) 67 Sites	$ 119	$ 7,973	$ 239,190	$ 2,870,280					
Ave Rental Nightly Rate (Back-In Sites) 236 Sites	$ 99	$ 23,364	$ 700,920	$ 8,411,040					
100%		$ 35,807	$ 1,074,210	$ 12,890,520	***$ 1,031,242***	***$ 239,760***	***$ 70,200***	***$ 1,341,202***	*100%*
90%		$ 32,226	$ 966,789	$ 11,601,468	***$ 928,117***	***$ 215,784***	***$ 63,180***	***$ 1,207,081***	*90%*
80%		$ 28,646	$ 859,368	$ 10,312,416	***$ 824,993***	***$ 191,808***	***$ 56,160***	***$ 1,072,961***	*80%*
70%		$ 25,065	$ 751,947	$ 9,023,364	***$ 721,869***	***$ 167,832***	***$ 49,140***	***$ 938,841***	*70%*
60%		$ 21,484	$ 644,526	$ 7,734,312	***$ 618,745***	***$ 143,856***	***$ 42,120***	***$ 804,721***	*60%*
50%		$ 17,904	$ 537,105	$ 6,445,260	***$ 515,621***	***$ 119,880***	***$ 35,100***	***$ 670,601***	*50%*

Pro-Forma Occupancy Tax					
Ave Rental Nightly Rate (Prem. Sites w/Casitas) 30 SITES	$2.00	$ 60	$ 1,800	$ 21,600	
Ave Rental Nightly Rate (Pull Thru) 67 SITES	$2.00	$ 134	$ 4,020	$ 48,240	
Ave Rental Nightly Rate (Back-In Sites) 236 SITES	$2.00	$ 472	$ 14,160	$ 169,920	
	100%	$ 666	$ 19,980	$ 239,760	*100%*
	90%	$ 599	$ 17,982	$ 215,784	*90%*
	80%	$ 533	$ 15,984	$ 191,808	*80%*
	70%	$ 466	$ 13,986	$ 167,832	*70%*
	60%	$ 400	$ 11,988	$ 143,856	*60%*
	50%	$ 333	$ 9,990	$ 119,880	*50%*

1 This tax, allowable by Virginia Code 58.1-3819, applies to those staying in hotels, motels, boarding houses, campgrounds, and other facilities for fewer than 30 consecutive days. Half of the proceeds are used for general governance ***and the other half for tourism enhancement*** through the Danville's Department of Economic Development.

2 City of Danville; Every restaurant, caterer, coffee shop, convenience store, grocery deli, etc. located in Danville engaged in the business of selling meals and/or beverages is required to collect a 6.5% food tax on the amount paid for meals purchased from any food establishment, whether prepared in such food establishment or not and whether consumed on premises or not.

3 Pro-forma conservatively estimated at an average daily rate of $10 per site.

Therefore, due to its geographic location on the VA/NC border and high-end characteristics, the approval of the Special Use Permit would place the Palace Resort and City of Danville in the heart of an industry that has an annual economic impact of more than $5 BILLION DOLLARS, affecting over 1,000 businesses, generating more than 22,000 jobs with over $1.5 BILLION DOLLARS in wages and just under $2 BILLION DOLLARS in campgrounds and travel related expenses. Furthermore, some of the businesses that would benefit from the annual economic impact generated by the RV industry would be Caesars Virginia Casino, its specialty restaurants and

surrounding businesses within the City thereby, creating a reciprocal effect by substantially increasing the tax revenues to the City. Upon approval and as per Chapter 37 of City Code, Article VI & Article IX, the RV resort will potentially generate in excess of $1.3 Million dollars a year in Transient Lodging, Occupancy & Meals Tax revenue for the City of Danville as shown in the chart above. Due to the rise in costs of goods and services, the amount of tax revenue is projected to increase at a yearly rate of 5% commensurate with the yearly cost of living increases projected for students to attend public schools as defined by the Superintendent of Danville Public Schools.

In summary and in accordance with Article 6 of the Zoning Ordinance, this Special Use Permit Application Submittal meets or exceeds all applicable standards in Section B., more specifically, (1) it is in harmony with the adopted Comprehensive Plan, it's in harmony with the intent and purpose of the TR Threshold Residential zoning district in which the use is proposed to be located; and with the character of adjacent properties and the surrounding neighborhoods, (2) the proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities, (3) the proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance, (4) the proposed use shall be designed, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods. Furthermore, it meets the objectives outlined in Economic Development section of the Comprehensive Plan. More specifically, the approval would (1) continue to expand the City's commercial and industrial tax base, (2) enhance the long-term visual attractiveness of the City's major commercial corridors, (3) expand job opportunities for City employees, (4) increase visitation and tourism to the City especially since the resort will be a luxury resort and transient in nature and (5) promote the City as an attractive location for economic development.

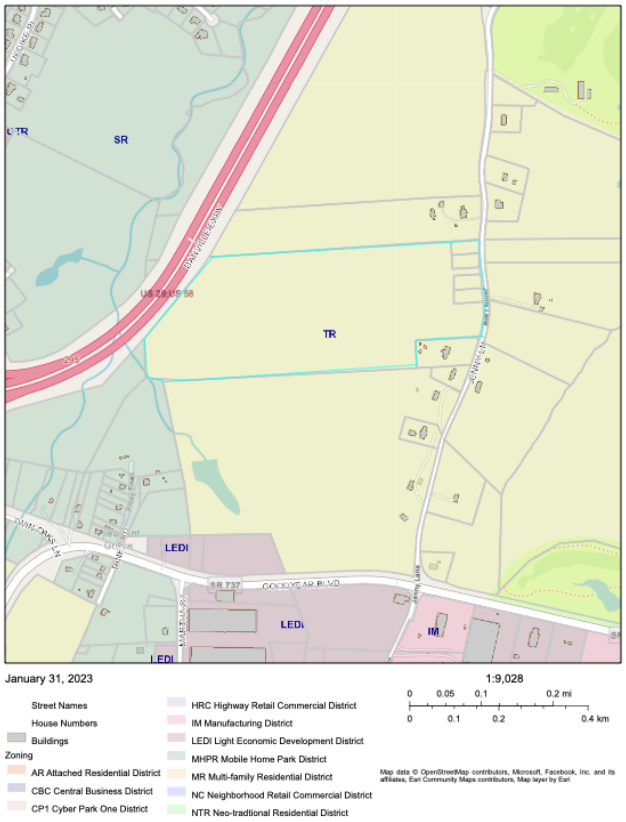
3. Compatibility with Surrounding Properties & Adjacent Land Uses

The subject property is located in Planning Area 5: Southwyck, and in Sub-Area 9 of the Comprehensive Plan with *a Future Land Use of Medium Density Residential*. It is presently zoned T-R, Threshold Residential District. As per the City's Code of Ordinances, more specifically, Chapter 41, Article 3.B, the subject property already has the required zoning district to develop an RV campground subject to the Special Use Permit as per Sub-section C (26).

The subject property is surrounded on either side by several parcels which total 126.02 acres also zoned T-R Threshold Residential. On the northwest corner of the subject property, it is contiguous to several parcels that make up 17.9 acres of S-R Subdivision Residential. Immediately across the street from the subject property are approximately 60 acres of T-R Threshold Residential.

Therefore, in accordance with Chapter 41, Article 3.B, the subject property already has the proper zoning district of T-R Threshold Residential to develop an RV resort with a Special Use Permit. Since no rezoning is required, the subject property will maintain compatibility with the residential nature of the area, adjoining and /or surrounding properties and provide continuity to the existing neighborhood.

Zoning Map



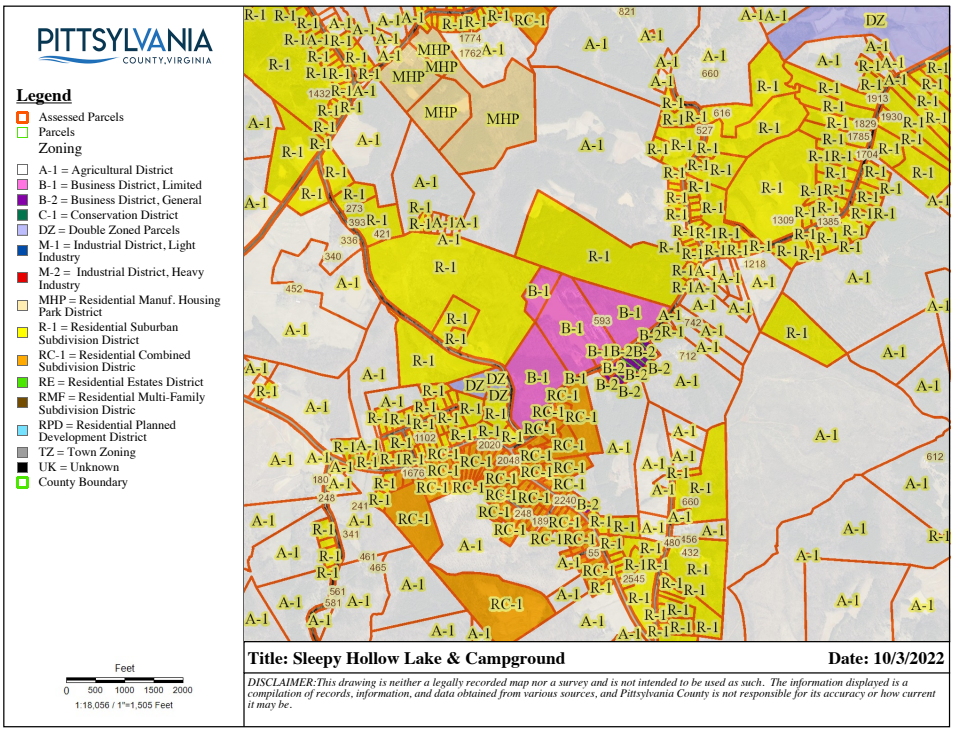
a. Character of the Neighborhood Comparison with Other RV Resorts in County

The zoning districts of the subject property and surrounding properties within a 300-foot radius are T-R Threshold Residential and S-R Subdivision Residential. As such, the character of the neighborhood is primarily residential in nature. However, within a short walk, the entrance and clubhouse of the Goodyear Golf Course is located. In the opposite direction of the golf course more particularly, at the intersection with Goodyear Blvd, the neighborhood is comprised of multiple parcels and acres zoned and built-out as LEDI Light Economic Development District and IM Manufacturing District.

i. Paradise Lake & Campground (formerly Sleepy Hollow)

While no RV campgrounds exist in the City of Danville, two campgrounds are located within Pittsylvania County. Paradise Lake & Campground, formerly known as Sleepy Hollow, is located approximately 15 miles north in Keeling, Virginia.

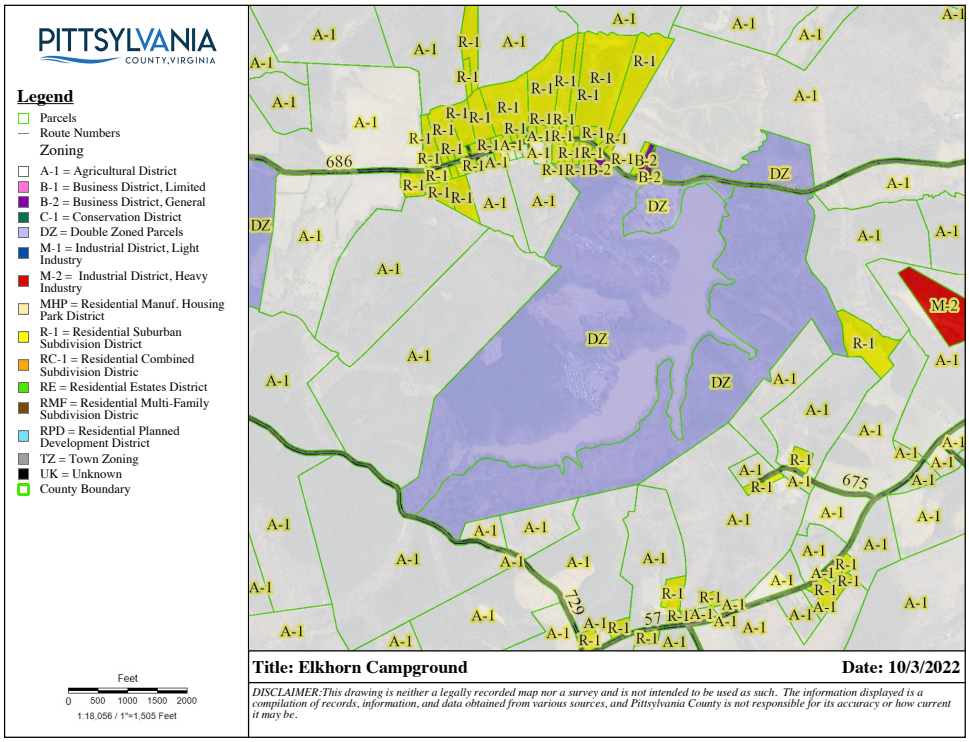
Accordingly, since the campground is located on a lake and takes access from State Road 716 aka Keeling Drive, a B-1 commercial zoning along Hwy 716 abuts to the front of the campground. However, as shown on the County's GIS map, the campground is contiguous with and is completely surrounded by the R-1 Residential Subdivision District as well as, A-1 Agriculture District. Therefore, the character of the neighborhood of Paradise Lake & Campground is extremely similar, if not identical to, the subject property, as both properties are contiguous with and completely surrounded by, residential neighborhoods.



ii. <u>Elkhorn Lake & Campground</u>

While no RV campgrounds exist in the City of Danville, two campgrounds are located within Pittsylvania County. Elkhorn Lake & Campground is the other campground located approximately 30 miles northeast of the subject property in Java, Virginia.

Accordingly, since the campground is located on a lake and takes access from State Road 686 aka Elkhorn Road, a DZ zoning district abuts to the front of the campground. However, as shown on the County's GIS map and very similar or identical to the character of the neighborhoods surrounding Paradis Lake & Campground and the subject property, the campground is completely surrounded by R-1 Residential Subdivision District as well as, A-1 Agriculture District. Therefore, the character of the neighborhood of Elkhorn Lake & Campground is extremely similar, if not identical, the subject property, as both properties are contiguous with and completely surrounded by, residential neighborhoods.



c. <u>Noise Disturbance Reports-Pittsylvania County Sherriff's Office</u>

To ascertain potential noise disturbances of an RV resort located in a residential district as in the case of the future Palace Resort, the Applicant requested and obtained through the Freedom of Information Act, a list of all police reports from the Pittsylvania County Sherriff's Department to address Noise disturbances at either campgrounds listed above during the past 5 years.

During the five-year span that ended in 2022, Elkhorn Campground produced just two calls yet, none were categorized by the Sherriff's office as Noise Disturbance. During the same period, four calls were reported from Paradise Campground however, only *one call was reported by the Sherriff's Department to address Noise Disturbance,* more specifically, on October 23, 2018 @ 22:35 with report number 2018047171.

4. MASTER PLAN OF DEVELOPMENT

The Conceptual Master Site Plan has been designed in accordance and consistent with the City of Danville Comprehensive Plan and City Codes & Ordinances more specifically, Chapter 41 Zoning Ordinance and the Virginia Administrative Code, Chapter 450, Title 12, Health, Agency 5 and Department of Health.

The Conceptual Site Plan shows 333 RV sites, recreational amenities such as a clubhouse, gym, pools, tennis courts, pickle ball courts, dog parks, bar & grille and other recreational areas.

The minimum size of land required in Section AA. of the Zoning Ordinance to develop the RV resort is 30 acres. The subject property has 46.42 acres. As per Chapter 41 of the City Code of Ordinances and Chapter 450 of the Virginia Administrative Code, the maximum density allowed for this district is 20 RV sites per acre, with the minimum width of 25 feet and the minimum square feet per site of 1600 square feet. The Conceptual Site Plan calls for a total of 333 sites or a density of just 7.2 sites per acre, a minimum width of 25, 30, 35 and 40 feet respectively, with three types of RV sites; back-in, pull-thru's and premium sites with Casitas ranging in sizes from 1,750 to 5,075 square feet. Therefore, the Conceptual Master Site Plan meets or exceeds all of the requirements of Chapter 41 and Chapter 450 of the Virginia Administrative Code.

Chapter 41 Section AA also requires that On-Site amenities or accessory on-site amenities including pools, clubhouses, picnic areas, fields, and playgrounds must be provided to guests at a minimum of two hundred (200) square feet per camping unit. The Conceptual Master Site Plans shows a total of 333 RV sites. At a rate of 200 square feet per site, the total amount of square

feet required for on-site amenities is 65,000 square feet or approximately 1.50 acres. The Conceptual Master Site Plan shows 146,940 square feet or approximately 3.37 acres of on-site amenities consisting of outdoor pools, decks, tennis & pickle ball courts, and dog parks.

Required landscaping, setbacks, and stormwater management features are not included in on-site amenities.

Forestall Buffer Setbacks

Chapter 41, Section AA (1) through Chapter 450 of the Virginia Administrative Code requires a minimum setback of 40 throughout the perimeter of the resort to the property line. The Conceptual Master Site Plan shows a minimum setback of 40 feet of undisturbed forestall buffers along the north and south property lines abutting to the bypass and Jenny Lane, respectively. *However, in an effort in further protect our neighbors, the undisturbed forestall buffer setbacks along the two parralel property lines with the neighbors have been increased to a width ranging from 50 feet to 110 feet,* well above the setback requirements in Chapter 41 and Chapter 450 of the Virginia Administrative Code. Additionally, actual RV sites along the two parralel property lines have been located 100 to 130 feet respectively, from the property lines with neighbors.

Additionally, at least one (1) off-street parking space on ten (10) feet by twenty (20) feet has been provided for each RV site. A consolidated parking area within sixty (60) feet of the lots or spaces may be used to provide required space. The Conceptual Site Plan shows one off-street parking space 10 feet X 20 feet provided at each site with additional parking near the offices and Clubhouse building.

Although architectural or engineered construction drawings have not been created at this time pending entitlement approvals, the applicant will abide by all applicable sections of Chapter 41 of the City Ordinance and Chapter 450 of the Virginia Administrative Code as they relate to the development of the RV resort.

The Palace Resort will be a luxury resort and consist of 333 RV sites, some with “casitas”. However, although “casitas” will be erected on some of the premium sites, they will be built in accordance with state and local building codes but more importantly, ***will not*** be attached to any unit whatsoever, or built in a manner that would inhibit the ability of the unit to me moved on short notice or in case of emergency.

The subject property abuts to two residential properties also zoned T-R Threshold Residential on either side, abuts to the ROW of the bypass on the north and Jenny Lane on the south. It is the applicant’s understanding that the City of Danville services the adjacent properties with water supply. The City of Danville has indicated that the water mains are located at the sister parcel of the subject property. In accordance with the City of Danville Comprehensive Plan, Chapter 41 and Chapter 450 of the Virginia Administrative Code, the subject property will connect to City water. Furthermore, each RV site will have frost-free water lines & sewer hookups approved by the Health Department as all units allowed into the resort will be self-contained units.

The same applies to sewer. The City of Danville services the adjacent properties within the with sewer facilities. The City of Danville has indicated that the sewer mains are located at the sister parcel of the subject property. In accordance with the City of Danville Comprehensive Plan, Chapter 41 and Chapter 450 of the Virginia Administrative Code, the subject property will connect to City sewer. Furthermore, each RV site will have sewer hookups approved by the Health Department as all units allowed into the resort will be self-contained units.

At this time, the Conceptual Site Plan does not show Impervious Surface Ration (ISR) however, the proposed density is 7.2 units per acre. Upon entitlement approvals and before the design of construction documents, the applicant will coordinate with the City of Danville Engineering & Public Works Departments to design and meet the requirements for stormwater retention.

5. Impact on Social Services

The subject property consists of 46.42 acres and is presently zoned T-R threshold Residential. In accordance with Chapter 41, Zoning Ordinance of the City of Danville, Article 3.B., the subject property has the required zoning district for an RV resort however, this application request is for a Special Use Permit under Section (C) (26). If approved, the RV resort will have **NO IMPACT** on the City's or County's Social Services as the resort will be a premium tourist destination for transient or temporary stay.

However, if the Special Use Permit application *is denied* and subsequently, the subject property is (a.) developed with its present zoning of T-R or, most likely, (b.) re-zoned into S-R Suburban Residential District, since several surrounding properties are already zoned S-R Suburban Residential Subdivision, the demand for Social Services will be significant. In this section, we will concentrate exclusively on the demand for school-age students from grades 1 through 12th to attend Danville Public Schools.

As required by § 22.1-92, Code of Virginia, 1950, as amended, the Superintendent of the Danville Public School system is to provide each parent, guardian, or other person having charge of a child enrolled in Danville Public Schools, the estimated average cost per pupil to attend public education and the pupil/teacher ratios for each school in the Danville School System. Included in the charts below is the information required to be reported. As such, the total cost per pupil to attend a Danville Public School for the 2021-2022 school year was reported to be $ 15,148 per student. According to new Annual Survey of School System Finances tables, released by the U.S. Census Bureau on May 18, 2021, per pupil spending for elementary and secondary public education (pre-K through 12th grade) for all 50 states and the District of Columbia increased by 5.0% per pupil during the 2019 fiscal year, compared to 2018. This is the largest increase in more than a decade. Data for this report covers the fiscal year before the COVID-19 pandemic. Therefore, when applying a yearly rate of increase of 5% to the costs per pupil for the 2021-2022 school year, the costs per pupil to attend a Danville Public School for the 2022-2023 school year is $15,906. However, the RV resort or residential subdivision, should the Special Use Permit

application request be denied, would not be functional or operational until the 2024-2025 school year. Therefore, to establish the projected costs per pupil to attend a Danville Public School in the 2024-2025 school year and beyond, when applying the same yearly rate of increase of 5% to the 2022-2023 and 2023-2024 school years, the projected costs per pupil to attend a Danville Public School for the 2024-2025 school year will be $ 17,534. Based on statistics provided by the US Census Bureau for the ratio of school age students per households, a residential subdivision on the subject property will generate an estimated 34 or 85 students respectively, thereby creating an overall projected cost for public school education of $596,156 under a T-R subdivision or $ 1,490,390 under an S-R subdivision for the 2024-2025 school year alone.

PER PUPIL EXPENDITURES

As required by § 22.1-92, Code of Virginia, 1950, as amended, this notice is to provide each parent, guardian, or other person having charge of a child enrolled in Danville Public Schools of the estimated average per pupil cost for public education and the pupil/teacher ratios for each elementary school in the Danville School System. Included in the charts below is the information required to be reported.

AVERAGE PER PUPIL EXPENDITURES

SOURCES OF FINANCIAL SUPPORT	2019-2020 ACTUAL	2020-2021 ESTIMATE	2021-2022 PROPOSED
FOR OPERATIONS *			
STATE FUNDS	6,437.00	7,180.00	7,561.00
SALES & USE TAX	1,263.00	1,345.00	1,305.00
FEDERAL FUNDS	2,043.00	2,026.00	1,967.00
LOCAL FUNDS	4,144.00	4,680.00	4,316.00
TOTAL	13,888.00	15,230.00	15,148.00
FOR DEBT SERVICE	50.05	53.83	54.95
FOR FACILITIES **	665.19	543.26	955.24

* Operations include regular day school, school food services, summer school, adult education, preschool and other educational programs, but does not include facilities, debt service, and capital outlay additions.

** Includes all facilities and capital outlay additions

CLASS SIZES – PUPIL/TEACHER RATIOS
2020 – 2021

School	Pupil/Teacher Ratios (excluding resource teachers) (includes SPED teachers & Core)	Pupil/Teacher Ratios (including resource teachers)
FOREST HILLS	14.25	9.50
GIBSON	13.78	10.20
JOHNSON	13.70	9.40
PARK AVENUE	12.25	9.56
SCHOOLFIELD	15.18	10.53
WOODBERRY	14.18	9.60
WOODROW	16.40	9.88

Conversely, as referenced in paragraph "F" of the Economic Development section above, in addition to property taxes, the RV resort, as a premium tourist destination, is projected to generate a tax revenue of ***$ 1,341,202*** in 2025 in Transient Lodging & Meals Taxes while having **$0** demand on social services for students to attend public schools. In contrast, the development of the subject property into a residential subdivision under T-R or S-R Residential District will generate $0 in additional tax revenue (other than property taxes) and cost **$ 1,490,390** in social services for 34 or 85 students to attend Danville Public Schools. When factoring in the 5% yearly increases as per the Annual Survey of School System Finances released by the U.S. Census Bureau on May 18, 2021, the projected costs per pupil to attend Danville Public Schools during each of the next 5 school years will be as follows:

2024-2025	$ 1,490,390	2027-2028	$1,725,323
2025-2026	$ 1,564,910	2028-2029	$ 1,811,578
2026-2027	$ 1,643,155		

Residential Subdivision
Public Schools Costs Per Pupil Expenditures
(2024 - 2029)

$ 8,235,356

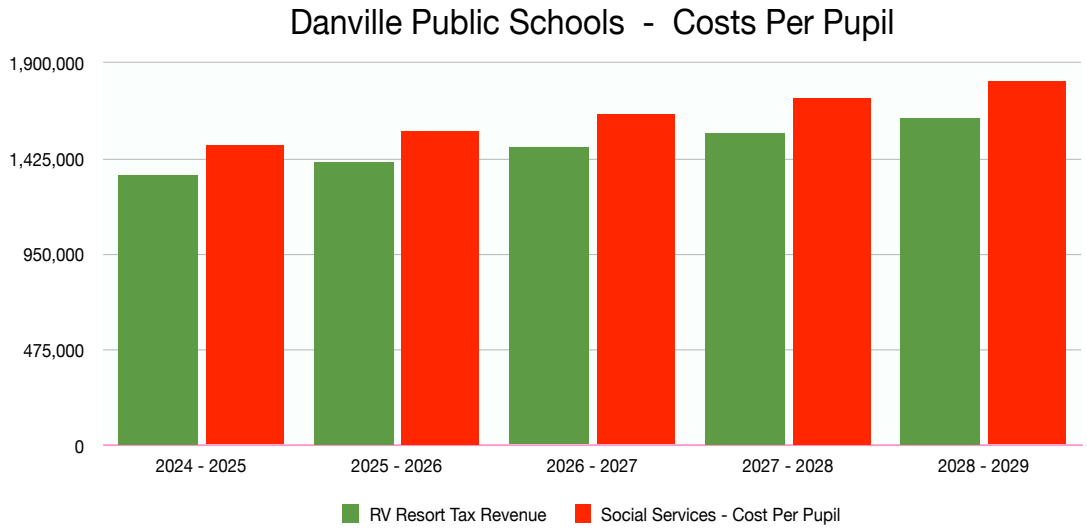


Table 1

	RV Resort Tax Revenue	Social Services/ Costs Per Pupil		
2024 - 2025	1,341,202	1,490,390		
2025 - 2026	1,408,262	1,564,910		
2026 - 2027	1,478,675	1,643,155		
2027 - 2028	1,552,609	1,725,323		
2028 - 2029	1,630,239	1,811,578		

1

RV Resort
Total Transient Lodging, Occupancy & Meals Tax Revenue
(2024 - 2029)

$ 7,410,987

NOTES:
1. THE LAND BOUNDARY SURVEY SHOWN IS BASED ON A COMBINATION OF A CURRENT FIELD SURVEY AND A COMPILATION FROM DEEDS, PLATS, SURVEYS BY OTHERS.
2. DASHED LINES FROM DEEDS, PLATS, SURVEYS BY OTHERS.
3. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE REPORT, AND MAY NOT REFLECT ALL UNDERGROUND UTILITIES, EASEMENTS, RIGHT OF WAYS, AND OTHER ENCUMBRANCES TO THE PROPERTY.

LEGEND

- UTILITY POLE
- SEWER MANHOLE
- BLANK CORNER
- FOUND PIPE
- REBAR SET
- FOUND REBAR
- HIGHWAY MONUMENT
- D.B. — DEED BOOK
- P.B. — PLAT BOOK
- PG. — PAGE
- R/W — RIGHT OF WAY
- B.O.L. — BACK ON LINE
- W.B. — WILL BOOK
- W.F. — WILL FILE
- IN. — INSTRUMENT NUMBER
- —— — —— OW —— — —— OVERHEAD UTILITY
- —— x —— x —— x —— FENCE

VICINITY MAP
(NOT TO SCALE)

Call Table GPIN: 78052			
Call #	Direction/Delta	Length	
C8	D=5°24'33" R=470.69' CHD=S34°36'41"W	ARC=44.44' CHD=44.42'	
C9	D=44°23'41" R=25.00' CHD=S37°24'16"W	ARC=19.37' CHD=18.89'	
C10	D=270°56'26" R=40.00' CHD=S38°52'06"E	ARC=212.80' CHD=63.12'	
C11	D=39°52'20" R=25.00' CHD=N31°43'18"E	ARC=17.40' CHD=65.40'	

Call Table GPIN: 77419		
Call #	Direction/Delta	Length
L1	N86°26'18"E	208.76'
C1	D=5°38'18" R=1017.72' CHD=S00°52'28"W	ARC=100.15' CHD=100.11'
L2	S86°25'27"W	201.03'
L3	S03°33'18"E	99.86'

Call Table GPIN 77420		
Call #	Direction/Delta	Length
C2	D=4°10'21" R=1017.72' CHD=S04°01'51"E	ARC=74.12' CHD=74.10'
C3	D=92°33'43" R=25.00' CHD=W60°09'50"E	ARC=40.39' CHD=36.14'
L4	N86°26'42"E	176.67'
L5	S03°33'18"E	100.14'
L2	S86°25'27"W	201.03'

Call Table GPIN: 77421		
Call #	Direction/Delta	Length
L7	S06°45'24"E	0.81'
L8	S05°48'41"E	81.73'
L9	S86°26'42"W	209.71'
L10	S00°33'06"E	105.82'
L11	S86°26'42"W	175.97'
C5	D=85°52'10" R=25.00' CHD=N50°37'13"W	ARC=37.47' CHD=34.06'

Call Table GPIN 77422		
Call #	Direction/Delta	Length
L12	S05°48'41"E	100.07'
L13	N86°26'42"E	218.90'
L14	S00°33'06"E	100.13'
L9	S86°26'42"W	209.71'

Call Table GPIN: 75941		
Call #	Direction/Delta	Length
C4	D=0°38'23" R=1017.72' CHD=S06°26'13"E	ARC=11.36' CHD=11.36'
L6	S06°45'24"E	88.11'
L15	S05°48'41"E	19.64'
C6	D=23°03'11" R=51.71' CHD=S05°42'55"W	ARC=208.70' CHD=207.30'
L16	S17°14'30"W	68.74'
C7	D=108°24'52" R=25.00' CHD=N39°24'12"W	ARC=47.89' CHD=41.06'

PLAT OF SURVEY OF
23 EXISTING PARCELS CONTAINING
CITY OF DANVILLE, VIRGINIA
OWNED BY
TRUSTEE OF MARGARET D. MARSHALL REVOCABLE TRUST
W.F. 190000079

GPIN: 75939, 75941, 76198, 76199, 77419, 77420, 77421, 77422
78019, 78020, 78024, 78027, 78028, 78029, 78030, 78034
79035, 78044, 78046, 78047 & 78052

CITY OF DANVILLE	VIRGINIA
DATE: 4/21/2020	SCALE: 1"=200'
SHEET 1 OF 3	J.N.: 20028
DRAWN BY: JDL	CHECK BY: SLC
RATIO OF PRECISION = 1:40,000+	

Crutchfield & Associates, Inc.
SURVEYORS - ENGINEERS - PLANNERS
50 MOUNTAIN RD., P.O. BOX 176
HALIFAX, VIRGINIA 24558
(434)-476-7744 www.crutchfieldinc.com

COMMONWEALTH OF VIRGINIA
STEVEN L. CRUTCHFIELD
Lic. No. 2738
LAND SURVEYOR

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS CURRENT BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS.

STEVEN L. CRUTCHFIELD, PLS
VIRGINIA CERTIFICATE NUMBER: 2738

GRAPHIC SCALE
0 80 160 320
(IN FEET)

1 / C-1 **SURVEY**
SCALE: 1" = 160'

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A	03/09/23	PRELIMINARY LAYOUT
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KH	MM

PREPARED FOR:
J. CUBAS HOLDINGS, LLC
13830 sw 28TH STREET
MIAMI, FL 33175

PREPARED BY:
MARC P. MAIER, P.E.
FLORIDA LICENSCE #72513
1033 S. GLEN MEADOW LP.
LECANTO, FL 34461
(352) 634-1643

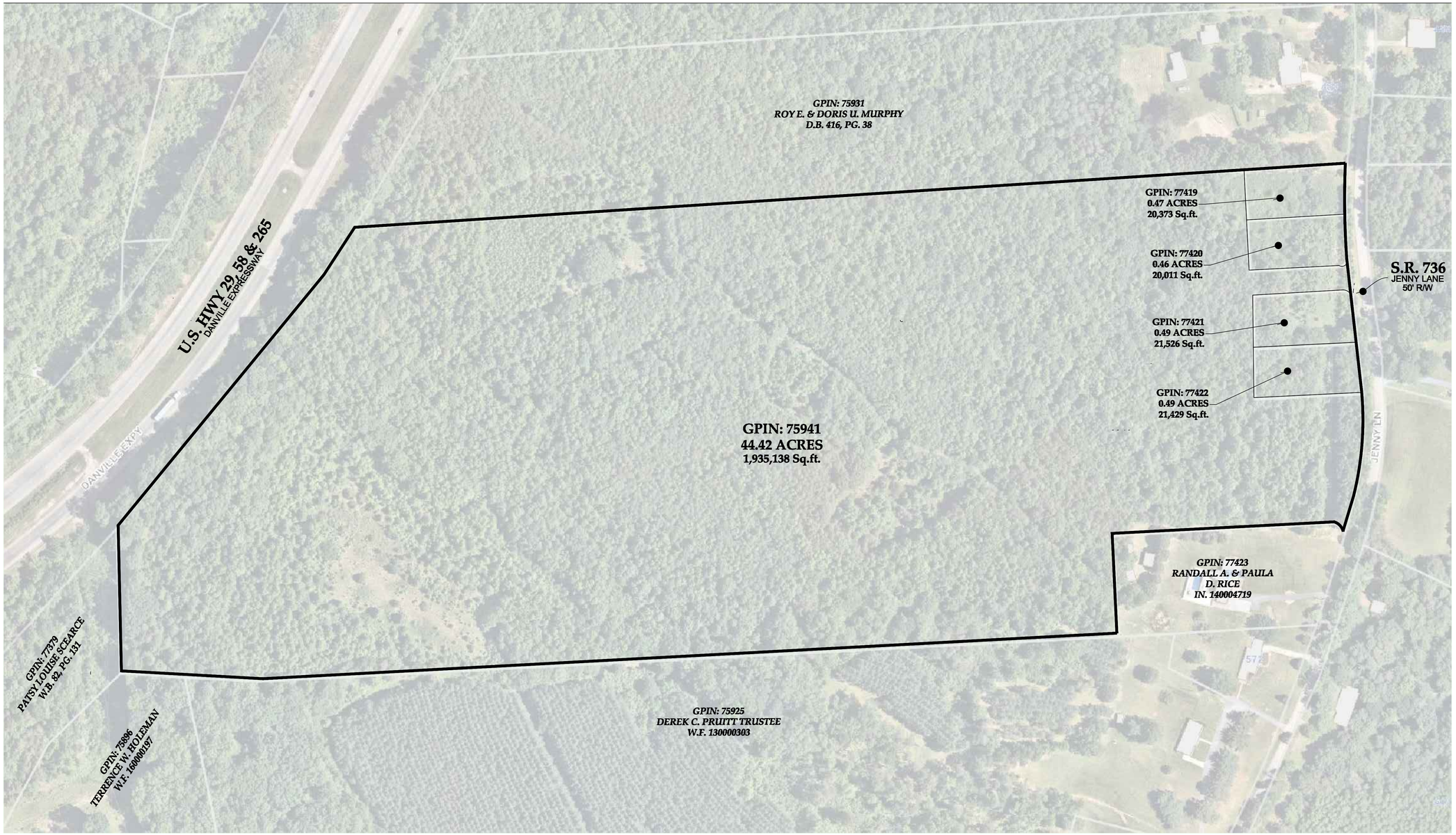
PRELIMINARY NOT FOR CONSTRUCTION

MARC P. MAIER, P.E.
FL PROFESSIONAL ENGINEER LIC. # 72513

THE PALACE RV RESORT
500 JENNY LANE
DANVILLE, VA 24541

SHEET DESCRIPTION
EXISTING CONDITIONS

SHEET NUMBER
S-1



TRUE NORTH

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C-1

EXISTING CONDITIONS

SCALE: 1" = 100'

GRAPHIC SCALE

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(IN FEET)

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KH	MM

PREPARED FOR:

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THE PALACE RV RESORT

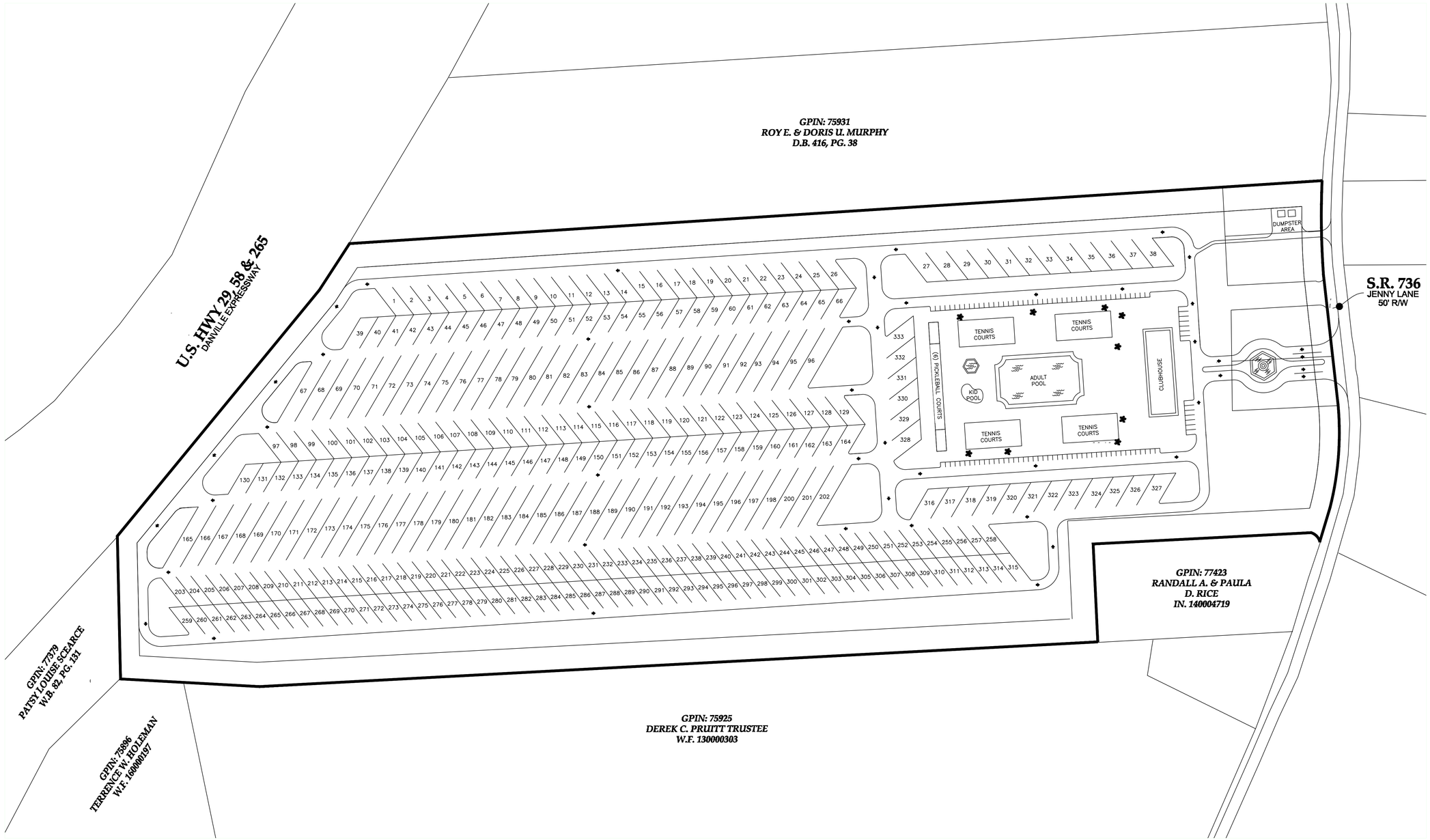
500 JENNY LANE
DANVILLE, VA 24541

SHEET DESCRIPTION

EXISTING CONDITIONS

SHEET NUMBER

C-1



1 C-2 **SITE PLAN**
SCALE: 1" = 100'

GRAPHIC SCALE
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(IN FEET)

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DRAWN BY:	CHECKED BY:
KH	MM

PREPARED FOR:

J. CUBAS HOLDINGS, LLC

13830 sw 28TH STREET
MIAMI, FL 33175

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PRELIMINARY
NOT FOR CONSTRUCTION

MARC P. MAIER, P.E.
FL PROFESSIONAL ENGINEER LIC. # 72513

THE PALACE RV RESORT

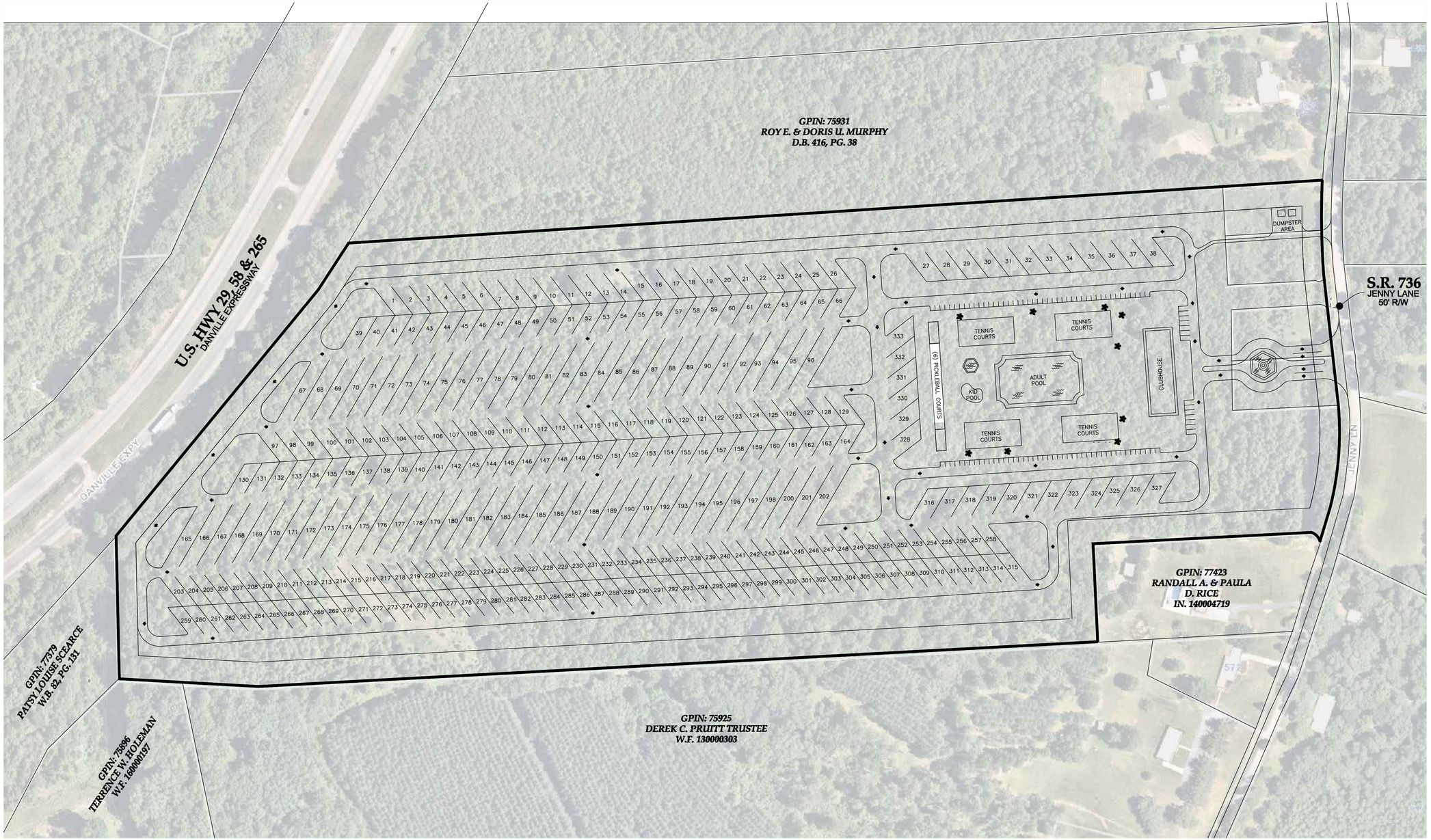
500 JENNY LANE
DANVILLE, VA 24541

SHEET DESCRIPTION

SITE PLAN

SHEET NUMBER

C-2



TRUE NORTH

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DRAWN BY:	CHECKED BY:
KH	MM

PREPARED FOR:

J. CUBAS HOLDINGS, LLC

13830 sw 28TH STREET
MIAMI, FL 33175

PREPARED BY:

MARC P. MAIER, P.E.
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1033 S. GLEN MEADOW LP.
LECANTO, FL 34461
(352) 634-1643

PRELIMINARY
NOT FOR CONSTRUCTION

MARC P. MAIER, P.E.
FL PROFESSIONAL ENGINEER LIC. # 72513

THE PALACE RV RESORT

500 JENNY LANE
DANVILLE, VA 24541

SHEET DESCRIPTION

SITE PLAN WITH AERIAL

SHEET NUMBER

C-3

1 / C-3

SITE PLAN W/ AERIAL

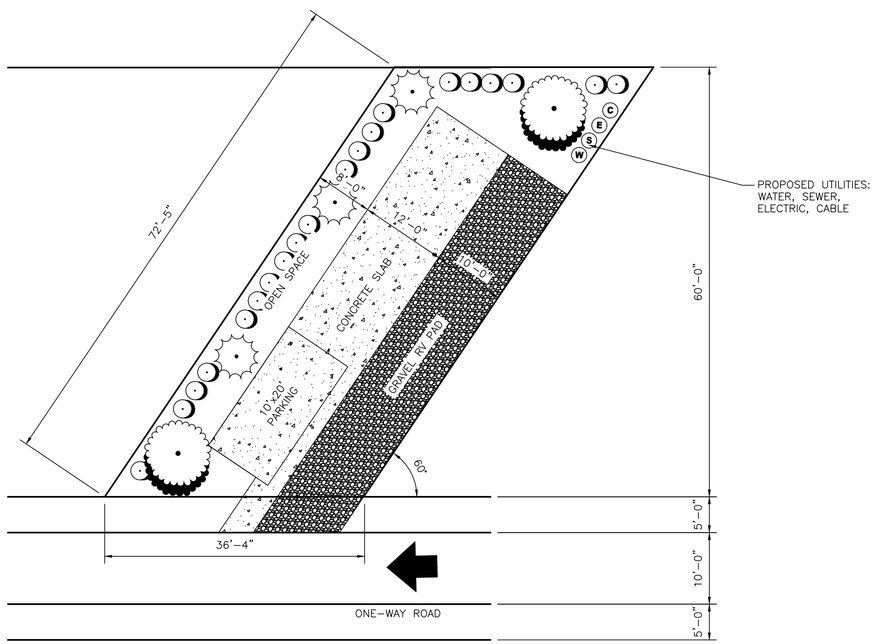
SCALE: 1" = 100'

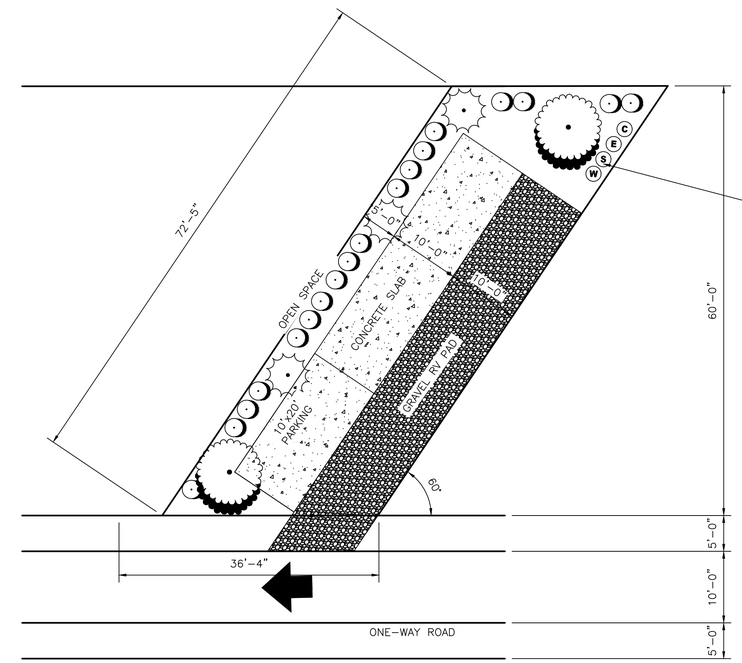
GRAPHIC SCALE

0 50 100 200

(IN FEET)

SITE SCHEDULE	
TOTAL APPLICANT OWNED LAND AREA	44.42 ACRES
TOTAL SITES ALLOWED	350
TOTAL SITES PROPOSED	333
TOTAL OPEN SPACE REQUIRED (25%)	11.11 ACRES
TOTAL OPEN SPACE PROVIDED	11.70 ACRES
TOTAL RECREATION AREA REQUIRED	1.42 ACRES
TOTAL RECREATION AREA PROVIDED	3.7 ACRES
TOTAL PREMIUM RV SITES PROVIDED	30 SITES
TOTAL TYPICAL RV SITES PROVIDED	236 SITES
TOTAL DRIVE–THRU SITES PROVIDED	67 SITES





1 C-4 **TYPICAL RV SITE (2,174 SQ. FT.)**

SCALE: 1" = 10'

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DRAWN BY:	CHECKED BY:
KH	MM

PREPARED FOR:

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1033 S. GLEN MEADOW LP.
LECANTO, FL 34461
(352) 634–1643

PRELIMINARY NOT FOR CONSTRUCTION

MARC P. MAIER, P.E.
FL PROFESSIONAL ENGINEER LIC. # 72513

THE PALACE RV RESORT

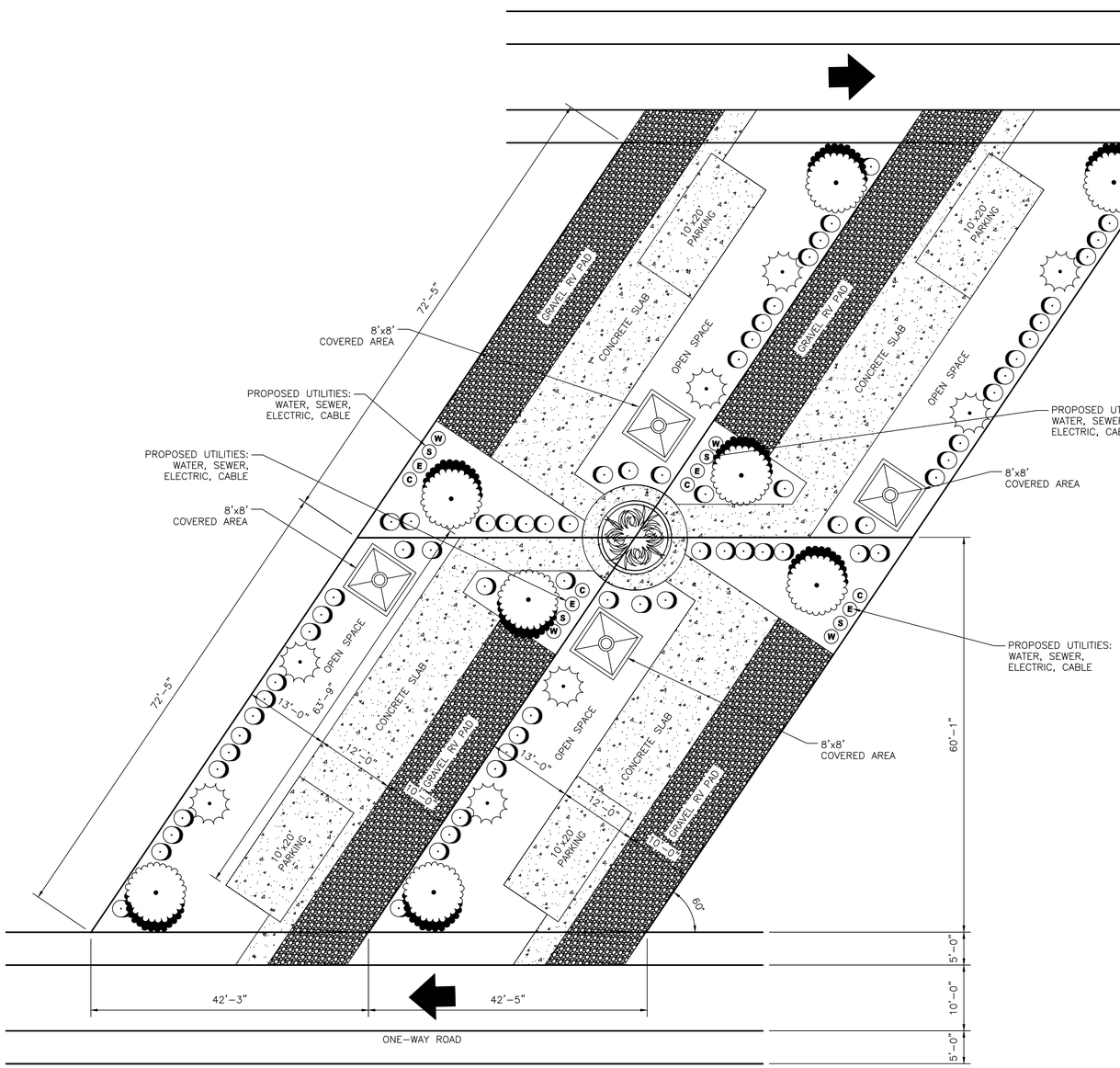
500 JENNY LANE
DANVILLE, VA 24541

SHEET DESCRIPTION

NOTES/DETAILS

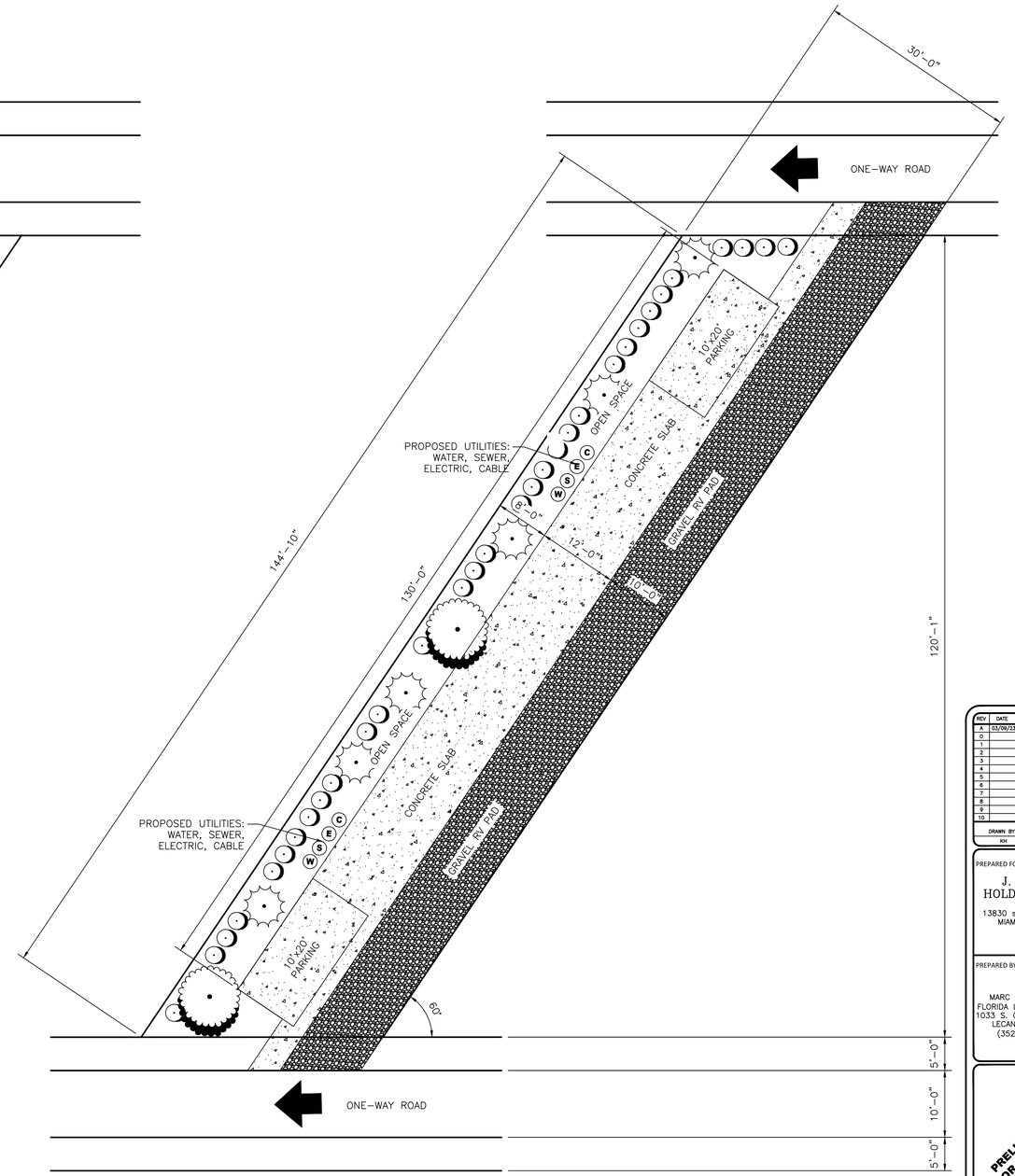
SHEET NUMBER

C-4



1 C-5 **PREMIUM RV SITE (2,534 SQ. FT.)**

SCALE: 1" = 10'



2 C-5 **TYPICAL DRIVE-THRU RV SITE (5,068 SQ. FT.)**

SCALE: 1" = 10'

REV	DATE	DESCRIPTION
A	03/09/23	PRELIMINARY LAYOUT
0		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

DRAWN BY:	CHECKED BY:
KH	MM

PREPARED FOR:

J. CUBAS HOLDINGS, LLC

13830 sw 28TH STREET
MIAMI, FL 33175

PREPARED BY:

MARC P. MAIER, P.E.
FLORIDA LICENSCE #72513
1033 S. GLEN MEADOW LP.
LECANTO, FL 34461
(352) 634-1643

PRELIMINARY
NOT FOR CONSTRUCTION

MARC P. MAIER, P.E.
FL PROFESSIONAL ENGINEER LIC. # 72513

THE PALACE RV RESORT

500 JENNY LANE
DANVILLE, VA 24541

SHEET DESCRIPTION

NOTES/DETAILS

SHEET NUMBER

C-5

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/16/2023

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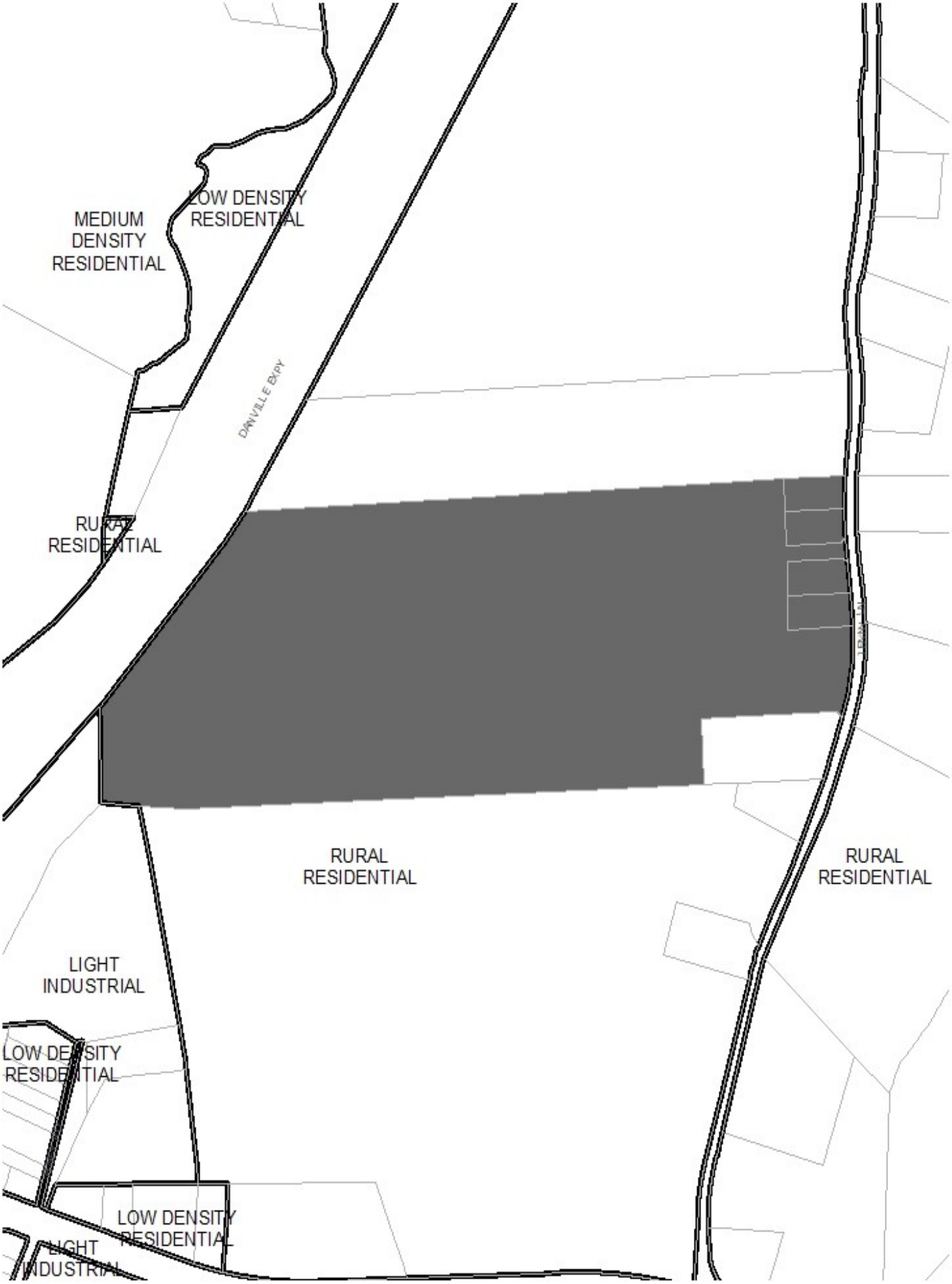

YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
3/16/2023

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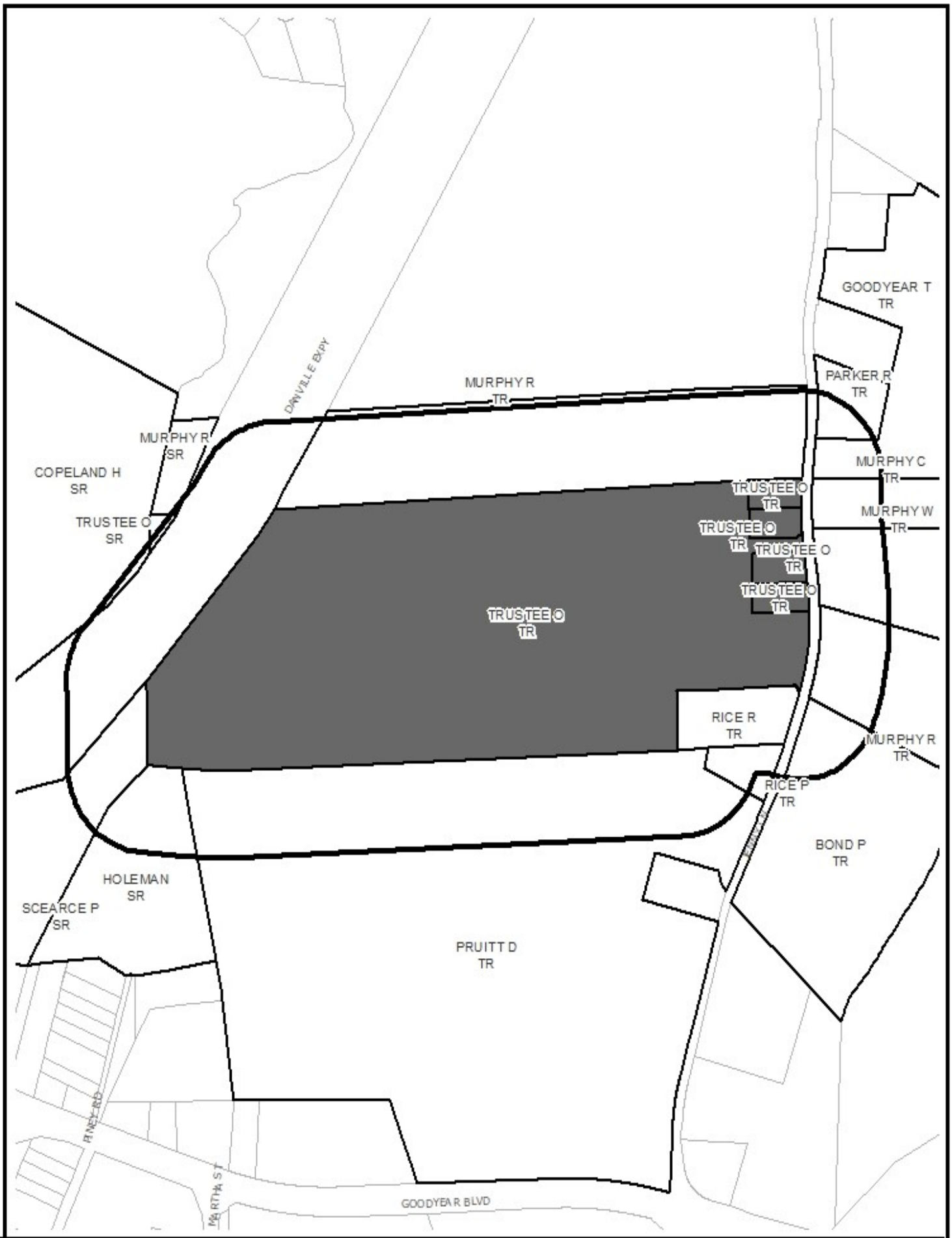


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
3/16/2023

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

STAFF REPORT

DATE: May 8, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Code Amendment Request PZ23-00046 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 10 to create Section U titled “Billboards”.

SUMMARY

This item has been tabled until further notice.

RECOMMENDATION

ATTACHMENTS

None

STAFF REPORT

DATE: May 8, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Rezoning Application PZ23-00102 filed by CDA Holdings, LLC requesting to rezone 3300 North Main Street (Parcel 50204) from N-C Neighborhood Commercial to HR-C Highway Retail Commercial.

SUMMARY

The subject property, 3300 North Main Street, is currently owned by Virginia Bank & Trust and is zoned N-C, Neighborhood Commerical. Bank operations at this location closed several months ago leaving a vacant structure. The applicant, CDA Holdings, LLC, has agreed to a contract to purchase 3300 North Main Street to develop a Dollar Tree retail store. The proposed retail store is 9,977 square feet. The N-C zoning classification does not allow structures greater than 3,000 square feet. Therefore, the applicant has requested to rezone 3300 North Main Street from N-C, Neighborhood Commercial to HR-C, Highway Retail Commercial.

RECOMMENDATION

The proposed development requires demolition of the existing structure and new construction of a 9,977 retail store. During demolition, the existing City utility connections will remain and will be utilized by the new structure. The parking layout will maintain an egress/ingress point on North Main Street and another on Seminole Drive near the existing.

The construction and operation of a 9,977 square foot retail store is consistent with the neighborhood. The property fronts a six (6) lane stretch of US 29 Business with similar businesses. The properties surrounding the subject property are a mixture of N-C and HR-C zoning classifications.

The Planning Division recommends that the Planning Commission approve Rezoning Application PZ23-00102 for City Council approval. A rezoning from N-C, Neighborhood Commercial to HR-C, Highway Retail Commerical is consistent with the character of the vicinity and the 2030 Comprehensive Plan.

ATTACHMENTS

1. Rezoning Application
2. Transmittal 4-7-23 Dollar Tree Danville
3. 3300 N Main St_conceptual plan
4. Owner Consent to submittal
5. Danville Dollar Tree Rezoning Narrative
6. 3300 N Main St_AERIALS
7. 3300 N Main St_LANDUSE
8. 3300 N Main St_OWNERS

City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

REZONING APPLICATION

1. An application for rezoning shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee as established by the City Council.
2. The application shall include the following information:
   a. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
   b. A written statement of proposed project compatibility with the following:
      1. The Comprehensive Plan.
      2. The applicable zoning district.
      3. The surrounding properties.
      4. Current and future neighborhood conditions.
      5. Pedestrian and vehicular traffic patterns, on-site and off-site.
      6. Adequate public facilities.
   c. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
      1. The architectural elevations and floor plans of proposed building(s).
      2. Traffic impact analysis.
      3. Fiscal impact analysis.
      4. Parking and site circulation analysis.
      5. Photographs of property and surrounding area.
      6. Environmental impact statement.
      7. A preliminary site plan in accordance with the Site Plan Regulations.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00102 PC Meeting Date: May 8

Date Received: April 10 Received By: burton

Parcel ID: 50204 Zoning District: ~~N~~

Existing Zoning: N-C Proposed Zoning: HR-C

APPLICANT PROVIDED INFORMATION

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

Property Address: 3300 N Main St Gross Area/Net Area: 1.25 AC

Property Location: N☒ S☐ E☐ W☐ Side of: Seminole Dr.

Between: N Main St and N Point Ln

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

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

Name: First National Bank (Aubrey H Hall, III, President & CEO) Telephone: (434) 369-3000

Mailing Address: 622 Broad Street, Altavista, VA 24517

Email Address: toddhall@1stnatbk.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: CDA HOLDINGS, LLC c/o D. RICHARD BUSHEY Telephone: 757-333-7504

Mailing Address: 500 N. Birdneck Rd, Suite 200, Virginia Beach, VA

Email Address: drbushey@dynamiccommerical.com

CDA HOLDINGS, LLC

4/7/23

Applicant Signature date

MANAGING MEMBER

First National Bank by:

Aubrey H Hall, III 4-7-2023

Property Owner Signature (if not applicant) date

President & CEO

Kimley»Horn

Transmittal

Date: April 7, 2023 Job Number: 116773010

Project Name: Dollar Tree – Danville

To: City of Danville
Attn: Renee Burton, Division Director of Planning
Zoning Administrator
427 Patton St., Room 207
Danville, VA 24541

We are sending these by

☐ U.S. Mail ☒ FedEx ☐ KHA Hand Delivery
☐ Other

We are sending you

☒ Attached ☐ Under separate cover via *the following items:*

☐ Shop drawings ☐ Prints/Plans ☐ Samples ☐ Specifications ☐ Change Orders

☐ Other

Copies	*Date*	*No.*	*Description*
1	4/7/23		Original Signed Application
1	4/7/23		Check
1	4/7/23		12x18 Landscape Plan
1	4/7/23		Rezoning Narrative

These are transmitted as checked below:

☒ For your use ☐ Approved as submitted ☐ Resubmit ☐ Copies for approval
☐ As requested ☐ Approved as noted ☐ Submit ☐ Copies for distribution
☐ For review and comment ☐ Returned for corrections ☐ Return ☐ Corrected prints

Remarks:

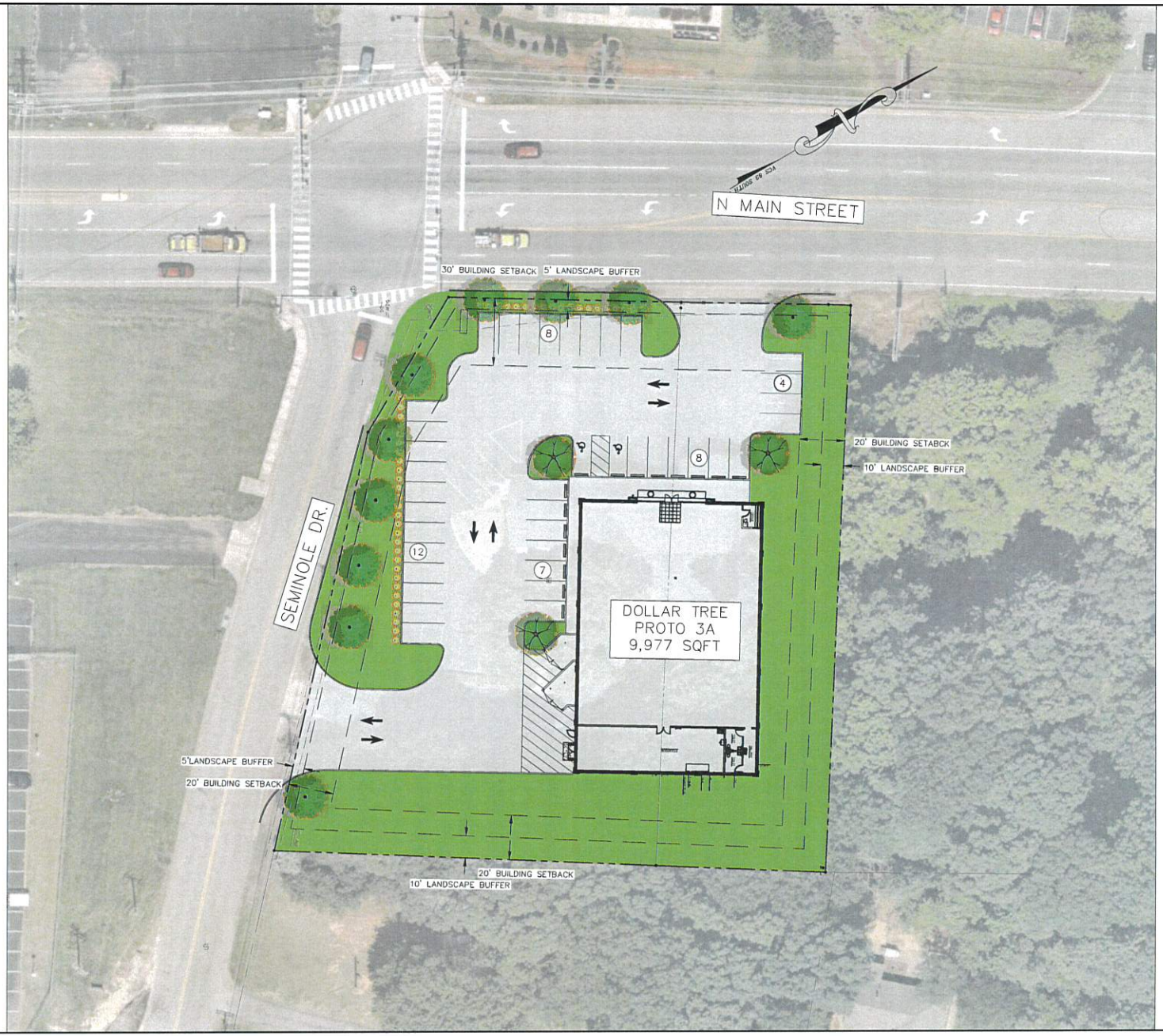
Copy to: File Signed: Michele Young

SITE DATA

JURISDICTION	DANVILLE
ADDRESS	3300 N Main St
EXISTING ZONING	NC
PROPOSED ZONING	HR-C
SITE AREA	1.25 AC.±
DOLLAR TREE BUILDING AREA	9,977 SF
PARKING REQUIRED	3 PER 1000 SF = 33
PARKING PROVIDED	39 SPACES
FRONT BUILDING SETBACK	30 FT
SIDE BUILDING SETBACK	20 FT
REAR BUILDING SETBACK	20 FT
FRONT LANDSCAPE SETBACK	5 FT
SIDE LANDSCAPE SETBACK	5 FT
REAR LANDSCAPE SETBACK	10' FT

PLAN NOTES:

1. THIS SITE PLAN, BEING PRELIMINARY IN NATURE, DOES NOT GUARANTEE THAT ALL REQUIREMENTS FOR ZONING ISSUES, NOR STORM DRAINAGE, GRADING, UTILITY EASEMENTS, AND THE LIKE ARE PROPERLY ADDRESSED AT THIS TIME. THE ABOVE REQUIREMENTS CAN AFFECT THE LAYOUT OF THIS SITE.
2. SOURCE OF PROPERTY LINE IS FROM GRS GROUP, LLC DATED 2/13/2023.



NORTH

GRAPHIC SCALE IN FEET
0 10 20 40

No.	REVISIONS	DATE	BY

Kimley»Horn

© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
4525 MAIN STREET, SUITE 1000, VIRGINIA BEACH, VA 23462
PHONE: 757-213-9000 FAX: 757-213-9001
WWW.KIMLEY-HORN.COM

KHA PROJECT 116773010
DATE 4/4/2023
SCALE AS SHOWN
DESIGNED BY ELA
DRAWN BY ELA
CHECKED BY DDL

REZONING EXHIBIT

DANVILLE

DANVILLE VIRGINIA

SHEET NUMBER
V1

Plotted By:Scott, Justin Sheet Setting: Layout:LANDSCAPE April 07, 2023 01:23:12pm \\kimley-horn.com\ut_RICVMB_CIVIL\116773010 - Dollar Tree - Danville\CADD\Exhibits\Danville V1.dwg
This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

From: Todd Hall <THall@1stnatbk.com>
Sent: Friday, April 7, 2023 2:43 PM
To: Ric Bushey <drbushey@dynamiccommercial.com>; John Laramore <johnlaramore@icloud.com>
Cc: Mike Roach <miroach@dynamiccommercial.com>
Subject: RE: [External] RE: Letter for zoning

To Whom It May Concern,

First National Bank authorizes CDA Holdings, LLC c/o D Richard Bushey, Managing Member, to submit/file a zoning application with the City of Danville related to property the Bank owns located at 3300 North Main Street, Danville, VA.

Todd

FIRST NATIONAL BANK
EST. 1908

Aubrey H. Hall, III
"Todd"
President & Chief Executive Officer

(434) 369-3038 Office
(434) 944-4007 Mobile
622 Broad Street, P.O. Box 29
Altavista, VA 24517

toddhall@1stnatbk.com
www.1stnatbk.com

Click here to upload files through ShareFile

From: Ric Bushey <drbushey@dynamiccommercial.com>
Sent: Friday, April 7, 2023 2:38 PM
To: John Laramore <johnlaramore@icloud.com>; Todd Hall <THall@1stnatbk.com>
Cc: Mike Roach <miroach@dynamiccommercial.com>
Subject: [External] RE: Letter for zoning

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Todd,

If you can provide the permission to the party below it will match the signed application.

Thank you, Ric

CDA Holdings, LLC
c/o D Richard Bushey
Managing Member

Rezoning Narrative

For:
Danville Dollar Tree

Prepared By:

Kimley-Horn

4525 Main Street, Suite 1000

Virginia Beach, VA 23462

April 7, 2023

Kimley-Horn Project Number: 116773010

Table of Contents

Section I – Project Description 3

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Section IV – Compliance with Danville 2030 Comprehensive Plan 4

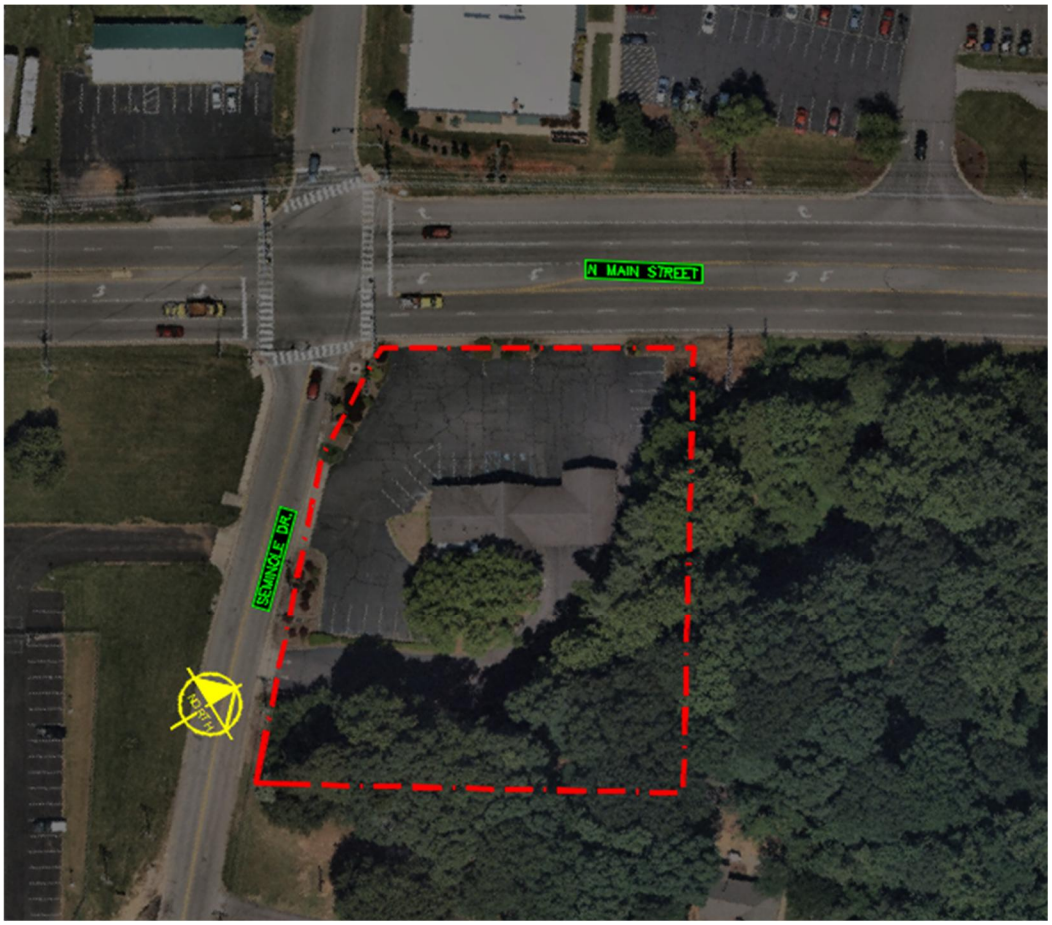
Section I – Project Description

The subject property is located at the intersection of North Main Street and Seminole Drive. The proposed project is the development of a 9,977 SF retail building at 3300 N Main Street, Danville, VA 24540. The total site acreage for this project is approximately ±1.25 acres. The parcel on N Main Street is currently zoned NC – Neighborhood Commercial. The proposed zoning to allow Dollar Tree to be classified as by-right is HR-C – Highway Retail Commercial. This application proposes the parcel at 3300 N Main Street to be rezoned from NC to HR-C. The rezoning application is requested to allow a commercial building that is larger than 3,000 SF on this parcel.

Section II – Existing Conditions

The parcel at 3300 N Main Street is approximately 1.25 acres zoned NC. The site was formerly a bank. The bank and its associated infrastructure is still existing today. In existing conditions, there are two access drives on each road. To the north of the parcel is a vacant forested parcel that is within the Pittsylvania County limits. The site to the west of the Dollar Tree parcel is a residential use.

Figure 1: Aerial



Section III – Proposed Conditions

The proposed project is a 9,977 SF Dollar Tree retail store and its associated parking lot infrastructure. 39 parking spaces are proposed to support the retail store.

Dollar Tree typical hours of operation are 9 AM - 9 PM Monday-Saturday and 10 AM - 8 PM on Sunday. Each store has approximately 15 total employees.

There are two access points proposed for this development. There is one access point proposed on Seminole Drive and one on N. Main Street. Both access points are in a similar location as the existing access locations for the bank.

There is currently a storm drainage conveyance system that carries public water through the site to its outfall on the eastern portion of this site. This similar drainage pattern will be maintained with the proposed condition.

Section IV – Compliance with Danville 2030 Comprehensive Plan

The site falls within the Comprehensive Plan's Planning Area 12: Franklin Turnpike. This area is characterized by a variety of residential neighborhoods centered around a strip of commercial development along N Main Street.

The goal of Planning Area 12 is to maintain a 40/60 ratio between residential and non-residential. The current ratio in this area is 63/32, which leaves significant room for commercial retail growth in this area.

Allowing the development of Dollar Tree along the commercial strip of Planning Area 12 not only aligns with the 2030 comprehensive plan's goals to increase non-residential developments, but also will help the local economy by providing jobs and affordable retail sales.

2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/17/2023

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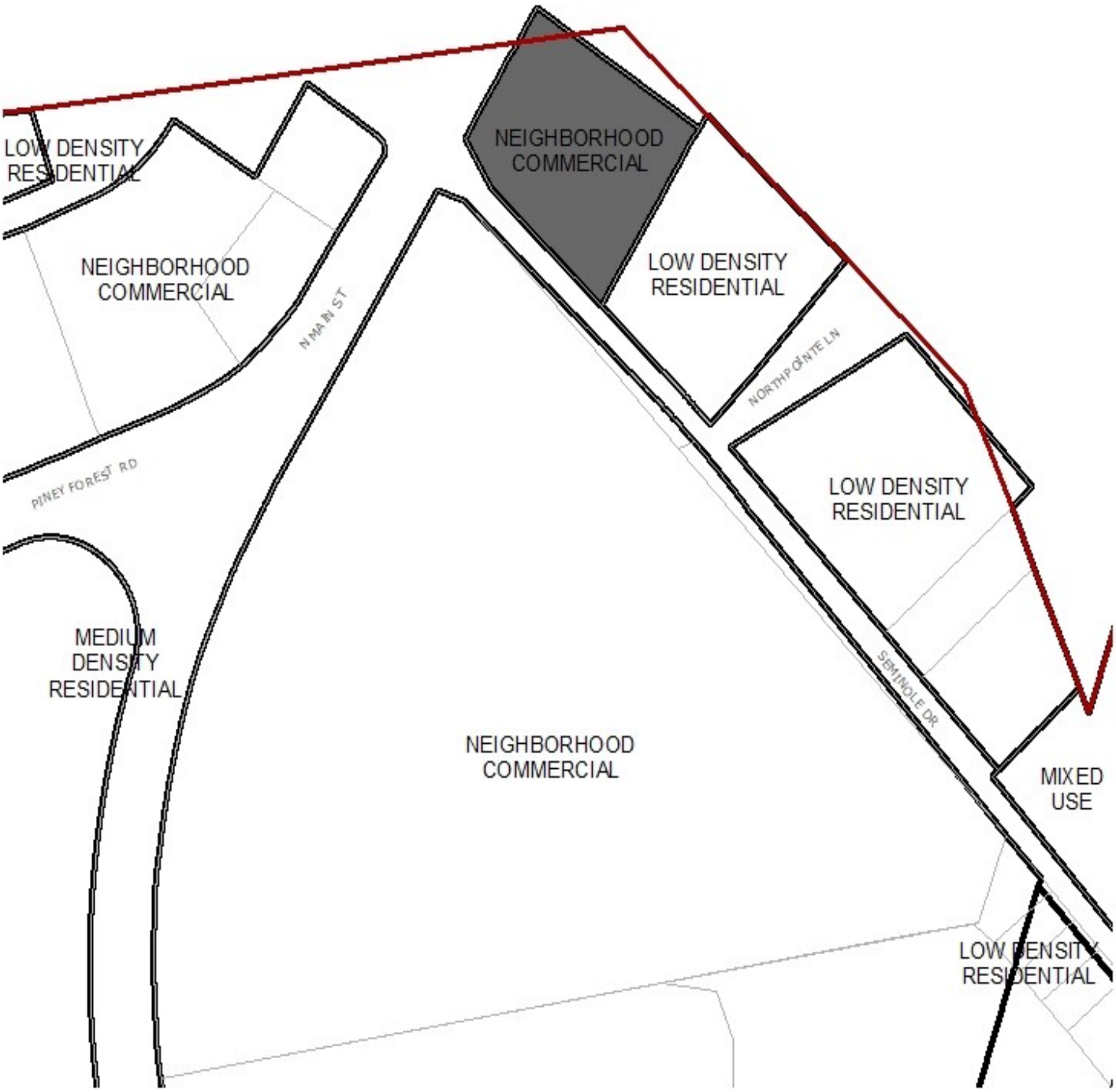

YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/17/2023

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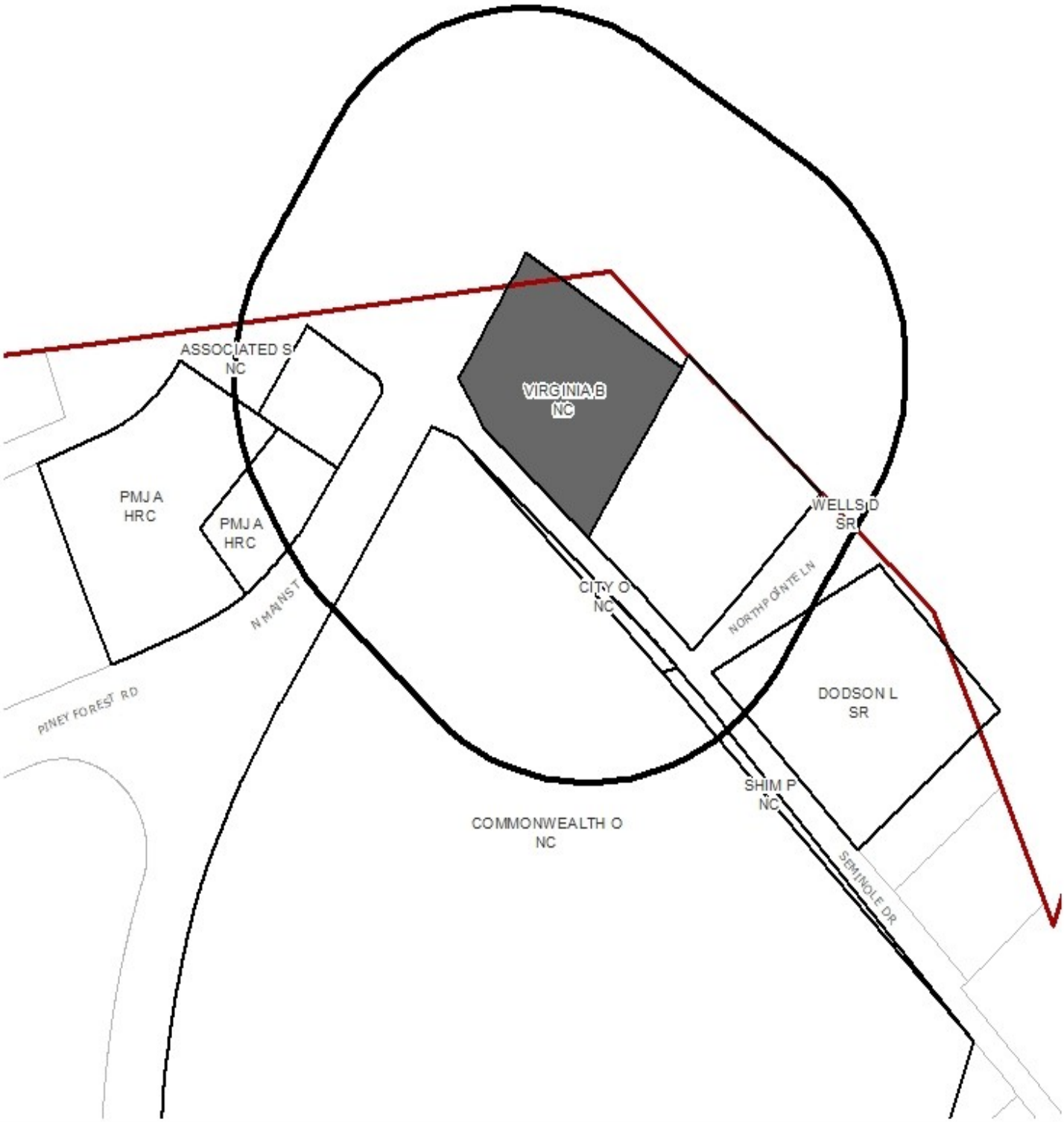

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/17/2023

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STAFF REPORT

DATE: May 8, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit Application PZ23-00106 filed by Acres of Virginia, Inc. on behalf of JCJ Holdings, LLC requesting special use permit at 821 Hughes Street (Parcel 25373) to allow a two (2) story duplex to be constructed according to Article 3.E.C of the Danville Zoning Ordinance.

SUMMARY

A vacant lot on Hughes Street, Parcel ID 25373, has remained vacant for decades. The applicant, JCJ Holdings, LLC owns the adjacent lot and would like to develop a two-story duplex at Parcel ID 25373. The proposed development is two (2) adjoining units of 2,2704 sf total and three (3) bedrooms each.

RECOMMENDATION

The proposed development involves new construction of two (2) adjoining units of 2,2704 sf total and three (3) bedrooms each. The proposed units are two (2) stories tall.

The 2030 Comprehensive Plan recognizes the residential character of this area and suggests that residential infill be similar in density and scale of surrounding neighborhoods. Planning staff believes that development of a two (2) unit duplex is compatible in character. However, we do not believe that a two (2) story unit is compatible in scale.

The Planning Division recommends that the Planning Commission approve Special Use Permit Application PZ23-00106 for City Council approval with the condition that the duplex be no greater in height than the average height of the structures located on the adjacent parcels to remain compatible with the character and scale of the surrounding neighborhood.

ATTACHMENTS

1. Application and supporting docs
2. 821 Hughes_AERIALS
3. 821 Hughes St_LANDUSE
4. 821 Hughes St_OWNERS

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00106 PC Meeting Date: May 8

Date Received: 4/11/23 Received By: willis

Parcel ID: 25373 Address: 821 Hughes St

Existing Zoning OT-R Future Land Use: OTR

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#):

817 & 827 Hughes Street, Danville, Va.24541 ID# 25373

Applicant: Acres Of Virginia, Inc. / Thomas C. Brooks, Sr. for JCJ Holdings, LLC / Jacob Strong

Applicant's Address: 404 Clay Street, Lynchburg VA, 24504

Applicant's Phone Number: 434-333-4692 & (ALT) 603-477-9724

Applicant's E-mail: Serca2@aol.com & (ALT) jacobstrong@gmail.com

Describe Proposed Request:

Requesting that special use permit be approved to allow two (2) story duplex to be constructed on lot 40 in this Old Town Residential district (OTR).

Thomas C. Brooks Sr.

Applicant Signature date

4-11-23

Property Owner Signature date
(if not applicant)

SITE PLAN FOR SPECIAL USE PERMIT
CITY OF DANVILLE, VIRGINIA

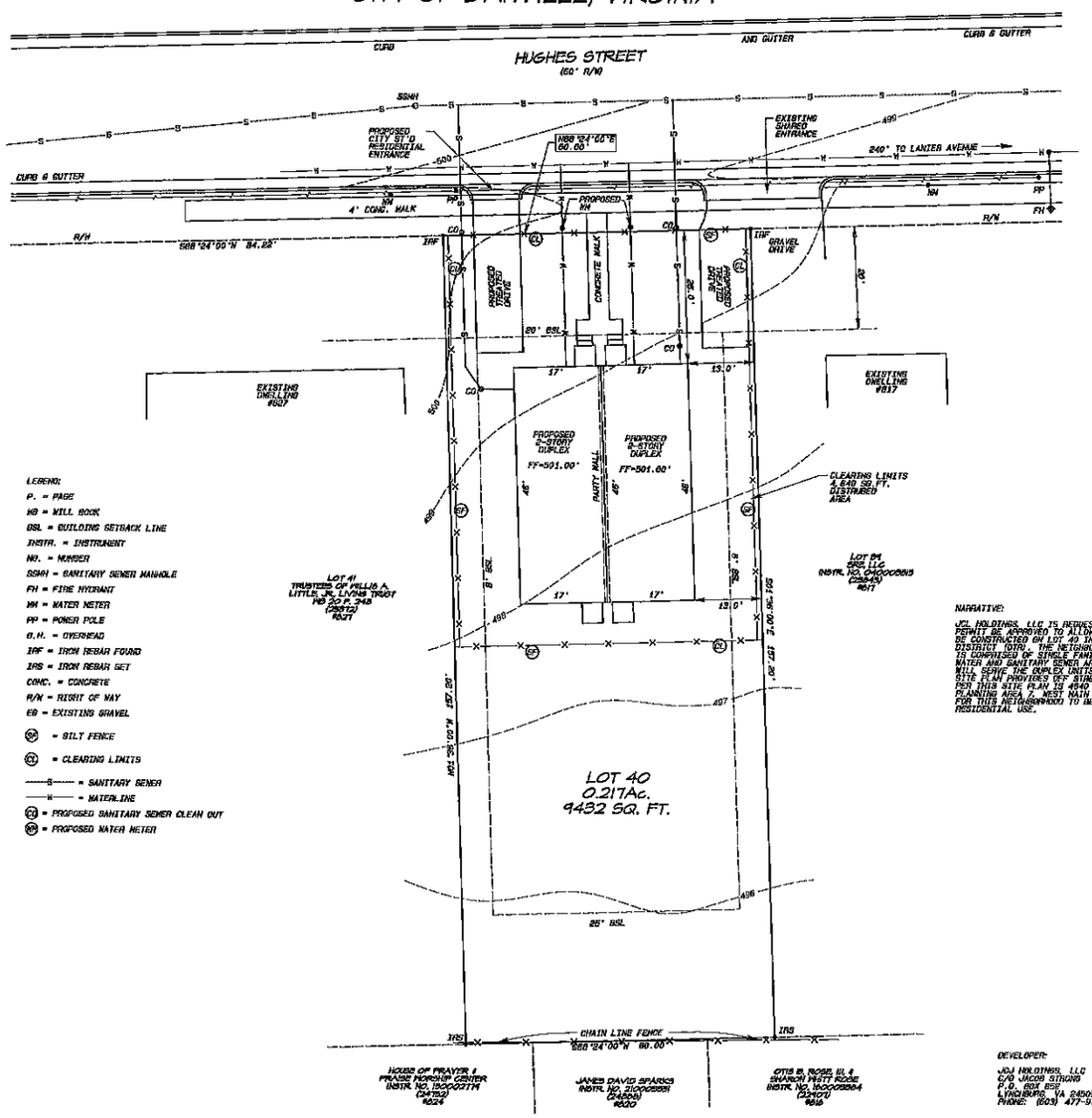
NOTES:

1. THIS SITE PLAN WAS PREPARED AT THE REQUEST OF J.C. HOLDINGS, LLC.
2. NO DETERMINATION OF WETLANDS WAS REQUESTED OF, AND WAS ANY DETERMINATION OTHERWISE MADE BY, ARMY OF CORPS OF ENGINEERS, OR HEALTH DEPARTMENT, WATER AUTHORITY, SEWERAGE AUTHORITY OR ANY OTHER GOVERNMENTAL AGENCY RELATIVE TO WETLANDS WITHIN OR AROUND THE BOUNDARIES OF THIS PROPERTY.
3. SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT SURVEYED OR EXAMINED OR CONSIDERED AS PART OF THIS SURVEY. NO EVIDENCE OF EXISTENCE OF MARK CONCERNING THE EXISTENCE OF UNDERGROUND OR ENVIRON CONDITIONS, CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
4. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE. NO ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THIS SITE PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES OR LIENS CLAIMS ON THIS PROPERTY. ALL ADJOINING OWNERS ARE NOW OR FORMER OWNERS.
5. THIS PROPERTY AS PLOTTED FALLS WITHIN THE FLOOD ZONE "AH" ACCORDING TO FLOOD MAP NO. 51141C0291D, DATED 9/28/2012 (REVISE DATE SEPTEMBER 28, 2012) AS ADOPTED BY THE CITY OF DANVILLE. THIS SURVEYOR IS NOT TO THE ACCURACY OF THE FLOOD INSURANCE RATE MAP.
6. IN PREPARING THIS SITE PLAN NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE, SIZE, DEPTH, CONDITION, CAPACITY OR LOCATION OF ANY UTILITY EXISTING ON THE SITE, WHETHER PRIVATE, MUNICIPAL, OR PUBLIC OWNED.
7. ANY BUILDINGS NOT LOCATED WITHIN THE BOUNDARIES OF THIS PROPERTY MAY BE THE PROPERTY OF THE COMMONWEALTH OF VIRGINIA. THIS SURVEYOR HAS MADE NO ATTEMPT TO DETERMINE LAND OWNERSHIP. THEREFORE THE AREA SHOWN IN THIS PLAT IS PLUS OR MINUS AND IS INCLUSIVE OF ANY BUILDINGS NOT LOCATED OTHERWISE NOTED.
8. IT IS UNLAWFUL TO DISTURB ANY GRAVE OR GRAVE MARKER ACCORDANCE, ANY GRAVE OR ANY PLACE OR PLACES THEREIN MARKING A PLACE OF BURIAL IDENTIFIED DURING THE SURVEY, PROPERTY RESEARCH OR PLAT PREPARATION OR AS PLOTTED ON THIS PLAT. CODE OF VIRGINIA, 1950, AND THIS SURVEYOR CONTINUALLY DISCLAIMS ANY RESPONSIBILITY, INCURRED OR OTHERWISE FOR THE DESTRUCTION, REMOVAL OR DISTURBANCE OF ANY GRAVES OR GRAVE MARKERS THAT MAY EXIST, WERE DETECTED OR SHOWN ON THIS PLAT AS WELL AS ANY GRAVES OR GRAVE MARKERS THAT HAVE BEEN SHOWN.
9. PRIOR TO THE IMPROVEMENT OR DISTURBANCE OF ANY LOT IN THE CITY IT MUST PROVIDED BY ENTITY THE PLACEMENT BEHAVIOR SHALL BE CONTACTED CONCERNING, BUT NOT LIMITED TO, THE CURRENT TOWING, SUTTLING METHODS REQUIREMENTS, WATER OR SEWER SYSTEM, HEALTH DEPARTMENT REQUIREMENTS, BMP(S) AND SEDIMENT CONTROL REQUIREMENTS, AND PRIVATE STREETS, PERMITS, ETC. STATE AND FEDERAL AGENCIES SHALL ALSO BE CONTACTED PRIOR TO ANY IMPROVEMENT OR DISTURBANCE TO ENSURE COMPLIANCE WITH ANY OTHER REQUIREMENTS. THIS SURVEYOR IS NOT RESPONSIBLE TO ENSURE COMPLIANCE WITH ANY OTHER REQUIREMENTS, BUT IS CONCERNED WITH THE CONTACT LANDOWNER THE DISTURBANCE OR IMPROVEMENT ON THE PROPERTY. THE AFOREMENTIONED TASKS ARE NOT THE RESPONSIBILITY OF BOARD OF VIRGINIA INC. OR THIS SURVEYOR (WE ARE SOLELY THE RESPONSIBILITY OF THE PROPERTY OWNER CONDUCTING THE IMPROVEMENT OR DISTURBANCE. WE WILL NOT BE HELD HARMLESS, OR LIABLE FOR ANY DAMAGES, FINES OR OTHER MONETARY/CIVIL/CRIMINAL PENALTIES RESULTING FROM NON-COMPLIANCE WITH LOCAL, STATE OR FEDERAL LAWS AND REGULATIONS.
10. THIS PROPERTY IS ZONED 401-R2 OLD TOWN RESIDENTIAL.
11. THIS PROPERTY WILL BE SERVED BY PUBLIC WATER PUBLIC SEWER SYSTEM & UNDERGROUND POWER.
12. SETBACK REQUIREMENTS
    FRONT YARD =20'
    SIDE YARD = 5'
    REAR YARD = 25'
13. THE TOTAL AREA OF LAND DISTURB FOR THIS PROJECT WILL BE 4640 SQUARE FOOTAGE.

CURRENT SOURCE OF TITLE:

THIS PROPERTY WAS CONVEYED TO THE TRUSTEES OF WILLIS A. LITTLE, JR. LIVING TRUST BY WILL RECORDED IN WILL BOOK 30 PAGE 248 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF CITY OF DANVILLE, VIRGINIA.

THIS PROPERTY WILL BE CONVEYED TO JC HOLDINGS, LLC BY DEED DATED _____ FROM RECORDED BY INSTRUMENT NO. _____ IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF DANVILLE, VIRGINIA.



LEGEND:

P. = PAGE
WB = WILL BOOK
BSL = BUILDING SETBACK LINE
INSTR. = INSTRUMENT
NO. = NUMBER
SSMH = SANITARY SEWER MANHOLE
FH = FIRE HYDRANT
WM = WATER METER
PP = POWER POLE
O.H. = OVERHEAD
IRF = IRON REBAR FOUND
IRS = IRON REBAR SET
CONC. = CONCRETE
R/W = RIGHT OF WAY
EG = EXISTING GRAVEL
SF = SILT FENCE
CL = CLEARING LIMITS
—S— = SANITARY SEWER
—W— = WATERLINE
CO = PROPOSED SANITARY SEWER CLEAN OUT
WM = PROPOSED WATER METER

NARRATIVE:

JCL HOLDINGS, LLC IS REQUESTING THAT A SPECIAL USE PERMIT BE APPROVED TO ALLOW A TWO (2) STORY DUPLEX TO BE CONSTRUCTED ON LOT 40 IN THIS OLD TOWN RESIDENTIAL DISTRICT (OTR). THE NEIGHBORHOOD SURROUNDING THIS SITE IS COMPRISED OF SINGLE FAMILY AND MULTI-FAMILY USE. CITY WATER AND SANITARY SEWER ARE AVAILABLE TO THIS LOT AND WILL SERVE THE DUPLEX UNITS. THE PROPOSED DUPLEX UNIT SITE PLAN PROVIDES OFF STREET PARKING. THE LAND DISTURBED PER THIS SITE PLAN IS 4640 SQUARE FEET. THE COMPREHENSIVE PLANNING AREA WEST MAIN STREET SHOWS THE FUTURE USE FOR THIS NEIGHBORHOOD TO BE COMPRISED OF MEDIUM DENSITY RESIDENTIAL USE.

DEVELOPER:

JCL HOLDINGS, LLC
C/O JACOB STRONG
P.O. BOX 859
LYNCHBURG, VA 24505
PHONE: (803) 477-5724

COMMONWEALTH OF VIRGINIA
THOMAS C. BROOKS SR.
Lic. No. 2048
01/19/23
LAND SURVEYOR

REVISION	DATE
1	
2	
3	
4	
5	

ACORRS OF VIRGINIA, INC.
SURVEYORS, PROJECT MANAGERS
ENVIRONMENTAL, CIVIL, CONSULTANTS, GEOTECHNICAL
EMAIL: SURVEYOR@ACORRS.COM
WEBSITE: WWW.ACORRS.COM
OFFICE: (434) 528-4374
FAX (434) 845-1048
424 CLAY STREET
LYNCHBURG, VA. 24504

COMM. NO.: 220531
DATE: JANUARY 25, 2023
SURVEYED: N/A
DRAWN: N/A
PLAN SCALE: 1" = 10'
PARCEL #28373
DEPICTION OF PROPERTY LOCATED IN: CITY OF DANVILLE, VIRGINIA, INC.

SITE PLAN SHOWING PROPOSED DUPLEX LOT 40
MAP OF SUBDIVISION NO. 7 FOR DAN RIVER HILLS, INC.

PROPERTY OF
JCL HOLDINGS, LLC
CITY OF DANVILLE VIRGINIA

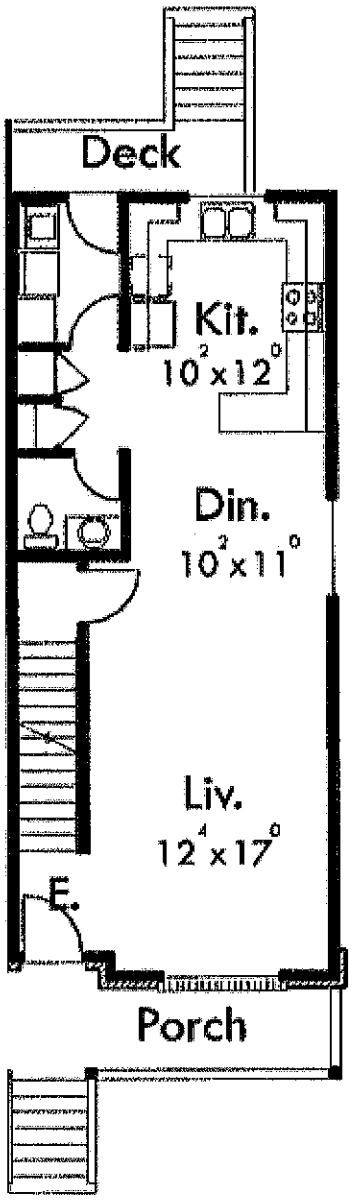
DRAWING
SITE PLAN
S-1

FULL SPECS & FEATURES

Basic Features	Bedrooms : 3 Stories: 2	Baths : 1.5 Garages: 0
Dimension	Depth : 46'	Width : 34'
Area	Total : 2704 sq/ft Garage : 692 sq/ft Upper Floor : 1320 sq/ft ** Total Square Footage typically only includes conditioned space and does not include garages, porches, bonus rooms, or decks.*	Main Floor : 1384 sq/ft

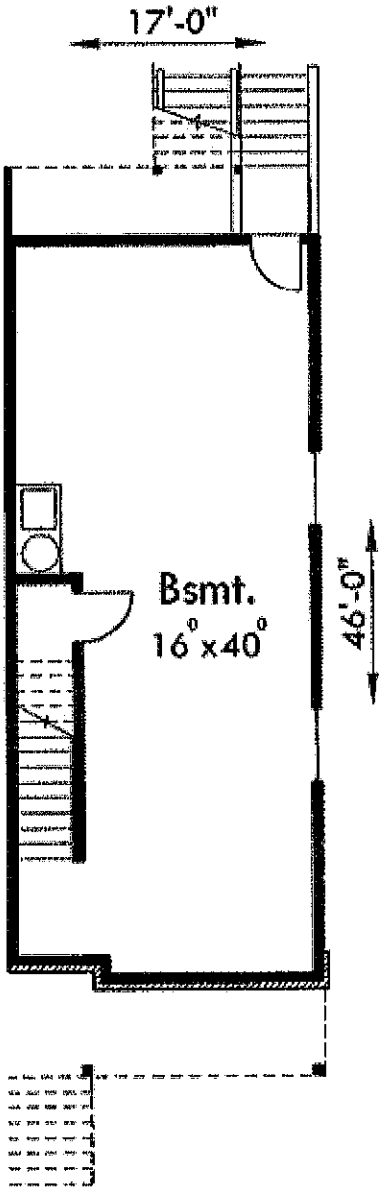
Floor Plan - Main Floor

Reverse



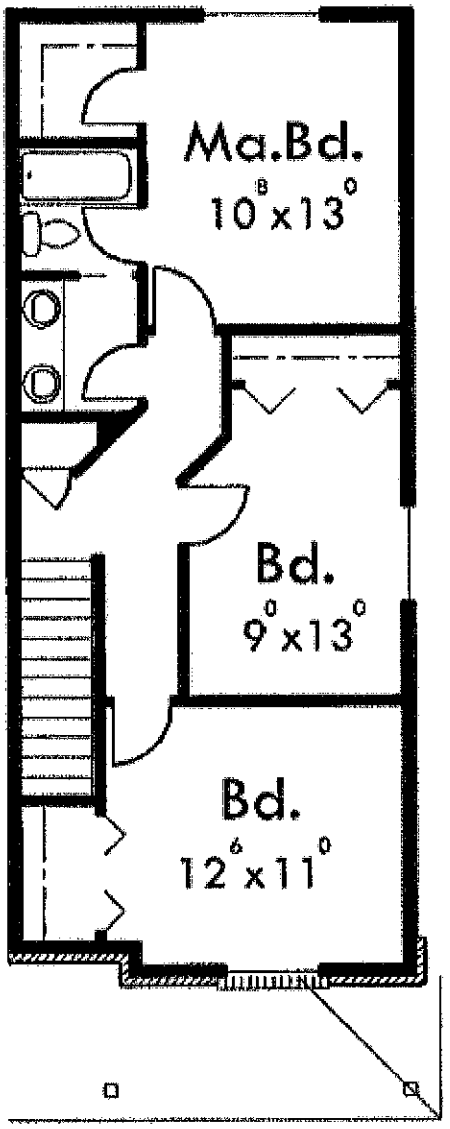
Floor Plan - Lower Floor

Reverse



Floor Plan - Upper Floor

Reverse



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/17/2023

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

YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/17/2023

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

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/17/2023

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STAFF REPORT

DATE: May 8, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Special Use Permit Application PZ23-00107 filed by Henry Leggett Jr. requesting special use permit on Baldwin Street (Parcel 25373) to allow two duplexes to be constructed on newly subdivided lot according to Article 3.E.C of the Danville Zoning Ordinance.

SUMMARY

Parcel 60569 located on Baldwin Street is zoned OT-R, Old Town Residential. The applicant has received approval to subdivide the lot into two (2) lots and has submitted a Special Use Permit request to construct a duplex on each lot. The proposed duplexes will be a single story with abutting rear walls, giving each unit an individual front porch and driveway access.

The applicant owns several properties on Baldwin Street that he purchased in disrepair, remodeled and manages as rental property.

RECOMMENDATION

The 2030 Comprehensive Plan recognizes the residential character of this area and suggests that it is maintained. Planning staff believes that development of two (2) duplex units meets that criterion.

Baldwin Street is a narrow street off of Westover Drive that is developed with single family dwellings. Each home has at least one driveway and the traffic is minimal. Construction of the proposed duplex units will add four (4) new families to the community and is an attractive and compatible infill to the existing neighborhood.

The Planning Division recommends that the Planning Commission approve Rezoning Application PZ23-00107 for City Council approval.

ATTACHMENTS

1. Application Baldwin St
2. Baldwin Subdivision Plat
3. Baldwin proposal
4. Baldwin_AERIALS

5. Baldwin_LANDUSE
6. Baldwin St_OWNERS

SUP
PZ23-00107

City of Danville

CITY PLANNING COMMISSION

REZONING APPLICATION

1. An application for rezoning shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee as established by the City Council.
2. The application shall include the following information:
   a. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
   b. A written statement of proposed project compatibility with the following:
      1. The Comprehensive Plan.
      2. The applicable zoning district.
      3. The surrounding properties.
      4. Current and future neighborhood conditions.
      5. Pedestrian and vehicular traffic patterns, on-site and off-site.
      6. Adequate public facilities.
   c. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
      1. The architectural elevations and floor plans of proposed building(s).
      2. Traffic impact analysis.
      3. Fiscal impact analysis.
      4. Parking and site circulation analysis.
      5. Photographs of property and surrounding area.
      6. Environmental impact statement.
      7. A preliminary site plan in accordance with the Site Plan Regulations.

PLANNING DIVISION PROVIDED INFORMATION

Application #: PC Meeting Date:

Date Received: Received By:

Parcel ID: Zoning District:

Existing Zoning: Proposed Zoning:

APPLICANT PROVIDED INFORMATION

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

Property Address: Baldwin St. Parcel #60569 Gross Area/Net Area: _____

Property Location:	N☐ S☐ E☐ W☐ Side of	

Center

Between:	and:

Proffered Conditions (if any, please attach):

1 Lot, split in to 2 lots, zoned for 2 duplex units and approval to do so

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

Name: Telephone: Henry A. Leggett Jr. 434-334-4887

Mailing Address: 333 Bromley Rd. Danville, VA 24541

Email Address: henry.leggett@yahoo.com

APPLICANT (PLEASE TYPE OR PRINT):

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

Name: Telephone: Henry A. Leggett Jr. 434-334-4887

Mailing Address: 333 Bromley Rd. Danville, VA 24541

Email Address: henry.leggett@yahoo.com

Applicant Signature	date	Property Owner Signature (if not applicant)	date
Henry A. Leggett Jr.	4/3/23		

KNOW ALL MEN BY THESE PRESENTS TO WIT:

THAT HENRY A. LEGGETT, JR. IS THE OWNER OF PARCEL ID #60569 AS SHOWN HEREON BEING THE PROPERTY CONVEYED TO SAID OWNER BY DEED RECORDED IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF CITY OF DANVILLE VIRGINIA IN DEED BOOK 21 PAGE 2616.

THE SAID OWNER HEREBY CERTIFIES THAT THEY HAVE RESUBDIVIDED THE PROPERTIES OF THEIR OWN FREE WILL AND CONSENT AS REQUIRED BY SECTIONS 15.2-2240 THRU 15.2-2279 OF THE 1950 CODE OF VIRGINIA AS AMENDED TO DATE AND THE CITY OF DANVILLE SUBDIVISION ORDINANCE AS AMENDED TO DATE.

WITNESS THE SIGNATURES AND SEALS OF SAID OWNERS:

HENRY A. LEGGETT, JR. – OWNER
DEED BOOK 21 PAGE 2616 DATE

STATE OF VIRGINIA

_____ OF _____ TO WIT:

I _____, A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE DO HEREBY CERTIFY THAT HENRY A. LEGGETT JR. WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAVE PERSONALLY APPEARED BEFORE ME AND ACKNOWLEDGED THE SAME IN MY AFORESAID JURISDICTION ON THIS _____ DAY OF ____ 2023.

MY COMMISSION EXPIRES:

NOTARY PUBLIC DATE & SEAL

REGISTRATION #– _____

NOTES:

THIS PLAT REPRESENTS A CURRENT FIELD SURVEY BY MATHEW ALAN CLEMONS.

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

THIS PROPERTY IS NOT LOCATED WITHIN A F.E.M.A. DEFINED FLOOD HAZARD ZONE AS OF 9-29-2010. SEE COMMUNITY PANELS #51143C0529 C.

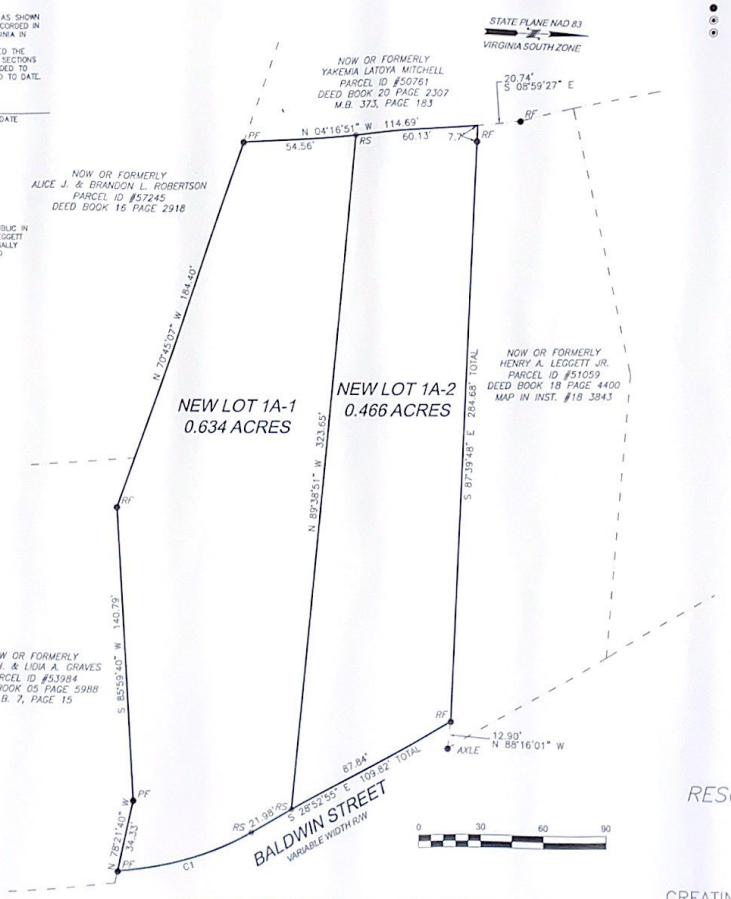
THIS PLAT IS SUBJECT TO ANY EASEMENTS, AGREEMENTS OR RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS PLAT, WHICH WERE NOT VISIBLE AT THE TIME OF MY INSPECTION.

CITY APPROVAL:

I CERTIFY THAT THE PLATTING AND SUBDIVISION ARE IN ACCORDANCE WITH THE SUBDIVISION ORDINANCE AND HEREBY APPROVED IN ACCORDANCE WITH SECTION 35.5-6 OF THE CODE OF THE CITY OF DANVILLE 1986, AS AMENDED. THIS PLAT MAY BE SUBMITTED FOR RECORDING.

CITY ENGINEER

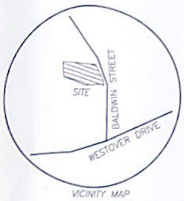
ZONING ADMINISTRATOR



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	158.23'	67.81'	67.29'	S 16°36'47" E	24°33'12"

LEGEND

- PF PIPE FOUND
- RF ROD FOUND
- RS ROD SET



VICINITY MAP
NOT TO SCALE

SURVEYOR'S CERTIFICATE

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

3-8-23

ALAN CLEMONS L.S. #002823 DATE

COMMONWEALTH OF VIRGINIA
ALAN CLEMONS
Lic. No. 002823
MARCH 08, 2023
LAND SURVEYOR

RESUBDIVISION SURVEY PLAT FOR
HENRY A. LEGGETT, JR.
RESUBDIVIDING LOT 1A OF
PLAT FOR RENA MAE GREENE
INSTRUMENT #18 3843
CREATING HEREON LOT 1A–1 (0.634 ACRES)
AND LOT 1A–2 (0.466 ACRES)
CITY OF DANVILLE, VIRGINIA
DATE: MARCH 08, 2023
SCALE : 1"=30'

ALAN CLEMONS – LOCATION AND DESIGN, INC.
4161 NORTHFORK ROAD, MARTINSVILLE, VA 24112
(276) 732-6298

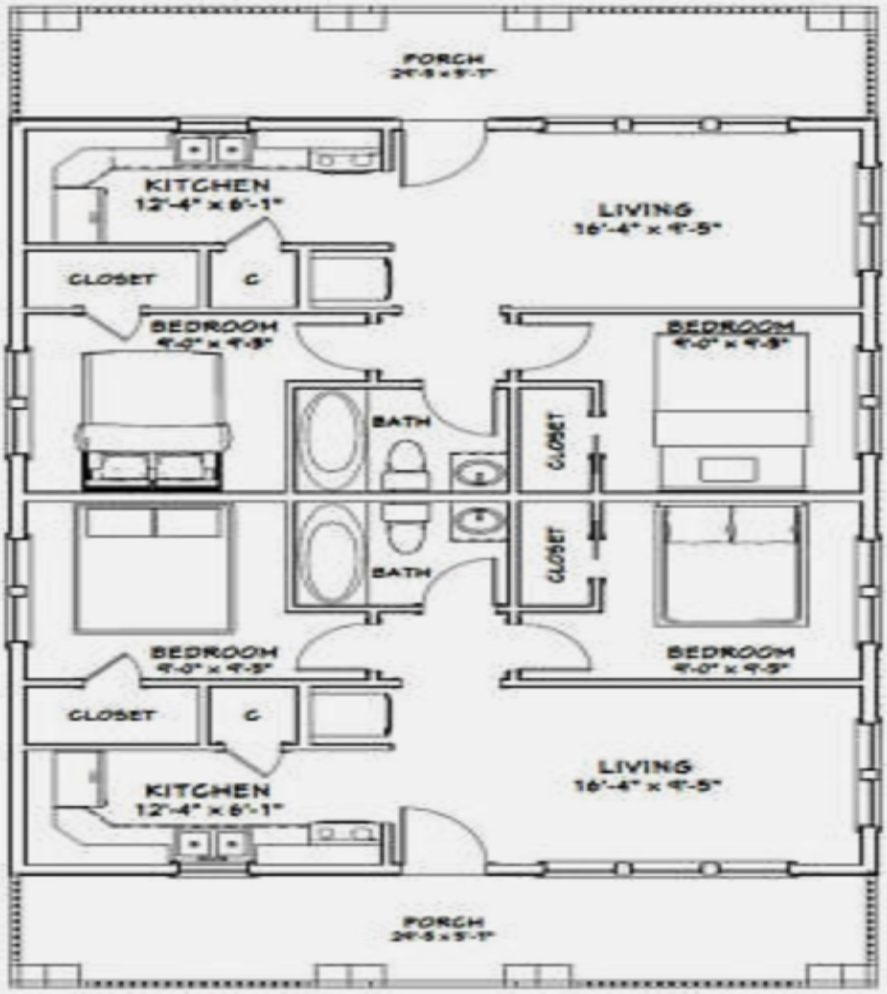
CURRENT OWNER:
HENRY A. LEGGETT JR.
PARCEL ID #60569
DEED BOOK 21, PAGE 2616

FILE: #23031

9:29 LTE

AA ebay.com

Photos (5)



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/17/2023

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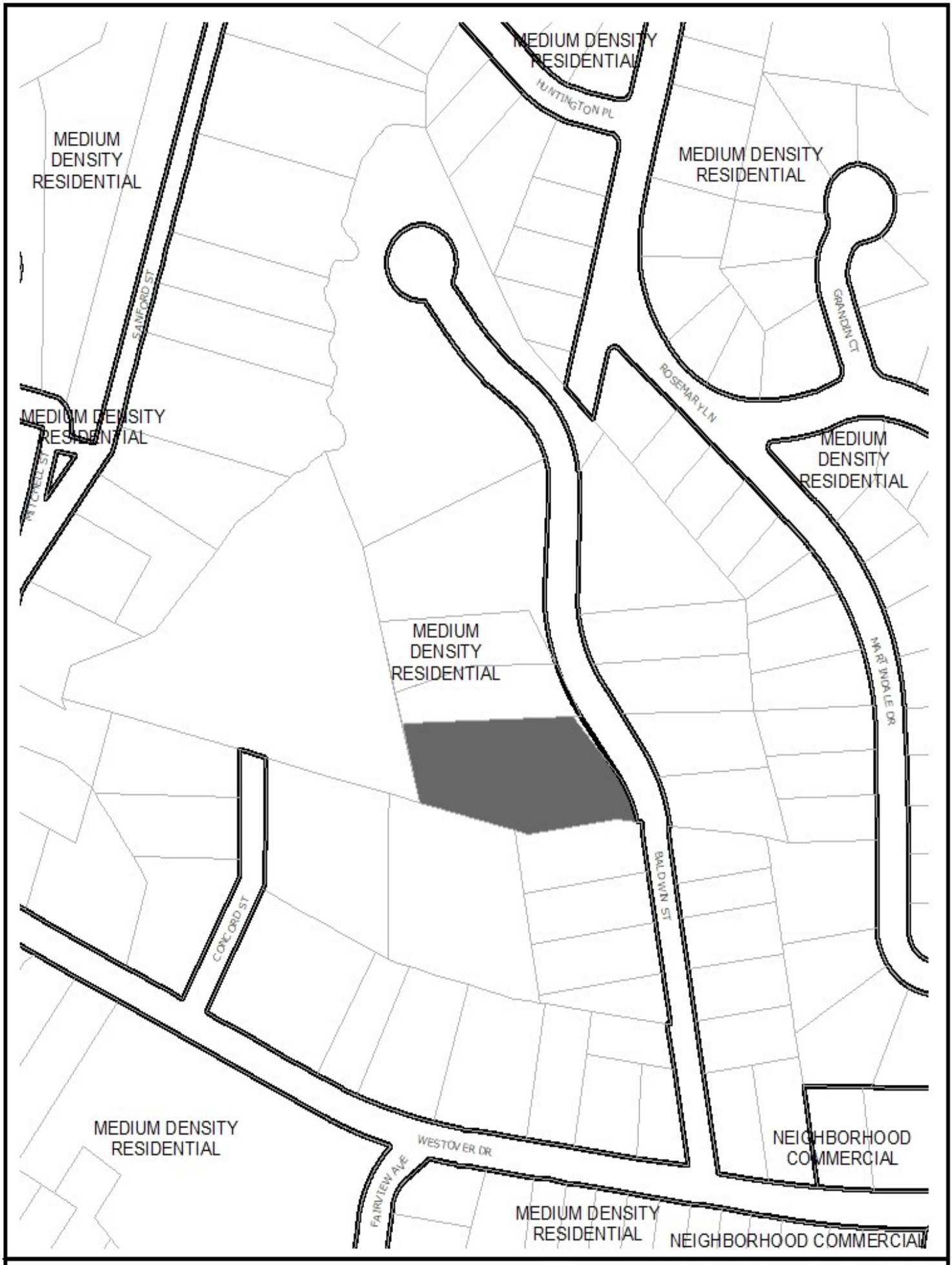

YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
4/17/2023

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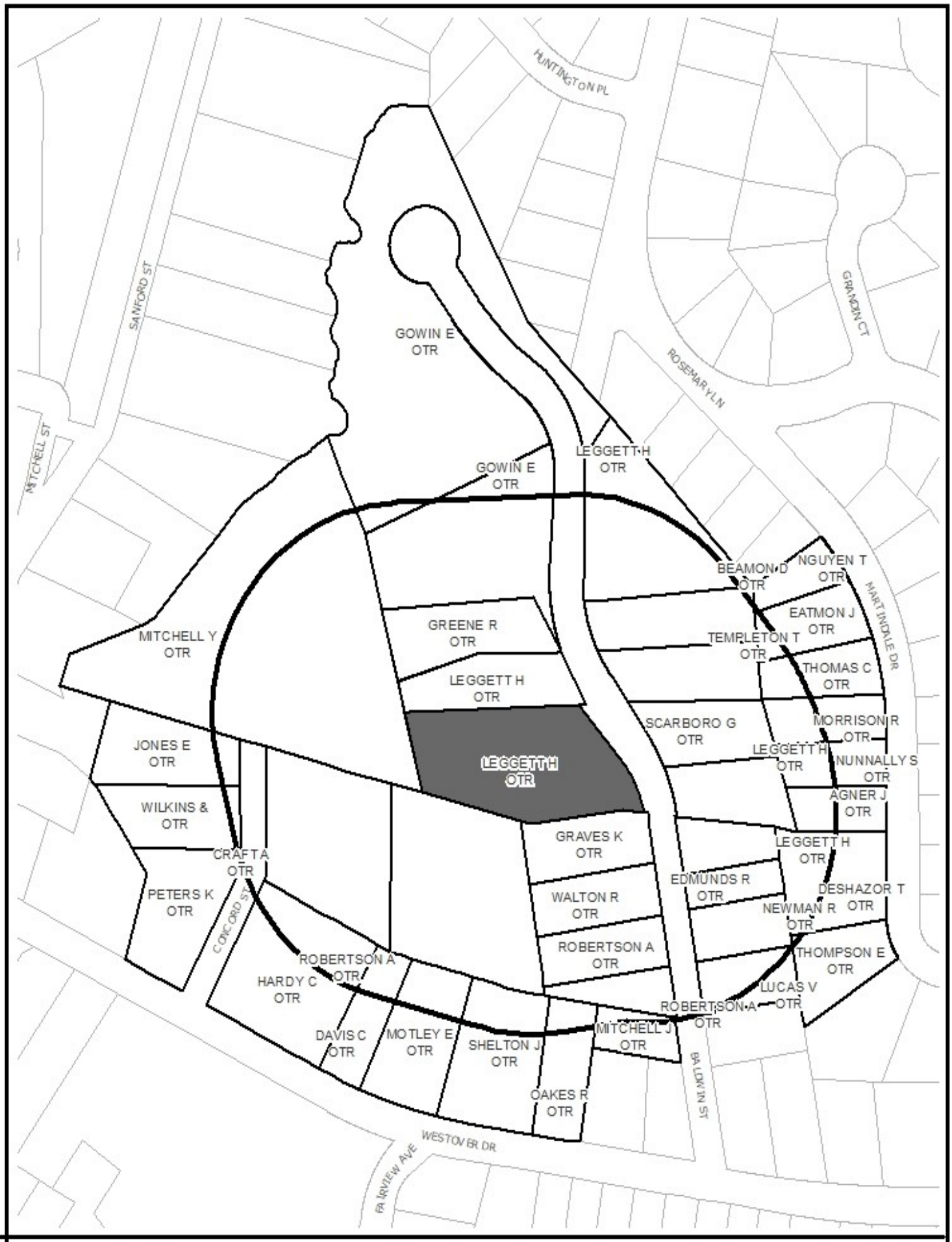

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
4/17/2023

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STAFF REPORT

DATE: May 8, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Code Amendment Request PZ23-00108 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 2 Section AA titled “Campgrounds”.

Article 2 Section AA entitled “Campgrounds” was created in 2022. The updates were designed to utilize the existing definition of “campground” to be consistent with state law and establish special use criteria for the SR-R Sandy River Residential and T-R Threshold Residential zoning districts.

The new updates will address the restriction of on-site amenities and outdoor entertainment. Campgrounds are only allowed by Special Use Permit in the SR-R, Sandy River Residential and T-R, Threshold Residential Zoning Classifications. The proposed restrictions will help ensure a harmonious coexistence with their nearby communities by limiting traffic and reducing noise concerns.

Adding language to Article 2 Section AA Item 6 restricts the accessibility of onsite amenities to only registered guests of the campground. Adding this restriction ensures that amenities such as pools and restaurants cannot be utilized by the general public. Operation of commercial entities such as these are not allowed within the SR-R and T-R zoning classifications and these campground amenities should not be accessible to the public.

Outdoor entertainment could negatively impact the surrounding neighborhood by introducing noise pollution to an otherwise quiet area, and the proposed updates to the code will prevent this from occurring. Creation of Article 2. Section AA Item 8 restricts outdoor entertainment to current registered guests and states that it must be in compliance with the City of Danville's Noise Ordinance.

Staff recommends Code amendments as presented in Exhibit A (see attached).

ATTACHMENTS

1. Exhibit A

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

City Planning Commission

STAFF REPORT

DATE: May 8, 2023

TO: Planning Commission

FROM: Renee Burton, Planning Division Director

RE: PZ23-00108: Exhibit A

Proposed additions to Article 2 Section AA are noted in red, deletions are noted in a double strike through.

Article 2 General Regulations

AA. - Campgrounds.

1. Campgrounds must comply with all rules and regulations governing them in the Virginia Administrative Code, Title 12, Health, Agency 5, Department of Health, Chapter 450.

2. Campgrounds are permissible by Special Use Permit in the "SR-R, Sandy River Residential (Single Family Residential District)" and "T-R, Threshold Residential District" zoning districts

3. The minimum campground size is 30 acres.

4. If a campground rents sites to users without self-contained camping units, then it must provide toilets, lavatories, and showers according to the schedule in Virginia Administrative Code 12VAC5-450-100, Sanitary facilities.

5. All buildings and camping units within the campground must be setback 40' from all property lines.

6. On-Site Amenities. Accessory on-site amenities including pools, clubhouses (without or without a restaurant), picnic areas, fields, and playgrounds must be provided to guests at a minimum of two hundred (200) square feet per camping unit. Required landscaping, setbacks, and stormwater management features are not included in on-site amenities. All on-site amenities must be limited to current registered guests of the campground facilities.

7. Access. Campground entrances and all internal roads must accommodate movements by the largest design vehicle type the campground serves. Additionally, the route from the closest City collector street to the campground site must accommodate turning movements by the largest design vehicle type the campground serves. The most current AASHTO Green Book design vehicle types must be used to analyze access.

8. Outdoor Entertainment. Outdoor entertainment must be limited to current registered guests of the campground facility. Outdoor entertainment must be in compliance with Article 23.1 of the City Code titled "Noise".

STAFF REPORT

DATE: May 8, 2023

TO: Planning Commission

FROM: Renee Burton, Division Director of Planning

RE: Code Amendment Request PZ23-00109 to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, create Article 3.X titled “West Main Street Corridor Overlay”.

SUMMARY

The intent of the West Main Street Corridor Overlay is to provide regulated growth along one of the major arterial routs as the area develops and expands its amenities to the citizens of the City of Danville and its visitors. The West Main Street Corridor Overlay (WMCO) stretches from the North Carolina/Virginia border along West Main Street, north to its termination at the intersection of Rison Street to the east and Broad Street to the west. The Corridor includes each property along West Main Street with at least one property line adjacent to West Main Street.

The area along the West Main Street corridor has seen development and construction in the recent past, and is anticipated to receive more construction from the development of a Schoolfield Historic District in 2020 to the construction and grand opening of the Caesars Resort in 2024. The area is transforming into an area of new growth while maintaining pride and respect for its past.

RECOMMENDATION

The ensure growth continues in a suitable and effective manner, the City of Danville’s Department of Economic Development contracted with WRT to complete a Schoolfield Master Plan. The Schoolfield Master Plan lays out conceptual development plans for the West Main Street corridor and discusses goals and objectives to create a thriving area for the citizens of Danville and its guests. One objective of the Plan is to create a zoning overlay district to provide additional guidance for development, use types and aesthetics.

Planning staff recommends the creation of Article 3.X West Main Street Corridor Overlay to address this objective. The West Main Street Corridor Overlay (WMCO) encompasses all properties from the North Carolina/Virginia border along West Main Street, north to its termination at the intersection of West Main and Rison Street to the east and Broad Street to the west. The Corridor includes each property along West Main Street with at least one

property line adjacent to West Main Street.

Exhibit A details staff's proposal for sections and regulations. Not all sections are complete at this time. Completion of these sections will be presented in the near future and will require approval from City Council.

ATTACHMENTS

1. WMCO Regulations
2. WMCO Map

West Main Street Corridor Overlay

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

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

A. Open Space
   1. New commercial or multi-family development shall have a minimum of 15% open space. This may include storm water management.
B. Parking Regulations
   1. A minimum of 50% of parking must be located behind the principal structure.
   2. Shared parking with adjacent uses is encouraged.
   3. Shared points of ingress/egress from the public street are encouraged.
C. Additional Regulations
   1. Short Term Rentals (accessory or principal use) require a Special Use Permit.
   2. Mixed Use Development with residential use on the upper level(s) and commercial use on the street level is allowed by Special Use Permit in HR-C zoning district.
D. Sign Regulations

   RESERVED

E. Landscape Regulations
   1. All private areas not covered with building or surface treatment shall be landscaped with plantings, grass, pedestrian walks, or similar features. Landscaping and Screening shall be maintained in good condition.
F. Design Standards

   RESERVED

G. Streetscape

   RESERVED

H. Prohibited Uses
   a. Adult Entertainment Establishments
   b. Annuity Buying Services
   c. Automobile Sales Lots
   d. Bail Bondsmen
   e. Body Art Establishments
   f. Check Cashing Establishments
   g. Fortune Tellers
   h. Herbal Wellness Shops
   i. Junkyards
   j. Massage Parlors
   k. Motor Vehicle Title Loan Establishments
   l. Pawn Shops
   m. Payday Loan Establishments

n. Precious Metals Dealers
o. Second Hand Shops
p. Sporting Goods Stores
q. Tanning Facilities
r. Title Loan Establishments
s. Vape Shops

Definitions

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

1. Adult Bookstore. An establishment having most of its merchandise stock in trade books, magazines, publications, media, films, objects, or other similar items with an emphasis on matter depicting, describing, or relating to sexual activities or genitalia.

2. Adult Cabaret. Either:

A. An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or nudity; or

B. A cabaret that features nude, topless, or bottomless dancers, go-go dancers, strippers, burlesque or drag performers, or similar entertainers for observation by patrons.

3. Adult theater. An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or genitalia.

4. Skill Game Parlor. A business that hosts any skill game available for play by the public.

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

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

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

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

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

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

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

1. Does not hold itself out to be a check cashing service;

2. Is principally engaged in the bona fide retail sale of goods or services;

3. Either as an incident to or independently of such a retail sale from time to time cashes checks, drafts, or money orders; and

4. Charges a fee or other consideration for the service that does not exceed the greater of two dollars ($2) or two percent (2%) of the amount of the item.

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

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

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

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

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

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

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

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

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

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

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

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

1. Purchases of precious metals or gems directly from other dealers, manufacturers, or wholesalers for retail or wholesale inventories.

2. Purchases of precious metals or gems from a duly qualified fiduciary who is disposing of the assets of the estate being administered by such fiduciary in the administration of an estate.

3. Acceptance by a retail merchant of trade-in merchandise previously sold by such retail merchant to the person presenting that merchandise for trade-in.

4. Repairing, restoring, or designing jewelry by a retail merchant if such activities are within his normal course of business.

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

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

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

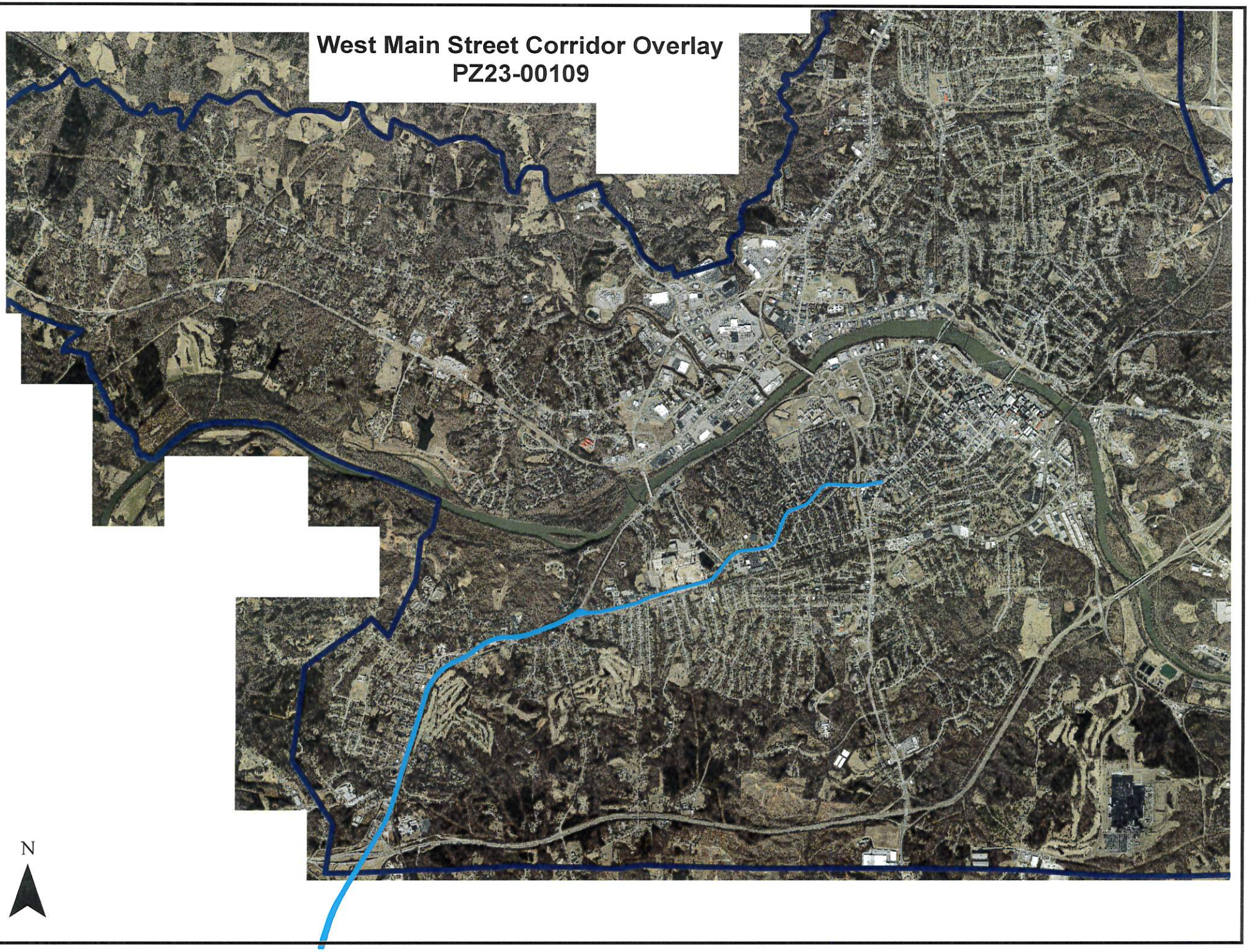
Skill Game. The same as the word is defined in Chapter 16 of the Code of the City of Danville, Virginia.

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

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

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

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

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

West Main Street Corridor Overlay
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