



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

October 5, 2023

7:00 PM

REVISED

PRESIDING: Alonzo L. Jones, Mayor

**CITY COUNCIL
MEMBERS:**

James B. Buckner
L.G. "Larry" Campbell, Jr.
Bryant Hood
Barry P. Mayo

Dr. Gary P. Miller, Vice Mayor
Sherman M. Saunders
J. Lee Vogler, Jr.,
Madison J. Whittle

STAFF:

Ken F. Larking, City Manager
Earl B. Reynolds, Jr., Deputy City Manager

W. Clarke Whitfield, Jr., City Attorney
Susan M. DeMasi, City Clerk

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

Time and Place of Meeting

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

Communications from Visitors

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

Guidelines for Public Hearings

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

been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - VICE MAYOR GARY P. MILLER

PLEDGE OF ALLEGIANCE TO THE FLAG

CONSENT AGENDA

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

PUBLIC HEARING

- A. Consideration of Approval of Minutes from Regular Council Meeting held on September 5, 2023.
Council Letter Number CL - 885.

Consideration of Approval of Minutes from Regular Council Meeting held on September 5, 2023.

- B. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Federal and State Aviation Capital Funding.
Council Letter Number CL - 806.

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for Federal and State Aviation Capital Grant Funding to Complete the Rehabilitation of the South Ramp at the Danville Regional Airport Plus Additional State Aviation Funding Related to the Replacement of the Terminal Building Roof in the Amount of \$3,753,439 and for the Local Share in the Amount of \$116,939 to be Provided by a Transfer from the General Fund Support of Special Grants Fund and Appropriating the Same.

Final Adoption

- C. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Older Americans Act Grant Funding in the Amount of \$476,635.
Council Letter Number CL - 761.

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Increasing Certain Revenues to Provide for Title III-B Grant Funds and Local Share for Senior Citizen Transportation Services and Appropriating the Same.

Final Adoption

- D. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Airport Maintenance Program in the Amount of \$50,000.
Council Letter Number CL - 763.

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for State Department of Aviation Maintenance Grant Funds Related to the Maintenance of Certain Airport Properties in the Amount of \$40,000 and for the Local Share in the Amount of \$10,000 for a Total Appropriation of \$50,000 and Appropriating the Same.

Final Adoption

APPOINTMENTS

- A. Consideration of an Appointment to the Danville Community Policy and Management Team.
Council Letter Number CL - 888.
A Resolution Appointing Dawn Loving to the Danville Community Policy and Management Team as the 22nd District Court Services Unit Representative.
- B. Consideration of Appointments to the Local Community Criminal Justice Board.
Council Letter Number CL - 890.
A Resolution Confirming Appointments to the Community Criminal Justice Board.

NEW BUSINESS

- A. Consideration of Approval to Release Two Blanket Electric Easements on Parcel No. 1336-00-7267 on Cobbs Knobb Road in Pittsylvania County.
Council Letter Number CL - 805.
A Resolution Authorizing the Abandonment of Two Unused and Unneeded City Blanket Easements Across Property in Pittsylvania County.
- B. Consideration of Approval to Release Three Blanket Easements in Pittsylvania County.
Council Letter Number CL - 832.
A Resolution Authorizing the Abandonment of Three City Blanket Easements Across Property in Pittsylvania County.
- C. Consideration of Special Use Permit Application at 503 Holbrook Avenue (Parcel 21964) to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 852.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23-00254, filed by MADS Holbrook LLC, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 21964 (503 Holbrook Avenue) in Accordance with Article 3.E., Section C, Item 29.
- D. Consideration of a Special Use Permit Application at 121 Howeland Circle (Parcel 23422) to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 854.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00270, filed by Preferred Management Group on Behalf of Rebekah and Jonathan Rogerson, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 23422 (121 Howeland Circle) in Accordance with Article 3.E., Section C., Item 29.
- E. Consideration of a Special Use Permit Application at 113 Clarendon Circle (Parcel 25586) to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 855.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00269, filed by Martha Evans Ray, Requesting a Special Use Permit to Operate a Short-Term Rental at

Parcel ID 25586 (113 Clarendon Circle) in Accordance with Article 3.E., Section C., Item 29.

- F. Consideration of a Rezoning Application to Rezone Two Winstead Drive (Parcel 51165) from HR-C Highway Retail Commercial to OT-R Old Town Residential.
Council Letter Number CL - 856.
1. Public Hearing
 2. An Ordinance Rezoning from HR-C, Highway Retail Commercial to OT-R, Old Town Residential Parcel ID #51165 (2 Winstead Drive).
- G. Consideration of a Special Use Permit Application filed by Jeremiah Clark, Requesting a Special Use Permit at Two Winstead Drive (Parcel 51165) to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 857.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00273, filed by Jeremiah Clark, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 51165 (2 Winstead Drive) in Accordance with Article 3.E., Section C., Item 29.
- H. Consideration of a Rezoning Application filed by Jeremiah Clark to Rezone 2520 West Main Street (Parcel 54430) from HR-C Highway Retail Commercial to OT-R Old Town Residential.
Council Letter Number CL - 858.
1. Public Hearing
 2. A Resolution Maintaining Parcel ID 54430 (2520 West Main Street) in the HR-C Highway Retail Commercial Zoning District.
- I. Consideration of a Special Use Permit Application filed by Jeremiah Clark, Requesting a Special Use Permit at 2520 West Main Street (Parcel 54430) to Allow Short Term Rental, as Principal Use.
Council Letter Number CL - 859.
1. Public Hearing
 2. A Resolution Denying Special Use Permit Application PZ23- 00275, filed by Jeremiah Clark, Requesting a Special Use Permit to Operate a Short-Term Rental as Principal Use in Accordance with Article 3.E, Section C., Item 29. of the Danville Zoning Ordinance at 2520 West Main Street (Parcel ID #54430).
- J. Consideration of a Special Use Permit Application filed by Seth Francis on behalf of SOVAH Health, Requesting a Special Use Permit at 142 South Main Street (Parcel 26338).
Council Letter Number CL - 860.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00291, filed by Seth Francis on Behalf of Sovah Health, Requesting a Special Use Permit to Allow a Waiver of Minimum Yard Setbacks at Parcel ID 25586 (142 South Main Street) in Accordance with Article 3.I. Section C Item 19.
- K. Consideration of a Rezoning Application filed by PDJ Development, LLC to Rezone Parcel 75912 from LED-I Industrial District to M-R Multifamily Residential District.

Council Letter Number CL - 861.

1. Public Hearing
 2. An Ordinance Rezoning from LED-I, Light Economic Development Industrial to M-R Multi Family Residential Approximately Eighty Acres of Parcel ID # 75912.
- L. Consideration of a Rezoning Application filed by PDJ Development, LLC to Rezone Parcel 78257 from LED-I Industrial District to M-R Multifamily Residential District.
Council Letter Number CL - 862.
1. Public Hearing
 2. An Ordinance Rezoning from LED-I, Light Economic Development Industrial to M-R Multi Family Residential Parcel ID 78257.
- M. Consideration of a Code Amendment Request to Amend Chapter 41 Entitled “Zoning Ordinance” of the City of Danville, Virginia.
Council Letter Number CL - 863.
1. Public Hearing
 2. An Ordinance Amending Chapter 41 Entitled, “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986, as amended, More Specifically, to Amend Article 2, Section Y., Entitled “Short Term Rentals”.
- N. Consideration of Authorizing and Approving an Amended and Restated Agreement of Lease for the Dan River Business Development Center.
Council Letter Number CL - 867.
1. Public Hearing
 2. A Resolution Approving and Authorizing an Amended and Restated Agreement of Lease By and Among the City of Danville, Virginia, the County of Pittsylvania, Virginia and Dan River Business Development Board Relating to the Dan River Business Development Center.
- O. Consideration of Amending or Establishing Rental Fees for a New Corporate Hangar.
Council Letter Number CL - 868.
1. Public Hearing
 2. An Ordinance Amending and Establishing Monthly Rental Fees for a New Hangar Located at the Danville Regional Airport Effective November 1, 2023.

FIRST READING

COMMUNICATIONS FROM VISITORS

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

COMMUNICATIONS

A. City Manager

B. Deputy City Manager

C. City Attorney

D. City Clerk

E. Roll Call

ADJOURNMENT

Council Letter

City of Danville, Virginia



CL - 885

CONSENT AGENDA A.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Approval of Meeting Minutes.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of Approval of Minutes from Regular Council Meeting held on September 5, 2023.

Attachments

1. Meeting Minutes
-

September 5, 2023

The Regular September meeting of the Danville City Council was held on September 5, 2023, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, and J. Lee Vogler, Jr., (8) Madison J.R. Whittle was absent (1).

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

L.G. "Larry" Campbell, Jr., gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Proclamation: Constitution Week

Presented to: Cathy Nesselrode, Daughters of the American Revolution

Ms. Nesselrode gave a brief presentation on the Constitution of the United States, noting in 1955, Congress set aside one week a year to remind citizens of that history and the precedent it set. Constitution Week was recognized on September 17th through the 23rd of each year.

CONSENT AGENDA

Council Member Buckner **moved** for adoption of the following Consent Agenda items:

Minutes from Regular Council Meeting held on August 1, 2023. Draft copies of the Minutes had been distributed prior to the meeting.

Budget Amendment - Amending the Fiscal Year 2024 Budget Appropriation Ordinance for the Creative Communities Art Grant

Ordinance No. 2023-08.11, an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for a Virginia Commission for the Arts Grant in the Amount of \$4,500, and to Provide for the Local Share in the Amount of \$5,000 for a Total Grant of \$9,500.

Budget Amendment - Amending the Fiscal Year 2024 Budget Appropriation Ordinance for an Aviation Promotion Grant

An Ordinance Entitled, Ordinance No. 2023-08.05, an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for a State Department of Aviation Grant for the Purpose of Providing Funding to Promote Aviation Awareness at the Danville Regional Airport in the Amount of \$5,000 and for the Local Share in the Amount of \$5,000 to be Provided by the General Fund Support of Grants for a Total Appropriation of \$10,000 and Appropriating Same.

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

VOTE: 8-0-1

AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)

September 5, 2023

NAY: None
ABSENT: Whittle (1)

APPOINTMENTS

Vice Mayor Miller **moved** for adoption of the following Appointment resolutions:

Resolution 2023-09.01 – A Resolution Reappointing Kathryn Waters to the Commission of Architectural Review.

Resolution 2023-09.02 – A Resolution Appointing Paul Liepe to the Commission of Architectural Review to fill an Unexpired Term.

Resolution 2023-09.03 – A Resolution Reappointing Janet Gwynn to the Community Improvement Council.

Resolution 2023-09.04 – A Resolution Reappointing Kacey Cunningham to the Community Improvement Council.

Resolution 2023-09.05 – A Resolution Appointing Michelle Vaden to the Fair Housing Board.

Resolution 2023-09.06 – A Resolution Appointing Jasmine Lipscomb to the Fair Housing Board.

Resolution 2023-09.07 – A Resolution Appointing Takessa Walker to the Fair Housing Board.

Resolution 2023-09.08 – A Resolution Appointing Pierre Jones to the Fair Housing Board.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)
NAY: None
ABSENT: Whittle (1)

NEW BUSINESS

PUBLIC HEARING – CONSIDERATION OF A SPECIAL USE PERMIT FILED BY FORTILINE, INC., AT 4780 RIVERSIDE DRIVE (PARCEL 72287)

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 4780 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 22, 2023 and August 29, 2023.

Mayor Jones recognized Robbie Woodall, owner of the property, who noted he was helping the company with this process; the property was already zoned HR-C, and they needed a special use permit. The company was ready to start construction and have already generated a lot of sales in Danville through their Greensboro location. The company will be selling piping and other fixtures comparable to Ferguson in Danville. No one further desired to be heard and the Public Hearing was closed.

September 5, 2023

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

ORDINANCE NO. 2023-09.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00198, FILED BY FORTILINE INC, REQUESTING A SPECIAL USE PERMIT TO ALLOW WHOLESALE SALES AT PARCEL ID 72287 (4780 RIVERSIDE DRIVE) IN ACCORDANCE WITH ARTICLE 3.M., SECTION C, ITEM 25.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)
NAY: None
ABSENT: Whittle (1)

PUBLIC HEARING - CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY INTERNATIONAL SECURITY INVESTMENTS CORP AND HAMPTON WILKINS, AT 110 PARK AVENUE (PARCEL 54191) TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 110 Park Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 22, 2023 and August 29, 2023. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-09.02

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00223, FILED BY INTERNATIONAL SECURITY INVESTMENTS CORP AND HAMPTON WILKINS, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 54191 (110 PARK AVENUE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

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

VOTE: 7-0-1-1
AYE: Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (7)
NAY: None
ABSTAIN: Buckner
ABSENT: Whittle (1)

I, James B. Buckner, do hereby state that I have a conflict of interest regarding the Consideration of a Special Use Permit Application filed by International Security Investments Corp and Hampton Wilkins , at 110 Park Avenue (Parcel 54191) to Allow Short-Term Rental as Principal Use. Therefore, pursuant to the State and Local Government Conflict of Interest Act, Virginia Code § 2.2-3112, I must abstain from voting on this agenda item.

September 5, 2023

Witness my signature this 5th day of September, 2023.

s/James B. Buckner

PUBLIC HEARING – CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY INTERNATIONAL SECURITY INVESTMENTS CORP., FOR A SPECIAL USE PERMIT AT 822 WEST MAIN STREET (PARCEL 60436) TO ALLOW SHORT-TERM RENTAL AS A PRINCIPAL USE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 822 West Main Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 22, 2023 and August 29, 2023. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-09.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00222, FILED BY INTERNATIONAL SECURITY INVESTMENTS CORP, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 60436 (822 WEST MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)
NAY: None
ABSENT: Whittle (1)

PUBLIC HEARING – CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY NATALIE JAMES ON BEHALF OF SIGNATURE INVESTMENTS GROUP LLC, AT 49 AUGUSTA AVENUE (PARCEL 54941) TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE.

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 49 Augusta Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 22, 2023 and August 29, 2023.

Mayor Jones recognized Natalie James, who stated she was present on behalf of Signature Investments Group, LLC. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-09.04

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00207, FILED BY NATALIE JAMES ON BEHALF OF SIGNATURE INVESTMENTS GROUP LLC, REQUESTING A SPECIAL USE PERMIT PAGE 3 OF 178 TO OPERATE A SHORT TERM RENTAL AT PARCEL

September 5, 2023

ID 54941 (49 AUGUSTA AVENUE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)
NAY: None
ABSENT: Whittle (1)

PUBLIC HEARING – CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY ALLEN STONE AND KRISTINA STONE ON BEHALF OF 2511 REC LLC, AT 66 STOKESLAND AVENUE (PARCEL 51055) TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE.

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 66 Stokesland Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 22, 2023 and August 29, 2023. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-09.05

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00225, FILED BY ALLEN STONE AND KRISTINA STONE ON BEHALF OF 2511 REC LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 51055 (66 STOKESLAND AVENUE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)
NAY: None
ABSENT: Whittle (1)

PUBLIC HEARING – CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY ALLEN STONE AND KRISTINA STONE ON BEHALF OF 2511 REC LLC AT 69 SCHOOLFIELD DRIVE (PARCEL 50384) TO ALLOW SHORT-TERM RENTAL, AS PRINCIPAL USE.

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 69 Schoolfield Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 22, 2023 and August 29, 2023. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-09.06

September 5, 2023

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00226, FILED BY ALLEN STONE AND KRISTINA STONE ON BEHALF OF 2511 REC LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 50384 (69 SCHOOLFIELD DRIVE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)
NAY: None
ABSENT: Whittle (1)

PUBLIC HEARING – CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION PZ23-00220 FILED BY GIBSON INVESTING, LLC AT 212 WOOD AVENUE (PARCEL 51316) TO ALLOW SHORT-TERM RENTAL, AS PRINCIPAL USE.

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 212 Wood Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on August 22, 2023 and August 29, 2023. No one present desired to be heard.

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

ORDINANCE NO. 2023-09.07

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00220, FILED BY GIBSON INVESTING, LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 51316 (212 WOOD AVENUE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller, Saunders, and Vogler (8)
NAY: None
ABSENT: Whittle (1)

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Dale McCray who spoke to Council regarding collective bargaining. He stated that employees should be able to decide and vote on having a union. In recognition of Labor Day, he thanked all City employees for what they do on a day-to-day basis.

COMMUNICATIONS

City Manager reminded Council that an email was sent out earlier regarding the status of the new splash pads being constructed.

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

September 5, 2023

Council Member Buckner thanked everyone for coming out tonight; it was always nice when citizens take an interest in what Council was doing. The Blue Ridge Rock Festival weekend was here; he spoke with one of the organizers and the event was sold out. It will be held at VIR, and 50,000 tickets have been sold. Traffic may take longer with that many additional people in and out of the City. Blue Ridge does hire local people to work the event.

Council Member Campbell shared information on climate change and how the City can help with the movement, and raise awareness.

Council Member Hood thanked Tajzmah Enterprises out of Roanoke for choosing Danville to host their music festival last week at the Pavilion. People came to Danville from all over and it was a great time. Mr. Hood thanked the Tunstall government class for coming out to Council.

Council Member Mayo thanked the Tunstall students for attending tonight's meeting, and thanked everyone for coming out. Danville was moving, members of Council were always out in the community and doing what they do. Mr. Mayo noted he was excited to see where it was going.

Vice Mayor Miller thanked the Tunstall students for coming out. Dr. Miller noted everyone should visit Independence Hall in Philadelphia, to see what went on and hear the story on the signing of the Constitution and the men who made it possible. Dr. Miller noted he went to Iceland this past week and commented on glaciers melting and the impact global warming was having.

Council Member Saunders welcomed the Tunstall students and thanked them for coming tonight. Mr. Saunders discussed cyber security and the cyber security program at DCC; that program can enroll twenty participants, has openings for four more people, and encouraged people to enroll.

Council Member Vogler stated it was a great time in the comeback city and was glad the word was spreading. There were new businesses opening and classic businesses were reopening with new ownership. The number of short term rentals and Air BnB's shows the level of excitement investors have in Danville. The Blue Ridge Rock Festival has been great the past few years, and was looking forward to this weekend. This Monday will be the 22nd anniversary of 9/11, and talked about memories from that day. It was important for young people to know the importance of that day and how united everyone was in the days, weeks, and months that followed.

Mayor Jones recognized the students from Tunstall and noted this past weekend was the daddy-daughter dance held by the Police department; it was a great event. Danville has come a long way; there were many things going on, acknowledged the partnerships, and thanked citizens for believing in Danville.

Meeting was adjourned at 7:43 pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL - 806

CONSENT AGENDA B.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Federal and State Aviation Capital Funding.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for Federal and State Aviation Capital Grant Funding to Complete the Rehabilitation of the South Ramp at the Danville Regional Airport Plus Additional State Aviation Funding Related to the Replacement of the Terminal Building Roof in the Amount of \$3,753,439 and for the Local Share in the Amount of \$116,939 to be Provided by a Transfer from the General Fund Support of Special Grants Fund and Appropriating the Same.

Final Adoption

SUMMARY

Additional federal and state aviation capital funding has been approved to complete the rehabilitation of the south ramp project and to subsidize overages related to the terminal building roof replacement project.

BACKGROUND

During Fiscal Year 2023, federal and state aviation funding was received to finance the partial rehabilitation of the south ramp. The first phase of the project involved reconstructing sections of the taxiway connections that provide access to the south ramp, demolishing the concrete that was originally used to construct the south ramp and paving the taxiway connections. This phase of the project was completed during the spring of 2023 and additional federal and state funding was approved to complete the project that involves paving the south ramp.

State aviation funding was also approved during Fiscal Year 2023 to replace the terminal building roof, which was constructed in 1961 and involved a flat roof design. Due to the age and condition of the roof, materials that were used during the original construction required replacement, which significantly increased the cost to replace the roof. Therefore, a state grant application was submitted and approved to cover the related overage.

RECOMMENDATION

It is recommended that City Council approve the attached Budget Appropriation Ordinance appropriating federal and state aviation grant funds to complete the rehabilitation of the south ramp, and provide supplemental aid for the terminal building roof rehabilitation project at the Danville Regional Airport.

Attachments

1. Ordinance
 2. Exhibit - South Ramp Rehabilitation Project
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR FEDERAL AND STATE AVIATION CAPITAL GRANT FUNDING TO COMPLETE THE REHABILITATION OF THE SOUTH RAMP AT THE DANVILLE REGIONAL AIRPORT PLUS ADDITIONAL STATE AVIATION FUNDING RELATED TO THE REPLACEMENT OF THE TERMINAL BUILDING ROOF IN THE AMOUNT OF \$3,753,439 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$116,939 TO BE PROVIDED BY A TRANSFER FROM THE GENERAL FUND SUPPORT OF SPECIAL GRANTS FUND AND APPROPRIATING THE SAME.

WHEREAS, the Federal Aviation Administration and the Virginia Department of Aviation determined the existing condition of the airport's south ramp requires rehabilitation; and

WHEREAS, the first phase of the south ramp rehabilitation project was completed during Fiscal Year 2023; and

WHEREAS, the federal eligible portion of the second and last phase of the south ramp project will be funded with federal aviation capital aid at ninety percent and other project areas will be funded with state aid at eighty percent; and

WHEREAS, the Virginia Aviation Board has approved state funding to supplement the FAA eligible scope of work to complete the south ramp rehabilitation ramp project and overages related to the replacement of the terminal building roof.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2024 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues for grants from the Federal Aviation Administration in the amount of \$3,336,002 and the Virginia Department of Aviation in the amount of \$417,437, with local match funds totaling \$116,939 for a total of \$3,870,378, such funds to be appropriated as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
South Ramp Rehabilitation Project		
Federal Aviation Administration Funds	61868000-48420	\$3,336,002
State Aviation Funds	61868000-45712	\$ 387,317
Transfer from Support of Grants Fund	61868000-6101	<u>\$ 96,830</u>
	TOTAL	<u>\$3,820,149</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
South Ramp Rehabilitation Project	61868999-50	<u>\$3,820,149</u>

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Terminal Building Roof Replacement		
State Aviation Funds	61849000-45712	\$ 30,120
Transfer from Support of Grants Fund	61849000-6101	<u>\$ 20,109</u>
	TOTAL	<u>\$ 50,229</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Terminal Building Roof Replacement	61849999-50	<u>\$ 50,229</u>

AND BE IT FURTHER ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2024 Budget Appropriation Ordinance, as amended, not herby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

Approved:

Mayor

Attest:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



South Ramp Rehabilitation Project

Phase 1 was completed during the spring of 2023. Phase 1 work activities involved rehabilitation of the taxiway connections to the south ramp and rubblizing concrete.

Phase 2 will be completed during the spring/summer of 2024. Work activities will involve paving the south ramp.

Council Letter

City of Danville, Virginia



CL - 761

CONSENT AGENDA C.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for Older Americans Act Grant Funding in the Amount of \$476,635.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Increasing Certain Revenues to Provide for Title III-B Grant Funds and Local Share for Senior Citizen Transportation Services and Appropriating the Same.

Final Adoption

SUMMARY

The City of Danville applies annually for federal Older Americans Act funds, and state transportation funds, to serve as a contractor for the Southern Area Agency on Aging to provide transportation services for senior citizens ages sixty and over. For the period July 1, 2022 through June 30, 2023, the Danville Transit System completed 12,668 one-way trips for seniors. These trips were invoiced to the Southern Area Agency on Aging. Senior ridership increased 3% compared to the previous fiscal year but passenger activity is still significantly less than prior to the pandemic when 18,000 to 20,000 trips were completed annually.

BACKGROUND

The Transportation Services Department requests the City Council's approval to appropriate Title III-B Older Americans Act Grant funds for the federal fiscal year from October 1, 2023 through September 30, 2024 in the amount of \$49,900 and other federal funds in the amount of \$22,500. In addition, this request applies to the appropriation of \$22,445 in State Transportation funds and Program income of \$1,000 for transportation services.

The Ordinance includes an appropriation for in-kind services for the Title III-B Older Americans Act Grant in the amount of \$380,790. These charges are appropriated in the Transportation Services budget as well. The appropriation for in-kind service is necessary for administrative and reporting activities, to complete operational and supervisory duties to support the Senior Transportation program and includes in-kind revenue, and equal in-kind expenditures in the Special Grants fund.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance appropriating the Title III-B Older American Act grant funds received through the Southern Area Agency on Aging for Fiscal Year 2024.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-_____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE BY INCREASING CERTAIN REVENUES TO PROVIDE FOR TITLE III-B GRANT FUNDS AND LOCAL SHARE FOR SENIOR CITIZEN TRANSPORTATION SERVICES AND APPROPRIATING THE SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2024 Budget Appropriation Ordinance be, and it is hereby, amended to provide for a grant from Title III-B Older Americans Act funds in the amount of \$49,900; Other Federal Funds in the amount of \$22,500, Virginia General Fund monies in the amount of \$22,445, administered by the Southern Area Agency on Aging to the Department of Transportation Services for the Federal Fiscal Year beginning October 1, 2023 and ending September 30, 2024; \$1,000 program income and \$380,790 In-Kind Services for a total of \$476,635, and appropriating such funds within the Special Grants Fund, such revenue and appropriations to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid –Federal: Older Americans Act Title III-B Funds (FY23-24)	61882000-48050	\$94,845
Local Share: Older Americans Act Title III-B Program Income (FY23-24)	61883000-44650	\$1,000
Title III-B Older Americans Act In-Kind (FY23-24)	61884000-44890	<u>\$380,790</u>
	TOTAL	<u>\$476,635</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B (FY23-24)		
Salary and Wages	61882000-51200	\$39,000
FICA	61882000-51450	\$2,771
Mass Transit Services	61882000-52660	\$51,171
Postage	61882000-54050	\$1,403
Travel	61882000-54900	\$500
	Subtotal	<u>\$94,845</u>

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B Program Income (FY23-24):		
Travel/Training Expense	61883000-54900	\$1,000
	Subtotal	<u>\$1,000</u>

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Older Americans Act Title III-B In-Kind (FY23-24):		
Postage	61884000-59630	\$750
Telephone/Internet	61884000-59635	\$1,400
Travel/Training Expense	61884000-59645	\$1,833
Office Supplies	61884000-59650	\$1,000
Salary and Wages	61884000-59500	\$341,014
FICA	61884000-59510	\$23,058
Outside Services	61884000-59610	\$550
Print Shop	61884000-59620	\$3,000
Lease/Rent Buildings	61884000-59670	\$8,185
	Subtotal	<u>\$380,790</u>
	GRAND TOTAL	<u>\$476,635</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2024 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed; and

BE IT FINALLY ORDAINED, that this appropriation shall be continuing appropriation and such appropriation shall carry forward from year to year until such funds are expended for the purpose for which they were appropriated.

Approved:

Mayor

Attest:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL - 763

CONSENT AGENDA D.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of Amending the Fiscal Year Budget Appropriation Ordinance for the Airport Maintenance Program in the Amount of \$50,000

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for State Department of Aviation Maintenance Grant Funds Related to the Maintenance of Certain Airport Properties in the Amount of \$40,000 and for the Local Share in the Amount of \$10,000 for a Total Appropriation of \$50,000 and Appropriating the Same.

Final Adoption

SUMMARY

The Virginia Department of Aviation provides airport maintenance funding to assist airports with preserving facilities in a safe and economical operating condition. Maintenance grant funding will allow Virginia airports to receive up to \$10,000 per project.

BACKGROUND

Eligible maintenance activities for State Airport Maintenance funds include scheduled and unscheduled repairs that are not performed each quarter. State maintenance funds can also be used to finance equipment purchases. Funding levels vary for different airport maintenance program activities relative to state guidelines. Projects that support facility preservation, such as crack sealing, are funded at higher levels compared to projects that are related to the replacement of grounds equipment.

The Virginia Department of Aviation recently changed eligibility guidelines for the project. Currently, any maintenance project that costs more than \$10,000 requires airports to submit a capital grant application to complete related work requirements. Therefore, the Danville Regional Airport plans to use available state funding for unscheduled repairs for the majority of the fiscal year.

RECOMMENDATION

It is recommended that City Council approve an Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to provide for Virginia Department of Aviation Airport Maintenance funds and for the local share, and appropriating the same.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-_____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR STATE DEPARTMENT OF AVIATION MAINTENANCE GRANT FUNDS RELATED TO THE MAINTENANCE OF CERTAIN AIRPORT PROPERTIES IN THE AMOUNT OF \$40,000 AND FOR THE LOCAL SHARE IN THE AMOUNT OF \$10,000 FOR A TOTAL APPROPRIATION OF \$50,000 AND APPROPRIATING THE SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2024 Budget Appropriation Ordinance be, and it is hereby, amended by increasing revenues from the Commonwealth of Virginia, Department of Aviation, in an amount of \$40,000 and the local share for \$10,000 for an aggregate amount of \$50,000 for the purpose of providing for a State funded Airport Maintenance Program at the Danville Regional Airport such funds to be appropriated in the Support of Grants Fund as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY2024 Airport Maintenance		
Categorical Aid – State	61881000-45712	\$ 40,000
Local Share	61881000-6101	\$ 10,000
	TOTAL	<u>\$ 50,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
FY 2024 Airport Maintenance	61881999-50	<u>\$ 50,000</u>

AND BE IT FURTHER ORDAINED that all other accounts and provisions of the Fiscal Year 2024 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

Approved:

Mayor

Attest:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 888

APPOINTMENTS A.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of an Appointment to the Danville Community Policy and Management Team.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

A Resolution Appointing Dawn Loving to the Danville Community Policy and Management Team as the 22nd District Court Services Unit Representative.

Attachments

1. Resolution
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023 – ____.

A RESOLUTION APPOINTING DAWN LOVING AS A MEMBER OF THE DANVILLE COMMUNITY POLICY AND MANAGEMENT TEAM AS THE 22ND DISTRICT COURT SERVICES UNIT.

BE IT RESOLVED by the Council of the City of Danville, Virginia, that Dawn Loving be, and she is hereby appointed as a member of the Danville Community Policy and Management Team as the 22nd District Court Services Unit representative.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL - 890

APPOINTMENTS B.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of Appointments to the Local Community Criminal Justice Board.

From: Ken Larking, City Manager

COUNCIL ACTION

A Resolution Confirming Appointments to the Community Criminal Justice Board.

SUMMARY

Ms. Freda Holliday, Director of the Community Criminal Justice Board, has requested confirmation of appointments to the Community Criminal Justice Board. Each jurisdiction must approve the appointment of all members.

BACKGROUND

In September 2004, Danville joined with the courts in Halifax and Pittsylvania Counties for the provision of local probation and court services. In March, 2021, by Resolution 2021-03.01, the City joined with Pittsylvania County, Halifax County, Patrick County, Franklin County and the City of Martinsville for a community-based probation program and a pre-trial services program. Such programs shall provide services to include, but not limited to, community service, probation supervision, home incarceration, substance abuse assessment, drug testing, and substance abuse testing.

RECOMMENDATION

Staff recommends approval of the attached Resolution approving members to the Community Criminal Justice Board.

Attachments

1. Resolution
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-____.

A RESOLUTION CONFIRMING APPOINTMENTS TO THE COMMUNITY CRIMINAL JUSTICE BOARD.

WHEREAS, the City of Danville joined with Pittsylvania County, Halifax County, Franklin County, Henry County, and the City of Martinsville for a community-based probation program and pre-trial services program; and

WHEREAS, Virginia Code mandates the Community Criminal Justice Board and requires mandatory members; and

WHEREAS, each locality member of the Community Criminal Justice Board must approve the entire list of members.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Danville, Virginia, confirms the following Local Community Criminal Justice appointments:

1. Mr. Scott Simpson - County Administrator. – Halifax County
2. Mr. Christopher Whitlow – County Administrator – Franklin County
3. Mr. W. Clarke Whitfield, Jr. – City Attorney – City of Danville
4. Mr. J. R. Powell - Deputy County Administrator – Henry County
5. Mr. Stuart Turille, Jr. - County Administrator – Pittsylvania County
6. Ms. Beth Simms – County Administrator – Patrick County
7. The Honorable Stacey W. Moreau - Circuit Court Judge – Pittsylvania County, Franklin County, and City of Danville
8. The Honorable James R. McGarry - Circuit Court Judge – City of Martinsville, Henry County, and Patrick County
9. The Honorable Stephanie Vipperman – General District Court Judge – City of Martinsville, Henry County, and Patrick County
10. The Honorable Brian Turpin – Juvenile & Domestic Relations Court Judge – Pittsylvania County, Franklin County, and City of Danville
11. Tracy Quackenbush Martin – Commonwealths Attorney - Halifax County
12. Michael Newman – Commonwealths Attorney – City of Danville
13. Dayna Bobbitt – Commonwealths Attorney – Patrick County
14. G. Andrew Hall - Commonwealths Attorney – City of Martinsville
15. Cooper Brown - Commonwealths Attorney - Franklin County
16. Fred Clark - Sheriff – Halifax County
17. Steve Draper - Sheriff – City of Martinsville
18. Bill Overton - Sheriff – Franklin County
19. Mike Taylor - Sheriff – Pittsylvania County
20. Bryan Young - Chief, South Boston Police Department – Halifax

21. Chris Wiles - Deputy Police Chief – City of Danville
22. Vikram Kapil - Public Defender – Halifax County
23. Sandra Haley - Public Defender – City of Martinsville, Henry County and Patrick County
24. Daniel Hosler - Chief Magistrate – City of Danville, Franklin County, and Pittsylvania County
25. Ann Hylton - Chief Magistrate – City of Martinsville, Henry County, and Patrick County
26. Chad Liscomb - Jail Administrator – Blue Ridge Regional Jail Authority - Halifax
27. Frank Mardavich - Danville Adult Detention – City of Danville
28. Jim Bebeau Director - Danville Pittsylvania Community Services – City of Danville and Pittsylvania County
29. Greg Preston - Director, Piedmont Community Services – City of Martinsville, Henry County, Patrick County, and Franklin County
30. Kristi Bailey – Probation and Parole Chief – City of Danville and Pittsylvania County
31. Jody Hess - General District Court Services Manager for Supreme Court –All District Courts – Danville Resident
32. Larry Clark - Community Representative - Retired - Halifax County Schools – Halifax
33. Michael Lewis Director of Student Services & Accountability - Halifax County Schools
34. Robert David - Coordinator of Youth and Gang Violence Prevention Programs – City of Danville.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

Deputy City Attorney

Council Letter City of Danville, Virginia



CL - 805

NEW BUSINESS A.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of Approval to Release Two Blanket Electric Easements on Parcel No. 1336-00-7267 on Cobbs Knobb Road in Pittsylvania County.

From: Jason Grey, Director of Utilities

COUNCIL ACTION

A Resolution Authorizing the Abandonment of Two Unused and Unneeded City Blanket Easements Across Property in Pittsylvania County.

SUMMARY

City Staff is seeking approval to release two blanket electric easements on Cobbs Knobb Road in Pittsylvania County on Parcel No. 1336-00-7267.

BACKGROUND

The City holds two (2) blanket electric utility easements on Parcel No. 1336-00-7267 located on Cobbs Knobb Road in Pittsylvania County. A solar developer working on behalf of Dominion Energy has requested that the City define the easement area for the City's overhead electric distribution line. The current utility easements cover the entire parcel.

RECOMMENDATION

Staff recommends vacating the two blanket electric utility easements at Parcel No. 1336-00-7267 on Cobbs Knob Road in Pittsylvania County.

Attachments

1. Resolution
 2. Exhibit - Easement
 3. Easement Vacations
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-____.____

A RESOLUTION AUTHORIZING THE ABANDONMENT OF TWO UNUSED AND UNNEEDED CITY BLANKET EASEMENTS ACROSS PROPERTY IN PITTSYLVANIA COUNTY.

WHEREAS, the City of Danville holds two (2) unused utility blanket easements upon a parcel of real property located in Pittsylvania County identified as Parcel No. 1336-00-7267 (the "Property"); and

WHEREAS, the City has no future plans to install, maintain, or utilize the existing blanket easements on the Property; and

WHEREAS, the owner of the Property wishes for the City to vacate and abandon its unused blanket easements upon the Property to facilitate the development of solar energy facilities;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia 1950, as amended, and in consideration of the public hearing this day held by Council, that the City hereby permanently vacates, abandons, and releases the blanket easements across the above-referenced Pittsylvania County Parcel, said blanket easements identified in the attached Schedule "A"; and

BE IT FUTHER RESOLVED that the City Manager, Kenneth F. Larking, be, and he is hereby authorized to execute on behalf of the City any and all documents as may be necessary to effect such abandonment of the blanket easements.

Approved:

Mayor

Attest:

City Clerk

Approved as to Form and
Legal Sufficiency:

City Attorney

Schedule "A"

Easement No. 1

A permanent easement for the installation and maintenance of electric lines along the property located in Pittsylvania County, Virginia presently designated as Parcel ID #1336-00-7267, and presently owned by 770 Solar Ventures, LLC, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated May 20, 1955 in Deed Book 360, at page 311.

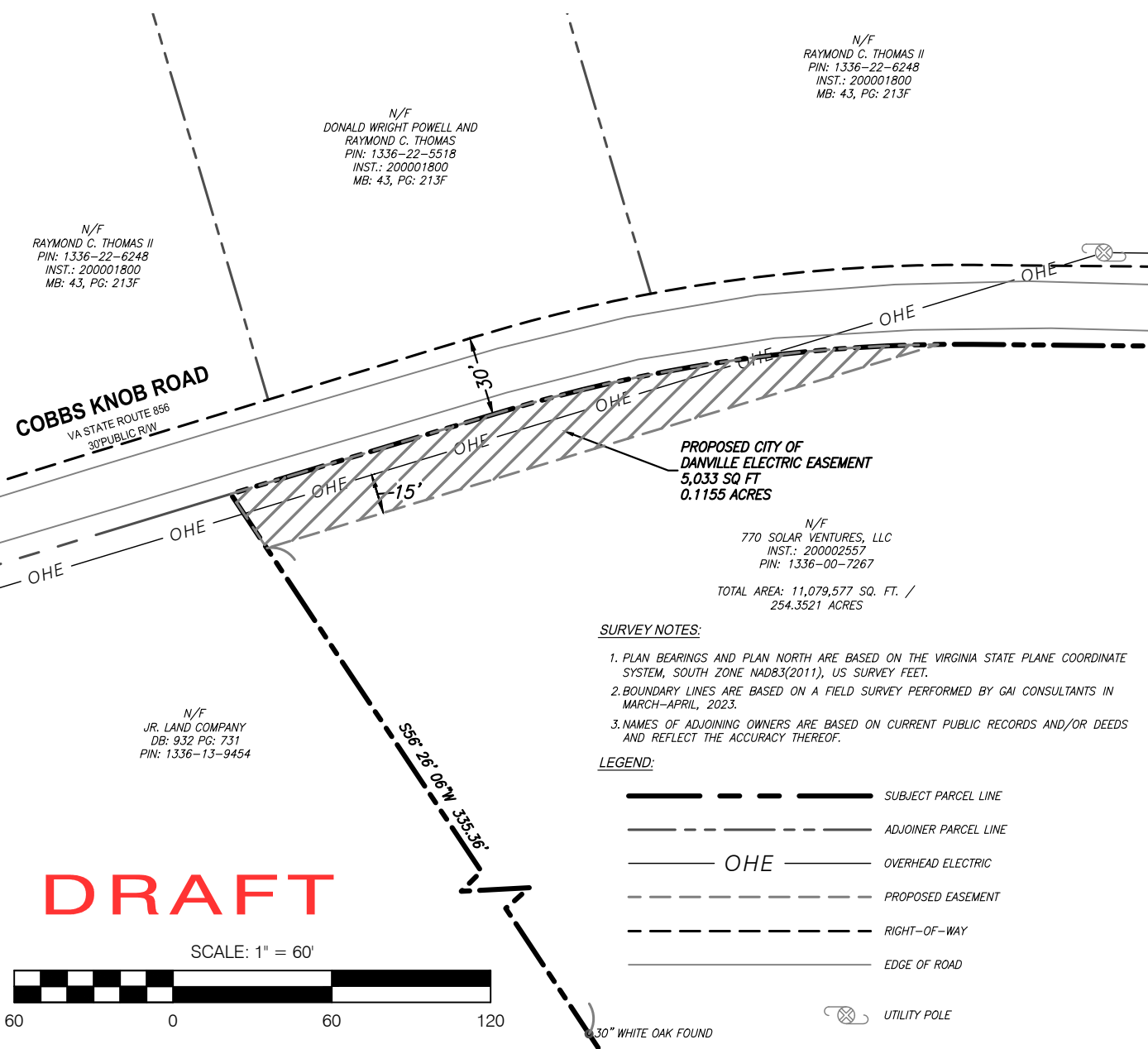
Easement No. 2

A permanent easement for the installation and maintenance of electric lines along the property located in Pittsylvania County, Virginia presently designated as Parcel ID #1336-00-7267, and presently owned by 770 Solar Ventures, LLC, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated February 23, 1971 in Deed Book 534, at page 628.

Any other easements, rights of way, or restrictive covenants now of record, or affecting said property, or arising from the above-reference recorded documents to the extent that such easement has not been expressly released herein remain unaltered.

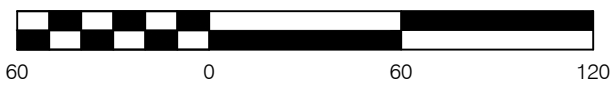
GAI CAD FILE PATH: Z:\2020\R201080.04 - Dominion Energy-Michaux S\CAD\ACAD\SURV R201080-04\DWG\Exhibit_R201080-04-V-B2-PROP EXHIBIT_770 VENTURES-EASEMENT.dwg

VIRGINIA STATE PLANE
NAD83(2011), ZONE SOUTH,
U.S. SURVEY FEET



DRAFT

SCALE: 1" = 60'



SURVEY NOTES:

1. PLAN BEARINGS AND PLAN NORTH ARE BASED ON THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE NAD83(2011), US SURVEY FEET.
2. BOUNDARY LINES ARE BASED ON A FIELD SURVEY PERFORMED BY GAI CONSULTANTS IN MARCH-APRIL, 2023.
3. NAMES OF ADJOINING OWNERS ARE BASED ON CURRENT PUBLIC RECORDS AND/OR DEEDS AND REFLECT THE ACCURACY THEREOF.

LEGEND:

- SUBJECT PARCEL LINE
- ADJOINER PARCEL LINE
- OHE OVERHEAD ELECTRIC
- PROPOSED EASEMENT
- RIGHT-OF-WAY
- EDGE OF ROAD
- UTILITY POLE

DRAWING TITLE

PROPOSED CITY OF DANVILLE ELECTRIC EASEMENT

PROJECT		 gai consultants	DRAWN BY:	ISSUE DATE:
MICHAUX SOLAR PROJECT HENRY & PITTSYLVANIA COUNTIES RIDGEWAY, VIRGINIA 24148			K.APEL	05/31/2023
CLIENT			CHECKED BY:	SCALE:
DOMINION ENERGY 600 EAST CANAL STREET RICHMOND, VIRGINIA 23219			V.PAPARELLA	1"=60'
GAI FILE NUMBER:			APPROVED BY:	SHEET NO.:
R201080-04-000-00-V-B2-PROP EXHIBIT_770 VENTURES-EASEMENT			V.PAPARELLA	1 OF 1
GAI DRAWING NUMBER:		© 2023 GAI Consultants		
R201080.04				
This drawing was produced with computer aided drafting technology and is supported by electronic drawing files. Do not revise this drawing via manual drafting methods.				
ISSUING OFFICE: Pittsburgh 385 E. Waterfront Drive, Homestead, PA 15120				
PLOTTED ON: 6/5/2023 3:38:12 PM PLOTTED BY: Kevin R. Apel PLOT FILE: GAI.stb				

Prepared by and return to:
C. Ryan Dodson, Esq. (VSB #90680)
City of Danville
P.O. Box 3300
Danville, VA 24543

*This deed is exempt from
Grantor's and Grantee's tax
pursuant to Va. Code § 58.1-
810(1).*

*Tax Map/Parcel ID #1336-00-7267
Title Insurance: None*

THIS **DEED OF VACATION** made this the ____ day of _____,
202__, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation
of the Commonwealth of Virginia, GRANTOR**, and **770 Solar Ventures, LLC**, a North
Carolina limited liability company, **GRANTEE**,

W I T N E S S E T H:

WHEREAS, Grantor holds certain blanket easements across a parcel of real
property located in Pittsylvania County, Virginia, identified as Parcel No. 1336-00-7267
(the "Property"), the first conveyed on May 20, 1955 and recorded in the Clerk's Office of
the Circuit Court of Pittsylvania County, Virginia in Deed Book 360, at page 311, and the
second conveyed on February 23, 1971 and recorded in the aforesaid Clerk's Office in
Deed Book 534, at page 628, (collectively the "Easements"); and

WHEREAS, Grantor no longer has any intended need for the blanket Easements
and desires to vacate the blanket Easements in order to assist in the productive development
of the Property; and

WHEREAS, Grantee is the owner of the Property and is desiring that the City
vacate the blanket Easements in order to facilitate the development of solar energy
installations on the Property;

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby vacate, release, and quitclaim unto Grantee the blanket Easements.

Any other easements, rights of way, or restrictive covenants now of record or affecting said property remain unaltered.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Ordinance No. _____, adopted on _____, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

(Remainder of page intentionally left blank)

WITNESS the following signatures and seals:

**THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia**

BY: _____
KENNETH F. LARKING
City Manager

COMMONWEALTH OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the ____ day of _____, 202__, by **Kenneth F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY: _____
NOTARY PUBLIC

My commission expires: _____

Notary registration number: _____

APPROVED AS TO FORM:

BY: _____
C. RYAN DODSON
Assistant City Attorney
VS# #90680

Council Letter City of Danville, Virginia



CL - 832

NEW BUSINESS B.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of Approval to Release Three Blanket Easements in Pittsylvania County.

From: Jason Grey, Director of Utilities

COUNCIL ACTION

A Resolution Authorizing the Abandonment of Three City Blanket Easements Across Property in Pittsylvania County.

SUMMARY

City Staff is seeking approval to release three blanket electric easements on Hopewell Road in Pittsylvania County on Parcel Nos. 2402-49-6956, 2402-65-2646, 2402-37-9409, 2402-77-0019, 2402-57-2108, 2402-33-9883, and 2413-66-8522.

BACKGROUND

The City holds three blanket electric utility easements on Parcel Nos. 2402-49-6956, 2402-65-2646, 2402-37-9409, 2402-77-0019, 2402-57-2108, 2402-33-9883, and 2413-66-8522 located on Hopewell Road in Pittsylvania County. A blanket easement covers the entire customer's property. A solar developer working on behalf of Dominion Energy has requested that the City define the easement area for the City's overhead electric distribution line.

RECOMMENDATION

Staff recommends vacating the blanket easements on Parcel Nos. 2402-49-6956, 2402-65-2646, 2402-37-9409, 2402-77-0019, 2402-57-2108, 2402-33-9883, and 2413-66-8522 on Hopewell Road in Pittsylvania County.

Attachments

1. Resolution
 2. County easement vacation at Dry Fork Solar Site (Stowe)
 3. County easement vacation at Dry Fork Solar Site (Shelton)
 4. County easement vacation at Dry Fork Solar Site (RK Land)
 5. County easement vacation at Dry Fork Solar Site (Emerson)
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-____.____

A RESOLUTION AUTHORIZING THE ABANDONMENT OF THREE CITY
BLANKET EASEMENTS ACROSS PROPERTY IN PITTSYLVANIA COUNTY.

WHEREAS, the City of Danville holds three (3) blanket utility easements affecting seven (7) parcels of real property located in Pittsylvania County identified as Parcel Nos. 2402-49-6956, 2402-65-2646, 2402-37-9409, 2402-77-0019, 2402-57-2108, 2402-33-9883, and 2413-66-8522 (the "Property"); and

WHEREAS, the owners of the Property wishes for the City to vacate and abandon its blanket easements upon the Property to facilitate the development of solar energy facilities in exchange for new, clearly defined easements that satisfy the City's needs.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that pursuant to Sections 15.2-1800 and 15.2-1813 of the Code of Virginia 1950, as amended, and in consideration of the public hearing this day held by Council, that the City hereby permanently vacates, abandons, and releases the blanket easements across the above-referenced Pittsylvania County Parcels, said easements identified in the attached Schedule "A"; and

BE IT FURTHER RESOLVED that the City Manager, Kennneth F. Larking, be, and he is hereby authorized to execute on behalf of the City any and all documents as may be necessary to effect such abandonment of the easement.

Approved:

Mayor

Attest:

City Clerk

Approved as to Form and
Legal Sufficiency:

City Attorney

Schedule "A"

Easement No. 1

A permanent blanket easement for the installation and maintenance of electric lines and facilities along the property located in Pittsylvania County, Virginia presently designated as Parcel ID #s 2402-49-6956, 2402-65-2646, 2402-37-9409, 2402-77-0019, 2402-57-2108, and presently owned by Michael R. Stowe and Timothy L. and Elaine K. Shelton, respectively, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated January 17, 1983 in Deed Book 721, at page 416.

Easement No. 2

A permanent blanket easement for the installation and maintenance of electric lines along the property located in Pittsylvania County, Virginia presently designated as Parcel ID #2402-33-9883, and presently owned by Irye Ray Emerson, Jr. and Carol H. Emerson, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated August 15, 1952 in Deed Book 348, at page 473.

Easement No. 3

A permanent blanket easement for the installation and maintenance of electric lines along the property located in Pittsylvania County, Virginia presently designated as Parcel ID #2413-66-8522, and presently owned by RLK Land, LLC, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated February 19, 1948 in Deed Book _____, at page 56.

Any other easements, rights of way, or restrictive covenants now of record, or affecting said property, or arising from the above-reference recorded documents to the extent that such easement has not been expressly released herein remain unaltered.

Prepared by and return to:
C. Ryan Dodson, Esq. (VSB #90680)
City of Danville
P.O. Box 3300
Danville, VA 24543

*This deed is exempt from
Grantor's and Grantee's tax
pursuant to Va. Code § 58.1-
810(1).*

*Tax Map/Parcel ID #s 2402-49-6596; 2402-65-2646; 2402-37-9409; 2402-77-0019
Title Insurance: None*

THIS **DEED OF VACATION** made this the ____ day of _____,
202__, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation
of the Commonwealth of Virginia, GRANTOR,** and **MICHAEL R. STOWE,
GRANTEE,**

W I T N E S S E T H:

WHEREAS, Grantor holds a certain blanket easement across four (4) parcels of
real property located in Pittsylvania County, Virginia, identified as Parcel No. 2402-49-
6596; 2402-65-2646; 2402-37-9409; and 2402-77-0019 (the "Property"), conveyed on
January 17, 1983 and recorded in the Clerk's Office of the Circuit Court of Pittsylvania
County, Virginia in Deed Book 721, at page 416 (collectively the "Blanket Easement");
and

WHEREAS, Grantor no longer has any intended need for the Blanket Easement
and desires to vacate the Blanket Easement in order to assist in the productive development
of the Property; and

WHEREAS, Grantee is the owner of the Property and is desiring that the City
vacate the Blanket Easement in order to facilitate the development of solar energy
installations on the Property;

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby vacate, release, and quitclaim unto Grantee the Blanket Easement.

Any other easements, rights of way, or restrictive covenants now of record or affecting said property remain unaltered.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Ordinance No. _____, adopted on _____, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

(Remainder of page intentionally left blank)

WITNESS the following signatures and seals:

**THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia**

BY:

**KEN F. LARKING
City Manager**

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the ____ day of _____, 202__, by **Ken F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY:

NOTARY PUBLIC

My commission expires:

Notary registration number:

APPROVED AS TO FORM:

BY:

**C. RYAN DODSON
Assistant City Attorney
VSB #90680**

*Prepared by and return to:
C. Ryan Dodson, Esq. (VSB #90680)
City of Danville
P.O. Box 3300
Danville, VA 24543*

*This deed is exempt from
Grantor's and Grantee's tax
pursuant to Va. Code § 58.1-
810(1).*

*Tax Map/Parcel ID # 2402-57-2108
Title Insurance: None*

THIS **DEED OF VACATION** made this the ____ day of _____,
202__, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation
of the Commonwealth of Virginia, GRANTOR**, and **TIMOTHY L. SHELTON and
ELAINE K. SHELTON, GRANTEES**,

W I T N E S S E T H:

WHEREAS, Grantor holds a certain blanket easement across a parcel of real
property located in Pittsylvania County, Virginia, identified as Parcel No. 2402-57-2108
(the "Property"), conveyed on January 17, 1983 and recorded in the Clerk's Office of the
Circuit Court of Pittsylvania County, Virginia in Deed Book 721, at page 416 (collectively
the "Blanket Easement"); and

WHEREAS, Grantor no longer has any intended need for the Blanket Easement
and desires to vacate the Blanket Easement in order to assist in the productive development
of the Property; and

WHEREAS, Grantee is the owner of the Property and is desiring that the City
vacate the Blanket Easement in order to facilitate the development of solar energy
installations on the Property;

NOW THEREFORE, in consideration of the mutual promises contained herein and
other good and valuable consideration, the receipt and sufficiency of which is hereby

acknowledged, the Grantor does hereby vacate, release, and quitclaim unto Grantee the Blanket Easement.

Any other easements, rights of way, or restrictive covenants now of record or affecting said property remain unaltered.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Ordinance No. _____, adopted on _____, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

(Remainder of page intentionally left blank)

WITNESS the following signatures and seals:

**THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia**

BY:

**KEN F. LARKING
City Manager**

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the ____ day of _____, 202__, by **Ken F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY:

NOTARY PUBLIC

My commission expires:

Notary registration number:

APPROVED AS TO FORM:

BY:

**C. RYAN DODSON
Assistant City Attorney
VSB #90680**

Prepared by and return to:
C. Ryan Dodson, Esq. (VSB #90680)
City of Danville
P.O. Box 3300
Danville, VA 24543

*This deed is exempt from
Grantor's and Grantee's tax
pursuant to Va. Code § 58.1-
810(1).*

*Tax Map/Parcel ID # 2413-66-8522
Title Insurance: None*

THIS **DEED OF VACATION** made this the ____ day of _____,
202__, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation
of the Commonwealth of Virginia, GRANTOR, and RLK LAND, LLC, a Virginia
limited liability company, GRANTEE,**

W I T N E S S E T H:

WHEREAS, Grantor holds a certain blanket easement across a parcel of real
property located in Pittsylvania County, Virginia, identified as Parcel No. 2413-66-8522
(the "Property"), conveyed on February 19, 1948 and recorded in the Clerk's Office of the
Circuit Court of Pittsylvania County, Virginia in Deed Book _____, at page 56 (the "
Blanket Easement"); and

WHEREAS, Grantor no longer has any intended need for the Blanket Easement
and desires to vacate the Blanket Easement in order to assist in the productive development
of the Property; and

WHEREAS, Grantee is the owner of the Property and is desiring that the City
vacate the Blanket Easement in order to facilitate the development of solar energy
installations on the Property;

NOW THEREFORE, in consideration of the mutual promises contained herein and
other good and valuable consideration, the receipt and sufficiency of which is hereby

acknowledged, the Grantor does hereby vacate, release, and quitclaim unto Grantee the Blanket Easement.

Any other easements, rights of way, or restrictive covenants now of record or affecting said property remain unaltered.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Ordinance No. _____, adopted on _____, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

(Remainder of page intentionally left blank)

WITNESS the following signatures and seals:

**THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia**

BY:

**KEN F. LARKING
City Manager**

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the ____ day of _____, 202__, by **Ken F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY:

NOTARY PUBLIC

My commission expires:

Notary registration number:

APPROVED AS TO FORM:

BY:

**C. RYAN DODSON
Assistant City Attorney
VSB #90680**

Prepared by and return to:
C. Ryan Dodson, Esq. (VSB #90680)
City of Danville
P.O. Box 3300
Danville, VA 24543

*This deed is exempt from
Grantor's and Grantee's tax
pursuant to Va. Code § 58.1-
810(1).*

*Tax Map/Parcel ID # 2402-33-9883
Title Insurance: None*

THIS DEED OF VACATION made this the ____ day of _____,
202__, by and between the **CITY OF DANVILLE, VIRGINIA a municipal corporation
of the Commonwealth of Virginia, GRANTOR, and IRYE RAY EMERSON, JR. and
CAROL H. EMERSON, GRANTEES,**

W I T N E S S E T H:

WHEREAS, Grantor holds a certain blanket easement across a parcel of real
property located in Pittsylvania County, Virginia, identified as Parcel No. 2402-33-9883
(the "Property"), conveyed on August 15, 1952 and recorded in the Clerk's Office of the
Circuit Court of Pittsylvania County, Virginia in Deed Book 348, at page 473 (the "Blanket
Easement"); and

WHEREAS, Grantor no longer has any intended need for the Blanket Easement
and desires to vacate the Blanket Easement in order to assist in the productive development
of the Property; and

WHEREAS, Grantee is the owner of the Property and is desiring that the City
vacate the Blanket Easement in order to facilitate the development of solar energy
installations on the Property;

NOW THEREFORE, in consideration of the mutual promises contained herein and
other good and valuable consideration, the receipt and sufficiency of which is hereby

acknowledged, the Grantor does hereby vacate, release, and quitclaim unto Grantee the Blanket Easement.

Any other easements, rights of way, or restrictive covenants now of record or affecting said property remain unaltered.

This conveyance having been authorized by the City Council of the City of Danville, Virginia by Ordinance No. _____, adopted on _____, pursuant to a public hearing held in accordance with Va. Code § 15.2-1800.

(Remainder of page intentionally left blank)

WITNESS the following signatures and seals:

**THE CITY OF DANVILLE, VIRGINIA,
a municipal corporation of the
Commonwealth of Virginia**

BY:

**KEN F. LARKING
City Manager**

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

The foregoing Deed was acknowledged before me this the ____ day of _____, 202__, by **Ken F. Larking**, acting in his capacity as **City Manager**, on behalf of the City of Danville, Virginia.

BY:

NOTARY PUBLIC

My commission expires:

Notary registration number:

APPROVED AS TO FORM:

BY:

**C. RYAN DODSON
Assistant City Attorney
VSB #90680**

Council Letter

City of Danville, Virginia



CL - 852

NEW BUSINESS C.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of Special Use Permit Application at 503 Holbrook Avenue (Parcel 21964) to Allow Short-Term Rental as Principal Use.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23-00254, filed by MADS Holbrook LLC, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 21964 (503 Holbrook Avenue) in Accordance with Article 3.E., Section C, Item 29.

SUMMARY

503 Holbrook Avenue is zoned OT-R, Old Town Residential and located within the Old West End Historic District. The applicant, MADS Holbrook, LLC, has requested a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article 3.E. Section C Item 29.

The subject property was built in 1900 and is a single family dwelling. There is on-street parking and the property has a private driveway.

503 Holbrook Avenue was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in June. The applicant has identified a property manager who lives within 50 miles of the property.

During the August 24, 2023 meeting of the Commission of Architectural Review, the Commission voted 3-0-1 to recommend approval of the Special Use Permit for the operation of a Short Term Rental at 503 Holbrook Avenue. Fifty-one (51) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Twelve (12) responses were received, eight (8) were unopposed and four (4) were opposed. The Commission of Architectural Review has reviewed the application, and recommends approval.

On September 11, 2023, the City Planning Commission voted 6 - 0 to recommend approval of Special Use Permit request PZ23-00254 to operate a Short Term Rental as a principal use in accordance with Article 3.E. Section C Item 29.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to operate a Short Term Rental as a principal use at 503 Holbrook Avenue (Parcel ID #50384) in accordance with Article 3.E. Section C Item 29.

Attachments

1. Ordinance
 2. Special Use Permit Application - 503 Holbrook Avenue
 3. Signature Page
 4. 503 Holbrook_AERIALS
 5. 503 Holbrook Ave_OWNERS
 6. 503 Holbrook Ave_LANDUSE
 7. Commission on Architectural Review Recommendation
 8. VDHR Data
 9. Neighbor Response
 10. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00254, FILED BY MADS HOLBROOK LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 21964 (503 HOLBROOK AVENUE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00254, filed by MADS Holbrook LLC, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 21964 (503 Holbrook Avenue) in accordance with Article 3.E., Section C., Item 29, be and the same is hereby received; and

BE IT FURTHER ORDAINED THAT in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00254, filed by MADS Holbrook LLC, requesting a Special Use Permit to operate a Short Term Rental at Parcel ID 21964 (503 Holbrook Avenue) in accordance with Article 3.E Section C Item 29, is hereby granted and approved.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



Application deadline: Aug 14th

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Address: _____

Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 503 Holbrook Ave, Danville, VA 24541

Applicant: MADS Holbrook, LLC

Applicant's Address: 325 NW 14th Ave, Camas, WA 98607

Applicant's Phone Number: 360-771-7851

Applicant's E-mail: steve@rydergroupnw.com

Describe Proposed Request: To use the property as a permanent short term rental



Applicant Signature

date

Property Owner Signature
(if not applicant)

date

Special Use Permit Application for 503 Holbrook Ave, Danville, VA 24541

PROPOSED USE:

The proposed use for the property located at 503 Holbrook Ave, Danville, VA 24541 is be short term rental. The property will be available for guest used 24 hours per day, 7 days a week and 365 days per year.

The house will sleep up to 10 people.

C.1

The Comprehensive Plan states as a goals

- 1) "Historic and Cultural Resources – Promote historic and cultural resources by preventing deterioration, promoting rehabilitation and reuse, and promoting heritage tourism in the City"

The property will help achieve that goal. The house has been renovated keeping most of the original details of the home. The floors, stairs, windows, doors and wall placement are still from the original construction of the house. Some newer technology was used for safety and comfort. The electrical, plumbing, HVAC, cabinets have been updated to provide an all-round better and safer stay for short term renters.

The exterior has been repaired and brought to original look using similar materials and painting to match previous colors.

We have tried to keep this in the feel of a 1907 home and in doing so we have kept a valuable asset for the city from being replaced and losing the historical feel of this part of the city. The home is lined with historical pictures of Danville and the surrounding areas to promote the heritage tourism of the Danville.

- 2) "Sustainable Growth & Land Use - Embrace the principles of "sustainable growth" and adoption of the Future Land Use Plan, to 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."

This property adds to sustainable growth. It is new business that will protect the historic, architectural, cultural environment of Danville by offering families a place to visit and explore Danville while preserving the architecture of the property.

- 3) "Economic Development – 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; and tourism in order to strengthen and expand the economy."

This property will support the existing economic base by bringing new families into Danville, spending money on restaurants, exploring the sites of Danville and adding tourists that will boost the economy of the existing businesses.

C.2 The applicable zoning district

The property is zoned single family residence and will continue to meet that zoning requirement.

C.3 The Surrounding Properties

The surrounding properties are residential single family homes. Some are owner occupied, some are vacant and some are rental properties. This property is a single family home and will continue as such which will enhance the surrounding properties by showing the beauty of the existing architecture and promote the historical beauty of Danville.

C.4 Current and Future neighborhood conditions

The current neighborhood conditions are mixed. Several of the houses in the area are vacant (some are unlivable), some are in good condition and some homes are livable but are in need of repair. The work that we have done on the property will hopefully inspire others to upgrade and repair their houses. If our property is an example of what the future conditions can be then this area could be more beautiful than it has been in a very long time.

C.5 Pedestrian and Vehicular traffic patterns

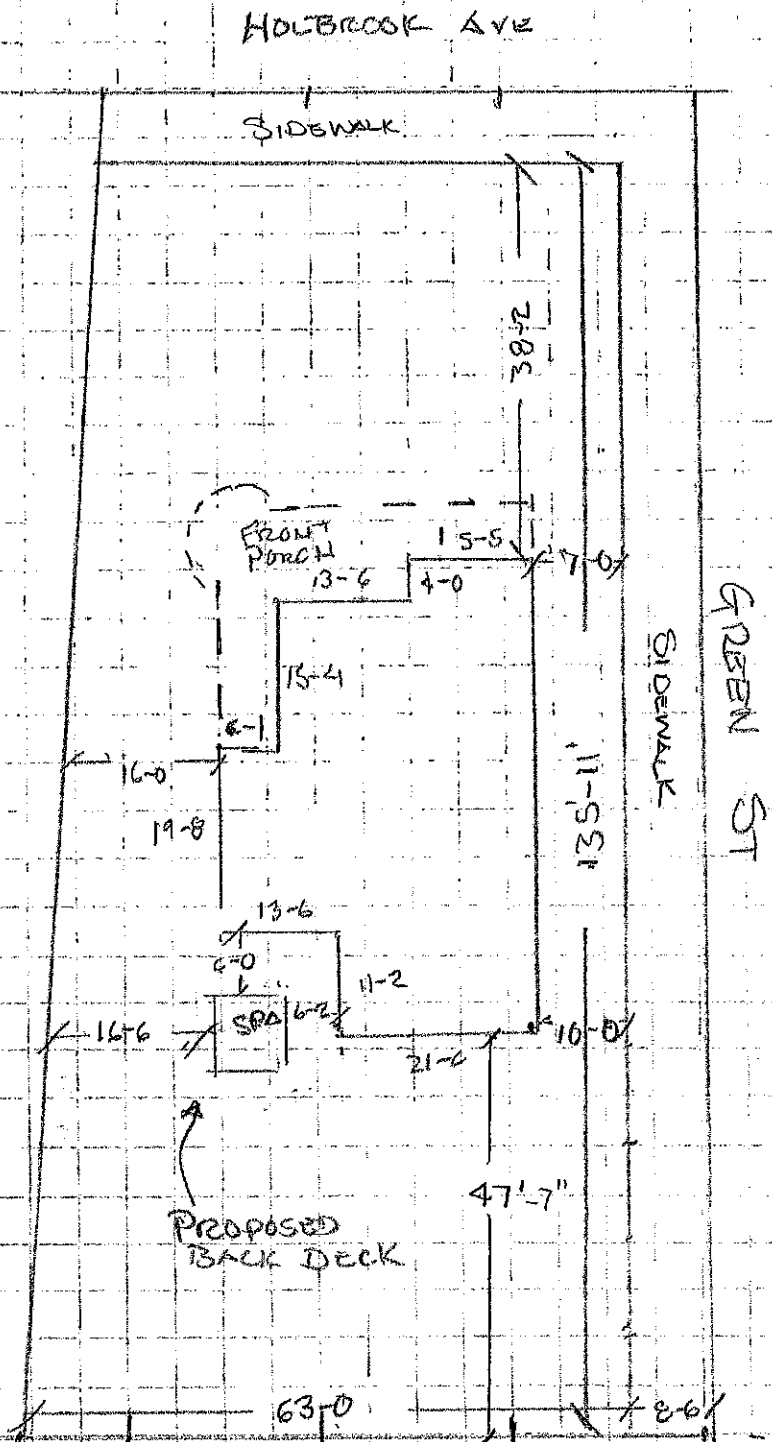
The property will be used by one family of guests at one time. The vehicular traffic will be similar as to what it is now (2 to 3 vehicles). Pedestrian traffic will be minimal as most people will be traveling by vehicle to see the sites of Danville and the surrounding area (as the neighborhood gets rehabilitated and more sites to visit in the local area the pedestrian traffic may increase slightly)

C.6 Adequate public facilities

As of now there are limited public facilities in the local area of this property. The 4 that are in walking distance are Thomas Doyle park, Midtown Market, Crema and Vine restaurant and The Danville Museum of Fine Arts and History. This property will support these public facilities extremely well, additional facilities in the walking distance would be a welcome addition to this neighborhood.

SITE PLAN

503 HOLBROOK AVE
DENVILLE, VA
SCALE 1"=20'



APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 503 HOLBROOK AVE DANVILLE, VA 24543

Applicant: MADS HOLBROOK, LLC

Applicant's Address: ~~503 HOLB~~ 325 NW 14TH AVE, CAMAS WA 98607

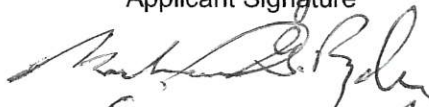
Applicant's Phone Number: 360-771-7851

Applicant's E-mail: STEVE@RYDERGROUPNW.COM

Describe Proposed Request: SHORT TERM RENTAL


Applicant Signature

8/16/2023
date

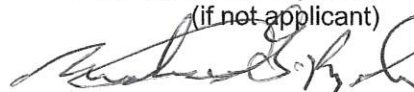

Angela J. Ryder 8/16/23

Angela J. Ryder 8/16/23



Property Owner Signature
(if not applicant)

8/16/2023
date


Angela J. Ryder 8/16/23

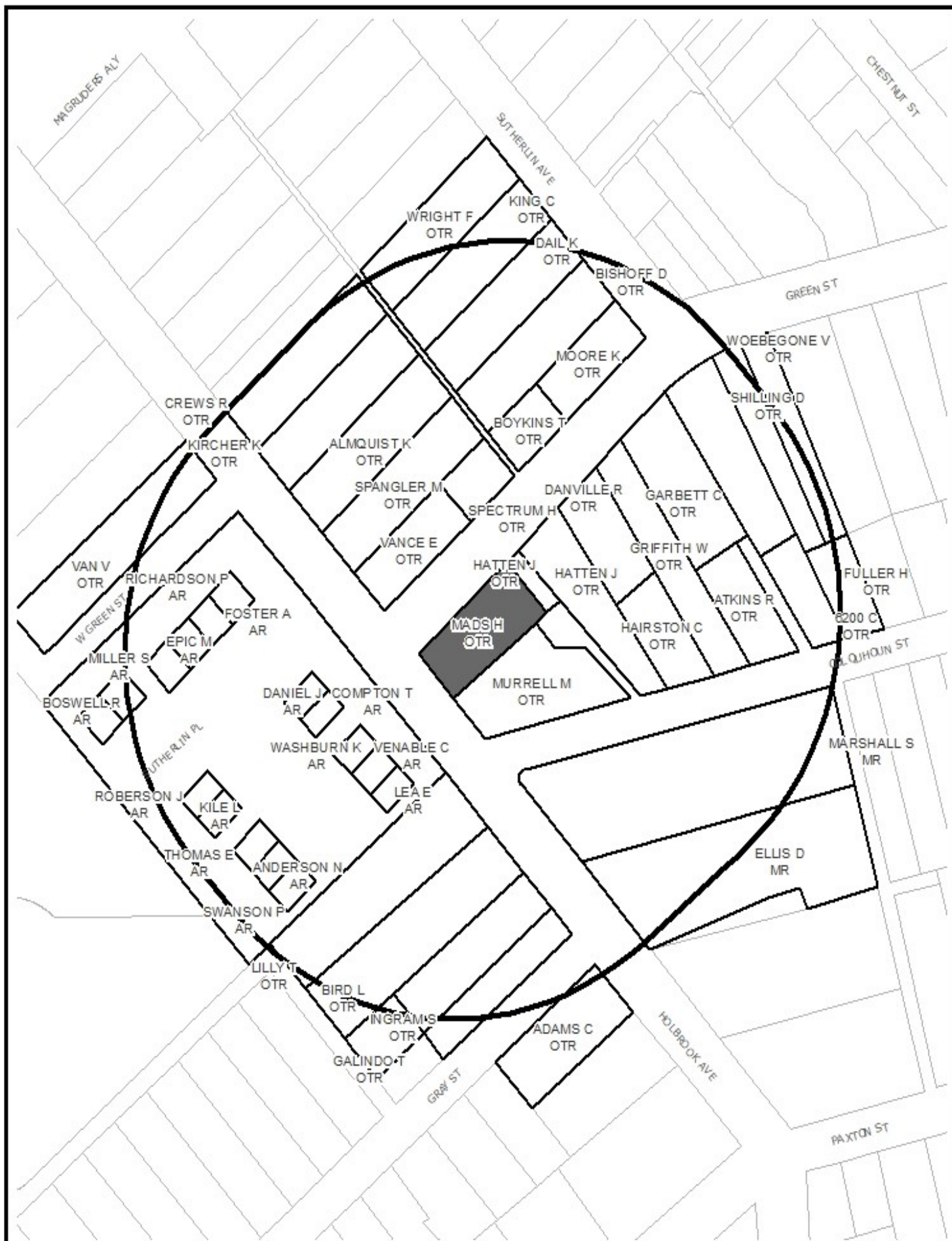
Angela J. Ryder 8/16/23



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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

FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

Disclaimer: Information contained on this map is to be used for reference purposes only. 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
8/10/2023

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



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

Commission of Architectural Review

MEMORANDUM

DATE: AUGUST 24, 2023
TO: CITY PLANNING COMMISSION
FROM: COMMISSION OF ARCHITECTURAL REVIEW
RE: SPECIAL USE PERMIT APPLICATION PZ23-00254
REQUEST:

Special Use Permit application PZ23-00254 filed by MADS Holbrook, LLC requesting a Special Use Permit at 503 Holbrook Avenue (Parcel 21964) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

RECOMMENDATION:

The Commission of Architectural Review, at their August 24, 2023, meeting, voted 3-0-1 to recommend approval of Special Use Permit Request PZ22-00254 as submitted.

Mr. Robert Weir, Chair

Department of Historic Resources Reconnaissance Level Survey

Danville

DHR Id#: 108-0056-0079

Resource Identification

Property Name(s): House, 503 Holbrook Avenue
 {Function/Location}
 Property Date: ca 1900
 Address(s): 503 Holbrook Avenue {Current}
 County/Independent City: Danville
 City:
 State, Zip: Virginia
 USGS Quad Name: DANVILLE
 Surrounding area: City

National Register Eligibility Status

Property is Historic (50 years or older)

Property has not been evaluated

This Property is associated with the Danville Historic District [district]

Resource Description

Ownership Status: Private

Primary Resource Exterior Component Description:

<u>Component</u>	<u>Comp Type/Form</u>	<u>Material</u>	<u>Material Treatment</u>
Foundation	Foundation - Raised	Brick	
Structural System	Structural System - Frame	Wood	Structural System - Weatherboard
Windows	Windows - Sash, double-hung	Wood	Windows - 1/1
Porch	Porch - 1-story	Wood	Porch - Columns on Piers
Roof	Roof - Hipped	Metal	Roof - Standing Seam
Chimneys	Chimneys - Interior	Brick	

Site Description: Located within the Danville Historic District (Old West End neighborhood), this building lies at the southern corner of Holbrook Avenue and Green Street. The building is situated close to the brick public sidewalk, which has a granite curb. The yard is held above the sidewalk by a stone retaining wall. Holbrook Avenue is primarily a residential street with houses from the late nineteenth and early twentieth century, many of which are large-scale Queen Anne and Colonial Revival-style dwellings.

WUZIT Count:

<u>No.</u>	<u>Wuzit Types</u>	<u>Historic?</u>
1	Single Dwelling	Contributing

NR Resource Count:

<u>#</u>	<u>NR Resource Type</u>	<u>Contributing Status</u>
1	Building	Contributing

Contributing: 1.00 Total: 1.00

Individual Resource Information

WUZIT: Single Dwelling

Est. Date of Construction: 1900 ca {Site Visit}

Accessed? No Not accessible

Primary Resource? Yes

Number of Stories: 2.0

Architectural Style: Colonial Revival

Condition: Good-Excellent

Interior Plan Type:

Threats to Resource: None Known

Description: This Colonial Revival-style house has the hip-roof with front-gable projection form that is typical in the district. Gabled projections are also found on the sides of the building. The house is sheathed in weatherboard siding and has shingled gable ends. Windows are one-over-one sash and there is a Palladian attic window in the front gable. A gabled attic dormer adds complexity to the roof. The full-width porch is supported by slender Tuscan columns on rock-faced concrete block piers. The porch terminates in a gazebo. A gable marks the porch entry. The window near the front door is stained glass.

Cemetery Information

Bridge Information

**Department of Historic Resources
Reconnaissance Level Survey**

Danville

DHR Id#: 108-0056-0079

Historic Context(s): Architecture/Community Planning

Historic Time Period(s): P- Reconstruction and Growth (1865 to 1914)

Significance Statement: This house is typical of many of the Colonial Revival houses within the district, especially in the Sutherlin and Holbrook Avenues area. The house is contributing to the Danville Historic District. The district is eligible for listing under Criteria A and C for its significance in the growth and development of the City of Danville and for the outstanding architecture within the district.

Bibliographic Documentation

Ownership Information

Graphic Media Documentation

<i>Medium</i>	<i>Depository ID #</i>	<i>Photo Depository</i>	<i>Date</i>	<i>File Name</i>
35MM Black & White	22385	DHR	2005/08/99	Frame 29-31-front

National Register Eligibility Information

Cultural Resource Management (CRM) Events

CRM Event # 1,
Cultural Resource Management Event: Reconnaissance: Cost-Share
Date: 2005/10/99
Organization or Person: Sherry Wyatt
CRM Event Notes or Comments:

MEMORANDUM

DATE: SEPTEMBER 11 , 2023

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST: *Special Use Permit application PZ23-00254 filed by MADS Holbrook, LLC requesting a Special Use Permit at 503 Holbrook Avenue (Parcel 21964) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.*

RESPONSES:

Fifty-one (51) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Twelve (14) responses were received, eight (10) were unopposed and four (4) were opposed.

COMMENTS:

Parking is a big issue in this neighborhood; short-term rentals will make it worse. Our effort has been to encourage single-family dwellings in this neighborhood. Short-term will work to reverse that effort.

But I am concerned about parking issues. There is very limited parking areas on Holbrook and Green Street already and the houses are very close together. Also since we all live in such close proximity to each other, I'm concerned about strangers in our neighborhood that we know nothing about.

I am hoping that parking will not be a problem for us in the condominium area at Sutherlin Place.

Our only concerns are who will be there to monitor the house and once the SUP has been granted we assume it is in perpetuity. We suggest having an annual or a renewal of some sort. Thank you.



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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00254

REQUEST

Special Use Permit application PZ23-00254 filed by MADS Holbrook, LLC requesting a Special Use Permit at 503 Holbrook Avenue (Parcel 21964) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 6 – 0 to recommend approval of Special Use Permit Request PZ23-00254 as submitted.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 854

NEW BUSINESS D.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Preferred Management Group on Behalf of Rebekah and Jonathan Rogerson, Requesting a Special Use Permit at 121 Howeland Circle (Parcel 23422) to Allow Short-Term Rental as Principal Use.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00270, filed by Preferred Management Group on Behalf of Rebekah and Jonathan Rogerson, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 23422 (121 Howeland Circle) in Accordance with Article 3.E., Section C., Item 29.

SUMMARY

121 Howeland Circle is zoned OT-R, Old Town Residential. The applicants, Preferred Management Group on behalf of Rebekah and Jonathan Rogerson, have requested a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article 3.E. Section C Item 29.

The subject property was built in 1928 and is listed as a four (4) bedroom, two (2) bath single family dwelling. It was acquired by the current owners in 2018. The property has a private driveway with space for multiple vehicles and there is on-street parking available.

A certificate of occupancy inspection has not been scheduled as the property is currently occupied by a rental tenant. The applicant, who will be acting as local agent, is a property management company based in Danville.

Forty-four (44) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Nine (9) responses were received, six (6) were unopposed and three (3) were opposed.

On September 11, 2023, the City Planning Commission voted 5 - 1 to recommend approval of a Special Use Permit request PZ23-00270 to operate a Short-Term Rental as a principal use in accordance with Article 3.E. Section C Item 29.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to operate a

Short Term Rental as a principal use at 121 Howeland Circle (Parcel ID #23422) in accordance with Article 3.E. Section C Item 29.

Attachments

1. Ordinance
 2. Applicant Signature Pages
 3. 121 Howeland Circle - Aerials
 4. 121 Howeland Circle - Owners
 5. 121 Howeland Circle - Landuse
 6. Neighbor Responses - 121 Howeland Circle
 7. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00270, FILED BY PREFERRED MANAGEMENT GROUP ON BEHALF OF REBEKAH AND JONATHAN ROGERSON, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 23422 (121 HOWELAND CIRCLE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 29.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00270, filed by Preferred Management Group on behalf of Rebekah and Jonathan Rogerson, requesting a Special Use Permit to operate a Short Term Rental at Parcel ID 23422 (121 Howeland Circle) in accordance with Article 3.E., Section C., Item 29, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00270, filed by Preferred Management Group on behalf of Rebekah and Jonathan Rogerson, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 23422 (121 Howeland Circle) in accordance with Article 3.E., Section C., Item 29, be, and is hereby, granted and approved.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): _____

Applicant: _____

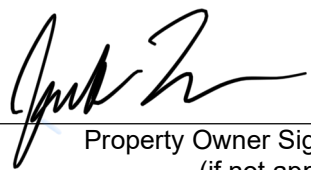
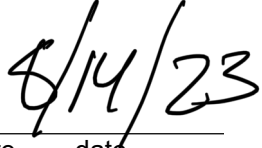
Applicant's Address: _____

Applicant's Phone Number: _____

Applicant's E-mail: _____

Describe Proposed Request: _____

Applicant Signature date

Property Owner Signature date
(if not applicant)

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): _____

Applicant: _____

Applicant's Address: _____

Applicant's Phone Number: _____

Applicant's E-mail: _____

Describe Proposed Request: _____

Applicant Signature date

Rebekah Rogerson

Property Owner Signature
(if not applicant)

8/7/2023

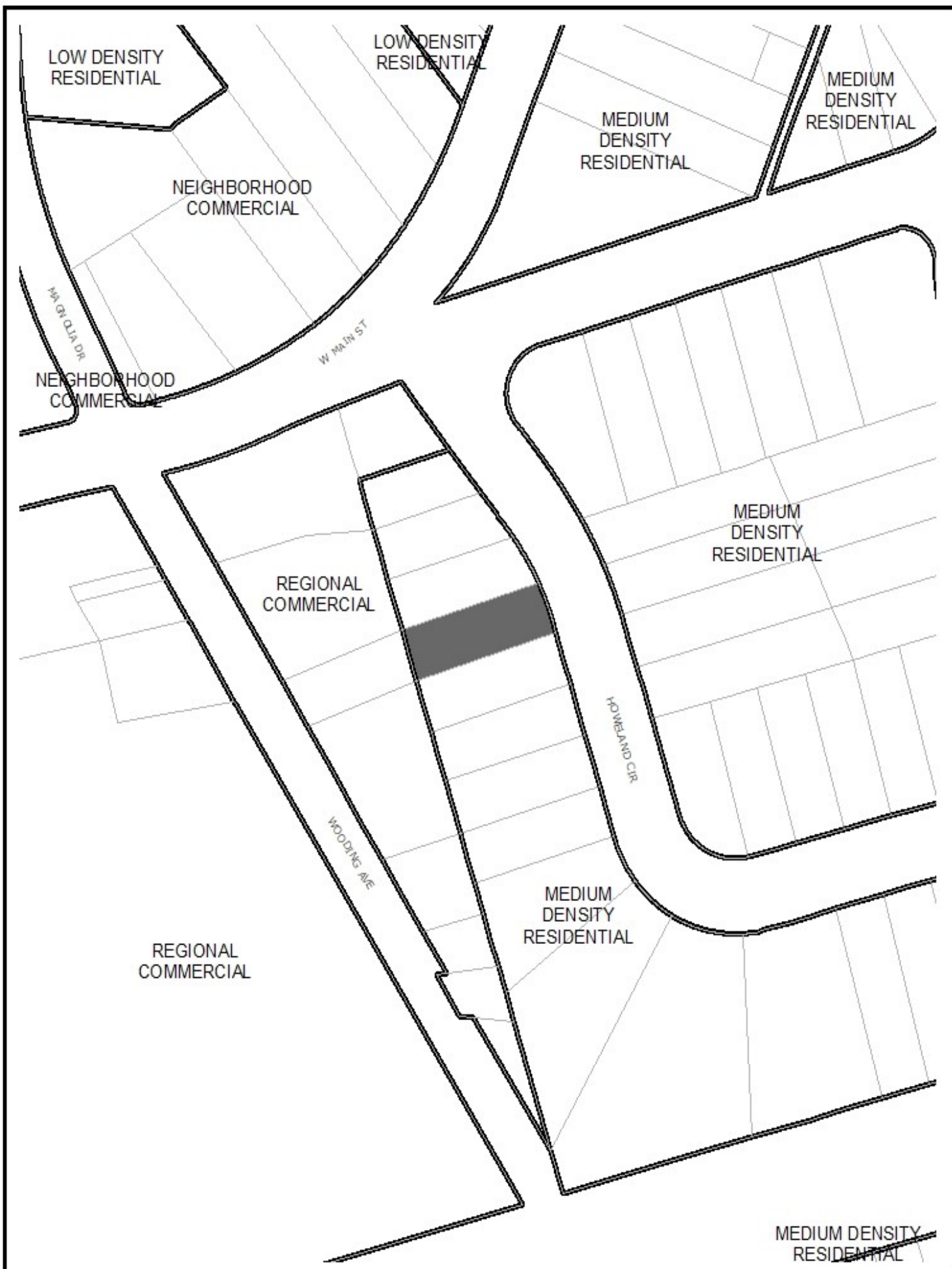
date



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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
8/10/2023

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.

MEMORANDUM

DATE: SEPTEMBER 11 , 2023

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST: *Special Use Permit application PZ23-00270 filed by Preferred Management Group on behalf of Rebekah and Jonathan Rogerson requesting a Special Use Permit at 121 Howeland Circle (Parcel 23422) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.*

RESPONSES:

Forty-four (44) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Nine (9) responses were received, six (6) were unopposed and three (3) were opposed.

COMMENTS:

Parking could be a problem.

Parking is very limited and one was already approved on the circle and has impeded parking. Another would be ridiculous!

Parking is already a problem- we do not need additional cars.



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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00270

REQUEST

Special Use Permit application PZ23-00270 filed by Preferred Management Group on behalf of Rebekah and Jonathan Rogerson requesting a Special Use Permit at 121 Howland Circle (Parcel 23422) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 5 – 1 to recommend approval of Special Use Permit Request PZ23-00270 as submitted.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 855

NEW BUSINESS E.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Martha Evans Ray, Requesting a Special Use Permit at 113 Clarendon Circle (Parcel 25586) to Allow Short-Term Rental as Principal Use.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00269, filed by Martha Evans Ray, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 25586 (113 Clarendon Circle) in Accordance with Article 3.E., Section C., Item 29.

SUMMARY

113 Clarendon Circle is zoned OT-R, Old Town Residential. The applicant, Martha Evans Ray, has requested a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article 3.E. Section C Item 29.

The subject property was built in 1951 and is a single family dwelling. It was acquired by the applicant in 2019. The property has a shared driveway. On street parking is available.

An inspection for a certificate of occupancy has been completed and passed. The applicant lives nearby in the same neighborhood. The property has been reported to zoning as already having an active listing on a popular short-term rental website.

Fifty-seven (57) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seventeen (17) responses were received, twelve (12) were unopposed and five (5) were opposed.

On September 11, 2023, the City Planning Commission voted 5 - 1 to recommend approval of Special Use Permit request PZ23-00269 to operate a Short Term Rental as a principal use in accordance with Article 3.E. Section C Item 29.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to operate a Short Term Rental as a principal use at 113 Clarendon Circle (Parcel ID #25586) in accordance with Article 3.E. Section C Item 29.

Attachments

1. Ordinance
 2. Special Use Permit Application
 3. 113 Clarendon Circle - Aerials
 4. 113 Clarendon Circle - Owners
 5. 113 Clarendon Circle - Landuse
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00269, FILED BY MARTHA EVANS RAY, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 25586 (113 CLARENDON CIRCLE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 29.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00269, filed by Martha Evans Ray, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 25586 (113 Clarendon Circle) in accordance with Article 3.E., Section C., Item 29, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00269, filed by Martha Evans Ray, requesting a Special Use Permit to operate a Short Term Rental at Parcel ID 25586 (113 Clarendon Circle) in accordance with Article 3.E., Section C., Item 29, is hereby granted and approved.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ 23-00269 PC Meeting Date: 9/11/23
Date Received: 8/3/23 Received By: LISA JONES
Parcel ID: 25586 Address: 113 clarendon circle
Existing Zoning OTR Future Land Use: Air BNB

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 113 Clarendon Cir.
Applicant: Martha Evans Ray
Applicant's Address: 131 Canterbury Rd.
Applicant's Phone Number: 434-489-3233 (C) 434-791-3280 (H)
Applicant's E-mail: martharay22@yahoo.com

Describe Proposed Request:

Airbnb when not being used personally
by family during holidays and for
visits

Martha E Ray 7/25/23
Applicant Signature date

Property Owner Signature date
(if not applicant)

Application for Special-Use Permit

113 Clarendon Cir.

This property is zoned O-T R and in keeping with the Comprehensive Plan I intend to continue to use it as a personal residence for my visiting family and friends and even at times for myself as was the case recently when our power was out for over 24 hours due to a bad storm. I am not interested in any long-term rentals because of that personal use. It has been in my family for 30+ years as my parents lived there until their passing.

When not in use by me personally, I would like to further make use of it as an Airbnb during the vacant times and thus my application for this special use permit. I would be offering 2 bedrooms for a total of 4 occupants at any given time. Additionally, I live just a couple of blocks away and keep a close watch on it.

There are now many regular rental properties on this street and in the surrounding neighborhoods. I feel that many times regular renters do not keep the property up, but we always keep the grass mowed and constantly enhance the landscaping and front porch pots as if we lived there full-time. I also continue to feed the birds there as well just like my parents did. I take pride in all of that, and I further feel that outside appearances are as important as inside.

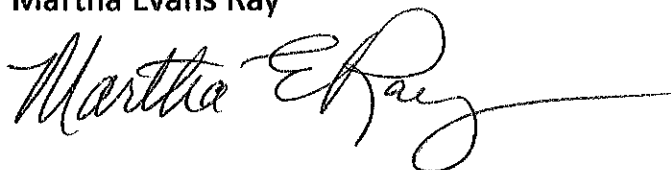
By using this part time as an Airbnb, I feel that it would only enhance the offerings of the City of Danville for people traveling for work and play. It just gives them another option for a pleasant and memorable stay in our city. It is also well located for traveling doctors and nurses as it is near the hospital and near Averett and the downtown area.

The property has off-street parking as well as plenty of on street parking as it is next to a corner lot that uses the other side for its front entrance and parking. There is plenty of parking and it would not affect any of the neighbors.

Basically, nothing would change as far as the city is concerned other than receiving the occupancy tax benefit that Airbnb collects.

Thank you for your consideration.

Martha Evans Ray

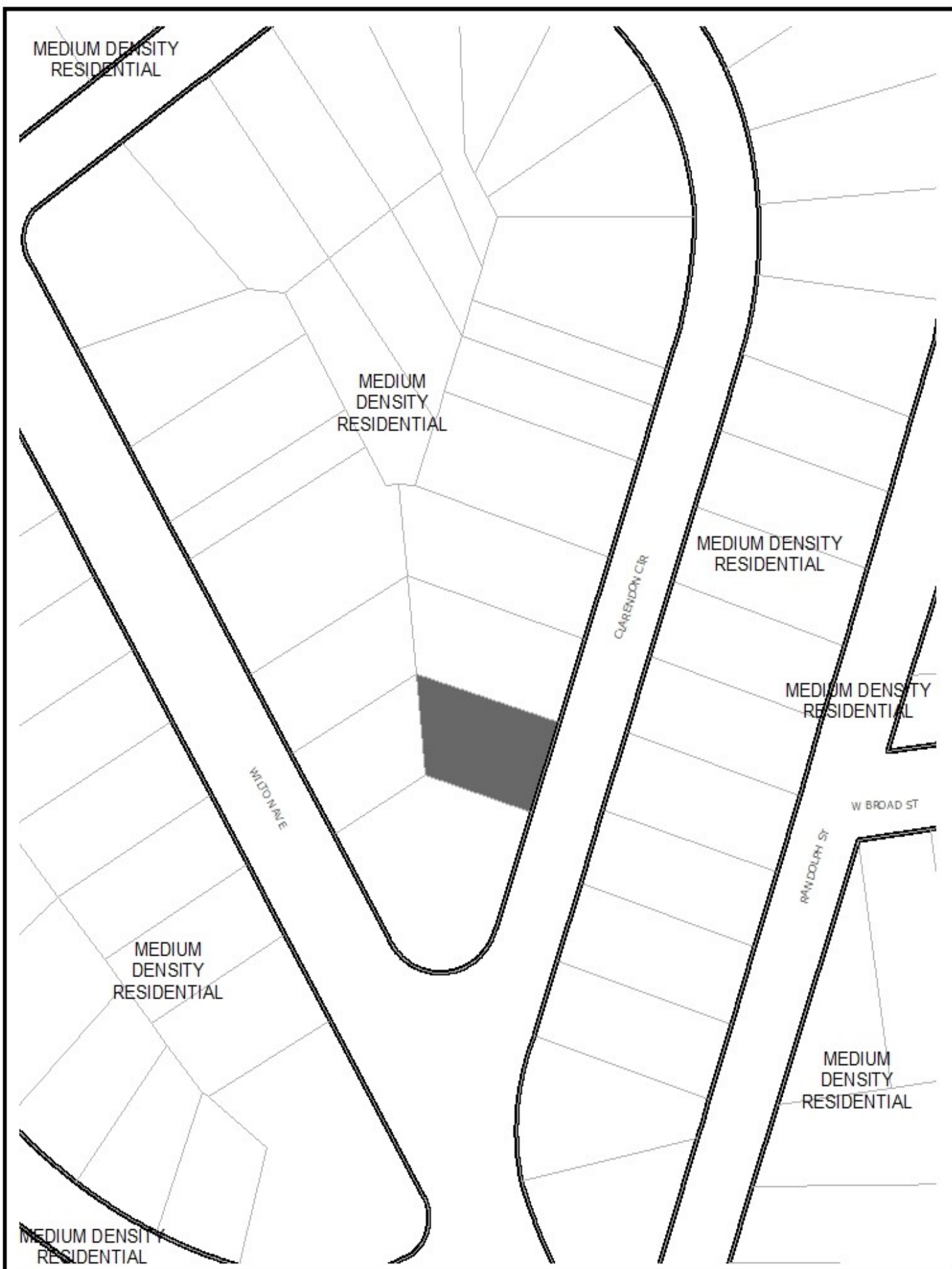
A handwritten signature in black ink, reading "Martha Evans Ray". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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
8/10/2023

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



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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00269

REQUEST

Special Use Permit application PZ23-00269 filed by Martha Evans Ray requesting a Special Use Permit at 113 Clarendon Circle (Parcel 25586) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 5 – 1 to recommend approval of Special Use Permit Request PZ23-00269 as submitted.

Mr. Steve Petrick, Chair

Council Letter City of Danville, Virginia



CL - 856

NEW BUSINESS F.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of a Rezoning Application to Rezone Two Winstead Drive (Parcel 51165) from HR-C Highway Retail Commercial to OT-R Old Town Residential.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Rezoning from HR-C, Highway Retail Commercial to OT-R, Old Town Residential Parcel ID #51165 (2 Winstead Drive).

SUMMARY

The subject property, Two Winstead Drive, is currently zoned HR-C, Highway Retail Commercial. The applicant purchased the property in June with the intent of using the property as a Short-Term Rental. The HR-C zoning classification does not allow Short-Term Rentals. Therefore, the applicant has submitted applications to rezone the subject property from HR-C, Highway Retail Commercial to OT-R Old Town Residential, and to be granted a Special Use Permit for Short Term Rental.

It is a residential structure built in 1952 that was acquired by the applicant in June of this year. There are no records that indicate this property has been used commercially in the past. It is likely that the property was zoned HR-C during the City-Wide rezoning in 2004 for its potential consolidation with 2520 West Main Street.

Twenty-six (26) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Three (3) responses were received, one (1) was unopposed and two (2) were opposed.

On September 11, 2023, the City Planning Commission voted 6 - 0 to recommend approval of Rezoning request PZ23-00274 to rezone Two Winstead Drive (Parcel ID #51165) from HR-C, Highway Retail Commercial to OT-R, Old Town Residential.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to rezoning from HR-C, Highway Retail Commercial to OT-R, Old Town Residential, Two Winstead Drive (Parcel ID #51165).

Attachments

1. Ordinance
-

2. Two Winstead - Aerials
 3. Two Winstead Drive - Owners
 4. Two Winstead Drive - Landuse
 5. Planning Commission Recommendation
 6. Neighbor Responses - 121 Howeland Cir
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE REZONING FROM HR-C, HIGHWAY RETAIL COMMERCIAL TO OT-R, OLD TOWN RESIDENTIAL PARCEL ID #51165 (2 WINSTEAD DRIVE).

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, Jeremiah Clark, has requested to rezone from the HR-C Highway Retail Commercial zoning district to the OT-R Old Town Residential zoning district, Parcel ID #51165 (2 Winstead Drive), of the City of Danville, Virginia Zoning District Map.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Rezoning Application PZ23-00274, filed by Jeremiah Clark, requesting to rezone from the HR-C Highway Retail Commercial zoning district to the OT-R Old Town Residential zoning district, Parcel ID #51165 (2 Winstead Drive), of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Rezoning Application PZ23-00274, filed by Jeremiah Clark, requesting to rezone from the HR-C Highway Retail Commercial zoning district to the OT-R Old Town Residential zoning district, Parcel ID #51165 (2 Winstead Drive), of the City of Danville, Virginia Zoning District Map, be, and is hereby, approved; and

BE IT FINALLY ORDAINED that Parcel ID #51165, of the City of Danville, Virginia District Map is hereby amended to reflect the same.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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
8/10/2023

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





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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PZ23-00274

REQUEST

Rezoning application PZ23-00274 filed by Jeremiah Clark to rezone 2 Winstead Drive (Parcel 51165) from HR-C Highway Retail Commercial to OT-R Old Town Residential.

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 6 – 0 to recommend approval of Rezoning Request PZ23-00274 as submitted.

Mr. Steve Petrick, Chair

MEMORANDUM

DATE: SEPTEMBER 11 , 2023

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST: *Special Use Permit application PZ23-00270 filed by Preferred Management Group on behalf of Rebekah and Jonathan Rogerson requesting a Special Use Permit at 121 Howeland Circle (Parcel 23422) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.*

RESPONSES:

Forty-four (44) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Nine (9) responses were received, six (6) were unopposed and three (3) were opposed.

COMMENTS:

Parking could be a problem.

Parking is very limited and one was already approved on the circle and has impeded parking. Another would be ridiculous!

Parking is already a problem- we do not need additional cars.

Council Letter

City of Danville, Virginia



CL - 857

NEW BUSINESS G.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of a Special Use Permit Application at Two Winstead Drive (Parcel 51165) to Allow Short-Term Rental as Principal Use.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00273, filed by Jeremiah Clark, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 51165 (2 Winstead Drive) in Accordance with Article 3.E., Section C., Item 29.

SUMMARY

The subject property, Two Winstead Drive, is a residential structure built in 1952. The applicant purchased the property in June with the intent of using the property as a Short-Term Rental. The property owner lives within fifty (50) miles of the subject property.

The subject property is currently under renovation by the applicant. A Certificate of Occupancy cannot be issued until all work is complete. The property has a gravel/grass driveway for use.

Twenty-six (26) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Three (3) responses were received, one (1) was unopposed and two (2) were opposed.

On September 11, 2023, the City Planning Commission voted 6 - 0 to recommend approval of Special Use Permit request PZ23-00273 to operate a Short Term Rental as a principal use in accordance with Article 3.E. Section C Item 29.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to operate a Short Term Rental as a principal use at 2 Winstead Drive (Parcel ID #51165) in accordance with Article 3.E. Section C Item 29.

Attachments

1. Ordinance
 2. Application
 3. Two Winstead Drive - Aerials
 4. Two Winstead Drive - Landuse
 5. Two Winstead Drive - Owners
-

6. Neighbor Responses - Two Winstead Drive
 7. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00273, FILED BY JEREMIAH CLARK, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 51165 (2 WINSTEAD DRIVE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 29.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00273, filed by Jeremiah Clark, requesting a Special Use Permit to operate a Short Term Rental at Parcel ID 51165 (2 Winstead Drive) in accordance with Article 3.E., Section C., Item 29, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00273, filed by Jeremiah Clark, requesting a Special Use Permit to operate a Short Term Rental at Parcel ID 51165 (2 Winstead Drive) in accordance with Article 3.E Section C Item 29, is hereby granted and approved.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-60273 PC Meeting Date: 9/11
Date Received: 8/3/23 Received By: Williams
Parcel ID: 51165 Address: 2 Winstead
Existing Zoning HR-C Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 2 Winslead Drive

Applicant: Jeremiah Clark

Applicant's Address: 218 Hayes Ave Danville VA 24540

Applicant's Phone Number: 434-250-0622

Applicant's E-mail:

Describe Proposed Request: operate a single Air BnB.

Renovate existing home into 2 bedroom, living
room, kitchen and one bathroom.

Jeremiah Clark 8-3-23

Applicant Signature

date

Property Owner Signature
(if not applicant)

date

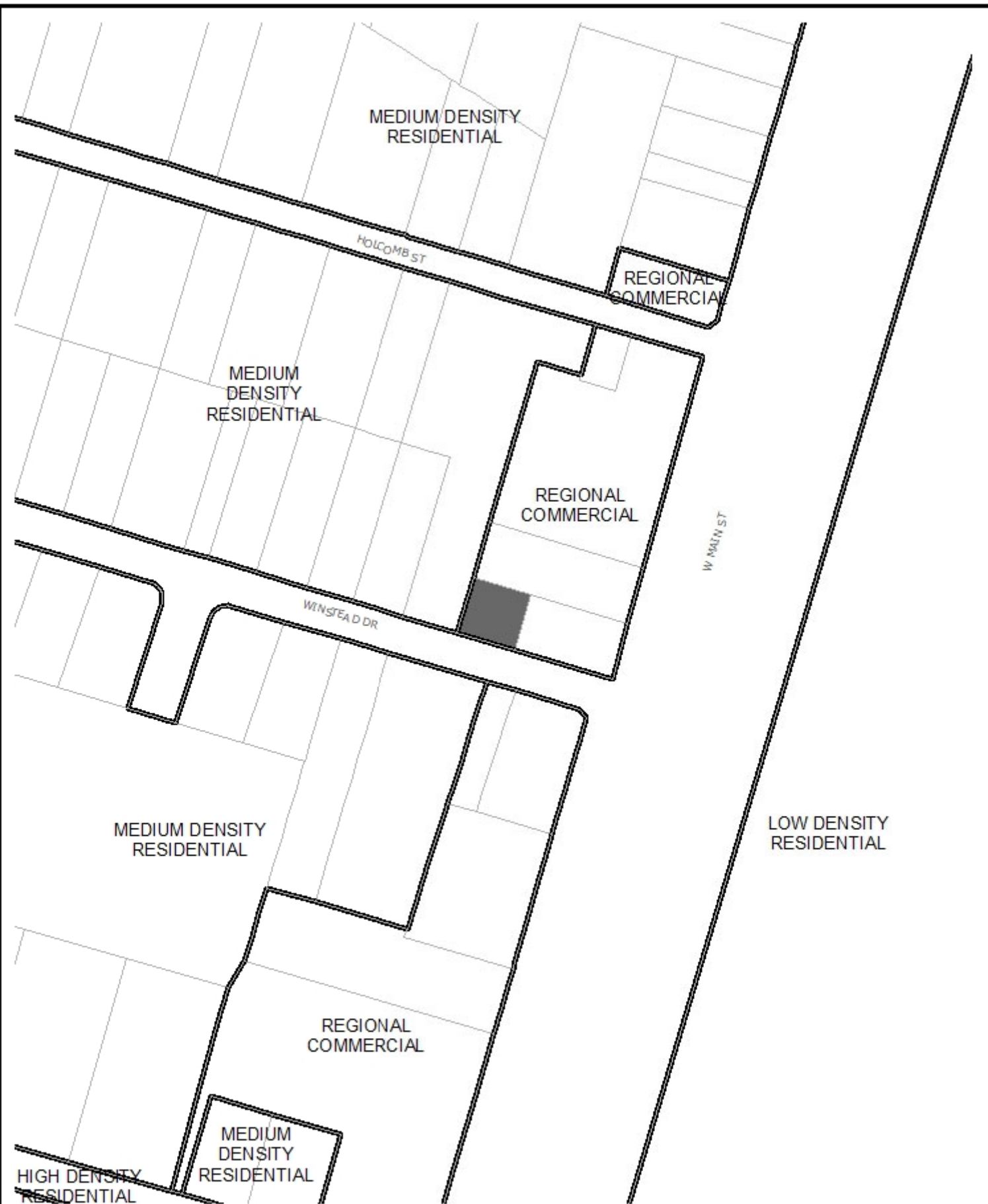


2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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.

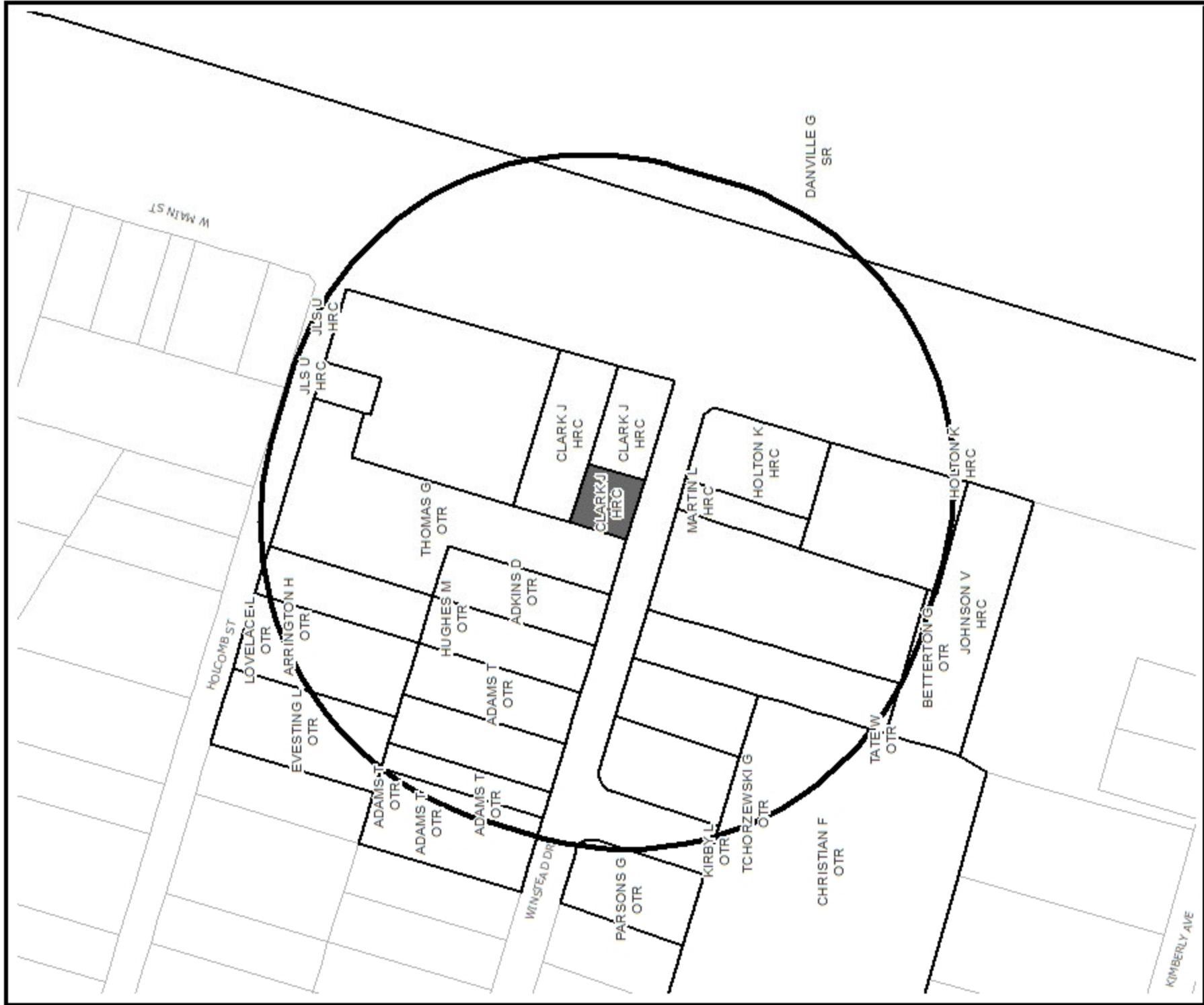




YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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.

MEMORANDUM

DATE: **SEPTEMBER 11 , 2023**

TO: **PLANNING COMMISSION**

FROM: **PLANNING STAFF**

SUBJECT: **RESPONSE FROM NEIGHBORING PROPERTY OWNERS**

REQUEST: *Rezoning application PZ23-00274 filed by Jeremiah Clark to rezone 2 Winstead Drive (Parcel 51165) from HR-C Highway Retail Commercial to OT-R Old Town Residential.*

RESPONSES:

Twenty-six (26) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Three (3) responses were received, one (1) was unopposed and two (2) were opposed.

COMMENTS:

Can't rent a family with children too close to highway.



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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00273

REQUEST

Special Use Permit application PZ23-00273 filed by Jeremiah Clark requesting a Special Use Permit at 2 Winstead Drive (Parcel 51165) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 6 – 0 to recommend approval of Special Use Permit Request PZ23-00273 as submitted.

LB

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 858

NEW BUSINESS H.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of a Rezoning Application filed by Jeremiah Clark to Rezone 2520 West Main Street (Parcel 54430) from HR-C Highway Retail Commercial to OT-R Old Town Residential.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. A Resolution Maintaining Parcel ID 54430 (2520 West Main Street) in the HR-C Highway Retail Commercial Zoning District.

SUMMARY

The subject property, 2520 West Main Street, is currently zoned HR-C, Highway Retail Commercial. It is a commercial building built in 1950 that was acquired by the applicant in June of this year with the intent of operating a short-term rental, principal use. The HR-C zoning classification does not allow residential uses, therefore, the applicant has requested to rezone from HR-C, Highway Retail Commercial to OT-R Old Town Residential.

The subject property is located within the West Main Street Commercial Corridor. There are limited residential areas along the corridor and no OT-R zoning adjacent. This may be deemed illegal spot zoning. Illegal spot zoning can be classified as a rezoning that is solely to serve the benefit of the property owner(s) and not the greater good of the community. However, if the rezoning request by the applicant at Two Winstead Drive is approved, the rezoning of 2520 West Main Street would be an extension of the OT-R zoning classification, not an isolated classification.

2520 West Main Street is located along the West Main Street Commercial corridor and a residential zoning classification at this location is incompatible with adjacent uses and the surrounding area.

Twenty-two (22) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. One (1) opposed response was received.

On September 11, 2023, the City Planning Commission voted 6 - 0 to recommend denial of Rezoning Request PZ23-00276 to rezone 2520 West Main Street (Parcel ID #54430) from HR-C, Highway Retail Commercial to OT-R, Old Town Residential.

RECOMMENDATION

It is recommended that City Council adopt a Resolution maintaining the HR-C Highway Retail Commercial zoning classification 2520 West Main Street.

Attachments

1. Resolution
 2. Application
 3. Planning Commission Recommendation
 4. 2520 W. Main Street - Aerials
 5. 2520 W. Main Street - Landuse
 6. 2520 W. Main Street - Owners
 7. Neighbor Responses - 2520 W Main rezoning
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-_____

A RESOLUTION MAINTAINING PARCEL ID 54430 (2520 WEST MAIN STREET) IN THE HR-C HIGHWAY RETAIL COMMERCIAL ZONING DISTRICT.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Rezoning application PZ23-00276, to rezone Parcel ID 54430 (2520 West Main Street) from HR-C Highway Retail Commercial to OT-R, Old Town Residential, is hereby received; and

BE IT FURTHER RESOLVED that in consideration of said report and the public hearing held this day by Council, Rezoning application PZ23-00276, to rezone Parcel ID 54430 (2520 West Main Street) from HR-C Highway Retail Commercial to OT-R, Old Town Residential, is hereby denied; and

BE IT FURTHER RESOLVED that Parcel ID 54430 (2520 West Main Street) hereby maintain HR-C Highway Retail Commercial zoning.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



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 #: PZ23-00270 PC Meeting Date: 9/11
Date Received: 8/3/23 Received By: Williams
Parcel ID: 54430 Zoning District: _____
Existing Zoning: HR-C Proposed Zoning: OT-R

APPLICANT PROVIDED INFORMATION

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

Property Address: 2520 W. main st Gross Area/Net Area: .1303

Property Location: N ☒ S ☐ E ☐ W ☒ Side of: W main st

Between: Edel Dyer & husband and Holcomb

Proffered Conditions (if any, please attach): _____

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

Name: Jeremiah Clark Telephone: (434) 250-0622

Mailing Address: 218 Hayes ave Danville, VA 24540

Email Address: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

Name: _____ Telephone: _____

Mailing Address: _____

Email Address: _____

<u>Jeremiah Clark</u>	<u>8-3-23</u>	_____	_____
Applicant Signature	date	Property Owner Signature (if not applicant)	date



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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PZ23-00276

REQUEST

Rezoning application PZ23-00276 filed by Jeremiah Clark to rezone 2520 West Main Street (Parcel 54430) from HR-C Highway Retail Commercial to OT-R Old Town Residential.

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 6 – 0 to recommend denial of Rezoning Request PZ23-00276 as submitted.

Mr. Steve Petrick, Chair



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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.

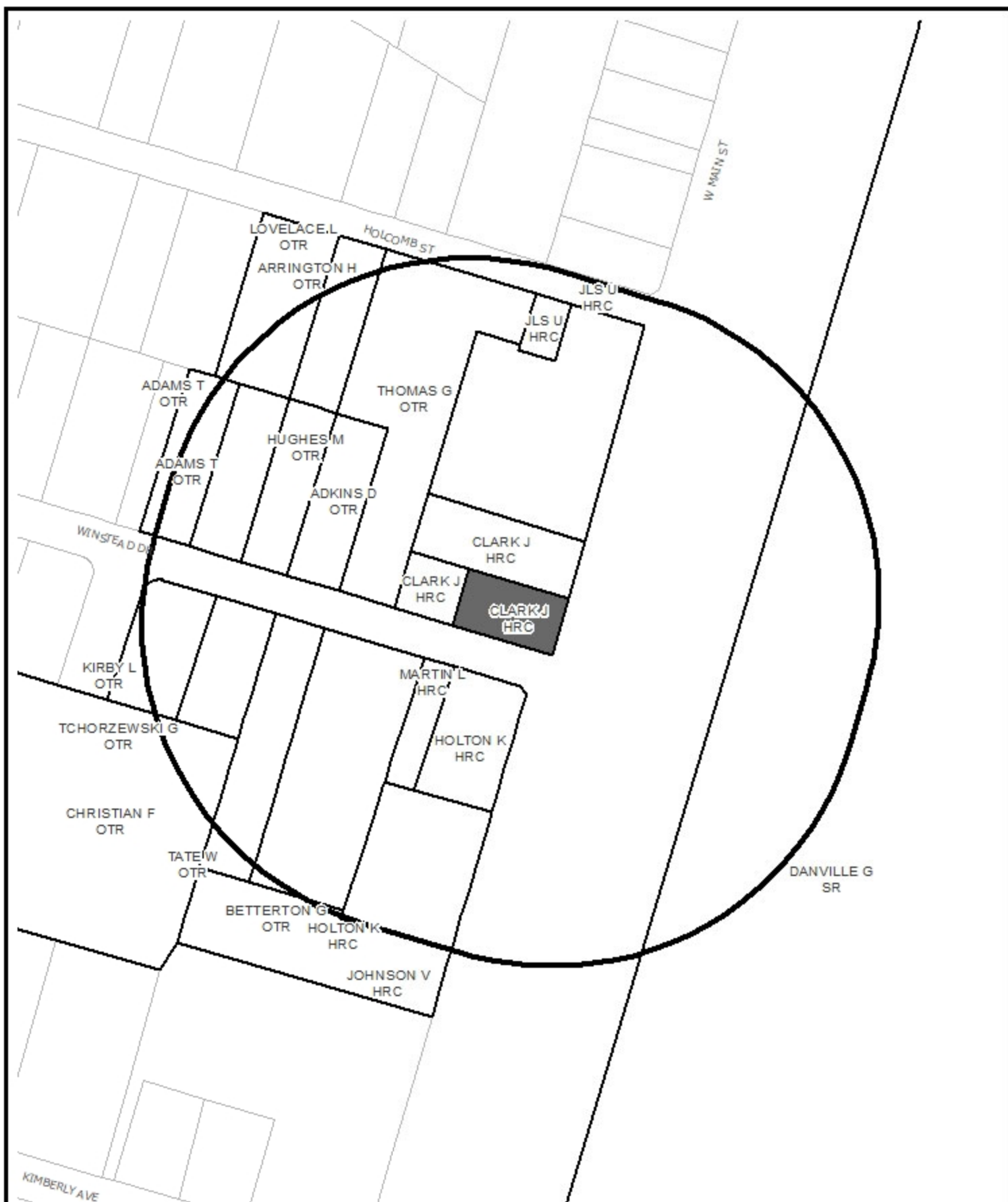




YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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

FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
8/10/2023

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.

MEMORANDUM

DATE: **SEPTEMBER 11 , 2023**

TO: **PLANNING COMMISSION**

FROM: **PLANNING STAFF**

SUBJECT: **RESPONSE FROM NEIGHBORING PROPERTY OWNERS**

REQUEST: *Rezoning application PZ23-00276 filed by Jeremiah Clark to rezone 2520 West Main Street (Parcel 54430) from HR-C Highway Retail Commercial to OT-R Old Town Residential.*

RESPONSES:

Twenty-two (22) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. One (1) response was received, and one (1) was opposed.

COMMENTS:

Council Letter City of Danville, Virginia



CL - 859

NEW BUSINESS I.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Jeremiah Clark, Requesting a Special Use Permit at 2520 West Main Street (Parcel 54430) to Allow Short Term Rental, as Principal Use.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. A Resolution Denying Special Use Permit Application PZ23- 00275, filed by Jeremiah Clark, Requesting a Special Use Permit to Operate a Short-Term Rental as Principal Use in Accordance with Article 3.E, Section C., Item 29. of the Danville Zoning Ordinance at 2520 West Main Street (Parcel ID #54430).

SUMMARY

The subject property, 2520 West Main Street, is currently zoned HR-C, Highway Retail Commercial. It is a commercial building built in 1950 that was acquired by the applicant in June of this year with the intent of operating a short-term rental, principal use. The HR-C zoning classification does not allow residential uses. Therefore, the applicant has requested to rezone from HR-C, Highway Retail Commercial to OT-R Old Town Residential. The applicant has also requested a Special Use Permit to operate a Short-Term rental in accordance with Article 3.E. Section C Item 29.

The last use of record at 2520 West Main Street was the commercial operation of a tattoo parlor. There is no record of residential use. The applicant must remodel and update the structure to receive a Certificate of Occupancy for residential use. Permits have not been issued to complete this work, because of the commercial zoning classification.

2520 West Main Street has a grass/gravel drive that passes from West Main Street to Winstead Drive. This area could be utilized for parking if enlarged and improved.

Twenty-two (22) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. One (1) received response was opposed.

On September 11, 2023, the City Planning Commission voted 6 - 0 to recommend denial of Special Use Permit Request PZ23-00275 to operate a Short Term Rental as a principal use at 2520 West Main Street (Parcel ID #54430).

RECOMMENDATION

If City Council chooses to deny Rezoning Request PZ23-00276, Special Use Permit Request PZ23-

00275 may not be considered for approval. Denial of PZ23-00276 would maintain the HR-C, Highway Retail Commercial zoning classification at 2520 West Main Street. A Special Use Permit for the operation of a Short-Term Rental as a principal is not allowed within a HR-C zoning classification.

Attachments

1. Resolution
 2. Application
 3. 2520 W Main Street - Aerials
 4. 2520 W Main Street - Owners
 5. 2520 W Main Street - Land Use
 6. Neighbor Responses - 2520 W Main Street
 7. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-____.

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PZ23-00275, FILED BY JEREMIAH CLARK, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AS PRINCIPAL USE IN ACCORDANCE WITH ARTICLE 3.E, SECTION C., ITEM 29. OF THE DANVILLE ZONING ORDINANCE AT 2520 WEST MAIN STREET (PARCEL ID #54430).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit application PZ23-00275, filed by Jeremiah Clark, requesting a Special Use Permit to operate a short-term rental as a principal use in accordance with Article 3.E, Section C., Item 29. of the Danville Zoning Ordinance at 2520 West Main Street (Parcel ID #54430), is hereby received; and

BE IT FURTHER RESOLVED that in consideration of said report and the public hearing this day held by Council, Special Use Permit application PZ23-00275, filed by Jeremiah Clark, requesting a Special Use Permit to operate a short-term rental as a principal use in accordance with Article 3.E, Section C., Item 29. of the Danville Zoning Ordinance at 2520 West Main Street (Parcel ID #54430), is hereby denied.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: P223-00275 PC Meeting Date: 9/11
Date Received: 8/3/23 Received By: Williams
Parcel ID: 54430 Address: 2500 W Main
Existing Zoning HR-C Future Land Use: _____

APPLICANT PROVIDED INFORMATION

2520 W. Main Street

Property Location (address/ID#): ~~218 Hayes Ave Danville VA 24540~~

Applicant: Jeremiah Clark

Applicant's Address: 218 Hayes Ave Danville VA 24540

Applicant's Phone Number: 434-250-0622

Applicant's E-mail: _____

Describe Proposed Request: Convert commercial facility into
residential Air BNB. Convert to 2 units
Each will have 2 bedrooms, one bath and a
Kitchen with external deck on each unit

Jeremiah Clark 8-3-23
Applicant Signature date

Property Owner Signature date
(if not applicant)



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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.

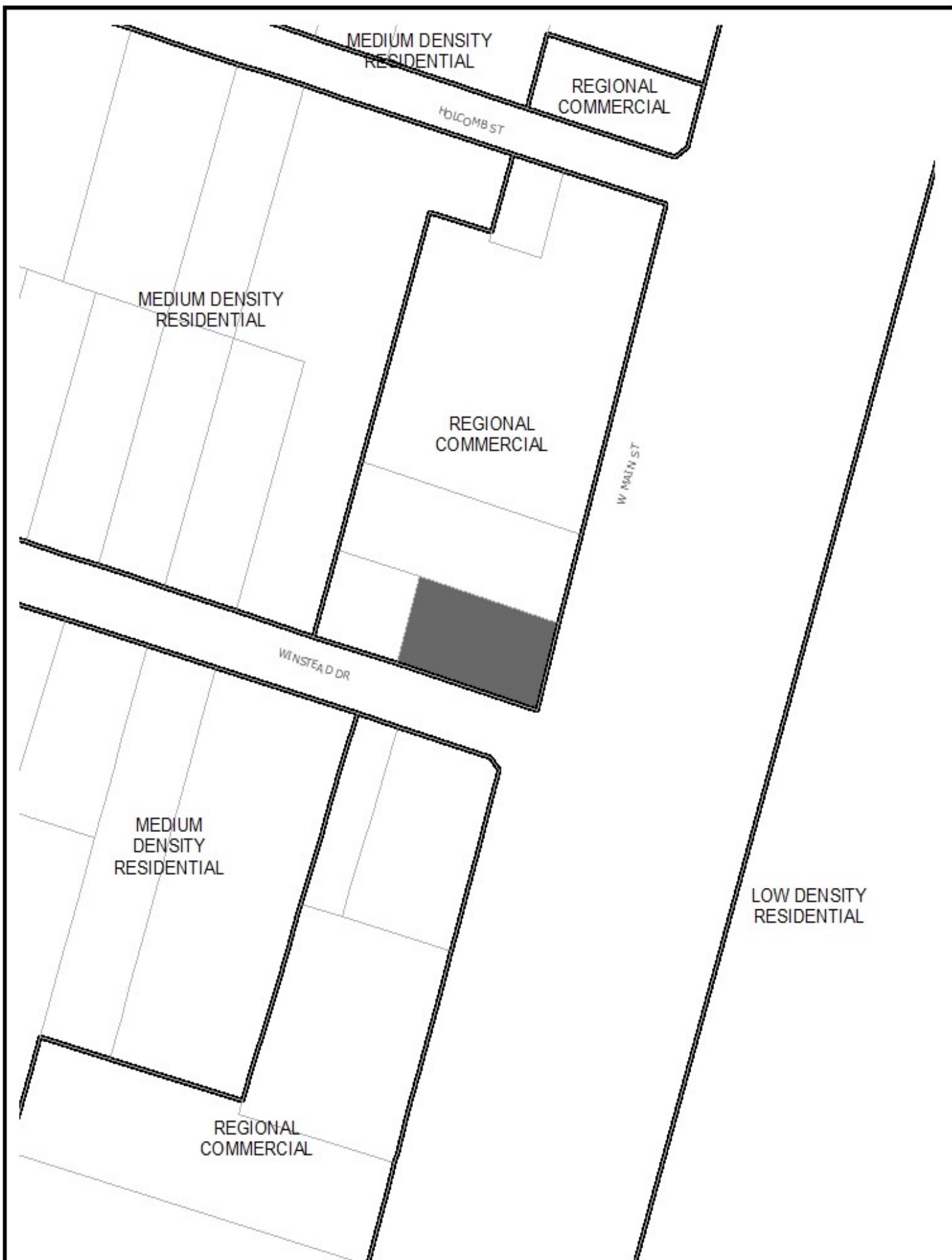


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN

FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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
8/10/2023

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.

MEMORANDUM

DATE: SEPTEMBER 11 , 2023

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST: *Special Use Permit application PZ23-00275 filed by Jeremiah Clark, requesting a Special Use Permit at 2520 West Main Street (Parcel 54430) to allow short term rental, as principal use in accordance with Article 3.E. Section C Item 29.*

RESPONSES:

Twenty-two (22) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. One (1) response was received, and one (1) was opposed.

COMMENTS:

Can't rent to a family with kids too close to road. No parking space.



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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00275

REQUEST

Special Use Permit application PZ23-00275 filed by Jeremiah Clark, requesting a Special Use Permit at 2520 West Main Street (Parcel 54430) to allow short term rental, as a principal use in accordance with Article 3.E. Section C. Item 29.

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 6 – 0 to recommend denial of Special Use Permit Request PZ23-00275 as submitted.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 860

NEW BUSINESS J.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Seth Francis on behalf of SOVAH Health, Requesting a Special Use Permit at 142 South Main Street (Parcel 26338) to Allow Waiver of Minimum Yard Requirements.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00291, filed by Seth Francis on Behalf of Sovah Health, Requesting a Special Use Permit to Allow a Waiver of Minimum Yard Setbacks at Parcel ID 25586 (142 South Main Street) in Accordance with Article 3.I. Section C Item 19.

SUMMARY

SOVAH Health has requested a building permit to construct an addition to an existing health care facility located at 142 South Main Street. The addition will be located on South Main Street on the north side of the existing Emergency Room. The addition will extend into the required fifteen (15) foot side yard, creating an approximate five (5) foot side yard setback. The reduction of the side yard setback requires a Special Use Permit.

Article 3.I Section C Item 19 allows a Special Use Permit to waive the minimum side yard setback in the TO-C, Transitional Office Commercial Zoning Classification. The encroachment is adjacent to the parking lot of Mount Vernon United Methodist Church, set back from the street not to create a visual obstruction.

Fifty-three (53) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Three (3) response was received, and three (3) were unopposed.

On September 11, 2023, the City Planning Commission voted 6 - 0 to recommend approval of Special Use Permit request PZ23-00291 to allow a waiver of the minimum yard requirements in accordance with Article 3.I Section C Item 19.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow a waiver of the minimum yard requirements to create a side yard setback of five (5) feet at 142 South Main Street (Parcel ID #26338) in accordance with Article 3.I. Section C Item 19.

Attachments

1. Ordinance
 2. 142 South Main Application
 3. Site Plan
 4. 142 South Main Street - Aerials
 5. 142 South Main Street - Owners
 6. 142 South Main Street - Landuse
 7. Neighbor Responses - 142 South Main Street
 8. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00291, FILED BY SETH FRANCIS ON BEHALF OF SOVAH HEALTH, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MINIMUM YARD SETBACKS AT PARCEL ID 25586 (142 SOUTH MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 19.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00291, filed by Seth Francis on behalf of SOVAH Health, requesting a Special Use Permit to allow a waiver of minimum yard setbacks at Parcel ID 25586 (142 South Main Street) in accordance with Article 3.I, Section C., Item 19, be, and the same is hereby, received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00291, filed by Seth Francis on behalf of SOVAH Health, requesting a Special Use Permit to allow a waiver of minimum yard setbacks at Parcel ID 25586 (142 South Main Street) in accordance with Article 3.I., Section C., Item 19, is hereby granted and approved.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00291 PC Meeting Date: Sept. 11
Date Received: 8/14 Received By: Williss
Parcel ID: 26338 Address: 142 S. Main
Existing Zoning: TO-C Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 142 S. Main St., Danville, VA 24541 / Parcel 26338

Applicant: Crunk Engineering LLC.

Applicant's Address: 9051 Executive Park Dr, Suite 200, Knoxville, TN 37923

Applicant's Phone Number: 8653430510

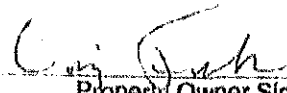
Applicant's E-mail: seth@crunkeng.com

Describe Proposed Request: Requesting special use approval for north side setback.

Building addition encroaches within setback.

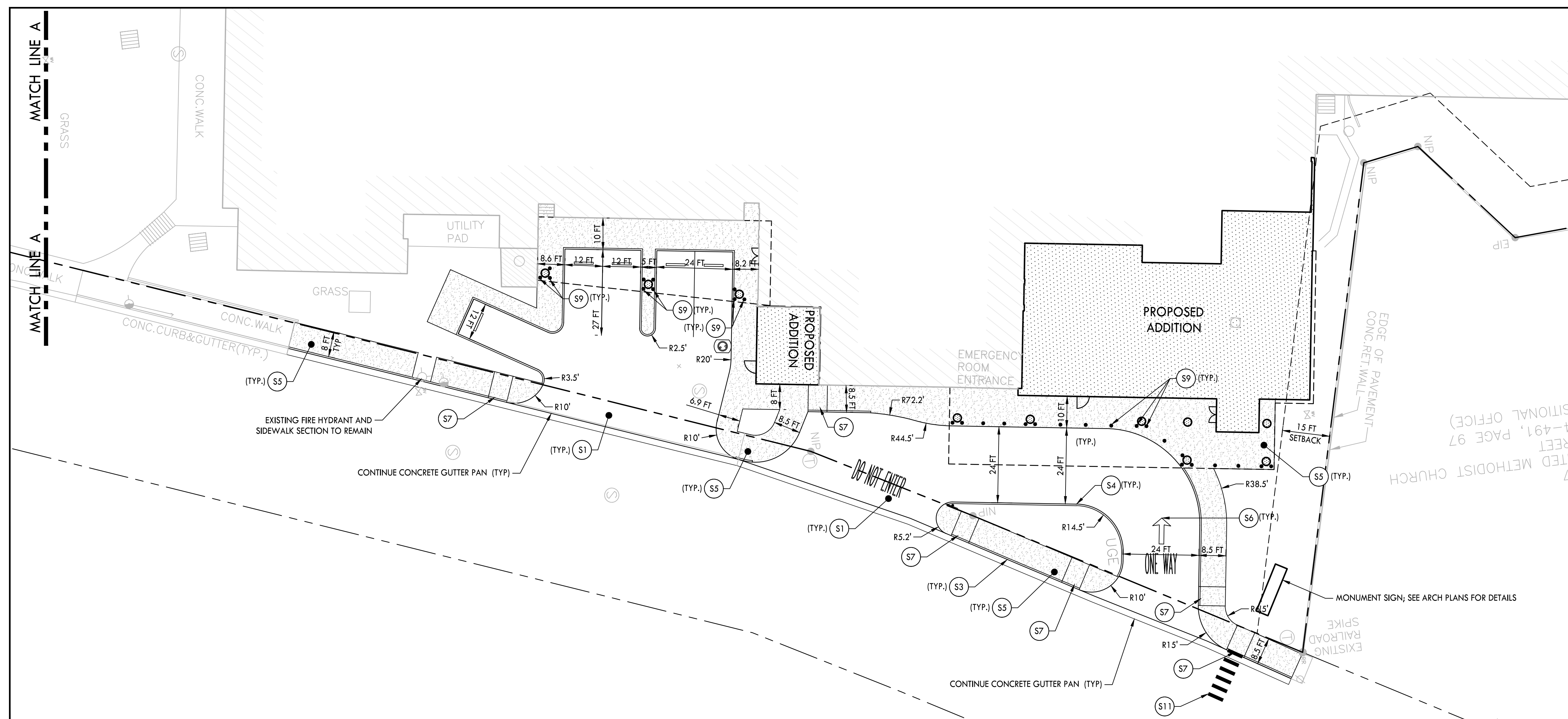

Applicant Signature

8/14/2023
date


Property Owner Signature
(if not applicant)

8/14/23
date

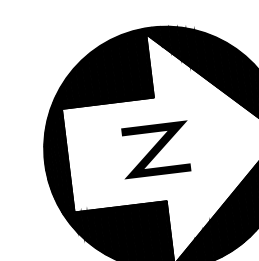
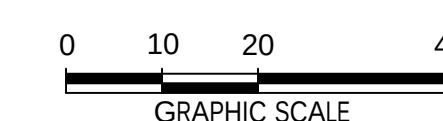
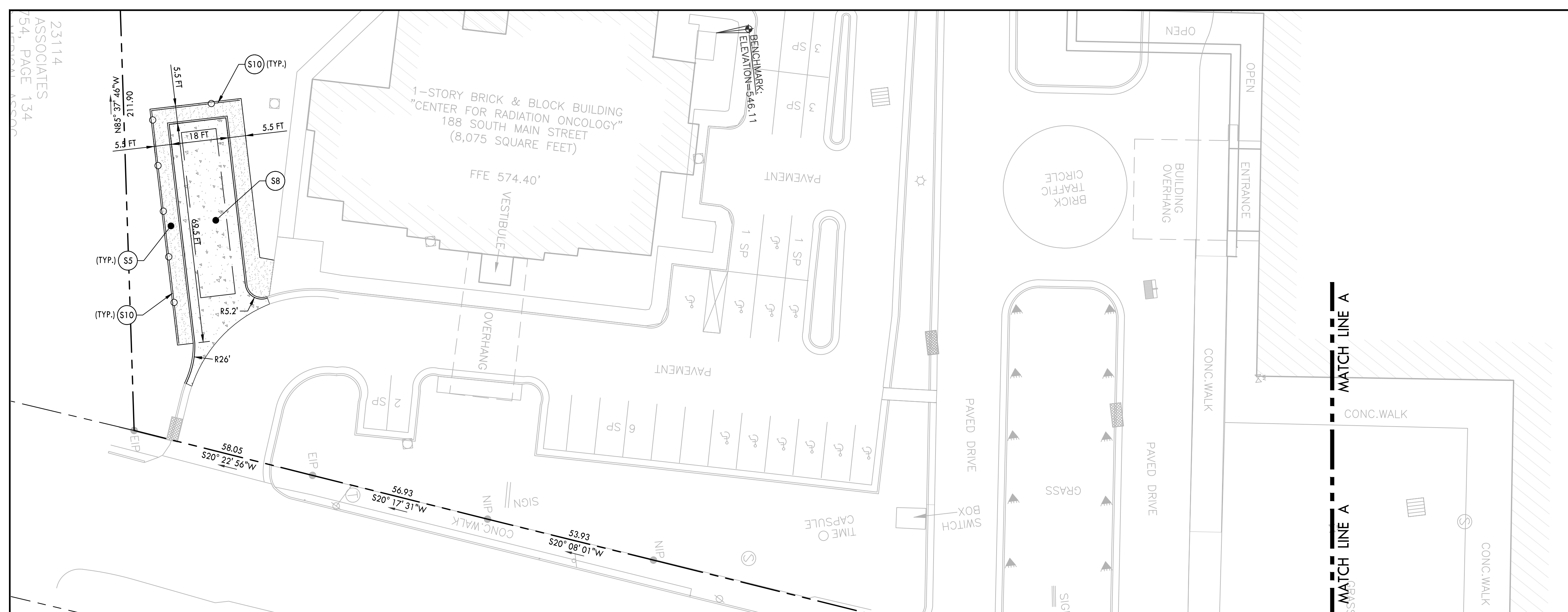
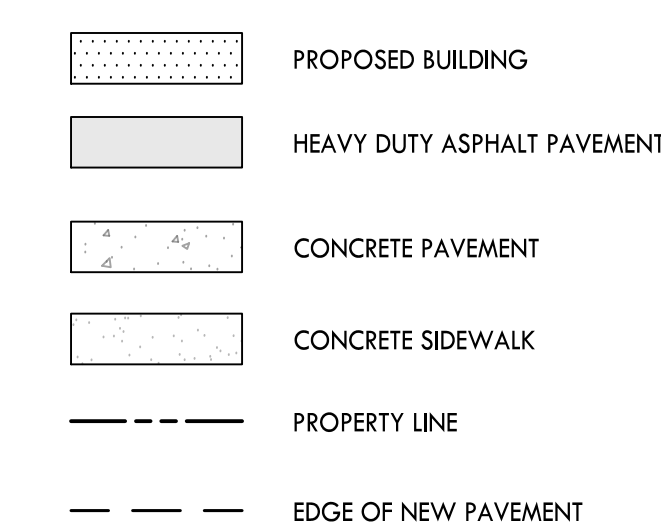
ARCHITECTURE



CODE	DESCRIPTION	DETAIL LOCATION
(S1)	ASPHALT PAVEMENT HEAVY DUTY	C8.0 - 1
(S2)	CONCRETE PAVEMENT	C8.0 - 1
(S3)	CURB AND GUTTER	C8.0 - 5
(S4)	POST CURB	C8.0 - 2
(S5)	CONCRETE SIDEWALK	C8.0 - 3
(S6)	DIRECTIONAL ARROW	C8.0 - 6
(S7)	ACCESSIBLE RAMP - TYPE A	C8.0 - 4
(S8)	MOBILE MRI PAD	C8.0 - 8
(S9)	STEEL BOLLARD	C8.0 - 9
(S10)	PEDESTRIAN GUARDRAIL	C8.0 - 12
(S11)	PEDESTRIAN CROSSWALK	C8.0 - 1

NOTES:
1. REFER TO SHEET C2.0 FOR NOTES.

PROPOSED LAYOUT LEGEND





2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

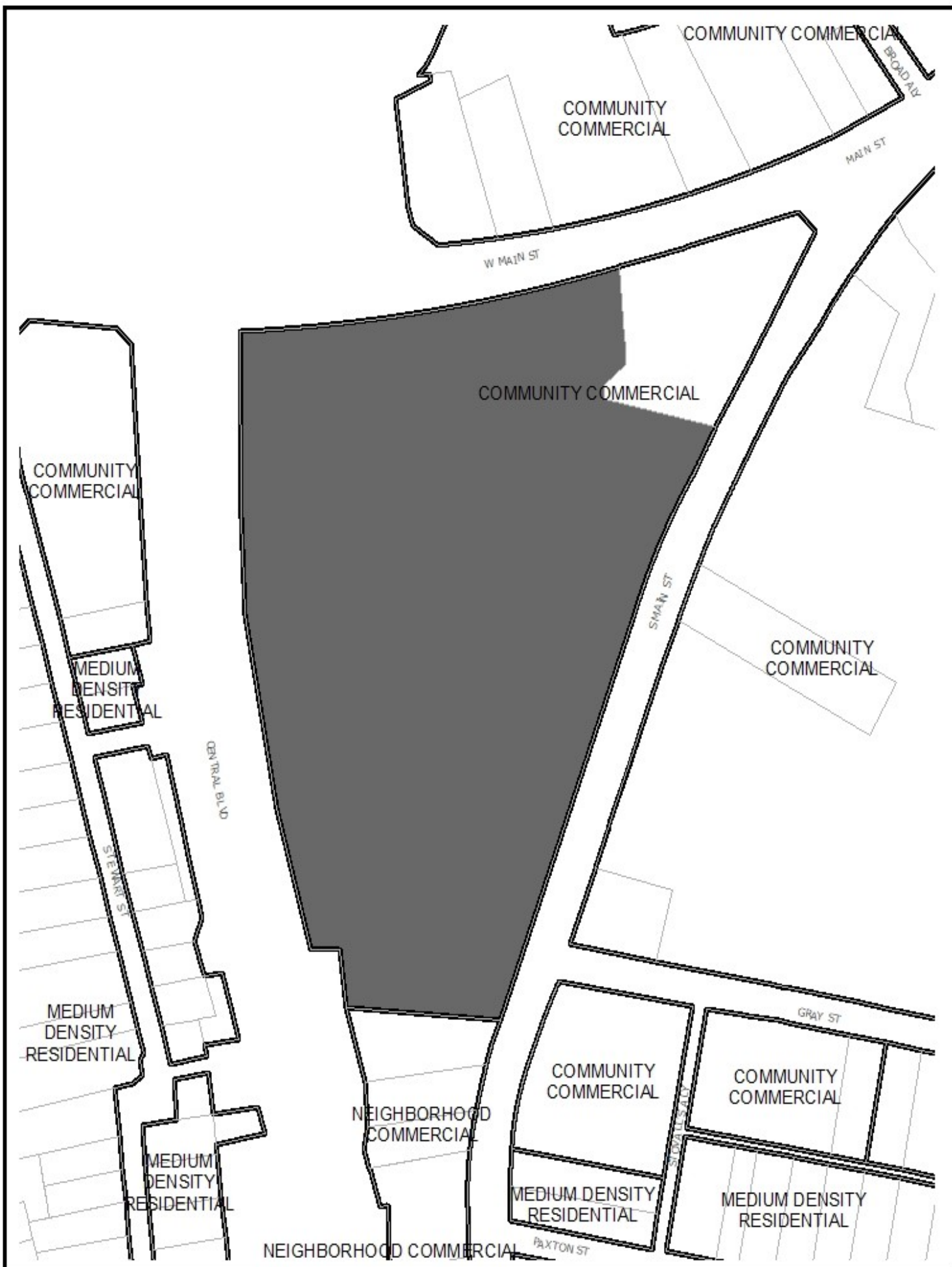
Prepared by:
Planning Division
8/15/2023

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.

FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
8/15/2023

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
8/15/2023

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.

MEMORANDUM

DATE: SEPTEMBER 11 , 2023

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST: *Special Use Permit application PZ23-00291 filed by Seth Francis on behalf of SOVAH Health, requesting a special use permit at 142 South Main Street (Parcel 26338) to allow waiver of minimum yard requirements in accordance with Article 3.1 Section C Item 19.*

RESPONSES:

Fifty-three (53) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Three (3) response was received, and three (3) were unopposed.

COMMENTS:



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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00291

REQUEST

Special Use Permit application PZ23-00291 filed by Seth Francis on behalf of SOVAH Health, requesting a special use permit at 142 South Main Street to allow waiver of minimum yard requirements in accordance with Article 3.1 Section C Item 19.

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 6 – 0 to recommend approval of Special Use Permit Request PZ23-00291 as submitted.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 861

NEW BUSINESS K.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of a Rezoning Application filed by PDJ Development, LLC to Rezone Parcel 75912 from LED-I Industrial District to M-R Multifamily Residential District.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Rezoning from LED-I, Light Economic Development Industrial to M-R Multi Family Residential Approximately Eighty Acres of Parcel ID # 75912.

SUMMARY

The applicant, PDJ Development, LLC, is requesting to rezone approximately eighty (80) acres of a one hundred (100) acre parcel known as Parcel ID #75912. The vacant parcel is currently zoned LED-I, Light Economic Development Industrial. The applicant is requesting a rezoning to construct a multi-unit housing complex with amenities such as a community pool, pet park area, outdoor seating area and recreation amenities.

The first phase of the proposed development includes a private road to serve Parcel A and Parcel B as labeled in the application. Parcel A will be developed commercially and Parcel B will be developed as a multi-family community. Phase 1 of the multi-family development is nine (9) three (3) story/thirty-six (36) unit Garden Style Buildings, totalling 324 units.

A Traffic Impact Analysis was completed for this project. The study determined that improvements were necessary beyond the construction of Phase 1. Additional units beyond the 324 units proposed in Phase 1 would require the construction of additional traffic measures.

The surrounding properties are zoned LED-I, Light Economic Development Industrial. There are no M-R, Multi-family Residential zoning classifications adjacent. This may be deemed illegal spot zoning. Illegal spot zoning can be classified as a rezoning that is solely to serve the benefit of the property owner(s) and not the greater good of the community. Staff believes the proposed zoning change is a benefit to the greater good of the community. With an existing housing deficit, the proposed units can reduce that gap for the City.

Eight (8) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) responses were received, five (5) were unopposed and one (1) was opposed.

On September 11, 2023, the City Planning Commission voted 6 - 0 to recommend approval of Rezoning Request PZ23-00292 to rezone approximately eighty (80) acres of Parcel ID 75912 from

LED-I, Light Economic Development Industrial to M-R, Multi-family Residential.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance rezoning from LED-I, Light Economic Development Industrial to M-R, Multi-family Residential, approximately eighty (80) acres of Parcel ID 75912.

Attachments

1. Ordinance
 2. Application
 3. Supporting Documentation
 4. Traffic Impact Analysis Summary and Conclusion
 5. Proposed parcels
 6. Site Plan
 7. 1730 South Main Street - Aerials
 8. 1730 South Main Street - Owners
 9. 1730 South Main Street - Landuse
 10. Neighbor Responses - Parcels 75912 and 78257
 11. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE REZONING FROM LED-I. LIGHT ECONOMIC DEVELOPMENT INDUSTRIAL TO M-R MULTI FAMILY RESIDENTIAL APPROXIMATELY EIGHTY ACRES OF PARCEL ID # 75912.

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, PDJ Development, LLC, has requested to rezone from the LED-I Light Economic Development Industrial zoning district to the M-R Multi-family Residential zoning district, approximately eighty acres of Parcel ID # 75912, of the City of Danville, Virginia Zoning District Map.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Rezoning Application PZ23-00292, filed by PDJ Development, LLC, requesting to rezone from the LED-I Light Economic Development Industrial zoning district to the M-R Multi-family Residential zoning district, approximately eighty acres of Parcel ID #75912, of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Rezoning Application PZ23-00292, filed by PDJ Development, LLC, requesting to rezone from the LED-I Light Economic Development Industrial zoning district to the M-R Multi-family Residential zoning district, approximately eighty acres of Parcel ID # 75912, of the City of Danville, Virginia Zoning District Map, is hereby approved; and

BE IT FINALLY ORDAINED that Parcel ID # 75912, of the City of Danville, Virginia District Map is hereby amended to reflect the same.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



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: Portion of 75912, 78257 Zoning District: _____

Existing Zoning: LED-I Proposed Zoning: M-R

APPLICANT PROVIDED INFORMATION

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

Property Address: 1750 S. Main Street Gross Area/Net Area: +/- 127.8 acres
0 Danville Expressway

Property Location: N ☐ S ☒ E ☐ W ☐ Side of: Danville Expressway
Between: NC State Border and US 29/Danville Expressway
Proffered Conditions (if any, please attach): n/a

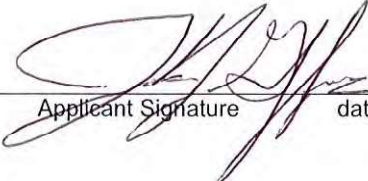
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

Name: JEB Realty, LLC Telephone: 434.489.9900
Mailing Address: 201 Eastwood Drive Danville, VA 24540
Email Address: jbarker@jebint.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: PDJ Development, LLC Telephone: 434.483.2050
Mailing Address: 108 State Street, Suite 300 Greensboro NC 27408
Email Address: Patrick.daly@dalyhotelmanagement.com


Applicant Signature date 8/10/23


Property Owner Signature (if not applicant) date 10-August-2023

Rezoning Narrative:
South Main Street Mixed Use Community

Developer/Applicant/Contract Purchaser:

PDJ Development, LLC c/o Patrick Daly
108 State Street, Suite 300
Greensboro, NC 27408

Agent:

Balzer & Associates, Inc. c/o Ben Crew
1208 Corporate Circle
Roanoke, VA 24018

Introduction:

On behalf of the developer (PDJ Development, LLC – “PDJ”), we are requesting a rezoning of multiple City of Danville Tax Parcels for the development of a mixed use community along South Main Street (Route 86) and the Danville Expressway (Route 29) in the southern portion of the City of Danville. This development will be mixed use with multi-family apartments being constructed as Phase 1 with future multifamily and commercial phases of the overall development. The rezoning request allows for the development of the parcels as appropriate higher density multifamily residential uses which is a priority of the City of Danville to meet increasing demand and respond to housing shortages and project growth within the community.

Parcels being requested to be rezoned:

1. Rezoning of a portion of Existing Parcel ID: 75912 (+/- 80.8 acres)
 - a. Existing Zoning: LED-I – Light Economic Development District
 - b. Proposed Zoning: M-R – Multi-Family Residential District
2. Rezoning of Existing Parcel ID: 78257 (+/- 47 acres)
 - a. Existing Zoning: LED-I – Light Economic Development District
 - b. Proposed Zoning: M-R – Multi-Family Residential District

Project Exhibits for Reference contained within the application package:

Exhibit A: Overall Zoning Exhibit

Exhibit B: Phase 1 Zoning Exhibit

Exhibit C: Exterior Building Rendering Exhibit

PDJ is excited to share its vision and investment in the City of Danville with this new community. The parcels will be developed as a mixed-use community with future commercial located along South Main Street and Multi-family residential located to the west further into the property. This layering of uses and zoning districts allows for appropriate transition to adjacent parcels and surrounding rights of ways. The intent of the project is to further reinforce and support the City of Danville Housing Strategy to provide much needed housing within City limits to support the continued community growth.

Community Design:

Exhibit A and Exhibit B outline the proposed improvements are part of the greater mixed-use community. The community will be accessed by a private drive from South Main Street. This private drive will access both the future Parcel A Commercial area and Parcel B Multifamily area.

The proposed project includes the following community highlights:

(9) 3-Story/ 36 Unit Garden Style Multi-Family Buildings – 324 total units in Phase 1 (*See Exhibit B*)

Community Clubhouse with outdoor amenities including Pool, Outdoor Seating Area, Pet Park Area, Recreational Activities, etc.

Architecture:

The 3-Story Garden Style Multifamily buildings will be three stories tall as shown on Exhibit C. The buildings have been located and designed with an architectural quality to provide a positive and inviting community. The design hierarchy will provide an appropriate transition between the future commercial property along South Main Street and the existing residential property to the west. The architectural design of the proposed buildings as shown to provide appropriate building patterns, materials, and styles to ensure an attractive development for Danville.

Comprehensive Plan Conformance:

This project is consistent with many of the guiding goals outlined in the City of Danville's 2030 Comprehensive Plan. Some of the most impactful goals incorporated into this project include appropriate land use to accommodate new business and new residents, provide a high quality gateway project into the City, promote opportunities for a wide range of housing types, and promote the economic development base for the community. The proposed project creates a positive transitional use between the existing residential neighborhood to the west, existing industrial park to the east, and commercial development along South Main Street. While the future land use map indicates this property as a Light Industrial Use, based on current needs and demand for quality housing, it has been discussed that this is an appropriate use.

Adjacent Property and Neighborhood Context:

The property is bordered to the north by the limited access highway of Route 29/58 (Danville Expressway), to the south by the North Carolina state line, to the east by the public right of way of Route 86 (South Main Street), and west by vacant property that is currently zoned Threshold Residential District (TR).

Transportation: Vehicular & Pedestrian

With a development of this scale, transportation considerations and study are critically important, and we have provided a traffic impact analysis (TIA) as part of this rezoning request. Details of this specific study have been contained with the package with improvement recommendations including turn lane/taper improvements as part of Phase 1 and Phase 2 future improvements. The provided TIA outlines potential/future commercial parcels along with Phase 2 multifamily build out on the subject parcels. The overall development has frontage on South Main Street where the improvements would be required which will be a full access location for the project.

Both the City of Danville and Virginia Department of Transportation have reviewed the TIA due to different parties owning/maintaining adjacent public roadways.

Pedestrian accommodations will be provided within the community for pedestrian connectivity. This project has been designed to accommodate streetside sidewalks, generous landscape planting strips, and street trees for a complete community.

Utilities:

The proposed development is not located within a FEMA defined floodplain. Public Sanitary Sewer is located on-site and Public Waterlines are located in the adjacent right of ways and are anticipated to be extended into the project from these locations.

Summary & Justification:

We are requesting approval of this rezoning as this project will allow for vacant and undeveloped parcels to be improved into a mixed use community complementing the surrounding area with appropriate future commercial development along South Main Street. The focus as part of the current request is providing quality housing options for residents of the City of Danville to support its emphasis as a great place to live and world class community.

EXHIBIT C



Blu Ladder Apartments: Conceptual Renderings

Danville, VA August 9, 2023

Conceptual View 1



C1



Blu Ladder Apartments: Conceptual Renderings

Danville, VA August 9, 2023

Conceptual View 2



C2



Blu Ladder Apartments: Conceptual Renderings

Danville, VA August 9, 2023

Conceptual View 3



C3

Proffered Condition:

South Main Street Mixed Use Community

The applicant hereby proffers the following conditions as they pertain to
Official Tax Parcel ID's: 75912, 78257

1. As outlined in the Traffic Impact Analysis (TIA) prepared by Davenport dated 8/8/2023, specific public right of way traffic improvements will be required to be installed after the certificate of occupancy has been issued for 324 residential units as indicated on Exhibit B of the Phase 1 Zoning Exhibit prepared by Balzer and Associates, Inc. dated 8/14/2023. These improvements will be installed per requirements outlined in the TIA subject to approval by the City of Danville and/or Virginia Department of Transportation.

LEGAL DESCRIPTION

**AREA TO BE REZONED: DANVILLE PARCEL IDs 75912 AND 78257
BEING A PORTION OF THE PROPERTY CONVEYED TO JEB REALTY LLC
IN INSTRUMENTS 08-3739 AND 12-1079**

PORTION OF PARCEL ID 75912

(NOTE: THIS DESCRIPTION IS COMPILED FROM DEEDS AND PLATS OF RECORD WITHOUT BENEFIT OF A TITLE REPORT.)

**BEGINNING AT A POINT ON THE WEST LINE OF U.S. ROUTE 86 (SOUTH MAIN STREET), SAID POINT BEING
THE COMMON CORNER OF PARCEL 75912 AND PARCEL 75900,**

**THENCE DEPARTING THE WEST LINE OF U.S. ROUTE 86, WITH THE COMMON LINE BETWEEN PARCEL
75912 AND PARCEL 75900 THE FOLLOWING COURSES AND DISTANCES:**

N87°55'33"W 176.86 FEET TO A POINT;
THENCE N42°56'10"W 65.28 FEET TO A POINT;
THENCE N87°56'10"W 727.31 FEET TO A POINT;

THENCE WITH A NEW LINE THROUGH PARCEL 75912 THE FOLLOWING COURSES AND DISTANCES:

S53°56'22"W 463.65 FEET TO A POINT;
THENCE S01°37'49"W 493.43 FEET TO A POINT ON THE LINE OF PARCEL 75912,
ALSO BEING ON THE VIRGINIA-NORTH CAROLINA LINE.

**THENCE CONTINUING WITH THE LINE OF PARCEL 75912, ALSO BEING THE VIRGINIA-NORTH CAROLINA
LINE, N89°23'58"W 1838.98 FEET TO A POINT IN THE CENTERLINE OF PUMPKIN CREEK.**

**THENCE DEPARTING THE VIRGINIA-NORTH CAROLINA LINE, IN A NORTHERLY DIRECTION WITH THE
CENTERLINE OF PUMPKIN CREEK AS IT MEANDERS, TO THE INTERSECTION OF THE CENTERLINE OF
PUMPKIN CREEK AND THE SOUTH LINE OF THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS). THE
FOLLOWING COURSES AND DISTANCES ARE MATHEMATICAL TIE-LINES ONLY:**

N15°45'20"W 170.22 FEET TO A POINT;
THENCE N00°24'22"E 70.64 FEET TO A POINT;
THENCE N31°16'44"W 160.60 FEET TO A POINT;
THENCE N04°27'26"W 83.53 FEET TO A POINT;
THENCE N72°02'12"E 101.67 FEET TO A POINT;
THENCE N35°54'08"E 42.04 FEET TO A POINT;
THENCE N12°42'12"W 153.96 FEET TO A POINT;
THENCE N23°05'29"W 61.16 FEET TO A POINT;
THENCE N25°56'54"E 62.15 FEET TO A POINT;
THENCE N28°50'13"W 39.43 FEET TO A POINT;
THENCE N02°18'36"W 87.31 FEET TO A POINT;
THENCE S87°17'35"E 60.97 FEET TO A POINT;

THENCE N55°46'49"E 46.18 FEET TO A POINT;
THENCE N04°12'49"E 187.28 FEET TO A POINT;
THENCE N17°50'59"E 76.56 FEET TO A POINT;
THENCE N02°11'12"E 41.77 FEET TO A POINT, SAID POINT BEING AT THE INTERSECTION
OF THE CENTERLINE OF PUMPKIN CREEK AND THE SOUTH LINE OF
THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS).

THENCE WITH THE SOUTH LINE OF THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS) THE FOLLOWING
COURSES AND DISTANCES:

N83°29'33"E 149.21 FEET TO A POINT;
THENCE N76°38'37"E 801.82 FEET TO A POINT;
THENCE N82°30'50"E 900.93 FEET TO A POINT;
THENCE N78°59'24"E 325.10 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,342.39 FEET, A LENGTH OF 595.58 FEET,
AND A CHORD BEARING AND DISTANCE OF S86°21'38"E 590.71 FEET TO A POINT;

THENCE WITH A NEW LINE THROUGH PARCEL 75912 THE FOLLOWING COURSES AND DISTANCES:

S01°51'52"W 771.06 FEET TO A POINT;
THENCE S87°56'34"E 125.02 FEET TO A POINT;
THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 295.00 FEET, A LENGTH OF 141.78 FEET,
AND A CHORD BEARING AND DISTANCE OF S74°10'26"E 140.42 FEET TO A POINT;
THENCE ALONG A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 168.00 FEET, A LENGTH OF 81.32
FEET, AND A CHORD BEARING AND DISTANCE OF S74°16'21"E 80.53 FEET TO A POINT;
THENCE S88°08'24"E 55.41 FEET TO A POINT
ON THE WEST LINE OF U.S. ROUTE 86 (SOUTH MAIN STREET);

THENCE ALONG THE WEST LINE OF U.S. ROUTE 86 (SOUTH MAIN STREET) S05°52'46"E 69.62 FEET TO A
POINT, BEING THE **POINT OF BEGINNING**.

CONTAINS APPROXIMATELY 80.8 ACRES OR 3,521,355 SQUARE FEET,
LYING AND BEING IN THE CITY OF DANVILLE, VIRGINIA.

PARCEL ID 78257

(NOTE: THIS DESCRIPTION IS COMPILED FROM DEEDS OF RECORD WITHOUT BENEFIT OF A TITLE REPORT OR FIELD SURVEY.)

BEGINNING AT A POINT ON THE SOUTHERN LINE OF THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS), A LIMITED ACCESS HIGHWAY, WITH THE INTERSECTION OF THE CENTERLINE OF PUMPKIN CREEK;

THENCE IN A SOUTHERLY DIRECTION ALONG THE CENTERLINE OF PUMPKIN CREEK AS IT MEANDERS, BEING THE COMMON LINE BETWEEN PARCEL 78257 AND PARCEL 75912, TO THE INTERSECTION OF SAID CENTERLINE WITH THE VIRGINIA-NORTH CAROLINA LINE,

THENCE WITH THE VIRGINIA-NORTH CAROLINA LINE THE FOLLOWING COURSES AND DISTANCES OF RECORD:

N89°15'W 985 FEET TO A POINT; (DEED BEARING IS WRITTEN AS S89°15'N)

THENCE N87°01'W 735.2 FEET TO A POINT;

THENCE DEPARTING THE VIRGINIA-NORTH CAROLINA LINE WITH THE COMMON LINE BETWEEN PARCEL 78257 AND PARCEL 75475, N23°23'W 843 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERN LINE OF THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS);

THENCE WITH THE SOUTHERN LINE OF THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS), AS IT MEANDERS, A CHORD DISTANCE OF 2,250 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**.

CONTAINS 47 ACRES, MORE OR LESS, PER DEED RECORDED IN INSTRUMENT 12-1079.



10.0 Summary and Conclusion

The proposed South Main Mixed Used-Site Development is located on the southwest quadrant of the VA 86 (South Main Street) at US 58 (Danville Expressway) interchange in Danville, VA. The site will include a combination of residential and commercial uses, including apartments, mini storage, a convenience store, and a fast-food restaurant with drive-thru. The site plan shows one existing (1) full access to the site on VA Route 86 (South Main Street), which is located approximately 850 feet south of the US 58 Eastbound Ramps. For analysis purposes, Phase 1 was analyzed for year 2026 and Full Build was analyzed for year 2032.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of the new development traffic.

The Transportation Impact Analysis (TIA) was performed based on the scope agreed upon with VDOT and City of Danville. Phase 1 of this development has a trip generation potential of 123 trips in the AM peak hour and 160 trips in the PM peak hour. Full build will have an adjusted total trip generation potential of 657 trips in the AM peak hour and 608 trips in the PM peak hour.

Conclusion

In conclusion, this study has reviewed the impacts of both background traffic and proposed development traffic and has provided recommendations to accommodate future traffic. The recommended improvements for the development under Phase 1 and Full Build conditions are summarized in Table 10.1 and are shown in Figures 9 and 14, respectively. With the recommended improvements in place, the traffic impacts of the proposed development can be accommodated.

SITE & ZONING SUMMARY:

DEVELOPER: BLU LADDER
 DEVELOPER ADDRESS: 108 STATE STREET
 SUITE 302
 GREENSBORO, NC 27408
 SITE ADDRESS: 1750 S MAIN ST
 DANVILLE, VA
 TAX MAP NUMBER: 1. 75912
 2. 78257
 EXISTING LOT SIZE: 1. 100.1 AC
 2. 47.3 AC
 EXISTING ZONING: LED-I
 LIGHT ECONOMIC
 DEVELOPMENT DISTRICT
 PROPOSED LOTS & ZONING:
 1. PARCEL A - ± 7.00 AC - LED-I
 PARCEL B - ± 80.8 AC - M-R
 PARCEL D - ± 11.4 AC - LED-I
 2. PARCEL C - ± 47.0 AC - M-R

EXISTING ZONING REQUIREMENTS (LED-I):

MINIMUM DISTRICT SIZE: 10 AC
 MINIMUM LOT AREA: 40,000 SF
 MINIMUM FRONTAGE: 120'
 SETBACKS:
 FRONT: 50' FROM PL WITH EXTERIOR
 BOUNDARY OF INDUSTRIAL PARK
 PROPERTY
 SIDE: 50' INTERIOR AND STREET SIDE YARDS
 30' FROM PROPERTY LINE INTERIOR TO
 INDUSTRIAL PARK
 REAR: 50'
 NOTE: SIDE & REAR YARD REQUIREMENTS MAY
 BE WAIVED WHERE PROPERTY ADJUTS A
 LOT WITHIN THE INDUSTRIAL PARK
 MINIMUM FLOOR AREA RATIO: 0.50
 MAXIMUM BUILDING HEIGHT: 60'
 MAXIMUM LOT COVERAGE: NONE

PROPOSED ZONING REQUIREMENTS (M-R):

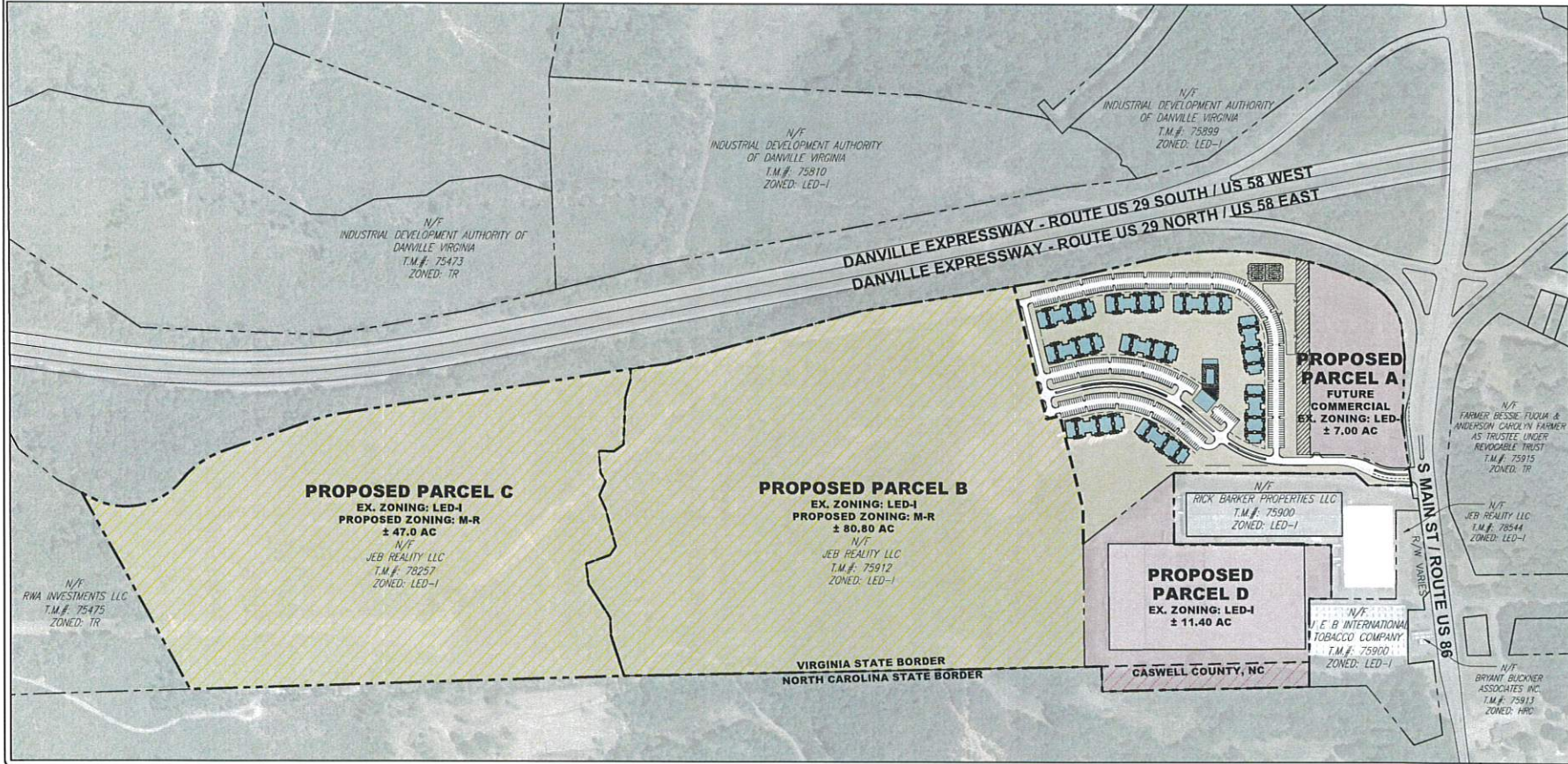
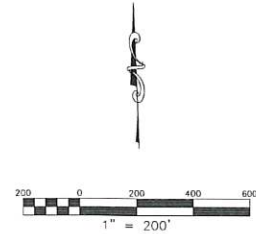
ZONING: M-R: MULTIFAMILY RESIDENTIAL
 DISTRICT
 MINIMUM DISTRICT SIZE: 5 AC
 MINIMUM LOT AREA: NONE
 MINIMUM LOT AREA ATTACHED DWELLINGS:
 1600 SF - INTERIOR LOT
 2400 SF - CORNER LOT
 MINIMUM FRONTAGE: NONE
 SETBACKS:
 FRONT: 30' - FACING PUBLIC
 RIGHT-OF-WAY
 10' - FACING PRIVATE DRIVE
 AND/OR PARKING BAY
 SIDE: 20' - STREET SIDE YARD
 10' - INTERIOR SIDE YARD
 REAR: 30'
 MAXIMUM BUILDING HEIGHT: 60' - PRIMARY
 24' - ACCESSORY
 MAXIMUM LOT COVERAGE: 25%

SHADING LEGEND:

LED-I PARCEL A
 FUTURE COMMERCIAL
 M-R PARCEL B
 PROPOSED MULTIFAMILY PHASE I
 M-R PARCEL B & C
 PROPOSED MULTIFAMILY PHASE II
 LED-I PARCEL D
 VIRGINIA
 LED-I PARCEL D
 NORTH CAROLINA

CONCEPT PLAN NOTE:

1. THIS PLAN IS FOR CONCEPTUAL PLANNING PURPOSES
 AND HAS BEEN PREPARED USING COMPILED INFORMATION.
 A CURRENT FIELD SURVEY HAS NOT BEEN PERFORMED
 TO VERIFY ALL EXISTING CONDITIONS ON-SITE.
 2. AERIAL IMAGERY SOURCED FROM DANVILLE PUBLIC GIS
 IMAGE, DATED JUNE 2019



BALZER & ASSOCIATES
 PLANNERS / ARCHITECTS
 ENGINEERS / SURVEYORS
 Roanoke / Richmond
 New River Valley
 Shenandoah Valley
 www.balzer.cc
 1208 Corporate Circle
 Roanoke, VA 24018
 540.772.9590

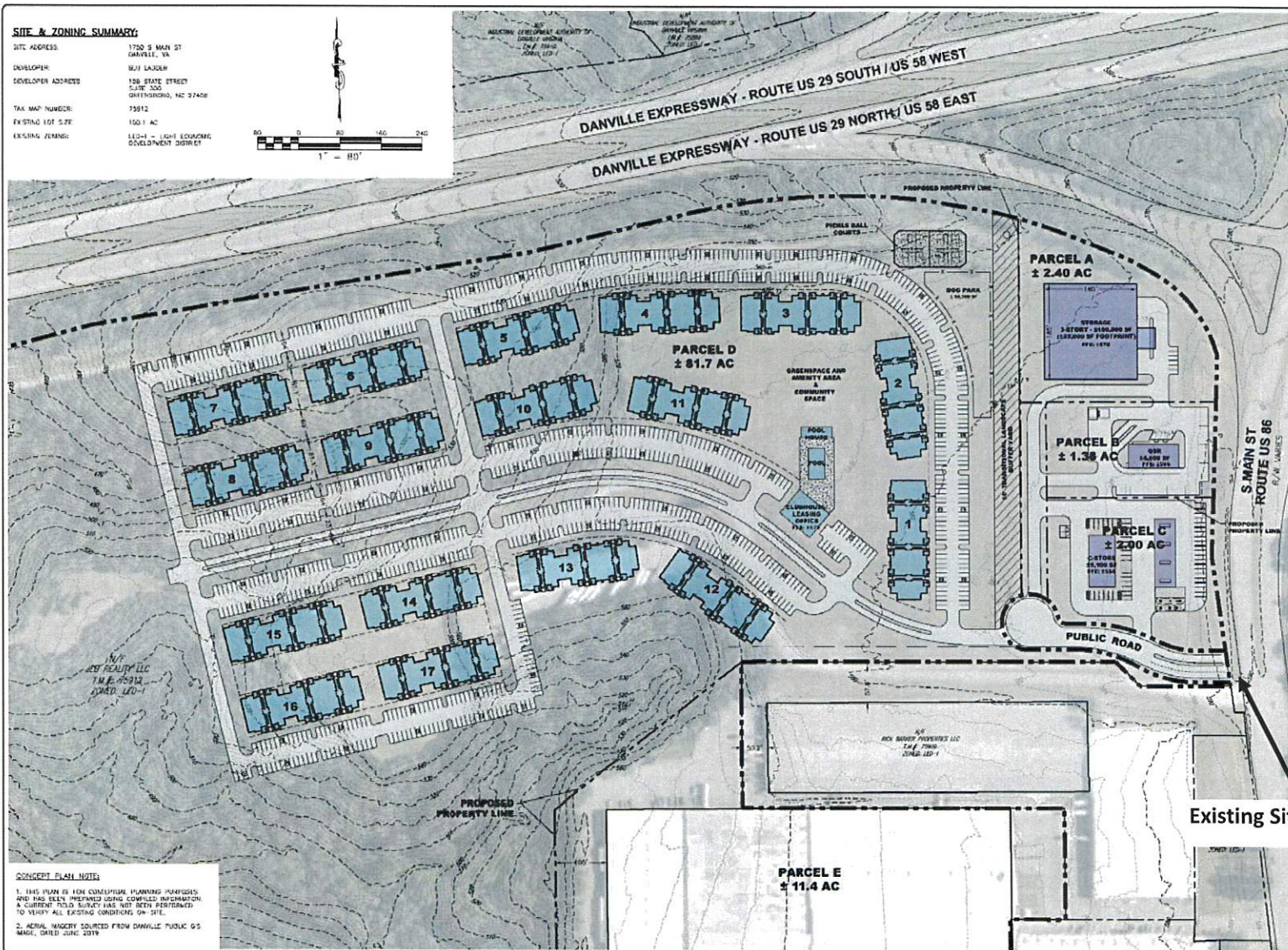
PRELIMINARY

BLU LADDER
 CONSTRUCTION

SOUTH MAIN MIXED USE CONCEPT
 OVERALL ZONING EXHIBIT
 DATE: 8/14/2023
 SCALE: 1" = 200'

DRAWN BY: HEC
 DESIGNED BY: KAM
 CHECKED BY: BIC
 DATE: 8/14/2023
 SCALE: 1" = 200'

EX-A
 PROJECT NO. 24020001.00



BA
BALZER & ASSOCIATES
PLANNERS / ARCHITECTS
ENGINEERS / SURVEYORS
Raleigh, Richmond
New River Valley
Birmingham Valley
www.balzer.cc
1125 COLUMBIAN CIRCLE
HARRISBURG, PA 17104
610.772.1600

PRELIMINARY

BLU LADDER
CONSTRUCTION

SOUTH MAIN MIXED USE DEVELOPMENT
CONCEPT SITE PLAN
DRAWN BY: BAC
DESIGNED BY: BAC
CHECKED BY: BAC
DATE: 10/1/2019
SCALE: AS SHOWN

EX-A

Figure 1 – Site Plan



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/16/2023

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.



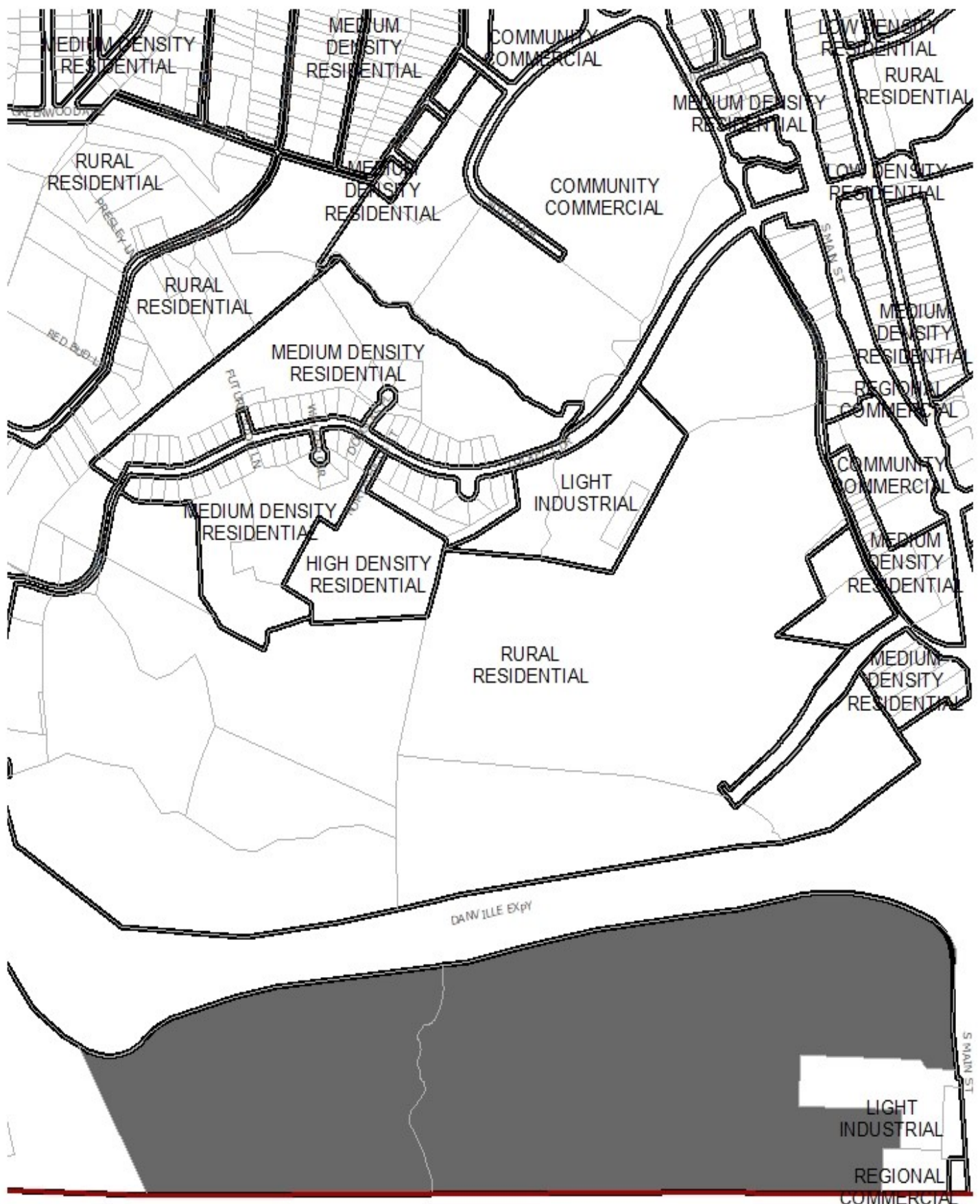
SURROUNDING PROPERTY OWNERS AND ZONING WITHIN

FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
8/16/2023

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.



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/16/2023

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.

MEMORANDUM

DATE: SEPTEMBER 11 , 2023

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST: *Rezoning application PZ23-00292 filed by PDJ Development, LLC to rezone Parcel 75912 from LED-I Industrial District to M-R Multifamily Residential District.*

RESPONSES:

Eight (8) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) responses were received, five (5) were unopposed and one (1) was opposed.

COMMENTS:



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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PZ23-00292

REQUEST

Rezoning application PZ23-00292 filed by PDJ Development, LLC to rezone Parcel 75912 from LED-I Industrial District to M-R Multifamily Residential District.

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 6 – 0 to recommend approval of Rezoning Request PZ23-00292 as submitted.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 862

NEW BUSINESS L.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of a Rezoning Application filed by PDJ Development, LLC to Rezone Parcel 78257 from LED-I Industrial District to M-R Multifamily Residential District.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Rezoning from LED-I, Light Economic Development Industrial to M-R Multi Family Residential Parcel ID 78257.

SUMMARY

The applicant, PDJ Development, LLC, is requesting to rezone Parcel ID #78257. The vacant parcel is currently zoned LED-I, Light Economic Development Industrial. The applicant is requesting a rezoning to M-R, Multi-family Residential to construct a multi-unit housing complex.

The first phase of the proposed development includes a private road to serve Parcel A and Parcel B as labeled in the application. Parcel A will be developed commercially and Parcel B will be developed as a multi-family community. Phase 1 of the multi-family development is nine, three (3) story/thirty-six (36) unit Garden Style Buildings, totalling 324 units. Parcel ID #78257 will be developed during future phases.

A Traffic Impact Analysis was completed for this project. The study determined that improvements were necessary beyond the construction of Phase 1. Additional units beyond the 324 units proposed in Phase 1 would require the construction of additional traffic measures. Traffic improvements would be necessary before construction on Parcel ID #78251.

The surrounding properties are zoned LED-I, Light Economic Development Industrial. There are no M-R, Multi-family Residential zoning classifications adjacent. This may be deemed illegal spot zoning. Illegal spot zoning can be classified as a rezoning that is solely to serve the benefit of the property owner(s) and not the greater good of the community. Staff believes the proposed zoning change is a benefit to the greater good of the community. With an existing housing deficit, the proposed units can reduce that gap for our City. Also, if approved, the proposed M-R zoning of Parcel ID #75912 and Parcel ID #785257 would create an M-R district.

Eight (8) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) responses were received, five (5) were unopposed and one (1) was opposed.

On September 11, 2023, the City Planning Commission voted 6 - 0 to recommend approval of

Rezoning Request PZ23-00294 to rezone Parcel ID #78257 from LED-I, Light Economic Development Industrial to M-R, Multi-family Residential.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance rezoning from LED-I, Light Economic Development Industrial District to M-R, Multifamily Residential District, Parcel ID 78257.

Attachments

1. Ordinance
 2. Application
 3. Supporting Documentation
 4. TIA
 5. Proposed parcels
 6. Site Plan
 7. South Main Street - Aerials
 8. South Main Street - Owners
 9. South Main Street - Landuse
 10. Neighbor Response - Parcels 75912 and 78257
 11. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE REZONING FROM LED-I. LIGHT ECONOMIC DEVELOPMENT INDUSTRIAL TO M-R MULTI FAMILY RESIDENTIAL PARCEL ID 78257.

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, PDJ Development, LLC, has requested to rezone from the LED-I Light Economic Development Industrial zoning district to the M-R Multi-family Residential zoning district, Parcel ID # 78257, of the City of Danville, Virginia Zoning District Map.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Rezoning Application PZ23-00294, filed by PDJ Development, LLC, requesting to rezone from the LED-I Light Economic Development Industrial zoning district to the M-R Multi-family Residential zoning district, Parcel ID #78257, of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Rezoning Application PZ23-00294, filed by PDJ Development LLC, requesting to rezone from the LED-I Light Economic Development Industrial zoning district to the M-R Multi-family Residential zoning district, Parcel ID # 78257, of the City of Danville, Virginia Zoning District Map, is hereby approved; and

BE IT FINALLY ORDAINED that Parcel ID # 78257, of the City of Danville, Virginia District Map is hereby amended to reflect the same.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



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: **Portion of 75912, 78257** Zoning District: _____

Existing Zoning: **LED-I** Proposed Zoning: **M-R**

APPLICANT PROVIDED INFORMATION

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

Property Address: **1750 S. Main Street** Gross Area/Net Area: **+/- 127.8 acres**
0 Danville Expressway

Property Location: N ☐ S ☒ E ☐ W ☐ Side of: Danville Expressway
Between: NC State Border and US 29/Danville Expressway
Proffered Conditions (if any, please attach): n/a

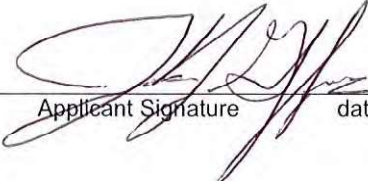
PRESENT OWNER (S) OF ALL PROPERTIES INCLUDED IN APPLICATION (PLEASE TYPE OR PRINT):

Name: JEB Realty, LLC Telephone: 434.489.9900
Mailing Address: 201 Eastwood Drive Danville, VA 24540
Email Address: jbarker@jebint.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: PDJ Development, LLC Telephone: 434.483.2050
Mailing Address: 108 State Street, Suite 300 Greensboro NC 27408
Email Address: Patrick.daly@dalyhotelmanagement.com


Applicant Signature date 8/10/23


Property Owner Signature (if not applicant) date 10-August-2023

Rezoning Narrative:
South Main Street Mixed Use Community

Developer/Applicant/Contract Purchaser:

PDJ Development, LLC c/o Patrick Daly
108 State Street, Suite 300
Greensboro, NC 27408

Agent:

Balzer & Associates, Inc. c/o Ben Crew
1208 Corporate Circle
Roanoke, VA 24018

Introduction:

On behalf of the developer (PDJ Development, LLC – “PDJ”), we are requesting a rezoning of multiple City of Danville Tax Parcels for the development of a mixed use community along South Main Street (Route 86) and the Danville Expressway (Route 29) in the southern portion of the City of Danville. This development will be mixed use with multi-family apartments being constructed as Phase 1 with future multifamily and commercial phases of the overall development. The rezoning request allows for the development of the parcels as appropriate higher density multifamily residential uses which is a priority of the City of Danville to meet increasing demand and respond to housing shortages and project growth within the community.

Parcels being requested to be rezoned:

1. Rezoning of a portion of Existing Parcel ID: 75912 (+/- 80.8 acres)
 - a. Existing Zoning: LED-I – Light Economic Development District
 - b. Proposed Zoning: M-R – Multi-Family Residential District
2. Rezoning of Existing Parcel ID: 78257 (+/- 47 acres)
 - a. Existing Zoning: LED-I – Light Economic Development District
 - b. Proposed Zoning: M-R – Multi-Family Residential District

Project Exhibits for Reference contained within the application package:

Exhibit A: Overall Zoning Exhibit

Exhibit B: Phase 1 Zoning Exhibit

Exhibit C: Exterior Building Rendering Exhibit

PDJ is excited to share its vision and investment in the City of Danville with this new community. The parcels will be developed as a mixed-use community with future commercial located along South Main Street and Multi-family residential located to the west further into the property. This layering of uses and zoning districts allows for appropriate transition to adjacent parcels and surrounding rights of ways. The intent of the project is to further reinforce and support the City of Danville Housing Strategy to provide much needed housing within City limits to support the continued community growth.

Community Design:

Exhibit A and Exhibit B outline the proposed improvements are part of the greater mixed-use community. The community will be accessed by a private drive from South Main Street. This private drive will access both the future Parcel A Commercial area and Parcel B Multifamily area.

The proposed project includes the following community highlights:

(9) 3-Story/ 36 Unit Garden Style Multi-Family Buildings – 324 total units in Phase 1 (*See Exhibit B*)

Community Clubhouse with outdoor amenities including Pool, Outdoor Seating Area, Pet Park Area, Recreational Activities, etc.

Architecture:

The 3-Story Garden Style Multifamily buildings will be three stories tall as shown on Exhibit C. The buildings have been located and designed with an architectural quality to provide a positive and inviting community. The design hierarchy will provide an appropriate transition between the future commercial property along South Main Street and the existing residential property to the west. The architectural design of the proposed buildings as shown to provide appropriate building patterns, materials, and styles to ensure an attractive development for Danville.

Comprehensive Plan Conformance:

This project is consistent with many of the guiding goals outlined in the City of Danville's 2030 Comprehensive Plan. Some of the most impactful goals incorporated into this project include appropriate land use to accommodate new business and new residents, provide a high quality gateway project into the City, promote opportunities for a wide range of housing types, and promote the economic development base for the community. The proposed project creates a positive transitional use between the existing residential neighborhood to the west, existing industrial park to the east, and commercial development along South Main Street. While the future land use map indicates this property as a Light Industrial Use, based on current needs and demand for quality housing, it has been discussed that this is an appropriate use.

Adjacent Property and Neighborhood Context:

The property is bordered to the north by the limited access highway of Route 29/58 (Danville Expressway), to the south by the North Carolina state line, to the east by the public right of way of Route 86 (South Main Street), and west by vacant property that is currently zoned Threshold Residential District (TR).

Transportation: Vehicular & Pedestrian

With a development of this scale, transportation considerations and study are critically important, and we have provided a traffic impact analysis (TIA) as part of this rezoning request. Details of this specific study have been contained with the package with improvement recommendations including turn lane/taper improvements as part of Phase 1 and Phase 2 future improvements. The provided TIA outlines potential/future commercial parcels along with Phase 2 multifamily build out on the subject parcels. The overall development has frontage on South Main Street where the improvements would be required which will be a full access location for the project.

Both the City of Danville and Virginia Department of Transportation have reviewed the TIA due to different parties owning/maintaining adjacent public roadways.

Pedestrian accommodations will be provided within the community for pedestrian connectivity. This project has been designed to accommodate streetside sidewalks, generous landscape planting strips, and street trees for a complete community.

Utilities:

The proposed development is not located within a FEMA defined floodplain. Public Sanitary Sewer is located on-site and Public Waterlines are located in the adjacent right of ways and are anticipated to be extended into the project from these locations.

Summary & Justification:

We are requesting approval of this rezoning as this project will allow for vacant and undeveloped parcels to be improved into a mixed use community complementing the surrounding area with appropriate future commercial development along South Main Street. The focus as part of the current request is providing quality housing options for residents of the City of Danville to support its emphasis as a great place to live and world class community.

EXHIBIT C



Blu Ladder Apartments: Conceptual Renderings

Danville, VA August 9, 2023

Conceptual View 1



C1



Blu Ladder Apartments: Conceptual Renderings

Danville, VA August 9, 2023

Conceptual View 2



C2



Blu Ladder Apartments: Conceptual Renderings

Danville, VA August 9, 2023

Conceptual View 3



C3

Proffered Condition:

South Main Street Mixed Use Community

The applicant hereby proffers the following conditions as they pertain to
Official Tax Parcel ID's: 75912, 78257

1. As outlined in the Traffic Impact Analysis (TIA) prepared by Davenport dated 8/8/2023, specific public right of way traffic improvements will be required to be installed after the certificate of occupancy has been issued for 324 residential units as indicated on Exhibit B of the Phase 1 Zoning Exhibit prepared by Balzer and Associates, Inc. dated 8/14/2023. These improvements will be installed per requirements outlined in the TIA subject to approval by the City of Danville and/or Virginia Department of Transportation.

LEGAL DESCRIPTION

**AREA TO BE REZONED: DANVILLE PARCEL IDs 75912 AND 78257
BEING A PORTION OF THE PROPERTY CONVEYED TO JEB REALTY LLC
IN INSTRUMENTS 08-3739 AND 12-1079**

PORTION OF PARCEL ID 75912

(NOTE: THIS DESCRIPTION IS COMPILED FROM DEEDS AND PLATS OF RECORD WITHOUT BENEFIT OF A TITLE REPORT.)

**BEGINNING AT A POINT ON THE WEST LINE OF U.S. ROUTE 86 (SOUTH MAIN STREET), SAID POINT BEING
THE COMMON CORNER OF PARCEL 75912 AND PARCEL 75900,**

**THENCE DEPARTING THE WEST LINE OF U.S. ROUTE 86, WITH THE COMMON LINE BETWEEN PARCEL
75912 AND PARCEL 75900 THE FOLLOWING COURSES AND DISTANCES:**

N87°55'33"W 176.86 FEET TO A POINT;
THENCE N42°56'10"W 65.28 FEET TO A POINT;
THENCE N87°56'10"W 727.31 FEET TO A POINT;

THENCE WITH A NEW LINE THROUGH PARCEL 75912 THE FOLLOWING COURSES AND DISTANCES:

S53°56'22"W 463.65 FEET TO A POINT;
THENCE S01°37'49"W 493.43 FEET TO A POINT ON THE LINE OF PARCEL 75912,
ALSO BEING ON THE VIRGINIA-NORTH CAROLINA LINE.

**THENCE CONTINUING WITH THE LINE OF PARCEL 75912, ALSO BEING THE VIRGINIA-NORTH CAROLINA
LINE, N89°23'58"W 1838.98 FEET TO A POINT IN THE CENTERLINE OF PUMPKIN CREEK.**

**THENCE DEPARTING THE VIRGINIA-NORTH CAROLINA LINE, IN A NORTHERLY DIRECTION WITH THE
CENTERLINE OF PUMPKIN CREEK AS IT MEANDERS, TO THE INTERSECTION OF THE CENTERLINE OF
PUMPKIN CREEK AND THE SOUTH LINE OF THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS). THE
FOLLOWING COURSES AND DISTANCES ARE MATHEMATICAL TIE-LINES ONLY:**

N15°45'20"W 170.22 FEET TO A POINT;
THENCE N00°24'22"E 70.64 FEET TO A POINT;
THENCE N31°16'44"W 160.60 FEET TO A POINT;
THENCE N04°27'26"W 83.53 FEET TO A POINT;
THENCE N72°02'12"E 101.67 FEET TO A POINT;
THENCE N35°54'08"E 42.04 FEET TO A POINT;
THENCE N12°42'12"W 153.96 FEET TO A POINT;
THENCE N23°05'29"W 61.16 FEET TO A POINT;
THENCE N25°56'54"E 62.15 FEET TO A POINT;
THENCE N28°50'13"W 39.43 FEET TO A POINT;
THENCE N02°18'36"W 87.31 FEET TO A POINT;
THENCE S87°17'35"E 60.97 FEET TO A POINT;

THENCE N55°46'49"E 46.18 FEET TO A POINT;
THENCE N04°12'49"E 187.28 FEET TO A POINT;
THENCE N17°50'59"E 76.56 FEET TO A POINT;
THENCE N02°11'12"E 41.77 FEET TO A POINT, SAID POINT BEING AT THE INTERSECTION
OF THE CENTERLINE OF PUMPKIN CREEK AND THE SOUTH LINE OF
THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS).

THENCE WITH THE SOUTH LINE OF THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS) THE FOLLOWING
COURSES AND DISTANCES:

N83°29'33"E 149.21 FEET TO A POINT;
THENCE N76°38'37"E 801.82 FEET TO A POINT;
THENCE N82°30'50"E 900.93 FEET TO A POINT;
THENCE N78°59'24"E 325.10 FEET TO A POINT;
THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1,342.39 FEET, A LENGTH OF 595.58 FEET,
AND A CHORD BEARING AND DISTANCE OF S86°21'38"E 590.71 FEET TO A POINT;

THENCE WITH A NEW LINE THROUGH PARCEL 75912 THE FOLLOWING COURSES AND DISTANCES:

S01°51'52"W 771.06 FEET TO A POINT;
THENCE S87°56'34"E 125.02 FEET TO A POINT;
THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 295.00 FEET, A LENGTH OF 141.78 FEET,
AND A CHORD BEARING AND DISTANCE OF S74°10'26"E 140.42 FEET TO A POINT;
THENCE ALONG A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 168.00 FEET, A LENGTH OF 81.32
FEET, AND A CHORD BEARING AND DISTANCE OF S74°16'21"E 80.53 FEET TO A POINT;
THENCE S88°08'24"E 55.41 FEET TO A POINT
ON THE WEST LINE OF U.S. ROUTE 86 (SOUTH MAIN STREET);

THENCE ALONG THE WEST LINE OF U.S. ROUTE 86 (SOUTH MAIN STREET) S05°52'46"E 69.62 FEET TO A
POINT, BEING THE **POINT OF BEGINNING**.

CONTAINS APPROXIMATELY 80.8 ACRES OR 3,521,355 SQUARE FEET,
LYING AND BEING IN THE CITY OF DANVILLE, VIRGINIA.

PARCEL ID 78257

(NOTE: THIS DESCRIPTION IS COMPILED FROM DEEDS OF RECORD WITHOUT BENEFIT OF A TITLE REPORT OR FIELD SURVEY.)

BEGINNING AT A POINT ON THE SOUTHERN LINE OF THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS), A LIMITED ACCESS HIGHWAY, WITH THE INTERSECTION OF THE CENTERLINE OF PUMPKIN CREEK;

THENCE IN A SOUTHERLY DIRECTION ALONG THE CENTERLINE OF PUMPKIN CREEK AS IT MEANDERS, BEING THE COMMON LINE BETWEEN PARCEL 78257 AND PARCEL 75912, TO THE INTERSECTION OF SAID CENTERLINE WITH THE VIRGINIA-NORTH CAROLINA LINE,

THENCE WITH THE VIRGINIA-NORTH CAROLINA LINE THE FOLLOWING COURSES AND DISTANCES OF RECORD:

N89°15'W 985 FEET TO A POINT; (DEED BEARING IS WRITTEN AS S89°15'N)

THENCE N87°01'W 735.2 FEET TO A POINT;

THENCE DEPARTING THE VIRGINIA-NORTH CAROLINA LINE WITH THE COMMON LINE BETWEEN PARCEL 78257 AND PARCEL 75475, N23°23'W 843 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERN LINE OF THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS);

THENCE WITH THE SOUTHERN LINE OF THE DANVILLE EXPRESSWAY (ROUTE 29 BY-PASS), AS IT MEANDERS, A CHORD DISTANCE OF 2,250 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINS 47 ACRES, MORE OR LESS, PER DEED RECORDED IN INSTRUMENT 12-1079.



10.0 Summary and Conclusion

The proposed South Main Mixed Used-Site Development is located on the southwest quadrant of the VA 86 (South Main Street) at US 58 (Danville Expressway) interchange in Danville, VA. The site will include a combination of residential and commercial uses, including apartments, mini storage, a convenience store, and a fast-food restaurant with drive-thru. The site plan shows one existing (1) full access to the site on VA Route 86 (South Main Street), which is located approximately 850 feet south of the US 58 Eastbound Ramps. For analysis purposes, Phase 1 was analyzed for year 2026 and Full Build was analyzed for year 2032.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of the new development traffic.

The Transportation Impact Analysis (TIA) was performed based on the scope agreed upon with VDOT and City of Danville. Phase 1 of this development has a trip generation potential of 123 trips in the AM peak hour and 160 trips in the PM peak hour. Full build will have an adjusted total trip generation potential of 657 trips in the AM peak hour and 608 trips in the PM peak hour.

Conclusion

In conclusion, this study has reviewed the impacts of both background traffic and proposed development traffic and has provided recommendations to accommodate future traffic. The recommended improvements for the development under Phase 1 and Full Build conditions are summarized in Table 10.1 and are shown in Figures 9 and 14, respectively. With the recommended improvements in place, the traffic impacts of the proposed development can be accommodated.

SITE & ZONING SUMMARY:

DEVELOPER: BLU LADDER
 DEVELOPER ADDRESS: 108 STATE STREET
 SUITE 302
 GREENSBORO, NC 27408
 SITE ADDRESS: 1750 S. MAIN ST
 DANVILLE, VA
 TAX MAP NUMBER: 1. 75912
 2. 78257
 EXISTING LOT SIZE: 1. 100.1 AC
 2. 47.3 AC
 EXISTING ZONING: LED-I
 LIGHT ECONOMIC
 DEVELOPMENT DISTRICT
 PROPOSED LOTS & ZONING:
 1. PARCEL A - ± 7.00 AC - LED-I
 PARCEL B - ± 80.8 AC - M-R
 PARCEL D - ± 11.4 AC - LED-I
 2. PARCEL C - ± 47.0 AC - M-R

EXISTING ZONING REQUIREMENTS (LED-I):

MINIMUM DISTRICT SIZE: 10 AC
 MINIMUM LOT AREA: 40,000 SF
 MINIMUM FRONTAGE: 120'
 SETBACKS:
 FRONT: 50' FROM PL. WITH EXTERIOR
 BOUNDARY OF INDUSTRIAL PARK
 PROPERTY
 SIDE: 50' INTERIOR AND STREET SIDE YARDS
 30' FROM PROPERTY LINE INTERIOR TO
 INDUSTRIAL PARK
 REAR: 50'
 NOTE: SIDE & REAR YARD REQUIREMENTS MAY
 BE WAIVED WHERE PROPERTY ADJUTS A
 LOT WITHIN THE INDUSTRIAL PARK
 MINIMUM FLOOR AREA RATIO: 0.50
 MAXIMUM BUILDING HEIGHT: 60'
 MAXIMUM LOT COVERAGE: NONE

PROPOSED ZONING REQUIREMENTS (M-R):

ZONING: M-R: MULTIFAMILY RESIDENTIAL
 DISTRICT
 MINIMUM DISTRICT SIZE: 5 AC
 MINIMUM LOT AREA: NONE
 MINIMUM LOT AREA
 ATTACHED DWELLINGS:
 1600 SF - INTERIOR LOT
 2400 SF - CORNER LOT
 MINIMUM FRONTAGE: NONE
 SETBACKS:
 FRONT: 30' - FACING PUBLIC
 RIGHT-OF-WAY
 10' - FACING PRIVATE DRIVE
 AND/OR PARKING BAY
 SIDE: 20' - STREET SIDE YARD
 10' - INTERIOR SIDE YARD
 REAR: 30'
 MAXIMUM BUILDING HEIGHT:
 60' - PRIMARY
 24' - ACCESSORY
 MAXIMUM LOT COVERAGE: 25%

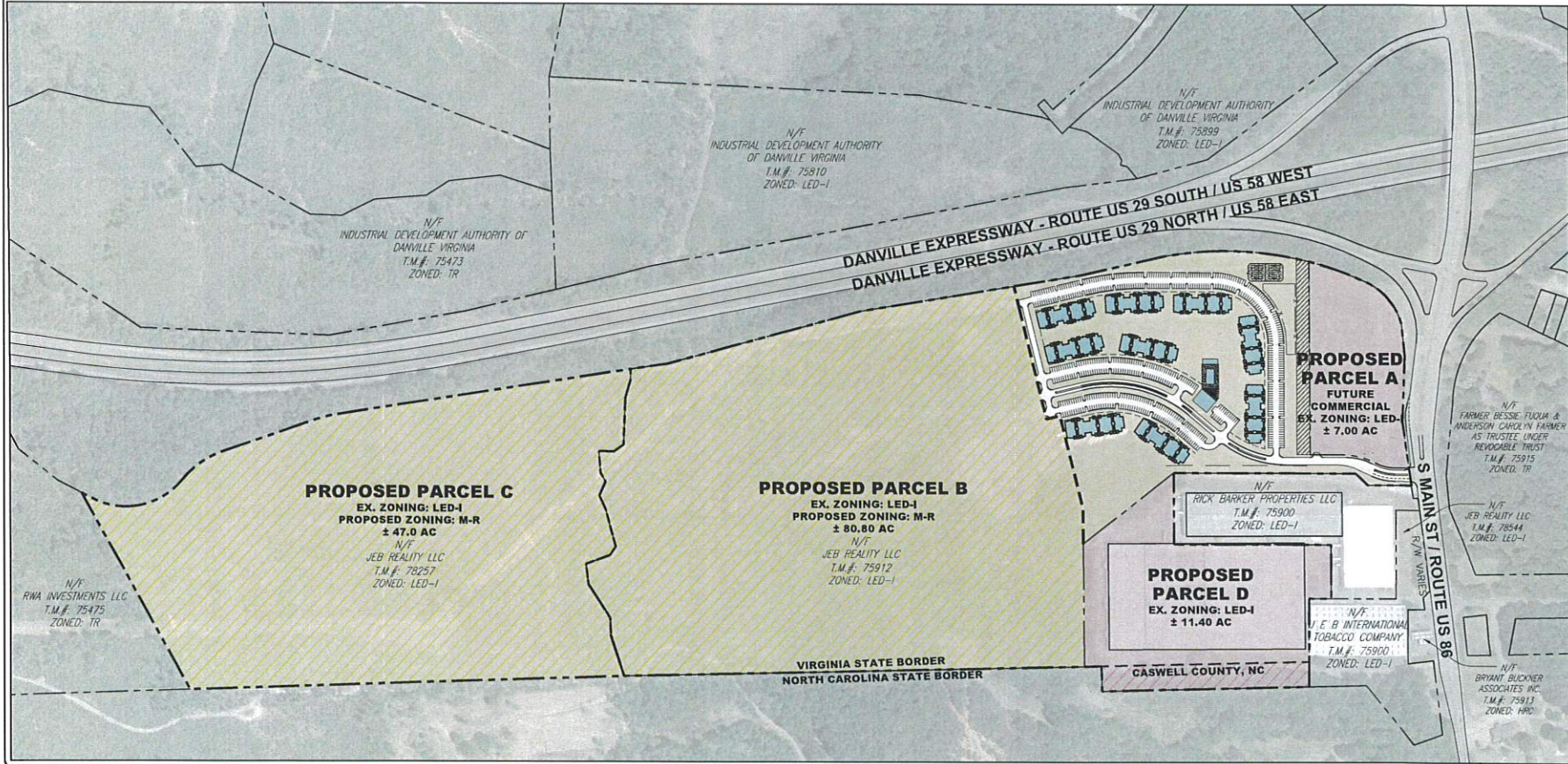
SHADING LEGEND:

- LED-I PARCEL A
FUTURE COMMERCIAL
- M-R PARCEL B
PROPOSED MULTIFAMILY PHASE I
- M-R PARCEL B & C
PROPOSED MULTIFAMILY PHASE II
- LED-I PARCEL D
VIRGINIA
- LED-I PARCEL D
NORTH CAROLINA

CONCEPT PLAN NOTE:

1. THIS PLAN IS FOR CONCEPTUAL PLANNING PURPOSES
 AND HAS BEEN PREPARED USING COMPILED INFORMATION.
 A CURRENT FIELD SURVEY HAS NOT BEEN PERFORMED
 TO VERIFY ALL EXISTING CONDITIONS ON-SITE.
2. AERIAL IMAGERY SOURCED FROM DANVILLE PUBLIC GIS
 IMAGE, DATED JUNE 2019

200 0 200 400 600
 1" = 200'



BALZER & ASSOCIATES
 PLANNERS / ARCHITECTS
 ENGINEERS / SURVEYORS
 Roanoke / Richmond
 New River Valley
 Shenandoah Valley
 www.balzer.cc
 1208 Corporate Circle
 Roanoke, VA 24018
 540.772.9590

PRELIMINARY

BLU LADDER
 CONSTRUCTION

SOUTH MAIN MIXED USE CONCEPT
 OVERALL ZONING EXHIBIT
 DATE: 8/14/2023
 SCALE: 1" = 200'

DRAWN BY: HEC
 DESIGNED BY: KAM
 CHECKED BY: BIC
 DATE: 8/14/2023
 SCALE: 1" = 200'

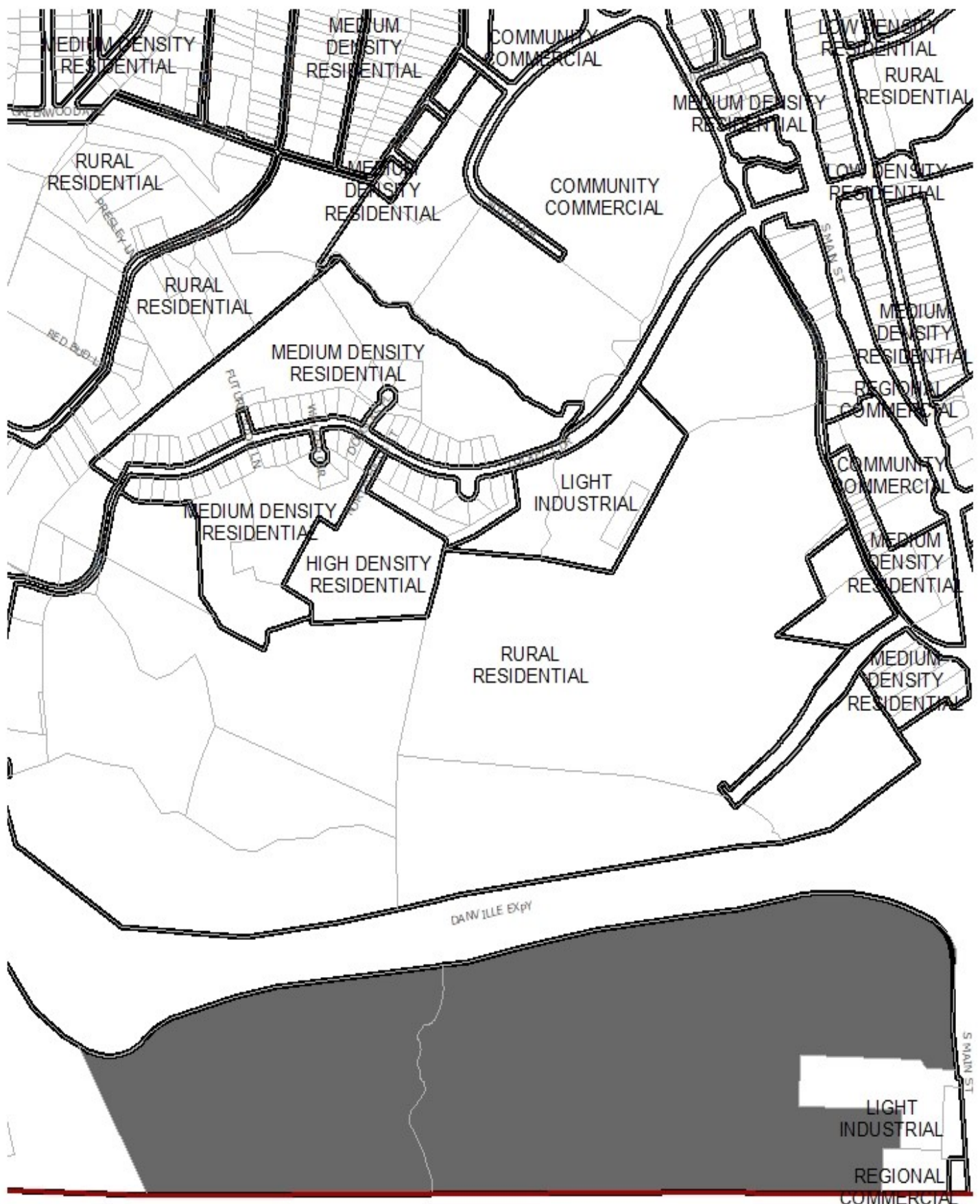
EX-A
 PROJECT NO. 24220001.00



2019 AERIAL VIEW OF AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/16/2023

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.



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/16/2023

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.

MEMORANDUM

DATE: SEPTEMBER 11 , 2023

TO: PLANNING COMMISSION

FROM: PLANNING STAFF

SUBJECT: RESPONSE FROM NEIGHBORING PROPERTY OWNERS

REQUEST: *Rezoning application PZ23-00292 filed by PDJ Development, LLC to rezone Parcel 75912 from LED-I Industrial District to M-R Multifamily Residential District.*

RESPONSES:

Eight (8) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) responses were received, five (5) were unopposed and one (1) was opposed.

COMMENTS:



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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PZ23-00294

REQUEST

Rezoning application PZ23-00294 filed by PDJ Development, LLC to rezone Parcel 78257 from LED-I Industrial District to M-R Multifamily Residential District.

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 6 – 0 to recommend approval of Rezoning Request PZ23-00294 as submitted.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 863

NEW BUSINESS M.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of a Code Amendment Request to Amend Chapter 41 Entitled "Zoning Ordinance" of the City of Danville, Virginia.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Amending Chapter 41 Entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, More Specifically, to Amend Article 2, Section Y., Entitled "Short Term Rentals".

SUMMARY

Across the country, short-term rentals have become an issue due to the prevalent use of online rental platforms which allow residential properties to be used for temporary lodging. This has allowed travelers to opt to stay in residential properties, similar to hotels and motels, while traveling. As a result, temporary lodging now falls into one of four zoning categories: (1) Short Term rental, (2) Bed and Breakfast, (3) Hotel/Motel, and (4) Boarding House.

These visitors could include families on vacation, parents visiting children in college, people on business trips or a potential employee in town for a job interview. A thirty (30) day limit is often used to describe the difference between a short-term rental and a regular residential rental, which may include a period as short as a month. For zoning purposes, the specific time limit is not as important as the fact that a short-term rental is categorized differently than an ordinary residential rental. The use and its impact is different than an ordinary residential rental.

The following issues should be considered when discussing short-term rentals:

1. Presence of a Host: Like most localities, Danville currently requires a host be located within 50 miles for residential short-term rentals. Most localities still require an on-site host. When a host is not present, the short-term rental is likely in violation of local zoning regulations, is located in a specific zoning district, or is limited to a specific number of guest visits each year.
2. Enforcement: Regulations regarding short-term rentals can be difficult to enforce. This specifically applies to limitations on the number of guests, and the frequency of visits.
3. Registration: Virginia law permits localities to require an annual registration of short-term rentals. This registration may require a fee in order to maintain and enforce the registry. However, registration excludes short-term rentals which are otherwise licensed as a business, such as hotels.
4. Effect on Housing and the Neighborhood: Research and case studies indicate that short-term

rentals can reduce the availability of quality affordable housing. Short-term rentals can also result in residential areas which are primarily for tourist housing, rather than housing for local residents. Our most recent Housing Study indicates that there is a deficit of 606 single family homes available for purchase in the City of Danville. Conversion of single family homes from home ownership or rentals to Short Term Rentals increases this deficit, making it harder to provide quality housing for purchase and long term rental.

5. Relation to the Comprehensive Plan: The Danville: 2030 Comprehensive Plan contains goals which recommend the City support housing rehabilitation, specifically in distressed and historic neighborhoods. The Plan also suggests the continued use and reuse of existing buildings.
6. Parking: Parking could pose an issue in neighborhoods that rely on on-street parking for existing residents. Residents have expressed concern over the potential lack of parking with the influx of new short-term rentals.

To address the issues that Short Term Rentals bring to the City, Staff recommends amending Article 2 Section Y of the Zoning Code. Recommended amendments are noted in Exhibit A. Exhibit A, as submitted, includes, but is not limited to, creation of a Short Term Rental Permit with annual renewal, removes STR as an allowable accessory use, requires off-street parking and reduces the distance between STR property and property manager.

On September 11, 2023, the City Planning Commission voted 6 - 0 to recommend approval of the Code Amendment PZ23-00295 to amend Article 2.Y. titled Short-Term Rentals.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended, specifically, Article 2 Section Y titled "Short Term Rentals".

Attachments

1. Ordinance
 2. Exhibit A
 3. Commission on Architectural Review Recommendation
 4. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 ____.

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 2, SECTION Y., ENTITLED "SHORT TERM RENTALS".

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

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

Article 2 General Regulations.

Y-Short Term Rentals

1. Short-Term Rental approval

- a. No host shall operate or advertise a residential property for a short-term rental without a Short-Term Rental Permit issued by the Zoning Administrator or their designee.
- b. Short-term rentals must comply with applicable provisions of the Virginia Uniform Statewide Building Code (Danville City Code sections 9-81 through 9-88).
- c. A short-term owner/operator must apply for and receive a business license clearance prior to registering with ~~from~~ the Commissioner of Revenue. **Prior to receiving a business license the applicant must apply for and receive a business license clearance from Zoning Administrator.**
- d. The short-term rental must register with the Commissioner of Revenue to collect and remit the City's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation."

- e. If a short-term rental is within a City Rental Housing Inspection Division, then the property must register as a rental property and maintain a certificate of compliance (City Code sections 9-204 through 9-207).

2. Short-Term Rental Standards

- a. The minimum contract rental period for guests shall be eighteen (18) hours. The maximum contract rental period shall be no more than 30 days.
- b. ~~Short-term rentals are permissible accessory uses to permitted dwellings in the SR-R, T-R, S-R, NT-R, OT-R, A-R, MHP-R, TO-C, CB-C, and TW-C zoning districts.~~
- b. With the exception of CB-C and TW-C, no more than one (1) Short-Term Rental per parcel without a Special Use Permit.
- c. If the owner of a short-term rental does not live within 50 30 miles of the City, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance. If the party responsible changes, no rentals shall occur until the City of Danville is notified and acknowledges receipt of such a change.
- d. Short-term rental may only provide short-term occupancy services for compensation for guests including lodging, packaged food and beverages, and other incidental items typically found within a residence. The short-term rental management or host must not prepare food or beverages, provide event services, or provide unrelated services for compensation.
- e. Short-term rental parking must be on the associated property. Parking must be provided at a rate of one space per two (2) bedrooms. This shall not apply to Short-term rentals located in the CB-C, Central Business Commercial or TW-C Tobacco Warehouse Commercial zoning districts,
- f. Short-term rentals are allowed the same signage as their associated dwellings under Article 10.
- g. Units must have a working multi-purpose fire extinguisher, interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service).
- h. Units must have an emergency exit plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling.
- i. Events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term lodging at the subject location.

3. Short-Term Rental Permit

- a. A Short-Term Rental Permit is required at a price set by City Council or their designee. A Short-Term Rental Permit may be good for a period not greater than twelve (12) months.
- b. A Short-Term Rental Permit application shall include, but is not limited to, the name and contact information of the host or responsible party, property

owner, location of the short-term rental, and acknowledgement of the standards of this Section.

- c. The Short-Term Rental Permit shall be valid from January 1st (*or* from whatever date the registration first occurs) through December 31st of the calendar year. Registration shall be renewed annually for operation.
- d. A Short-Term Rental Permit is non-transferable. If there are changes in the party responsible for the Short-Term Rental. No rentals shall occur until the City of Danville is notified and a new permit is issued.
- e. The owner or operator shall permit a minimum of one (1) inspection each year by the Zoning Administrator, or other official(s) designated by the City to ensure compliance with City regulations. Additional inspections shall be at the discretion of the City.
- f. A Short-Term Rental Permit number must be included on any advertising of the short-term rental
- g. Proof of short-term homeshare insurance policy or endorsement must be provided
- h. The Zoning Administrator shall have the authority to revoke a Short-Term Rental Permit if there are three (3) or more substantiated complaints, zoning or building violations. or illegal activities within a twelve (12) month time period
- i. Operation of a non-compliant short-term rental may result in a penalty of \$500.00 per violation. Failure to comply may result in modification or revocation of a City of Danville Business License.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Exhibit A

Article 2 General Regulations

Y-Short Term Rentals

1. Short-Term Rental approval

- a. No host shall operate or advertise a residential property for a short-term rental without a Short-Term Rental Permit issued by the Zoning Administrator or their designee.
- b. Short-term rentals must comply with applicable provisions of the Virginia Uniform Statewide Building Code (Danville City Code sections 9-81 through 9-88).
- c. A short-term owner/operator must apply for and receive a business license from the Commissioner of Revenue. Prior to receiving a business license, the applicant must apply for and receive a business license clearance from the Zoning Administrator.
- d. The short-term rental must register with the Commissioner of Revenue to collect and remit the City's transient lodging tax and other applicable fees as specified in Chapter 37 entitled "Taxation."
- e. If a short-term rental is within a City Rental Housing Inspection Division, then the property must register as a rental property and maintain a certificate of compliance (City Code sections 9-204 through 9-207).

2. Short-Term Rental Standards

- a. The minimum contract rental period for guests shall be eighteen (18) hours. The maximum contract rental period shall be no more than 30 days.
- b. With the exception of CB-C and TW-C, no more than one (1) Short-Term Rental per parcel without a Special Use Permit.
- c. If the owner of a short-term rental does not live within 30 miles of the City, they must designate a responsible local agent to contact in case of emergencies when they apply for the Business License Clearance. If the party responsible changes, no rentals shall occur until the City of Danville is notified and acknowledges receipt of such a change.
- d. Short-term rental may only provide short-term occupancy services for compensation for guests including lodging, packaged food and beverages, and other incidental items typically found within a residence. The short-term rental management or host must not prepare food or beverages, provide event services, or provide unrelated services for compensation.
- e. Short-term rental parking must be on the associated property. Parking must be provided at a rate of one space per two (2) bedrooms. This shall not apply to Short-term rentals located in the CB-C, Central Business Commercial or TW-C Tobacco Warehouse Commercial zoning districts.
- f. Short-term rentals are allowed the same signage as their associated dwellings under Article 10.
- g. Units must have a working multi-purpose fire extinguisher, interconnected smoke detectors and carbon monoxide detectors (when required for a fireplace or gas service).
- h. Units must have an emergency exit plan posted inside the door to each sleeping room showing the exit pathway from the sleeping room to the nearest exit from the dwelling.

- i. Events and activities, including luncheons, banquets, parties, weddings, meetings, fund raising, commercial or advertising activities, and any other gathering of persons other than the authorized lodgers, whether for direct or indirect compensation, are prohibited in association with any short-term lodging at the subject location.

3. Short-Term Rental Permit

- a. A Short-Term Rental Permit is required at a price set by City Council or their designee. A Short-Term Rental Permit may be good for a period not greater than twelve (12) months.
- b. A Short-Term Rental Permit application shall include, but is not limited to, the name and contact information of the host or responsible party, property owner, location of the short-term rental, and acknowledgement of the standards of this Section.
- c. The Short-Term Rental Permit shall be valid from January 1st (*or* from whatever date the registration first occurs) through December 31st of the calendar year. Registration shall be renewed annually for operation.
- d. A Short-Term Rental Permit is non-transferable. If there are changes in the party responsible for the Short-Term Rental. No rentals shall occur until the City of Danville is notified and a new permit is issued.
- e. The owner or operator shall permit a minimum of one (1) inspection each year by the Zoning Administrator, or other official(s) designated by the City to ensure compliance with City regulations. Additional inspections shall be at the discretion of the City.
- f. A Short-Term Rental Permit number must be included on any advertising of the short-term rental.
- g. Proof of short-term homeshare insurance policy or endorsement must be provided.
- h. The Zoning Administrator shall have the authority to revoke a Short-Term Rental Permit if there are three (3) or more substantiated complaints, zoning or building violations. or illegal activities within a twelve (12) month time period.
- i. Operation of a non-compliant short-term rental may result in a penalty of \$500.00 per violation. Failure to comply may result in modification or revocation of a City of Danville Business License.



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

Commission of Architectural Review

MEMORANDUM

DATE: AUGUST 28, 2023
TO: CITY PLANNING COMMISSION
FROM: COMMISSION OF ARCHITECTURAL REVIEW
RE: SPECIAL USE PERMIT APPLICATIONS FOR SHORT-TERM RENTALS
REQUEST:

Special Use Permit applications requesting a Special Use Permit at 503 to allow short-term rental as principal use in accordance with Article 3.A Section C Item 25, Article 3.B Section C Item 25, Article 3.C Section C Item 29, Article 3.D Section C Item 18, Article 3.E Section C Item 29, Article 3.F Section C Item 22, and Article 3.G Section C Item 26.

RECOMMENDATION:

The Commission of Architectural Review recommends that approval of special use permits for short-term rental be conditional on yearly renewals of the special use permits.

Mr. Robert Weir, Chair



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

City Planning Commission

MEMORANDUM

DATE: SEPTEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT APPLICATION PZ23-00295

REQUEST

Code Amendment Request PZ23-00295 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 2 to create Section Y titled "Short-term Rentals".

RECOMMENDATION

The Planning Commission, at their September 11, 2023, meeting, voted 6 – 0 to recommend approval of Code Amendment Request PZ23-00295 as submitted.

Mr. Steve Petrick, Chair

Council Letter City of Danville, Virginia



CL - 867

NEW BUSINESS N.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of Authorizing and Approving an Amended and Restated Agreement of Lease for the Dan River Business Development Center.

From: W. Clarke Whitfield Jr., City Attorney

COUNCIL ACTION

1. Public Hearing
2. A Resolution Approving and Authorizing an Amended and Restated Agreement of Lease By and Among the City of Danville, Virginia, the County of Pittsylvania, Virginia and Dan River Business Development Board Relating to the Dan River Business Development Center.

SUMMARY

In order to help strengthen the local economy by providing a facility available to small businesses that will enable such businesses to survive and grow, the City and the County established a Business Incubator and a Regional Small Business Development Center known as the Dan River Business Development Center.

BACKGROUND

An updated lease has been prepared by the Dan River Business Development Board. The Board is requesting that the City of Danville, along with Pittsylvania County, approve the lease and authorize its signature. The new Amended and Restated Agreement of Lease extends the lease until March 13, 2025.

RECOMMENDATION

It is recommended the City Council approve the new Amended and Restated Agreement of Lease until March 13, 2025.

Attachments

1. Resolution
 2. Lease
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023-_____._____

A RESOLUTION APPROVING AND AUTHORIZING AN AMENDED AND RESTATED AGREEMENT OF LEASE BY AND AMONG THE CITY OF DANVILLE, VIRGINIA, THE COUNTY OF PITTSYLVANIA, VIRGINIA AND DAN RIVER BUSINESS DEVELOPMENT BOARD RELATING TO THE DAN RIVER BUSINESS DEVELOPMENT CENTER.

WHEREAS, the City of Danville and Pittsylvania County have formed a Business Incubator and a Regional Small Business Development Center in order to help strengthen the local economy by providing a facility available to small businesses that will enable such businesses to survive and grow known as the Dan River Business Development Center; and

WHEREAS, the parties desire to amend and restate the Original Lease related to the Dan River Business Development Center as set forth herein.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the Amended and Restated Agreement of Lease by and among the City of Danville, the County of Pittsylvania, and the Dan River Business Development Board, substantially in the form attached hereto is hereby approved; and

BE IT FURTHER RESOLVED that the City Manager, or his designee, be, and he is hereby, authorized and directed to execute such Amended and Restated Agreement of Lease on behalf of the City.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

AMENDED AND RESTATED AGREEMENT OF LEASE

This Amended and Restated Agreement of Lease (the “Lease”), made and entered into this _____ day of _____, 2023, by and among the Board of Supervisors of Pittsylvania County, Virginia, who acts by and through its duly authorized County Administrator, and the City of Danville, Virginia, a Municipal Corporation, who acts by and through its duly authorized City Manager, who are hereinafter collectively referred to as “Lessor”, and the Dan River Business Development Center, a Virginia Corporation, who acts by and through its duly authorized President of the Dan River Business Development Board, hereinafter referred to as “Lessee”.

W I T N E S S E T H

WHEREAS, in order to help strengthen the local economy by providing a facility available to small businesses that will enable such businesses to survive and grow, the Lessor has established a Business Incubator and a Regional Small Business Development Center, on the real estate described below, hereinafter referred to as the “Facility”; and,

WHEREAS, the Lessee was formed to oversee and administer the operation of the Facility; and

WHEREAS, in order to promote the more efficient operation of the Facility the Lessor previously leased the Facility to the Lessee pursuant to a Lease Agreement dated March 12, 2001 (the “Original Lease”); and

WHEREAS, the Lessor is the owner of the following described real estate, and all appurtenances thereunto belonging, upon which the Facility was constructed (the Facility and such real estate being collectively referred to as the “Demised Premises”), to wit:

All that certain lot or parcel of land, and all appurtenances thereunto pertaining, lying and being situate in the Dan River Magisterial District of Pittsylvania County, Virginia, containing 7.813 acres, by survey, with metes and bounds as shown on Plat of Survey for Pittsylvania Economic Development Organization, made by John R. Bradner, CLS, Dewberry and Davis, the Clerk of the Circuit Court of Pittsylvania County, Virginia, in Map Book 43, page 139E, the parcel of land being the subject of this Lease being shown thereon as lot #6, and being the exact property conveyed unto the Lessor herein by Deed of the Board of Supervisors of Pittsylvania County, Virginia, dated June 5, 2000, said Deed being recorded in the aforesaid Clerk's Office in Deed Book 1202, page 537, to which Plat of Survey and Deed reference is here made for a more particular description of the property which is the subject of this Lease, and which description is rendered on the aforesaid Plat of Survey as incorporated herein by reference thereto; and

WHEREAS, Lessor and Lessee desire to amend and restate the Original Lease related to the Facility and Demised Premises as set forth herein.

NOW, THEREFORE, for and in consideration of the mutual covenants herein contained, the parties hereto do covenant and agree as follows:

1. **Description of The Premises.** Lessor agrees to lease to Lessee, and Lessee agrees to lease from Lessor the Demised Premises, and any and all other incidental improvements to the aforesaid property associated with the Facility, including, but not limited to, all other improvements to the aforesaid property associated with the Facility, all of which being generally shown on the site development plan, dated January 28, 2000, prepared by Dewberry and Davis, Inc., which is incorporated herein by reference.

2. **Term of Lease.** Lessor and Lessee acknowledge and agree that the current term of the Original Lease runs through March 13, 2023, and is already set to renew for an additional one (1) year period ending on March 13, 2024. Notwithstanding the foregoing, Lessor and Lessee agree that this Lease shall continue for an initial additional term of two (2) years commencing on March 13, 2023, and ending on March 13, 2025 (the "Initial Renewal Term").

Following the Initial Renewal Term, this Lease shall automatically renew for additional terms of two (2) years each (each a “Renewal Term”) until either the Lessor or the Lessee desire to terminate the Lease by giving the other party ninety (90) days’ notice of intent to terminate prior to the end of the Initial Renewal Term, subsequent Renewal Term, if any, or until such time as this Lease is terminated by any other method as provided for in this Lease. The remaining term under the Original Lease through March 13, 2023, the Initial Renewal Term and all Renewal Terms, if any, are collectively referred to in this Lease as the “Term”.

3. **[Intentionally Omitted].**

4. **Rent.** Lessee agrees to pay to Lessor the sum of one dollar (\$1.00) per year on or before the anniversary date of this Lease.

5. **Real Estate Taxes.** During the Term of this Lease, Lessee shall pay all taxes and assessments imposed on the Demised Premises.

6. **Use of Premises.** Lessee will use the Demised Premises solely for the operation of a business incubator and small business development center. The Demised Premises are not to be used for any other purpose without the prior written consent of the Lessor. In addition, Lessee agrees that it shall not use or permit the use of the Demised Premises for the storing, mixing, production, disposal, or handling of any explosive, caustic, flammable, toxic, or any other substance deemed to be a hazardous waste by any governmental authority.

In using the Demised Premises for the operation of a business incubator and a small business development center, the parties acknowledge that Lessee shall sublease all or a portion of the Demised Premises to businesses and provide other services to such businesses in order to encourage and assist the growth and development of businesses.

It is understood that Lessee must receive adequate consideration for the sublease or rental of any space within the Demised Premises. The income generated from the leasing or rental of space in the Demised Premises shall be used in the following order of priority:

1. Administration, operation, and maintenance of the Demised Premises for its useful life in a manner consistent with good property management practices and in accordance with the established building codes. This may include, where applicable, the repayment of indebtedness resulting from any legal encumbrances on the Demised Premises. To this end, Lessee shall utilize reasonably prudent business practices such to create a reserve of funds for routine and substantial maintenance of the Demised Premises.

2. Supporting economic development activities within Pittsylvania County or the City of Danville.

In the event that Lessee ceases to use any portion of the Demised Premises for the purposes for which was originally intended, the Lessor may retake possession of said portion of the Demised Premises, or the Demised Premises in its entirety, and terminate this Lease.

7. **Maintenance of Premises.** During the Term of this Lease, Lessee will be responsible for all routine and day to day maintenance and upkeep of the Demised Premises. Lessee shall not make any improvements or alterations to the Demised Premises which would affect the structural integrity of any improvements without prior written approval of Lessor. Any improvements or alternations made to the Demised Premises by Lessee during the Term of this Lease shall become the property of the Lessor upon the expiration or termination of this Lease. Lessee shall maintain the Demised Premises in a clean, sanitary and safe condition, including all

custodial services necessary for such maintenance. At the termination of this Lease, the premises shall be returned to the Lessor in good condition, ordinary wear and tear accepted.

The parties agree that during the Term of this Lease, Lessee shall perform at its expense the following maintenance of, and repairs to, the Demised Premises: keep the exterior walls and roof of the Facility in proper and substantial repair, and maintain the public or common areas of the building, including but not limited to, hallways, stairways, decks, restrooms, and parking areas in good and substantial repair. To the extent that Lessee utilizes reasonably prudent business practices in its operation of the Demised Premises and is unable to perform this maintenance as provided for in this subparagraph, Lessor agrees that it shall, subject to annual appropriations approved by both governing bodies, assist Lessee in fulfilling such obligations.

Lessor specifically reserves the right to enter upon the Demised Premises at such reasonable times as may be required to enlarge or improve the Demised Premises during the Term of the Lease, provided such entry does not interfere with Lessee's intended use of the Demised Premises or the rights of any subtenants of lessee. The parties, however, acknowledge that the Lessor shall be under no duty or obligation to do so.

Lessor reserves the right for itself, its agents and employees, to enter upon the Demised Premises at any reasonable time to make such inspections, repairs, alterations or improvements as is necessary hereunder; provided, however, that such repairs, alteration or improvements shall not unreasonably interfere with Lessee's business operations.

8. **Services.** During the Term of this Lease, Lessee shall be responsible for providing heat, electricity, water, and other utility services to the Facility, including but not

limited to water, electricity and heat to the buildings located on the Demised Premises, adequate garbage dumpster or other trash receptacles, adequate parking space for occupants of the Facility, their customers and clients, and custodial and/or janitorial services for all public or common areas including but not limited to hallways, stairs, restrooms, and parking areas; such custodial and/or janitorial care shall include, but not be limited to, the reasonably prompt removal of all snow from exterior walkways, stairways, and parking areas.

9. **Destruction of The Facility.** If the Facility shall be damaged or destroyed by fire, the elements, the public enemy, or other casualty to the extent that the Demised Premises shall become untenable, Lessor shall have the option, at its sole discretion, of repairing the Facility or canceling this Lease without further obligation to Lessee. If such repairs cannot or are not made within one hundred twenty (120) days of such casualty, Lessee may terminate this Lease on thirty (30) days notice to Lessor. Lessor shall not be liable for any damage to or loss of any of Lessee's property or the property of any of its agents, employees, clients, sublessees, or any other person who claims by and through Lessee's rights under this Lease. It is expressly agreed and understood that Lessee, its agents, employees, sublessees, or any other person, in placing their property in and on the Facility, do so at their own risk.

10. **Insurance.** Lessee agrees that it shall seek, obtain and maintain a combined single limit general comprehensive liability coverage for injuries or death of persons or damage to property in the aggregate amount of at least three million dollars (\$3,000,000.00) per year, and shall seek, obtain and maintain all-risk, fire and casualty insurance coverage (multi-peril coverage), with limits of at least the fair market value of the Demised Premises and the buildings on the Demised Premises. The Lessor shall be named as an insured party on such all-risk

casualty policy and shall be named as an insured party with respect to the aforesaid liability policy. In the event of written request of Lessor, Lessee shall name such other person or entity as Lessor shall designate as insured parties, provided such persons or entities have a legal insurable interest therein.

Lessee shall annually furnish to Lessor a copy of said insurance policies or certificates showing the insurance coverage to be in full force and affect. Such insurance policies or certificates shall contain provisions providing that Lessor shall be given thirty (30) days prior written notice of any cancellation or reduction in the required coverage.

The insurance required hereunder shall be primary and any insurance or self insurance maintained by Lessor shall be in excess of and shall not contribute with any insurance provided by Lessee under this Lease. Any deductibles or self-insured retentions applicable to required coverage shall be paid by Lessee and the Lessor shall not be required to participate therewith. All rights of subrogation against the Lessor shall be waived.

11. **Mechanics' and Other Liens.** The Lessee will not permit any mechanics' or other liens to be established or remain against any portion of the Demised Premises, and shall remove any such lien within thirty (30) days after Lessee receives any notice thereof, provided that Lessee shall not be responsible for removing any mechanics' lien resulting from any contract with, action, and/or activity of Lessor. The Lessor may, upon ten (10) days notice to Lessee, contest in good faith any lien, in which event the Lessor may permit the lien to remain unsatisfied and undischarged during the period of the contest and any appeal. In the event that Lessor chooses to satisfy said lien, the lien will be promptly satisfied by Lessee in the event that

Lessee or any other person permitted on the Demised Premises by Lessee, with the exception of Lessor, caused or initiated the acts which led to said lien.

12. **Indemnification.** To the extent permitted by law, the Lessee, at all times, shall protect, indemnify and save harmless the Lessor from and against all liabilities, obligations, claims, damages, penalties, fines, losses, costs and expenses (including, without limitation, reasonable attorney's fees, for all acts or failures to act (or alleged failures to act) in connection with the Lessee's use, occupancy, or the use or occupancy of the Demised Premises by any sub-tenant or licensee of the Lessee, including without limitation (a) all amounts paid in settlement of any litigation commenced or threatened against the Lessor; (b) all expenses reasonably incurred in the investigation of, preparation for or defense of any litigation, proceeding or investigation of any nature whatsoever, commenced or threatened against the Lessor, Facility and the Demised Premises; (c) the full amount of judgements, penalties, fines, damages, assessments, indemnities or contributions; and (d) the reasonable fees and expenses of attorneys, auditors and consultants incurred in connection with the foregoing; provided that any of the foregoing is a result of the Lessee's occupancy of the Demised Premises or the permitted use of the Demised Premise by any other person or entity by the Lessee.

The foregoing indemnity shall be affected only to the extent of any loss that may be sustained by the Lessor in excess of the net proceeds received from any insurance carried with respect to such loss, and the benefits of this section shall not enure to any other person other than the Lessor.

13. **Subordination; Acknowledgment by Lessee.** The Lessee agrees that its rights as Lessee hereunder are and will be subordinate to the lien and security interest granted unto the

United States Department of Commerce, Economic Development Administration. The Lessor agrees that it shall give to Lessee prompt notice of any alleged or actual default by Lessors of any United States Department of Commerce, Economic Development Administration Grant Documents or under any document memorializing any security interest granted unto the United States Department of Commerce. Lessor and Lessee covenant and agree that they will take all steps necessary to comply with all requirements of the Grant from the United States Department of Commerce, Economic Development and Administration, and Lessor shall not default in any manner which would effect Lessee's use and enjoyment of the Demised Premises. Likewise, Lessee shall not default in any manner in any of the requirements thereof which would effect Lessor's obligation to compensate the Federal Government for the Federal share of the value of the property. Lessee and Lessor agree that they shall promptly and immediately comply with any requests made by Lessors in an attempt to gain compliance with the terms of any alleged default, or with any requests seeking compliance with the grant documents made by the United States Department of Commerce, Economic Development Administration. In the event of foreclosure thereunder, Lessor agrees that it shall give Lessee prompt notice thereof, and Lessee agrees that it shall relinquish possession in the event of foreclosure or in the event of the granting of any Deed in lieu of foreclosure by Lessor.

The sole remedy available to Lessee in the aforesaid event shall be the abatement of rent commencing with the date of termination of Lessee's right of possession upon the occurrence of any such event.

14. **Bankruptcy or Insolvency.** It is expressly agreed that if at any time during the

Term of this Lease, Lessee shall be adjudged bankrupt or insolvent by any Federal or State Court of competent jurisdiction, Lessor may, at its option, declare this Lease to be terminated and cancelled, and may take possession of the Facility and Demised Premises. To this end, Lessee agrees to immediately notify Lessor of any threatened or actual litigation against Lessee, or any other circumstance or event which may adversely effect the financial solvency or stability of Lessee.

15. **Signs.** Lessee may display signs and shingles advertising the Facility, or any subtenants therein, with prior written consent of the design of such signs by Lessor, which consent shall not be unreasonably withheld.

16. **Nondiscrimination.** Lessee agrees that in the use and operation of the Facility, it will not on the grounds of race, color, sex or national origin discriminate or permit discrimination against any person or groups of persons and agrees that no person, shall, on the grounds of race, color, sex or national origin be excluded from participating in the Facility. Further, Lessee agrees that it will not discriminate against and will make reasonable efforts to accommodate persons with disabilities as required by the Americans with Disabilities Act and the Virginians with Disabilities Act.

17. **Notice.** Notices to Lessee shall be sufficient if sent by U.S. Mail, first class postage prepaid to President, Dan River Business Development Center, P.O. Box 3300, Danville, Virginia, 24534, or to such other representatives as Lessee may designate, to Lessor in writing from time to time. Notices to Lessor shall be sufficient if sent by U.S. Mail, first class postage prepaid addressed to County Administrator, Pittsylvania County Virginia, P.O. Box 426, Chatham, Virginia, 24531, with a copy to the City Manager, City of Danville, P.O. Box 3300,

Danville, Virginia, 24543, or to such other representatives or addresses that Lessor may designate in writing from time to time.

18. **General Provisions.**

1. This Lease shall be governed by and construed in accordance with the laws of the Commonwealth of Virginia.

2. In the event that any provision of this Lease shall be construed to be invalid or unenforceable, then the remaining portions shall remain in full force and effect.

3. Lessee shall assume responsibility for the security of the Facility.

4. Lessee agrees to observe and obey during the Term of this Lease all federal, state and local laws, ordinances, rules and regulations currently in force or subsequently adopted that regulate the Facility, and agree to indemnify and hold harmless Lessor from any and all violations thereof. It is agreed between the parties that the Lessee, acting by and through its Board of Directors, shall have discretion and control of the use of the Facility throughout the Term of this Lease, and Lessor shall have no control over the day to day operations of the Facility other than that granted in this Lease.

5. In the event Lessee fails to perform any of the terms and conditions required by this Lease and fails to remedy such default within a period of thirty (30) days after receipt from the Lessor of a written notice to remedy the same, the Lessor shall have the right to cancel this Lease without any additional notice to Lessee. However, no notice of cancellation shall be effective if Lessee shall have remedied the default prior to the receipt of notice of cancellation. No waiver of default by the Lessor of any of the terms and conditions of this Lease

to be kept or performed by a Lessee shall be considered to be or act as a waiver in the event of any subsequent default of such terms and conditions by Lessee.

In the event Lessor fails to perform any of the terms and conditions required by this Lease and fails to remedy such default within a period of sixty (60) days after receipt from the Lessee of a written notice to remedy the same, the Lessee shall have the right to cancel this Lease without any additional notice to Lessor.

6. In the event of Lessee's failure to perform any of the terms and conditions required by this Lease, and in the further event that Lessee's failure to perform any of the terms and conditions required by the Lease causes damages to Lessor in any manner recognizable by law, and Lessor utilizes legal counsel to 1. seek enforcement of the terms and conditions of this agreement, 2. terminate this agreement, 3. take such steps as are necessary to regain possession of the premises of the Facility, or 4. seeks damages against Lessee for breach thereof, then Lessee agrees that it shall pay unto Lessor any and all reasonable attorney's fees and costs expended by Lessor.

19. **Remedies.** Whenever any event of default has happened or any violation of the terms and conditions of this Lease has occurred or is occurring, any one of the following remedial actions may be taken, provided that either the Lessor or Lessee has given notice to the other of the event of default or breach of this Lease, and the event of default or breach has not been cured within thirty (30) days of notice: (a) the Lessor may re-enter and take possession of all or any part of the Demised Premises; (b) the Lessor may terminate this Lease as to all or any part of the Demised Premises, exclude the Lessee from possession of all or any part of the Demised Premises, and lease all or any part thereof to one or more parties; (c) the Lessor may have access

to and inspect, examine and make copies of, the property or any part thereof, the books, records and accounts of the Lessee pertaining to the Demised Premises; (d) the sole remedy available to the Lessor for any default or breach of the terms of this Lease by Lessor shall be either, at the option of Lessee, forfeiture of the right of Lessor for the rent payment as provided in this Lease, and/or termination of the Lease. In the event of termination of this Lease by Lessee, Lessee shall immediately relinquish possession of the Demised Premises.

20. **Successors and Assigns.** This Lease is binding upon, enures to the benefit of and is enforceable by the parties and Lessor's successors and assigns (and Lessee's successors and assigns in the event Lessor gives permission to Lessee to assign its rights hereunder), and no person or entity who is permitted onto the Demised Premises by Lessee pursuant to the intent of this Lease shall have any rights enforceable by Lessee under the terms and conditions of this Lease by way of their presence on or occupancy of a portion of the Demised Premises, and no such person or entity shall have any rights of occupancy except by and through the right of occupancy granted herein to Lessee.

Lessor does hereby specifically grant unto Lessee the right to sub-lease portions of the Demised Premises to prospective businesses and/or industries for purposes of business and/or industrial development. However, it is specifically agreed between the parties that any sublessee shall take occupancy of the Demised Premises subject to, and conditioned upon any and all rights granted unto Lessor by the terms and conditions of this Lease, including but not limited to the right of recession; the right of inspection; limitations upon the use of the premises including environmental restrictions; the limitation of Lessor for damage to any sublessee's property or agents and/employees; mechanics' lien provisions; indemnification; subordination;

and it shall be specifically acknowledged by each sublessee that in the event of any default by Lessor that the sole remedy available to sublessee shall be, at the option sublessee, forfeiture of the right of sublessor for the rent payment as called for, and/or termination of the Lease. Further, in the event of termination of the Lease by sublessee, sublessee shall immediately relinquish possession of the property.

21. **Authority To Act.**

(a) This Lease is executed on behalf of the Board of Supervisors of Pittsylvania County, Virginia, by its duly authorized County Administrator, he having been so authorized to act by resolution duly adopted by the Board of Supervisors of Pittsylvania County at its meeting on the _____ day of _____, 2023.

(b) This Lease is executed on behalf of the City of Danville, Virginia, by its duly authorized City Manager, he having been so authorized to act by resolution duly adopted by Danville City Counsel at its meeting on the _____ day of _____, 2023.

(c) This Lease is executed on behalf of the Dan River Business Development Center, by its duly authorized Chairman, he having been so authorized to act by resolution duly adopted by the Dan River Business Development Center Board on the _____ day of _____, 2023.

[SIGNATURE PAGE FOLLOWS]

Witness the following signatures and seals to this AMENDED AND RESTATED AGREEMENT OF LEASE as of the date set forth above:

Lessor:

PITTSYLVANIA COUNTY, VIRGINIA

By: _____

Name: _____
County Administrator

CITY OF DANVILLE, VIRGINIA

By: _____

Name: _____
City Manager

Lessee:

DAN RIVER BUSINESS DEVELOPMENT
CENTER

By: _____

Name: _____
Chairman

Council Letter

City of Danville, Virginia



CL - 868

NEW BUSINESS O.

City Council REGULAR MEETING

Meeting Date: October 5, 2023

Subject: Consideration of Amending or Establishing Rental Fees for a New Corporate Hangar.

From: Marc Adelman, Director of Transportation Services

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Amending and Establishing Monthly Rental Fees for a New Hangar Located at the Danville Regional Airport Effective November 1, 2023.

FIRST READING

SUMMARY

A new corporate hangar will be available for rent at the Danville Regional Airport effective November 1, 2023. The new hangar is 60' x 54' and is located in the t-hangar building area on the south side of the airfield. The Danville Regional Airport Commission recommended that the monthly rental fee for the new hangar should be \$1000 per month.

BACKGROUND

Local funding was appropriated this fiscal year to construct a 60' x 54' hangar. This is the first hangar that has been constructed at the airport in over twenty years. The hangar is similar in size to other corporate hangars located on the field and the recommended monthly hangar rental fee is \$1000 per month, which is also comparable to other hangar rental fees.

The proposed \$1000 monthly rental fee is based on the cost of construction for the new hangar, amenities included in similar sized hangars located on the field and, the rental cost per square foot for different hangar facilities.

RECOMMENDATION

It is recommended that City Council approve the attached ordinance that amends and establishes monthly rental fees for a new hangar located at the Danville Regional Airport.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-_____ - _____

AN ORDINANCE AMENDING AND ESTABLISHING MONTHLY RENTAL FEES FOR A NEW HANGAR LOCATED AT THE DANVILLE REGIONAL AIRPORT EFFECTIVE NOVEMBER 1, 2023.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that on and after November 1, 2023, respectively, the charges for renting a new 60' x 54' hangar at the Danville Regional Airport be, and are hereby, authorized and approved as follows:

CONFERENCE ROOM RENTAL FEES	CURRENT	PROPOSED
Two hour minimum	\$50.00	
Each additional hour	\$25.00	
Five hours or more	\$125.00	
Food and beverage clean up fee	\$25.00	

HANGAR RENTAL FEES	CURRENT PER MONTH	PROPOSED
80' x 80' Corporate Hangar	\$1,248.00	
65' x 60' Corporate Hangar	\$888.00	
60' x 54' Corporate Hangar	N/A	\$1,000.00
55' x 51' Clear Span Hangar	\$505.00	
T-hangars (new units)	\$210.00	
T-hangars (older units)	\$125.00	
Tie-downs	\$40.00	

CLOSED RUNWAY RENTAL FEE	CURRENT
\$400 per day (non-aviation related)	\$400.00
\$250 per day (aviation related)	\$250.00

AND BE IT FURTHER ORDAINED that all other charges, not hereby amended, shall continue in full force and effect unless and until hereafter amended or repealed.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney