



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

December 5, 2023

7:00 PM

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

ANNOUNCEMENTS AND SPECIAL RECOGNITION

- A. Presentation: Certificate of Recognition - Big Brothers Big Sisters
Presented to: Patricia Daniel, Big Brothers Big Sisters

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 November 9, 2023.
Council Letter Number CL - 1074.
Consideration of Approval of Minutes from Regular Council Meeting held on November 9, 2023.
- B. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for USDA Grant Funds for Food Services at W. W. Moore, Jr. Detention Home.
Council Letter Number CL - 954.
An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance for a Federal Grant in the Amount of Approximately \$54,118 to Aid the Food Service Operations at W. W. Moore, Jr. Detention Home and Appropriating Same.
Final Adoption
- C. Consideration of Amending the Fiscal Year 2024 Budget Appropriation for Virginia Juvenile Community Crime Control Act Funding.
Council Letter Number CL - 955.
An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice in the Amount Of \$86,999 and a Local Share of \$39,830, for a Total Appropriation of \$126,829, to Provide for the Electronic Monitoring and Outreach Detention Programs, Online Intervention Programs, and Pro-Social Skills Programs for the City of Danville at the W. W. Moore Jr. Detention Home and Appropriating Same.
Final Adoption
- D. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Increasing Revenues to Fund Various Expenditures.
Council Letter Number CL - 989.
An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Increasing Revenues from Interest Income, Sales Taxes, and Meals Taxes to Fund Various Expenditures, an Appropriation in the Amount of \$3,000,000 and Appropriating the Same.
Final Adoption

NEW BUSINESS

- A. Consideration of a Special Use Permit Application, filed by Deidre Carter, Requesting a Special Use Permit at 350 Hermitage Drive to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 1045.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00348, filed by Deidre Carter, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 51905 (350 Hermitage Drive) in Accordance with Article 3.C., Section C, Item 29.
- B. Consideration of a Special Use Permit Application filed by Preferred Management Group requesting a Special Use Permit at 212 A&B, 214 A&B, and 216 A&B Jefferson Avenue (Parcel 24689) to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 1049.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23-00351, filed by Preferred Management Group, Requesting a Special Use Permit to Allow a Short-Term Rental as Principal Use at Parcel ID 24689 (212 A&B, 214 A&B and 216 A&B Jefferson Avenue) in Accordance with Article 3.G., Section C, Item 26.
- C. Consideration of a Special Use Permit Application filed by Mahesh Srinivasaiah Requesting a Special Use Permit at 820 Green Street to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 1050.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00355, filed by Mahesh Srinivasaiah, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 22409 (820 Green Street) in Accordance with Article 3.E., Section C, Item 29.
- D. Consideration of a Special Use Permit Application filed by DM Woodstock Requesting a Special Use Permit at 232 Avalon Drive to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 1051.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00364, filed by DM Woodstock, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 71105 (232 Avalon Drive) in Accordance with Article 3.C., Section C, Item 29.
- E. Consideration of a Special Use Permit Application filed by Polly Taylor Requesting a Special Use Permit at 129 Stokesland Avenue to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 1052.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00371, filed by Preferred Polly W. Taylor, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 56898 (129 Stokesland Avenue) in Accordance with Article 3.E., Section C, Item 29.

- F. Consideration of a Special Use Permit Application filed by Wasi Bin Saleem Requesting a Special Use Permit at 242 Lipton Lane to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 1053.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23-00374, filed by Wasi Bin Saleem, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 56149 (242 Lipton Lane) in Accordance with Article 3.E., Section C, Item 29.
- G. Consideration of a Special Use Permit Application filed by Jarrod Motley Requesting a Special Use Permit to Allow Short-Term Rental as Principal Use at 249 Parkland Drive.
Council Letter Number CL - 1056.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00377, filed by Jarrod Motley, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 56844 (249 Parkland Drive) in Accordance with
- H. Consideration of a Remanding Special Use Permit application filed by Elaine Ratcliffe Requesting a Special Use Permit at 316 Starmont Drive (Parcel 00850) to Allow Short-Term Rental as Principal Use back to the Planning Commission.
Council Letter Number CL - 1057.
1. Public Hearing
 2. Consideration of a Remanding Special Use Permit application filed by Elaine Ratcliffe Requesting a Special Use Permit at 316 Starmont Drive (Parcel 00850) to Allow Short-Term Rental as Principal Use.
- I. Consideration of a Special Use Permit Application filed by Tony & Anissa Howerton Requesting a Special Use Permit at 1540 Claiborne Street to Allow Short-Term Rental as Principal Use.
Council Letter Number CL - 1058.
1. Public Hearing
 2. An Ordinance Granting Special Use Permit Application PZ23- 00380, filed by Tony and Anissa Howerton, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 02911 (1540 Claiborne Street) in Accordance with Article 3.E., Section C, Item 29.
- J. Consideration of a Denying a Special Use Permit Application filed by Charles Motley to Convert a Single Family Detached Dwelling to a Duplex at 305 Girard Street.
Council Letter Number CL - 1044.
1. Public Hearing
 2. A Resolution Denying Special Use Permit Application PZ23- 00280, filed by Charles Motley, Requesting a Special Use Permit in Accordance with Article 3.E., Section C, Item 1 to Convert a Single Family Dwelling to a Duplex at Parcel ID 02281 (305 Girard Street).
- K. Consideration of a Special Use Permit Application filed by Kelly Real Estate Requesting a Special Use Permit to Convert a Single Family Detached Dwelling to a Duplex at 411 West Main Street.

Council Letter Number CL - 1054.

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00375, filed by Kelly Real Estate, Requesting a Special Use Permit to Convert a Single-Family Dwelling to a Duplex at Parcel ID 24051 (411 West Main Street) in Accordance with Article 3.E., Section C, Item 2.

- L. Consideration of a Special Use Permit Application filed by Jeramy Nichols on behalf of Old Oak Properties, LLC, Requesting a Special Use Permit at 823 Industrial Avenue.

Council Letter Number CL - 1055.

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00376, filed by Jeramy Nichols on Behalf of Old Oak Properties, LLC , Requesting a Special Use Permit to Allow a Use Permitted by Right or Special Use Permit in the HR-C District (Automobile and Light Vehicle Dealerships and Retail Sales Establishments (with Service and Repair Facilities as an Ancillary Use, with Completely Enclosed Service Facilities and Screened Outdoor Storage of Repair Vehicles) at Parcel ID 24094 (823 Industrial Avenue) in Accordance with Article 3.O., Section C, Item 15.

- M. Consideration of Rezoning Application filed by Averett University Requesting Rezoning at 419 West Main Street to Rezone from OT-R Old Town Residential to TO-C Transitional Office.

Council Letter Number CL - 1059.

1. Public Hearing
2. An Ordinance Rezoning from OT-R, Old Town Residential to “Conditional” TO-C, Transitional Office Commercial Parcel ID 22383 (419 West Main Street).

- N. Consideration of a Special Use Permit Application filed by CCKW, LLC Requesting a Special Use Permit to Allow Attached Residential Dwellings on Parcels located on Monument, Shelton, Cabell, and Franklin Streets.

Council Letter Number CL - 1060.

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00388, filed by CCKW, LLC Requesting a Special Use Permit for a Planned Unit Development on Monument, Shelton, Cabell and Franklin Streets in Accordance with Article 17., Entitled “Planned Unit Developments” of Chapter 41., Entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia to Include Parcel ID#s 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, 21602, 24048, 20749, 21228, 22594,25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, and 22082.

- O. Consideration of a Code Amendment Request to Amend Chapter 41 Entitled “Zoning Ordinance” of the City of Danville, Virginia Regarding Short-Term Rentals.

Council Letter Number CL - 964.

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”.

- P. Consideration of a Request to Amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, More Specifically, to Amend Article 15 Section B, entitled "Definitions".
Council Letter Number CL - 1061.
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 15, Entitled "Definitions", Section B, Entitled "Definitions".
- Q. Consideration of a Request to Amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, More Specifically, to Amend Article 2 Section Y entitled "Short-term rentals" to Limit the Number of Short Term Rentals.
Council Letter Number CL - 1063.
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., Item 3.
- R. Consideration of a Request to Amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, More Specifically, to Amend Article 3.X Section H, to Amend the Definition for "Herbal Wellness Shop" and "Vape Shop".
Council Letter Number CL - 1062.
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 3.X Entitled "West Main Street Corridor Overlay", Section H., Entitled "Prohibited Uses".
- S. Review of the Final Draft of the City of Danville Preservation Plan.
Council Letter Number CL - 1064.
- A Resolution Approving Preservation Danville 2023, a Preservation Plan for the City of Danville, Dated August 2023.
- T. Consideration of Approval to release Three Blanket Easements on Parcels in Pittsylvania County for a prospective Dominion Energy Solar Farm.
Council Letter Number CL - 970.
- A Resolution Authorizing the Abandonment of Three City Blanket Easements Across Property in Pittsylvania County.
- U. Consideration of a Resolution Approving and Authorizing a Real Estate Purchase Agreement for Approximately 44.335 Acres of Land Located on Stinson Drive.
Council Letter Number CL - 1072.
- A Resolution Approving and Authorizing a Real Estate Purchase Agreement for Approximately 44.335 Acres of Land Located on Stinson Drive by and Between the Industrial Development Authority of Danville, Virginia and the City of Danville Virginia.
- V. Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for the 2022 Assistance to Fire Fighters Grant in the amount of \$83,740 with local funding of \$8,374.
Council Letter Number CL - 967.
- An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for a Grant from the Department of Homeland Security in the Amount of \$83,740.22 and a Local

Share in the Amount of \$8,374.03 for an Air Compressor/Cascade/Fill Station for a Total Appropriation in the Amount of \$92,114.25 and Appropriating Same.

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 - 1074

CONSENT AGENDA A.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of Approval of Minutes.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of Approval of Minutes from Regular Council Meeting held on November 9, 2023.

Attachments

1. Meeting Minutes
-

November 9, 2023

The Regular November meeting of the Danville City Council was held on November 9, 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, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Absent: Sherman M. Saunders (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

Council Member Buckner gave the Invocation followed by the Pledge of Allegiance.

MEETING MINUTES

Upon Motion by Council Member Vogler and second by Council Member Campbell, Minutes from Regular Council Meeting held on October 5, 2023, were approved as presented. Draft copies of the Minutes had been distributed prior to the meeting.

NEW BUSINESS

PUBLIC HEARING - CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY LATE BLOOMERS LLC REQUESTING A SPECIAL USE PERMIT AT 115 HOWELAND CIRCLE TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 115 Howeland Circle. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 26, 2023 and November 2, 2023.

Mayor Jones recognized Troy Nevells, 144 Joyce Drive, Providence, NC and co-owner of Late Bloomers LLC. He noted there was an issue with off-street parking, but that issue had been resolved; there was off-street parking, the driveway was installed, they can get three vehicles in the driveway and one in front of the house. Mr. Nevells asked if it was possible that the restrictions be removed from two vehicles to four; initially it was two vehicles only because they had off street parking. They have four bedrooms and three full baths and were told they could only have six occupants versus eight. He was asking if that could be removed. Mayor Jones questioned Mr. Nevells if he was asking that it be approved as presented and Mr. Nevells noted it was.

No one further desired to be heard and the Public Hearing was closed.

Mayor Jones asked Director of Planning, Renee Burton, if what the applicant was asking for was the same as what was being presented tonight; Ms. Burton stated it was not. What was presented to Council was the recommendation from the Planning Commission. The Planning Commission stated three conditions in their recommendation for approval: 1) that there be no more than two vehicles, 2) off-street parking must be provided, and 3) the maximum rental be three bedrooms and six persons.

Council Member Campbell asked for more clarity since the Planning Commission approved one thing and the co-owner was asking for another. Council Member Vogler stated that he understood

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Council could approve it as presented which was what the Planning Commission approved, so that the owner can operate. The owner asked for more which did not go through the Planning Commission. Mr. Vogler noted he was comfortable approving what was presented, but to make changes he does not think would be appropriate, not having gone through the proper public hearing for the additional parking and occupancy. Mayor Jones stated that Council would be voting on what was presented tonight and if the applicant wished to go to the Planning Commission with the additional parking and occupancy they can do so later.

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

ORDINANCE NO. 2023-11.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00210, FILED BY LATE BLOOMERS LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 21172 (115 HOWELAND CIRCLE) 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,
Vogler, and Whittle, (8)
NAY: None (0)
ABSENT: Saunders (1)

PUBLIC HEARING - CONSIDERATION OF DENYING A SPECIAL USE PERMIT APPLICATION FILED BY PREFERRED MANAGEMENT GROUP ON BEHALF OF 2 JD LLC REQUESTING A SPECIAL USE PERMIT AT 151 VIRGINIA AVENUE TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 151 Virginia Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 26, 2023 and November 2, 2023.

Mayor Jones recognized the following speakers who spoke in opposition to this item:

Randolph Neal, 150 Virginia Avenue.
Dale Martin, 154 Virginia Avenue
Nancy Rudder, 134 Virginia Avenue
Mark Holland, 204 Virginia Avenue

Doug Plachcinski, 626 Park View Place, spoke to Council about the Planning Commission not giving Council all the facts regarding why they are recommending this application be denied, for Council to make this decision tonight.

No one further desired to be heard and the Public Hearing was closed.

Council Member Vogler **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2023-11.01

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A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PZ23- 00271, FILED BY PREFERRED MANAGEMENT GROUP ON BEHALF OF 2 JD LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 29 AT PARCEL ID 20470 (151 VIRGINIA AVENUE).

The Motion was **seconded** by Council Member Whittle.

Council Member Vogler asked Ms. Burton to elaborate on why the Planning Commission made this decision. Ms. Burton stated that the Planning Commission heard similar opposition to the property being made a short-term rental including concerns about parking, transient occupancy, as well as how management of the property would be handled. Council Member Campbell stated that many short-term rentals have come during the last few meetings, and he feels that more clarity for Council was needed when making these decisions. Reverend Campbell noted he hoped they can define things and be fair across the board. Council listens to the demands of the citizens who want to do it, yet they have to be considerate of the neighborhood; it needs to be clearer to Council. Rev. Campbell noted he was concerned about violations, what they were; those need to be defined. Council Member Buckner stated he was having a hard time with this resolution. The Council and staff sets out regulations and requirements, they require certain things be obtained by owners per regulations and most of the time while they were asking for those items be done, the owners were out there doing them. If they were doing everything that was asked of them, all the boxes were checked, how can the Planning Commission recommend a denial. If the house does not have off-street parking how can Council require them to create off-street parking. Mayor Jones noted he would be questioning how far out in advance were the letters being sent to neighbors, because if letters were being sent to adjoining streets and they were voting yes then that can be a concern.

The **Motion** was carried by the following vote:

VOTE: 7-1-1
AYE: Campbell, Hood, Jones, Mayo, Miller,
Vogler and Whittle (7)
NAY: Buckner (1)
ABSENT: Saunders (1)

PUBLIC HEARING - CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY MISTY AND DEREK ADAMS ON BEHALF OF DM WOODSTOCK ENTERPRISE, LLC REQUESTING A SPECIAL USE PERMIT AT 1244 WESTOVER DRIVE TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 1244 Westover Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 26, 2023, and November 2, 2023.

Mayor Jones recognized Christen and Dave Riley of Mebane, NC, owners of 1244 Westover Drive, who asked Council to approve this ordinance. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-11.02

November 9, 2023

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00312, FILED BY MISTY AND DEREK ADAMS ON BEHALF OF DM WOODSTOCK ENTERPRISE, LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 50398 (1244 WESTOVER 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,
Vogler, and Whittle, (8)
NAY: None (0)
ABSENT: Saunders (1)

PUBLIC HEARING - CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY ANTHONY C. MARTIN REQUESTING A SPECIAL USE PERMIT AT 85 ASHLAWN DRIVE TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 85 Ashlawn Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 26, 2023 and November 2, 2023.

Mayor Jones recognized Anthony Martin, 334 Ross Street, owner of Ashlawn Drive. No one further desired to be heard and the public hearing was closed.

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

ORDINANCE NO. 2023-11.03

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00327, FILED BY ANTHONY C. MARTIN, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 53437 (85 ASHLAWN DRIVE) 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,
Vogler, and Whittle, (8)
NAY: None (0)
ABSENT: Saunders (1)

PUBLIC HEARING - CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY DAVID GOLD AND JULI REEVES REQUESTING A SPECIAL USE PERMIT AT 118 MT VERNON AVENUE TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit for 118 Mount Vernon Avenue. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 26, 2023, and November 2, 2023.

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Mayor Jones recognized David Gold and Juli Reeves who asked Council to approve their special use permit as recommended by the Planning Commission. 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. 2023-11.04

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00314, FILED BY DAVID GOLD AND JULI REEVES, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 23302 (118 MT VERNON AVENUE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C., ITEM 29.

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

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

PUBLIC HEARING - CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY TAMARA BELOTTI REQUESTING A SPECIAL USE PERMIT AT 440 MIMOSA STREET TO ALLOW SHORT-TERM RENTAL AS PRINCIPAL USE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit for 440 Mimosa Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 26, 2023 and November 2, 2023.

Mayor Jones recognized the applicant, Tamara Belotti. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-11.05

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00316, FILED BY TAMARA BELOTTI, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 56067 (440 MIMOSA STREET) IN ACCORDANCE WITH ARTICLE 3.C., 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,
Vogler and Whittle (8)
NAY: None (0)
ABSENT: Saunders (1)

PUBLIC HEARING - CONSIDERATION OF A CODE AMENDMENT REQUEST FILED BY JAMES OSBORNE ON BEHALF OF EXTREME RECOVERY OF DANVILLE TO AMEND CHAPTER 41 ENTITLED "ZONING ORDINANCE"

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Mayor Jones opened the floor for a Public Hearing regarding an Amendment to the Zoning Ordinance. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 26, 2023 and November 2, 2023.

Mayor Jones recognized James Osborne, owner of Extreme Recovery, who noted he put the skirting up as was requested, and stated the building was located at 4711 Riverside Drive. 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. 2023-11.06

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 3.M. ENTITLED "HR-C, RETAIL COMMERCIAL", SECTION C., ENTITLED "USES PERMITTED BY SPECIAL USE PERMIT".

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,
Vogler and Whittle (8)
NAY: None (0)
ABSENT: Saunders (1)

PUBLIC HEARING - CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY JAMES OSBORNE ON BEHALF OF EXTREME RECOVERY OF DANVILLE REQUESTING A SPECIAL USE PERMIT AT 4711 RIVERSIDE DRIVE TO ALLOW AUTOMOBILE SALVAGE

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 4711 Riverside Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 26, 2023, and November 2, 2023.

Mayor Jones recognized the owner, James Osborne. No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-11.07

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00340, FILED BY JAMES OSBORNE ON BEHALF OF EXTREME RECOVERY OF DANVILLE, REQUESTING A SPECIAL USE PERMIT TO ALLOW AN AUTOMOBILE SALVAGE OPERATION AT PARCEL ID 51529 (4711 RIVERSIDE DRIVE) IN ACCORDANCE WITH ARTICLE 3.M., SECTION C., ITEM 31.

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

VOTE: 8-0-1
AYE: Buckner, Campbell, Hood, Jones, Mayo, Miller,

November 9, 2023

Vogler and Whittle (8)
NAY: None (0)
ABSENT: Saunders (1)

PUBLIC HEARING - CONSIDERATION OF AN APPEAL OF THE COMMISSION OF ARCHITECTURAL REVIEW'S DECISION TO DENY A CERTIFICATE OF APPROPRIATENESS TO INSTALL A ROOF MOUNTED SOLAR ENERGY SYSTEM AT 830 GREEN STREET

Mayor Jones opened the floor for a Public Hearing regarding an Appeal of the Commission of Architectural Review. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 26, 2023, and November 2, 2023.

Mayor Jones recognized Robert Tuthill, owner of 830 Green Street, who stated he was there under duress, asking that the permit be reinstated. He has been going through this process since May. The day the work order was given they waited two weeks; the day the work order was rescinded was the day the work was finished. Mr. Tuthill stated he had \$50,000 invested in this; he also invested in putting in a new roof so he would have a warranty for twenty-five years, that was \$70,000 total. Through no fault of his own he was denied after having the materials installed and ready to be put on the grid. No one has complained to him about the panels.

Mayor Jones asked the City Attorney what would happen if Council voted to deny. Mr. Whitfield stated the applicant could appeal the decision or take the solar panels off his roof.

Mayor Jones recognized Robert Weir, Chairman of the Commission for Architectural Review, who stated the Commission must follow mandates from state and federal levels. He reviewed guidelines including that owners, before any work was done that will change the exterior of any historical property, must obtain approval from the CAR after which other permits, local and state levels, must be obtained as appropriate. The Commission will review the work and issue a certificate of appropriateness which states that the proposed changes were compatible with the historical character of the property and the district. In the past, they have approved two similar projects to the one being discussed tonight. This item was submitted to CAR on August 24th for approval, and no one from this property showed up to the meeting.

Mayor Jones recognized James Lofton, Convert Solar, who stated their company installed solar panels on this home under the recognizance that there was an active permit from the City to conduct work for a solar installation, effective 8/3/23. The work that took place on this home was 8/16/23, two weeks prior to when the active permit was initially given to them to conduct work on this house. Their Virginia Beach office received a call at 3:55 pm to cease work but the work had already been completed. Mr. Lofton noted he had copies of the permit and approved plans that were submitted and approved by the City. If it was voted to deny then it will take many avenues to get this home back to its originality, including putting on a new roof, labor, and material cost, in addition to the cost to remove the work that was done, siding, and electrical work. This was a permanent fixture.

No one further desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-11.08

November 9, 2023

AN ORDINANCE REVERSING THE COMMISSION OF ARCHITECTURAL REVIEW DECISION TO DENY A CERTIFICATE OF APPROPRIATENESS TO INSTALL A SOLAR ENERGY SYSTEM AT 830 GREEN STREET.

The Motion was **seconded** by Council Member Campbell.

Council Member Vogler stated he appreciated what CAR does but the majority of homes in that area were vacant and falling apart. In the last several years, people have been investing money and fixing them up. The gentleman has put \$70,000 into his home to make it a more energy efficient home so that it can be usable in the twenty-first century. Mr. Vogler noted he would prefer to see this home being used with solar panels on the roof, then to fall into disrepair, be vacant or demolished, and was in favor of reversing this decision.

City Manager Ken Larking stated that he had spoken with staff regarding the series of events that actually occurred on this property. Ms. Burton explained the project was presented for a project review and there were conditions placed by the Planning Division stating that it needed approval by the CAR. There was a permit issued for an electrical permit but those conditions were still attached that there was to be a review by the CAR, issued on 8/03/2023. On August 16, 2023, Ms. Burton noted she was headed to another inspection and saw that the railing had been put up. She called into the inspections division, Mr. Fulcher, who contacted the company. After her inspection, she drove back past the home and the railings were still up. She contacted the company, they determined that they would cease work, that it would not be completed. The CAR meeting was on August 24, 2023, and during that review, she was informed the project had been completed; the vote from CAR was a denial of the project. Mr. Larking stated that the property owner and the installer did not have a full permit to put the solar panels on the building.

Council Member Buckner asked how the City was issuing permits for the work to be done before CAR approved it. Mr. Larking stated the permit was conditioned with getting CAR approval, but the work started before CAR approval. Mayor Jones asked why the City would not get with CAR first before money was spent or permits were given. If it was him, he would like to know from CAR before he started anything. Mr. Whittle noted in the conversation they were going to first be given the permit and then they can deny after it gets to the CAR, and Ms. Burton noted in general the procedure was that a permit was not issued until after review by CAR. This permit was issued prior to that; staff worked in their software to put in a stop when there were conditions; that was not active at that time. Now, once there was a condition that it must have review from the CAR, it was activated that there will be a stop placed on that permit, it cannot be issued until the Planning Division removes that. Mr. Buckner noted that was not this gentleman's problem.

The **Motion** was carried by the following vote:

VOTE: 8-0-1

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

NAY: None (0)

ABSENT: Saunders (1)

CONSIDERATION OF REJECTING TWO NEW PUBLIC UTILITY REGULATORY POLICIES ACT (PURPA) STANDARDS

Vice Mayor Miller **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2023-11.02

A RESOLUTION TO REJECT THE TWO NEW PURPA STANDARDS IN ACCORDANCE WITH THE INFRASTRUCTURE INVESTMENT AND JOBS ACT OF 2021.

The Motion was **seconded** by Council Member Mayo.

Council Member Whittle asked for clarification. Director of Utilities Jason Grey stated that all electric utilities have to follow standards, they don't have to follow all fourteen, but do have to follow seven of them. Two new standards came out that the City does not have to follow; but they have to go through the public process of seeking public input; they did that. The two that came out were for demand response and electric vehicles. The City can have their own program separate from that that do not have to follow the Federal guidelines.

The **Motion** was carried by the following vote:

VOTE: 7-0-2
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller and Whittle, (7)
NAY: None (0)
ABSENT: Saunders, Vogler (2)

CONSIDERATION OF AUTHORIZING AND APPROVING THE EXECUTION OF A SUPPORT AGREEMENT BY AND BETWEEN THE CITY OF DANVILLE, VIRGINIA AND THE VIRGINIA SMALL BUSINESS FINANCING AUTHORITY

Vice Mayor Miller **moved** for adoption of a Resolution entitled:

RESOLUTION NO. 2023-11.03

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING SUPPORT AGREEMENT.

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

VOTE: 7-0-2
AYE: Buckner, Campbell, Hood, Jones, Mayo,
Miller and Whittle (7)
NAY: None (0)
ABSENT: Saunders, Vogler (2)

BUDGET AMENDMENT - CONSIDERATION OF AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION FOR A GRANT FROM THE EDWARD BYRNE MEMORIAL JAG PROGRAM IN THE AMOUNT OF \$17,799

Upon **Motion** by Vice Mayor Miller and **second** by Council Member Mayo an Ordinance entitled:

ORDINANCE NO. 2023-11.01

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUE FROM THE UNITED STATES DEPARTMENT OF

November 9, 2023

JUSTICE 2023 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM IN THE AMOUNT OF \$17,799.

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

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Steve Barrow, owner of Hammerhill Computers and a U-Haul dealership at Five Forks, who introduced Jasmine Lipscomb, and employees, Keith Crews and Steve Gunner. Mr. Barrow's team passed out pictures of the dealership to Council and Mr. Barrow apologized for jumping past Ms. Burton, but this was a matter of urgency. They have been operating the U-Haul dealership for about a year. The trucks were in a fenced lot at 747 Loyal which was across the street from his shop. There was one vehicle parked out front for advertising. They were now being told that they were not zoned to have a U-Haul dealership in that area. Mr. Barrow noted he employs four people on the U-Haul and four people on Hammerhill Computers; if they did not have that dealership they would not be able to employ those people. They were also extending the U-Haul because they were going to open up a U-Haul Warehouse on Industrial which will have another three employees. Mr. Barrow noted he has also helped the homeless and opened a house for homeless men who were sleeping on the streets. Several of his employees who were homeless, and they spoke to Council about how Mr. Barrow has built up that area and helped them. Council Member Campbell recommended that Council amend codes to include business development there, and that the City needed to look at a special amended fee for this. Mayor Jones encouraged Mr. Barrow to contact Ms. Burton and follow the rules from her department, because there were state codes that the City Council cannot do anything about; Mr. Whitfield noted that was correct. Council Member Vogler stated he loved what Mr. Barrow was doing for the neighborhood and felt like this was an appropriate use for the property. Council Member Mayo stated Council was there for him and encouraged him to keep the vision he started out with, continue to grow and do what he was doing. Vice Mayor Miller stated what Mr. Barrow was doing was wonderful but there was a process.

COMMUNICATIONS

City Manager Ken Larking reminded everyone that City Offices were closed on Friday, November 10 in observation of Veteran's Day, and thanked all veterans for their service to the country.

City Attorney Clarke Whitfield stated that the debt owed to the veterans was something that can never be repaid and thanked them for their and their families' sacrifices.

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

Council Member Mayo thanked the City of Danville, city staff, DCC, and all the agencies that participated in the community job and resource fair. He cannot express his gratitude for the city and what they can do. There were over 700 jobs, the turnout was astronomical, and there was truly no limit to what they can do together. Steve Barrow was there with his computers set up and even printed out resumes for people attending. It was about seeing what they can do to help their citizens. There were so many services available here and citizens can get the help that they need. They were looking forward to next year.

Vice Mayor Miller noted that Saturday was Veteran's Day and they can never say thank you enough for the veterans and what they have been through. Dr. Miller noted his wife was watching the news and a company called Circ, in Danville, that separates polyester from clothing and

November 9, 2023

recycles the clothing. CBS evening news highlighted Danville in this news post and this news station reaches millions of people.

Council Member Vogler spoke to all their Jewish brothers and sisters in Danville, across the country, and in Israel, they love and support them. It was astonishing to see a rise in antisemitism in this country, especially in college campuses. They have been in his prayers for the past several weeks and will continue to be. Council was about to go into their budget process for Fiscal Year 2025, and knows they all go into this process with things that they would like to see and achieve. Mr. Vogler noted for him, he would like Council to focus on a people first budget that lowers the car tax, real estate tax, and further expands tax relief for senior citizens. This was a time of prosperity in the City and it was time they make sure each one of their citizens share in that prosperity.

Council Member Buckner reminded everyone that the hospital moved the ER to start a year long renovation. The Bright Leaf Brewfest was Saturday from 11 a.m. to p.m. and encouraged citizens to come enjoy the festivities at the community market.

Council Member Campbell commented on Mrs. Hickson's death and the work that she had done for many generations in the community. Her homegoing celebration will be next Saturday at Bibleway Cathedral.

Council Member Hood thanked all the veterans for their services and how honored he was last Saturday in the parade to be able to shake veteran's hands and thank them, it meant a great deal to him. Mr. Hood noted the job and resource fair was a great event; Mrs. Hickson did many wonderful things for the Danville community and will be greatly missed. Danville fashion week premiered six years ago; the next fashion show was this Saturday at the Institute, season 9 and the theme was Freedom. There will be a civil rights documentary of Cora Tucker, the first African-American woman to run for governor, Saturday at the North Theater at 3 p.m.; the cost was \$20.

Mayor Jones discussed touring the historical museum and thanked Mr. Jones. To Mrs. Hickson's family and friends, they send their thoughts and prayers. Mayor Jones thanked all veterans for all of their services and all that they have done for this country. Mayor Jones noted Mr. Vogler's comments, people were wondering where Caesar's money was going. The City Manager put together a group of citizens to help voice where that money goes. Council has focused on their youth in the past, teachers will soon be getting a bonus, and many on Council have been talking about what they can do to help the citizens more. Now it was time for Council to focus on their citizens.

Meeting was adjourned at 8:42 pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter City of Danville, Virginia



CL - 954

CONSENT AGENDA B.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for USDA Grant Funds for Food Services at W. W. Moore, Jr. Detention Home.

From: Michelle Johnson, Division Director - Juvenile Detention

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance for a Federal Grant in the Amount of Approximately \$54,118 to Aid the Food Service Operations at W. W. Moore, Jr. Detention Home and Appropriating Same.

Final Adoption

SUMMARY

Each year, the W. W. Moore, Jr. Detention Home receives funds from the United States Department of Agriculture (USDA) as a result of the detention home's participation in the National School Nutrition Program.

The revenue from the USDA offsets some of the costs related to the Food Service Operation at the detention home. It is projected the City will receive \$54,118 for Fiscal Year 2024. The amount of the funds received may be more or less depending on changes in the daily population.

BACKGROUND

The W. W. Moore, Jr. Detention Home will participate in the National School Nutrition Program during Fiscal Year 2024. The anticipated revenue is projected, and an appropriation is requested based on utilization rates, reimbursement rates, and the number of days each meal or snack is reimbursed.

The USDA reimbursement rates provided by the Department of Juvenile Justice Food Service Operation Unit for Fiscal Year 2024 are as follows: Breakfast - \$2.73; Lunch - \$4.35, and Snack - \$1.17. Breakfast and lunch meals are reimbursed 365 days per year, snacks are reimbursed 104 days per year, and there is no reimbursement for dinner meals.

Based on the Average Daily Population of twenty (20) last Fiscal Year, and the number of days meals and snacks are reimbursed, the W. W. Moore, Jr. Detention Home expects to receive approximately \$54,118. USDA funds are received quarterly by the City of Danville.

RECOMMENDATION

It is recommended that City Council adopt the attached Ordinance appropriating funds within the Special Grants Fund for expenses related to the Food Service Operation at the W. W. Moore, Jr. Detention Home.

Attachments

1. Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE FOR A FEDERAL GRANT IN THE AMOUNT OF APPROXIMATELY \$54,118 TO AID THE FOOD SERVICE OPERATIONS AT W. W. MOORE, JR. DETENTION HOME AND APPROPRIATING 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 anticipate revenues from a grant in the amount of approximately \$54,118 from the United States Department of Agriculture to the W. W. Moore, Jr. Detention Home for the purpose of aiding the food service operations and appropriating same in the Special Grants Fund for Fiscal Year 2024, such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid-State: USDA - Detention Home	60114000-47210	<u>\$54,118</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
W. W. Moore, Jr. Detention Home Food Supplies/Food Services	60114000-55825	<u>\$54,118</u>

AND BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and such appropriations shall carry forward from year to year until such funds are expended for the purpose for which they were appropriated; 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:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL - 955

CONSENT AGENDA C.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Virginia Juvenile Community Crime Control Act Funding Appropriation

From: Christopher Wiles, Interim Chief of Police

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice in the Amount Of \$86,999 and a Local Share of \$39,830, for a Total Appropriation of \$126,829, to Provide for the Electronic Monitoring and Outreach Detention Programs, Online Intervention Programs, and Pro-Social Skills Programs for the City of Danville at the W. W. Moore Jr. Detention Home and Appropriating Same.

Final Adoption

SUMMARY

The Virginia Juvenile Community Crime Control Act (VJCCCA) requires the locality to develop and submit a plan outlining how the City will serve juvenile offenders, before intake, on complaints or from the court, on petitions alleging the juvenile is delinquent, in need of services, or in need of supervision with allocated funds. The locality's biennial plan was revised and approved for Fiscal Year 2024.

The VJCCCA plan for FY 2024 will continue to provide Electronic Monitoring and Outreach Detention Programs. These programs offer the courts alternatives to secure detention by increasing the level of supervision of the juveniles, and the intensity of services, through face-to-face contact, home visitation, school/employment contact, and monitoring through the use of electronic equipment. It is projected that forty-five (45) juveniles will be served in the Electronic Monitoring Program and six (6) will be served in the Outreach Detention Program. The plan will also offer online Substance Abuse Education, Anger Management, and Shoplifting/Larceny Reduction courses through 3rd Millennium Classrooms, and a pro-social skills personal development program, Cell Dreamer Academy. It is projected that each of the 3rd Millennium courses will serve eight (8) juveniles, and twenty (20) juveniles are projected to receive services through the Cell Dreamer Academy program.

During Fiscal Year 2024, the City will receive \$86,999 from the Department of Juvenile Justice to support the delivery of programs and services to juvenile offenders. The City will provide a local match of \$39,830. The total allocation to operate the VJCCCA Programs is \$126,829.

BACKGROUND

In 1995, the General Assembly enacted the Virginia Juvenile Community Crime Control Act (VJCCCA), which appropriated additional funding to localities to implement non-secure detention programs and services to meet the needs of juveniles involved with the Juvenile and Domestic Relations Court

Services Unit.

The City has been the recipient of VJCCCA funds since its inception. The funding allows the W. W. Moore, Jr. Detention Home to operate an Electronic Monitoring and Outreach Detention Program, and provide other identified services based on the needs of the juveniles referred by the Danville Juvenile and Domestic Relations Court. Without these programs and services, it is possible many of these juveniles would be placed in secure detention or in out-of-home placements, resulting in greater cost to the locality.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance appropriating funds to operate non-secure detention programs to provide services for juveniles in the Juvenile Justice System.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 - _____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE DEPARTMENT OF JUVENILE JUSTICE IN THE AMOUNT OF \$86,999 AND A LOCAL SHARE OF \$39,830, FOR A TOTAL APPROPRIATION OF \$126,829, TO PROVIDE FOR THE ELECTRONIC MONITORING AND OUTREACH DETENTION PROGRAMS, ONLINE INTERVENTION PROGRAMS, AND PRO-SOCIAL SKILLS PROGRAMS FOR THE CITY OF DANVILLE AT THE W. W. MOORE JR. DETENTION HOME AND APPROPRIATING 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 anticipate revenues from a grant in the amount of \$86,999 from the Virginia Juvenile Community Crime Control Act for the purpose of operating programs which provide alternatives to detention and appropriating same in the Special Grants Fund, and \$39,830 be appropriated from the General Fund Account such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Categorical Aid - State Virginia Juvenile Community Crime Control Act (VJCCCA)	61877000-47240	\$ 86,999
Local Share: Transfer In from General Fund	61877000-6101	\$ 39,830
	Total	<u>\$ 126,829</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Electronic Monitoring:		
FT Salaries & Wages	61877300-51100	\$ 29,110
FICA	61877300-51450	1,873
Retirement ERS	61877300-51525	1,320
Telephone	61877300-54100	590

Travel/Training	61877300-54900	2,000
Equipment – Leased	61877300-54750	7,000
Materials & Supplies	61877300-55930	400
	Total	<u>\$ 42,293</u>

Youth Gang Violence Prevention (Non-DJJ):

FT Salaries & Wages	61877301-51100	\$ 15,675
FICA	61877301-51450	1,000
Retirement ERS	61877301-51525	699
Travel/Training	61877301-54900	1,000
Materials & Supplies	61877301-55930	1,000
	Total	<u>\$ 19,374</u>

Youth Gang Violence Prevention (DJJ):

FT Salaries & Wages	61877302-51100	\$ 18,875
FICA	61877302-51450	754
Retirement ERS	61877302-51525	200
Travel/Training	61877302-54900	1,000
Materials & Supplies	61877302-55930	1,000
	Total	<u>\$ 21,829</u>

Online Intervention:

Substance Abuse Education	61877303-52349	\$ 600
Shoplifting/Larceny Reduction	61877303-52349	600
Anger Management	61877303-52349	720
Machinery & Equipment	61877303-57500	1,500
	Total	<u>\$ 3,420</u>

Outreach:

FT Salaries & Wages	61877305-51100	\$ 35,053
FICA	61877305-51450	1,200
Retirement ERS	61877305-51525	610
Telephone	61877305-54100	650
Travel/Training	61877305-54900	2,000
Materials & Supplies	61877305-55930	400
	Total	<u>\$ 39,913</u>

Grand Total \$126,829

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:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter City of Danville, Virginia



CL - 989

CONSENT AGENDA D.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Increasing Revenues to Fund Various Expenditures.

From: Henrietta Weaver, Budget Director

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance by Increasing Revenues from Interest Income, Sales Taxes, and Meals Taxes to Fund Various Expenditures, an Appropriation in the Amount of \$3,000,000 and Appropriating the Same.

Final Adoption

SUMMARY

Revenues from interest earned on investments, and taxes from local sales and meals, are anticipated to exceed previously budgeted amounts. The additional revenues will be used to fund a retiree bonus, salary and benefits for new personnel and Constitutional Offices Compensation Board adjustments, implementation of the New Schoolfield District Plan, provide support to the IDA, and General Fund contingency.

BACKGROUND

The City's Fiscal Year 2024 Budget Appropriation Ordinance includes estimates of interest earnings and tax revenues from sales and meals using the best available information. Due to the effect of market forces, actual interest income is expected to exceed previously estimated amounts. The majority of projects intended to be funded by the increased revenues are one-time type expenditures, since the revenue derived from these funding sources is highly contingent on the state of the economy.

RECOMMENDATION

It is recommended that the City Council adopt the attached ordinance amending the Fiscal Year 2024 Budget Appropriation Ordinance.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023 - _____._____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE BY INCREASING REVENUES FROM INTEREST INCOME, SALES TAXES, AND MEALS TAXES TO FUND VARIOUS EXPENDITURES AN APPROPRIATION IN THE AMOUNT OF \$3,000,000 AND APPROPRIATING THE SAME.

WHEREAS, the City anticipates the receipt of an additional \$2,000,000 in interest on investments, \$500,000 in local sales tax, and \$500,000 in prepared meals tax to be used to fund a retiree bonus, salary and benefits for new personnel and Constitutional Offices Compensation Board adjustments, implementation of the New Schoolfield District Plan, provide support to the IDA, and General Fund contingency ; and

BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2024 Budget Appropriation Ordinance be, and the same hereby is, amended, by increasing revenues in the General Fund and appropriating same to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Interest on Investments	0100000-41750	\$2,000,000
Local Sales Tax	0100000-40510	500,000
Prepared Meals Tax	0100000-40550	500,000
Total		<u>\$3,000,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Support of IDA:		
Contribution to Other Entity	0132803-55005	\$1,000,000
Contingency:		
General Fund Contingency	0199001-6997	710,580

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Retiree Bonus:		
Transfer to Retirement	0199001-6075	653,400
Capital Projects:		
Support of/Transfer to/Capital	0199501-6025	300,000
Salaries and Benefits:		
Full-time Salaries/Wages	0111501-51100	67,340
FICA	0111501-51450	5,150
Retirement	0111501-51525	1,670
Full-time Salaries/Wages	0114501-51100	84,820
FICA	0114501-51450	6,490
Retirement	0114501-51525	3,000
Full-time Salaries/Wages	0113001-51100	14,260
FICA	0113001-51450	1,090
Retirement	0113001-51500	1,670
Full-time Salaries/Wages	0114201-51100	970
FICA	0114201-51450	75
Retirement	0114201-51500	115
Full-time Salaries/Wages	0117801-51100	5,800
FICA	0117801-51450	440
Retirement	0117801-51500	680
Full-time Salaries/Wages	0118101-51100	35,600
FICA	0118101-51450	2,465
Retirement	0118101-51500	4,175
Full-time Salaries/Wages	0118401-51100	81,785
FICA	0118401-51450	6,255
Retirement	0118401-51500	9,580
Full-time Salaries/Wages	0118402-51100	2,160
FICA	0118402-51450	170
Retirement	0118402-51500	260
Total		<u>\$3,000,000</u>

BE IT FURTHER ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2024 Budget Appropriation Ordinance be, and the same hereby is, amended, by providing funding for the New Schoolfield District Plan in the Capital Projects Fund and appropriating same to be as follows:

ANTICIPATED REVENUES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Transfer In From General Fund	61902000-6101	<u>\$300,000</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
New Schoolfield District Plan	61902999-50	<u>\$300,000</u>

AND BE IT FURTHER ORDAINED, that all future expenditures shall be approved by resolutions approved by Council prior to such expenditure;

AND BE IT FINALLY 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:

City Clerk

APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:

City Attorney

Council Letter

City of Danville, Virginia



CL - 1045

NEW BUSINESS A.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application, filed by Deidre Carter, Requesting a Special Use Permit at 350 Hermitage Drive 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- 00348, filed by Deidre Carter, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 51905 (350 Hermitage Drive) in Accordance with Article 3.C., Section C, Item 29.

SUMMARY

350 Hermitage Drive is zoned SR Suburban Residential. The applicant, Deidre Carter, has requested a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article 3.C. Section C Item 29.

The subject property was built in 1964 and is a single family dwelling. There is a private driveway on the property that will fit at least two (2) vehicles. On street parking is also available.

350 Hermitage Drive was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division to allow a total occupancy of four (4) persons. The applicant has identified a property manager who lives in Martinsville, Virginia.

Twenty-seven (27) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Eight (8) responses were received, three (3) were unopposed and five (5) were opposed.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00348 to operate short-term rental as a principal use at 350 Hermitage Drive (Parcel ID 51905).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request for a Special Use Permit to operate a short term rental as a principal use in accordance with Article 3.C Section C Item 29 at 350 Hermitage Drive (Parcel 51905).

Attachments

1. Ordinance
-

2. Application
 3. 350 Hermitage Drive - Aerials
 4. 350 Hermitage Drive - Owners
 5. 350 Hermitage Drive - Landuse
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00348, FILED BY DEIDRE CARTER, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 51905 (350 HERMITAGE DRIVE) IN ACCORDANCE WITH ARTICLE 3.C., 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 PZ23-00348, filed by Deidre Carter, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 51905 (350 Hermitage Drive) in accordance with Article 3.C., 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 PZ23-00348, filed by Deidre Carter, requesting a Special Use Permit to operate a Short Term-Rental at Parcel ID 51905 (350 Hermitage Drive) in accordance with Article 3.C., 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 23-00348 PC Meeting Date: Nov. 13

Date Received: _____ Received By: _____

Parcel ID: _____ Address: 3500 Hermitage Dr

Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 350 Hermitage Drive, Danville, VA 24541

Applicant: Deidre Carter

Applicant's Address: 350 Hermitage Drive, Danville, VA 24541

Applicant's Phone Number: (276) 734-2793

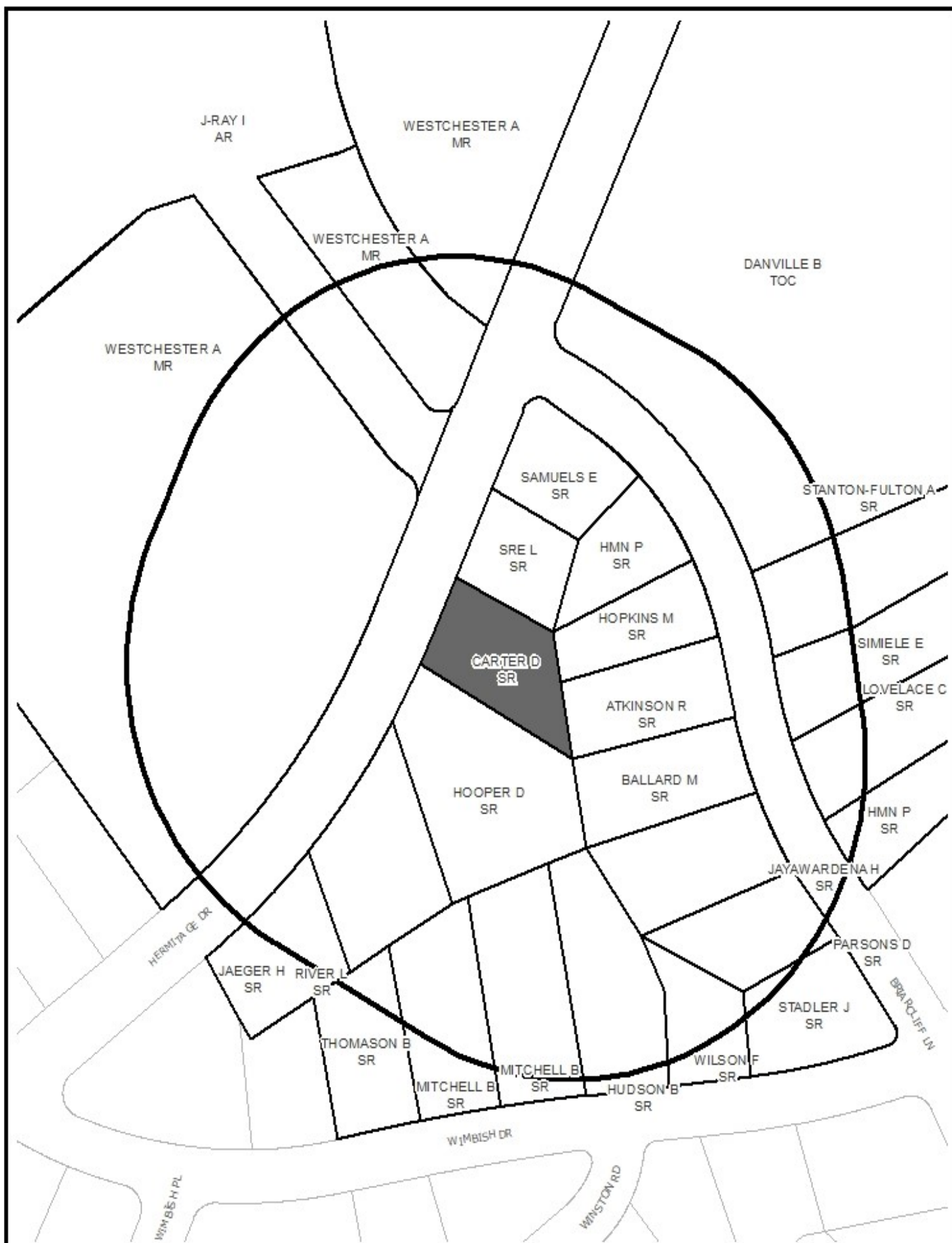
Applicant's E-mail: deidreccarter@gmail.com

Describe Proposed Request: This home will be used for short term rentals.

Deidre Carter 9/19/2023
Applicant Signature date

Property Owner Signature date
(if not applicant)





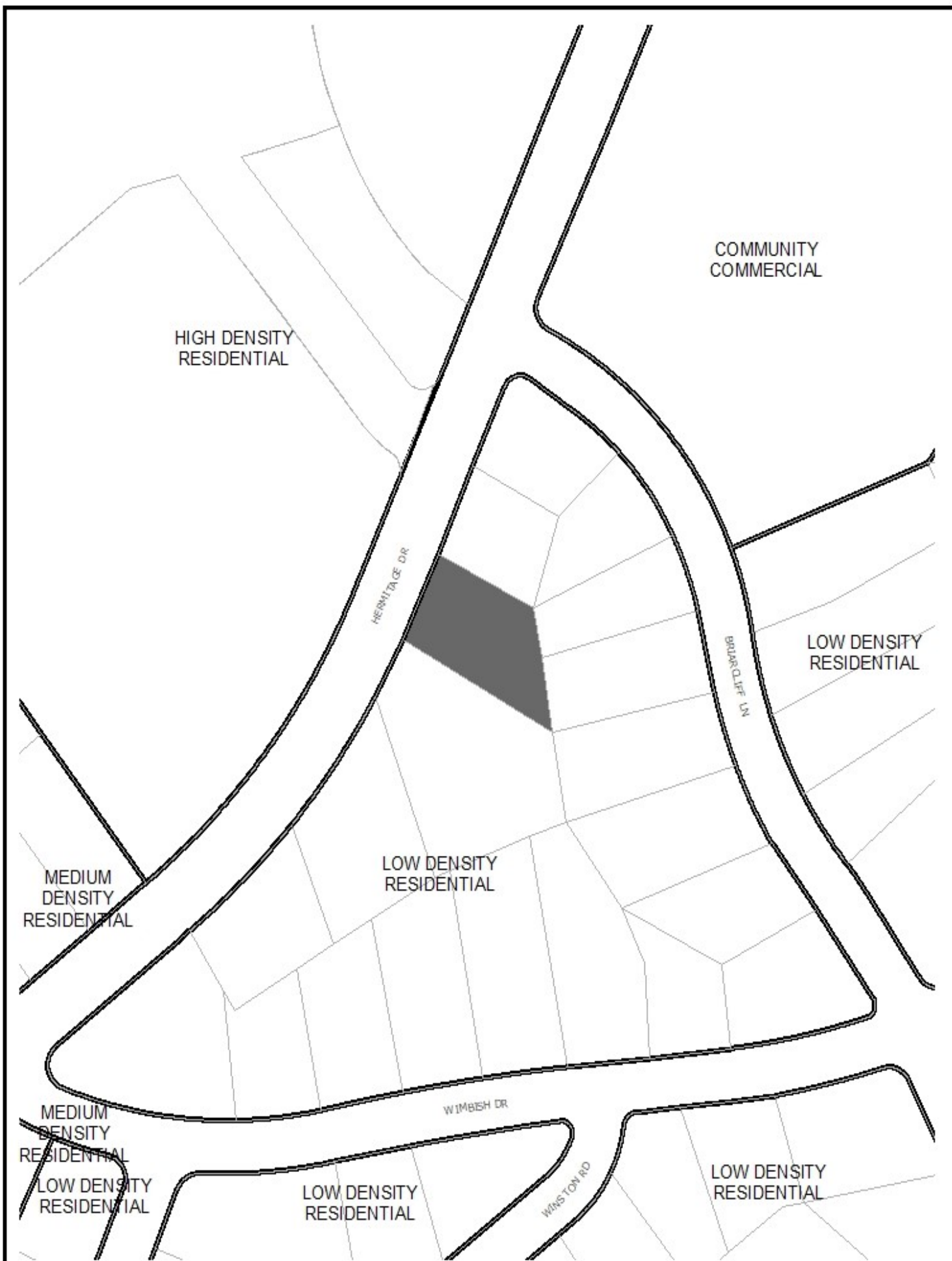
SURROUNDING PROPERTY OWNERS AND ZONING WITHIN

FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/19/2023

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
10/19/2023

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: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00348

REQUEST

Special Use Permit application PZ223-00348 filed by Deidre Carter requesting a Special Use Permit at 350 Hermitage Drive (Parcel 51905) to allow short-term rental as principal use in accordance with Article 3.C Section C Item 29.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 5-1 to recommend approval of Special Use Permit Request PZ23-00348.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1049

NEW BUSINESS B.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Preferred Management Group requesting a Special Use Permit at 212 A&B, 214 A&B, and 216 A&B Jefferson Avenue (Parcel 24689) 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 PZ23-00351, filed by Preferred Management Group, Requesting a Special Use Permit to Allow a Short-Term Rental as Principal Use at Parcel ID 24689 (212 A&B, 214 A&B and 216 A&B Jefferson Avenue) in Accordance with Article 3.G., Section C, Item 26.

SUMMARY

212 A&B, 214 A&B, and 216 A&B Jefferson Avenue are zoned M-R Multi-family Residential and located within the Old West End Historic District. The applicant, Preferred Management Group has requested a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article 3.G Section C Item 26.

The subject property is a six-unit apartment building. The application is for a Special Use Permit to allow all six (6) units as short-term rentals. There is no off-street parking associated with the property. A Certificate of Occupancy was issued in December, 2021 for all six (6) units. The applicant, Preferred Management Group, will act as property manager.

During the October 26, 2023 meeting of the Commission of Architectural Review, the Commission voted to recommend denial of the Special Use Permit for the operation of Short-Term Rental due to concerns about parking. The lack of off-street parking for the existing apartments is legal nonconforming. Staff recommends that the Planning Commission consider the Commission of Architectural Review's concerns while reviewing this request.

Fifty-three (53) 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) opposed.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00351 to operate short term rental as a principal use at 212 A&B, 214 A&B and 216 A&B Jefferson Avenue (Parcel ID 24689) with the condition that off-street parking be provided at a rate of one space per two (2) bedrooms.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request for a Special Use Permit to operate a short term rental as a principal use in accordance with Section 3.G. Section C Item 29 with the condition that off-street parking be provided at a rate of one space per two (2) bedrooms at 212 A&B, 214 A&B and 216 A&B Jefferson Avenue (Parcel ID 24689).

Attachments

1. Ordinance
 2. Application Signature Page
 3. 212 Jefferson Avenue - Aerials
 4. 212 Jefferson Avenue - Owners
 5. 212 Jefferson Avenue - Landuse
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00351, FILED BY PREFERRED MANAGEMENT GROUP, REQUESTING A SPECIAL USE PERMIT TO ALLOW A SHORT-TERM RENTAL AS PRINCIPAL USE AT PARCEL ID 24689 (212 A&B, 214 A&B AND 216 A&B JEFFERSON AVENUE) IN ACCORDANCE WITH ARTICLE 3.G., SECTION C, ITEM 26.

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 PZ23-00351, filed by Preferred Management Group, requesting a Special Use Permit to allow a short-term rental as principal use at Parcel ID 24689 (212 A&B, 214 A&B and 216 A&B Jefferson Avenue) in accordance with Article 3.G., Section C, Item 26, be, and the same is hereby, received; subject to the following conditions:

1. Off-street parking must be provided at a rate of one (1) space per two (2) bedrooms.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00351, filed by Preferred Management Group, requesting a Special Use Permit to allow a short-term rental as principal use at Parcel ID 24689 (212 A&B, 214 A&B and 216 A&B Jefferson Avenue) in accordance with Article 3.G., Section C, Item 26, is hereby granted and approved, subject to the following conditions:

1. Off-street parking must be provided at a rate of one (1) space per two (2) bedrooms.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 212-216 Jefferson Ave

Applicant: _____

Applicant's Address: _____

Applicant's Phone Number: _____

Applicant's E-mail: _____

Describe Proposed Request: _____

Applicant Signature date

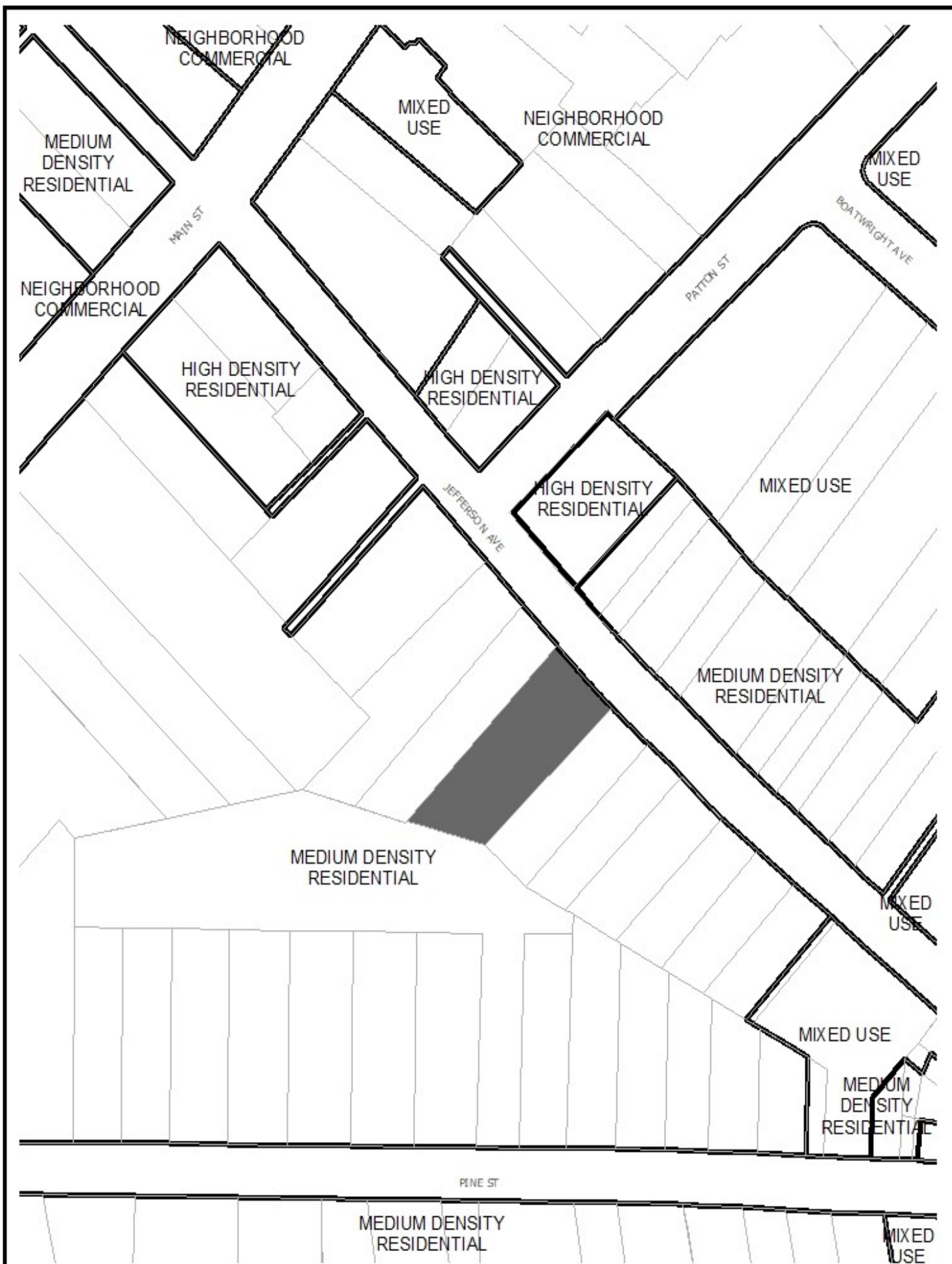
 9/25/25

Property Owner Signature date
(if not applicant)





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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00351

REQUEST

Special Use Permit application PZ223-00351 filed by Preferred Management Group requesting a Special Use Permit at 212 A&B, 214 A&B, and 216 A&B Jefferson Avenue (Parcel 24689) to allow short-term rental as principal use in accordance with Article 3.G Section C Item 26.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ23-00351 with the following conditions:

1. Off-street parking must be provided at a rate of one (1) space per two (2) bedrooms

Mr. Steve Petrick, Chair

Council Letter City of Danville, Virginia



CL - 1050

NEW BUSINESS C.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Mahesh Srinivasaiah Requesting a Special Use Permit at 820 Green Street 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- 00355, filed by Mahesh Srinivasaiah, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 22409 (820 Green Street) in Accordance with Article 3.E., Section C, Item 29.

SUMMARY

820 Green Street is zoned OT-R, Old Town Residential and located within the Old West End Historic District. The applicant, Mahesh Srinivasaiah, 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 is a single family dwelling. There is on-street parking and the property has a private unimproved driveway.

820 Green Street was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in October for a maximum occupancy of eight (8) persons. The applicant has identified a property manager who resides in Danville.

During the October 26, 2023 meeting of the Commission of Architectural Review, the Commission voted not to make a recommendation.

Fifty-one (51) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Six (6) responses were received, four (4) were unopposed and two (2) were opposed.

On November 13, 2023, the City Planning Commission voted 5-1 to recommend approval of Special Use Permit request PZ23-00355 to operate short term rental as a principal use at 820 Green Street (Parcel ID 22409).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve a request for a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article E Section C Item 29 at

Attachments

1. Ordinance
 2. Application
 3. 820 Green Street - Aerials
 4. 820 Green Street - Owners
 5. 820 Green Street - Landuse
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00355, FILED BY MAHESH SRINIVASAIAH, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 22409 (820 GREEN STREET) 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 PZ23-00355, filed by Mahesh Srinivasaiah, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 22409 (820 Green Street) 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 PZ23-00355, filed by Mahesh Srinivasaiah, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 22409 (820 Green Street) 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 #: P223-00355 PC Meeting Date: Nov. 13
Date Received: 9/27 Received By: Williss
Parcel ID: 22409 Address: 850 Green St
Existing Zoning OT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 820 GREEN ST. DANVILLE

Applicant: MAHESH SRINIVASAIAH

Applicant's Address: 2257 HOLTWOOD WY APEX, NC 27523

Applicant's Phone Number: 9196490283

Applicant's E-mail: mahi-bly@hotmail.com

Describe Proposed Request: USE FOR SHORT TERM
RENTAL

Mahesh
Applicant Signature

9/27/23
date

Property Owner Signature
(if not applicant) date

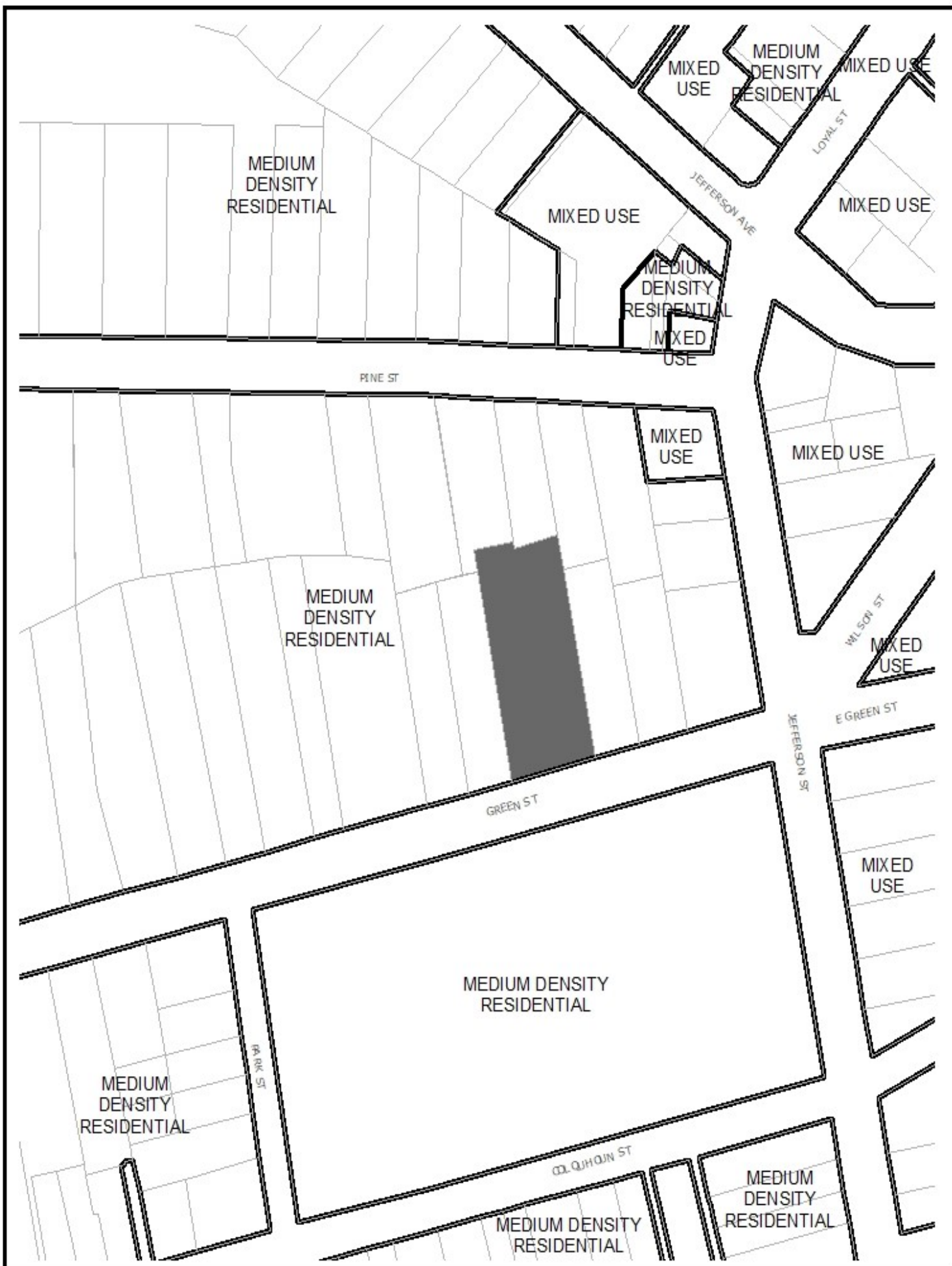




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00355

REQUEST

Special Use Permit application PZ23-00355 filed by Mahesh Srinivasaiah requesting a Special Use Permit at 820 Green St (Parcel 22409) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 5-1 to recommend approval of Special Use Permit Request PZ23-00355.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1051

NEW BUSINESS D.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application filed by DM Woodstock Requesting a Special Use Permit at 232 Avalon Drive 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- 00364, filed by DM Woodstock, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 71105 (232 Avalon Drive) in Accordance with Article 3.C., Section C, Item 29.

SUMMARY

232 Avalon Drive is zoned SR Suburban Residential. The applicant, DM Woodstock, has requested a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article 3.C. Section C Item 29.

The subject property was built in 1948 and is a single family dwelling. There is a private gravel driveway, two-car garage and an open carport on the property. The applicant will act as property manager and reside in Danville. A Certificate of Occupancy inspection has been completed for 232 Avalon Drive.

Sixteen (16) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Seven (7) responses were received, five (5) were unopposed and two (2) were opposed.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00364 to operate short term rental as a principal use at 232 Avalon Drive (Parcel ID 71105).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request for a Special Use Permit in accordance with Article 3.C Section C Item 29 to operate a Short Term Rental as a principal use at 232 Avalon Drive (Parcel 71105).

Attachments

1. Ordinance
 2. Application
-

3. 232 Avalon Drive - Aerials
 4. 232 Avalon Drive - Owners
 5. 232 Avalon Drive - Landuse
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00364, FILED BY DM WOODSTOCK, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 71105 (232 AVALON DRIVE) IN ACCORDANCE WITH ARTICLE 3.C., 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 PZ23-00364, filed by DM Woodstock, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 71105 (232 Avalon Drive) in accordance with Article 3.C., 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 PZ23-00364, filed by DM Woodstock, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 71105 (232 Avalon Drive) in accordance with Article 3.C., 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 23-00364 PC Meeting Date: Nov. 13
Date Received: Oct. 4 Received By: Williss
Parcel ID: 71105 Address: 232 Avalon Dr
Existing Zoning S-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 232 Avalon Dr Danville, VA 24541

Applicant: DM Woodstock Enterprise, LLC / Misty & Derek Adams

Applicant's Address: 117 Woodstock Way Danville, VA 24541

Applicant's Phone Number: 434-251-8291

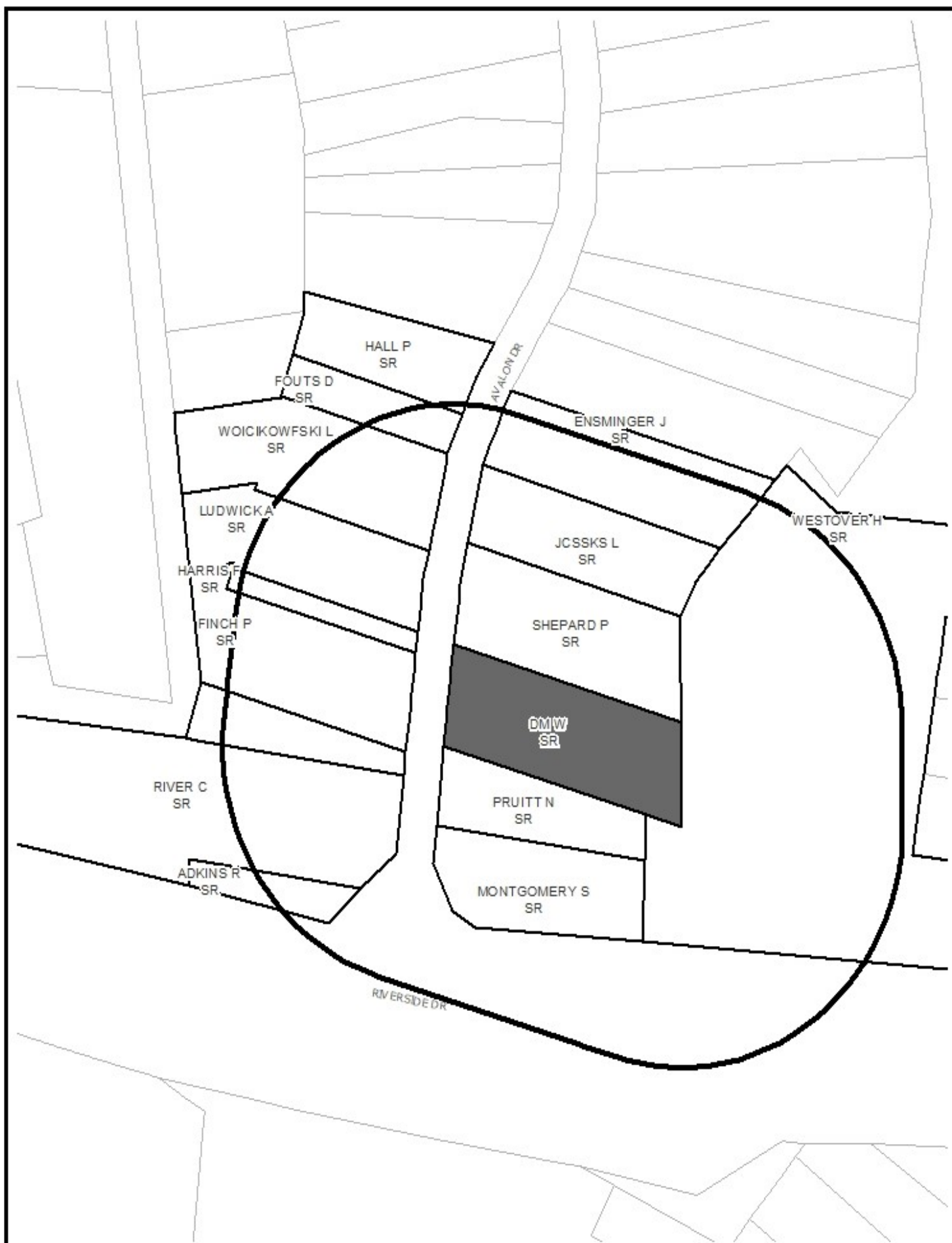
Applicant's E-mail: Dmwoodstockenterprisellc@gmail.com

Describe Proposed Request: Special Use Permit for STR at 232 Avalon Dr

Misty Adams 10-4-23
Applicant Signature date

Property Owner Signature date
(if not applicant)



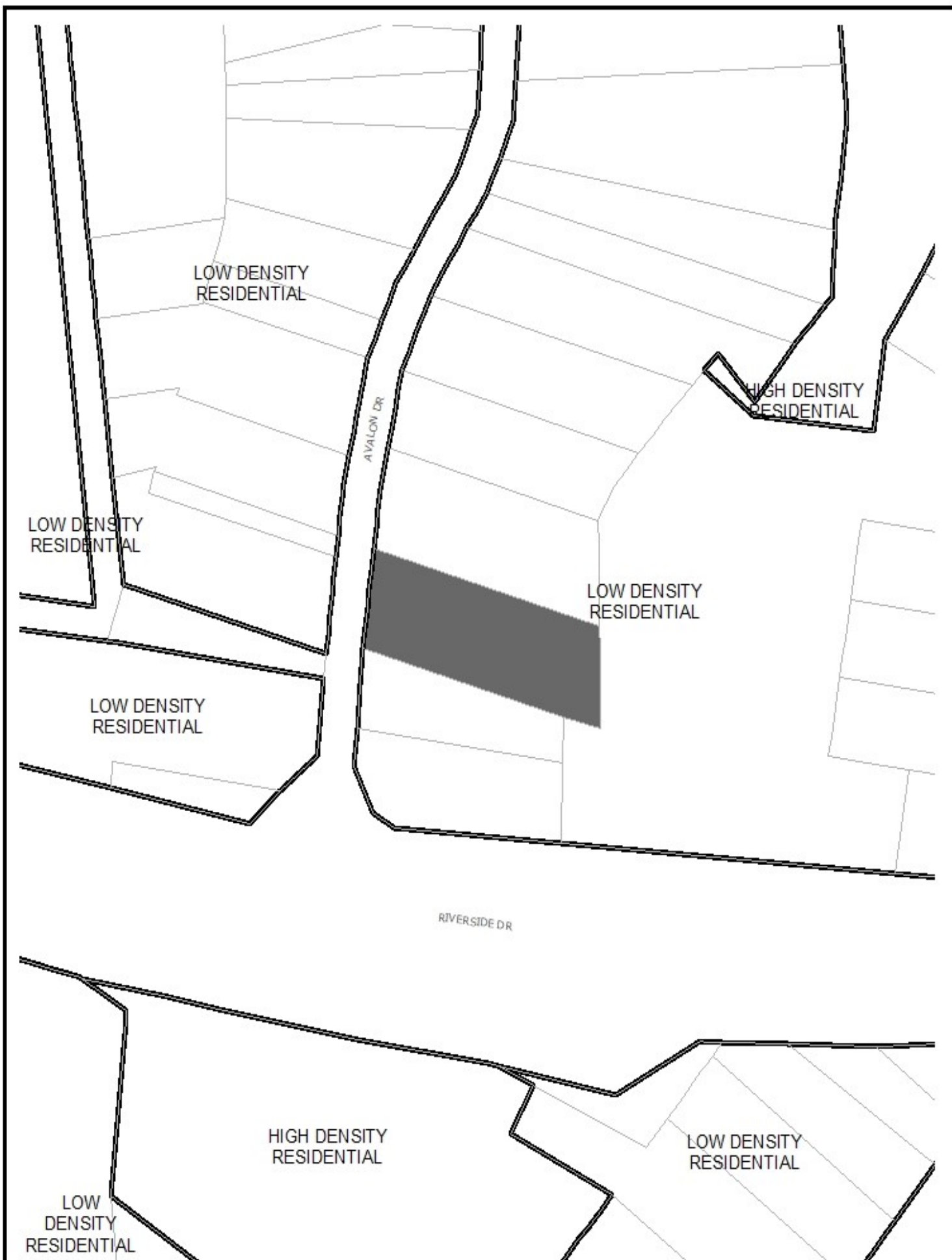


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00364

REQUEST

Special Use Permit application PZ223-00364 filed by DM Woodstock requesting a Special Use Permit at 232 Avalon Drive (Parcel 71105) to allow short-term rental as principal use in accordance with Article 3.C Section C Item 29.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ23-00364.

Mr. Steve Petrick, Chair

Council Letter City of Danville, Virginia



CL - 1052

NEW BUSINESS E.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Polly Taylor Requesting a Special Use Permit at 129 Stokesland Avenue 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- 00371, filed by Preferred Polly W. Taylor, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 56898 (129 Stokesland Avenue) in Accordance with Article 3.E., Section C, Item 29.

SUMMARY

129 Stokesland Avenue is zoned OT-R Old Town Residential. The applicant, Polly Taylor, 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 1920 and is a single family dwelling. There is a private driveway for one vehicle on the property as well as on-street parking. The applicant, a property management company based in Danville, will act as property manager. A Certificate of Occupancy Inspection has been completed for 129 Stokesland Avenue.

Twenty-six (26) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received, all were unopposed.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00371 to operate short-term rental as a principal use at 129 Stokesland Avenue (Parcel ID 56898).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request for a Special Use Permit to operate a short-term rental as a principal use in accordance with Article 3.E. Section C Item 29 at 129 Stokesland Avenue (Parcel ID 56898).

Attachments

1. Ordinance
 2. Application
 3. 129 Stokesland Avenue - Aerials
-

4. 129 Stokesland Avenue - Owners
 5. 129 Stokesland Avenue - Landuse
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00371, FILED BY PREFERRED POLLY W. TAYLOR, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 56898 (129 STOKESLAND 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 PZ23-00371, filed by Preferred Polly W. Taylor, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 56898 (129 Stokesland 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 PZ23-00371, filed by Preferred Polly W. Taylor, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 56898 (129 Stokesland 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



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 #: P223-00371 PC Meeting Date: Nov. 13
Date Received: Oct 5 Received By: Willis
Parcel ID: 56898 Address: 129 Stokesland Ave
Existing Zoning OT-R Future Land Use: —

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 129 Stokesland Ave, Danville, VA 24541

Applicant: Polly W. Taylor

Applicant's Address: 257 Hans Hill Dr., Madison Heights, VA 24572

Applicant's Phone Number: 434-444-4377

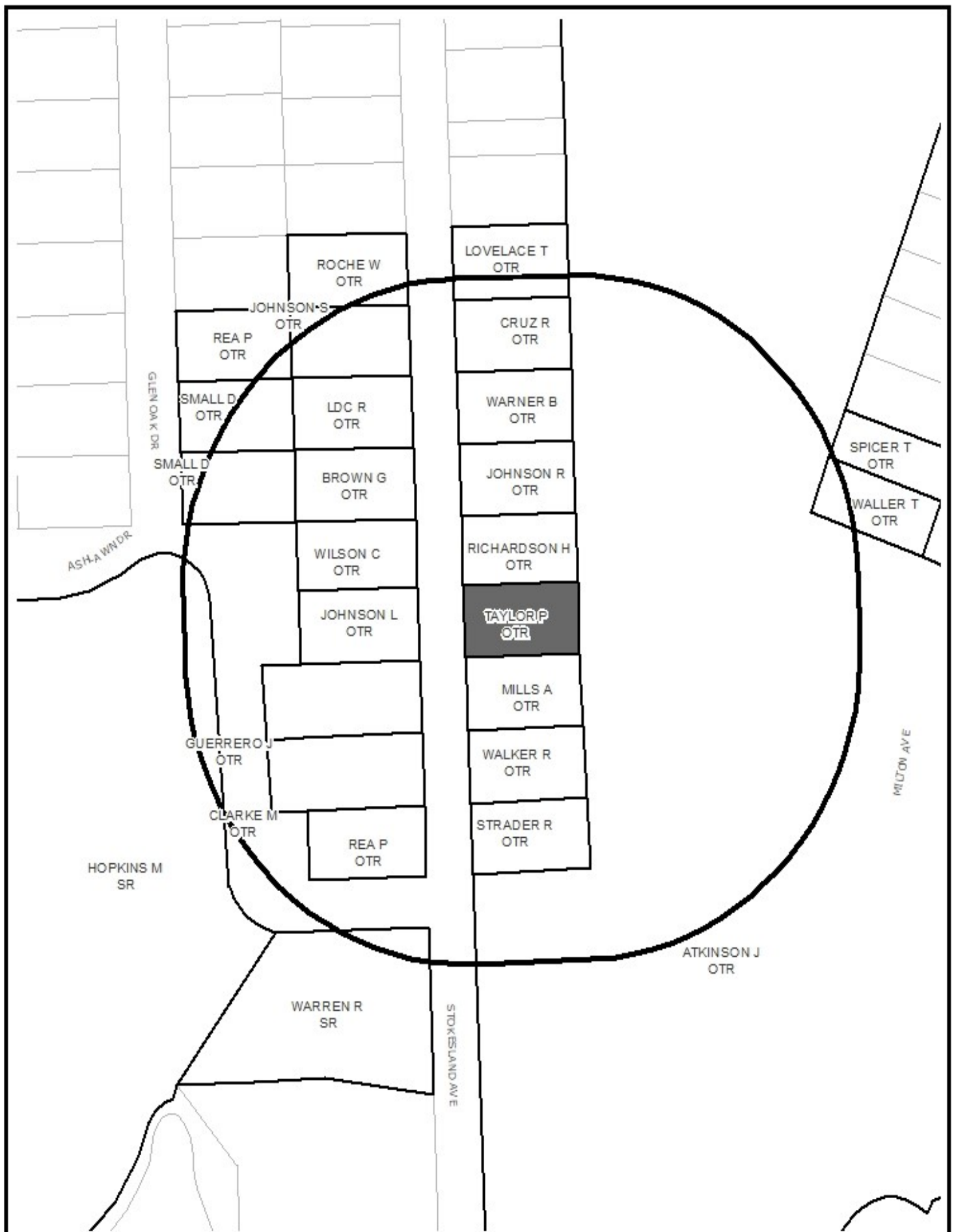
Applicant's E-mail: polly_taylor@hotmail.com

Describe Proposed Request: Want to operate the house as a Short Term Rental.

Applicant Signature date

Polly W. Taylor 10/5/2023
Property Owner Signature date
(if not applicant)



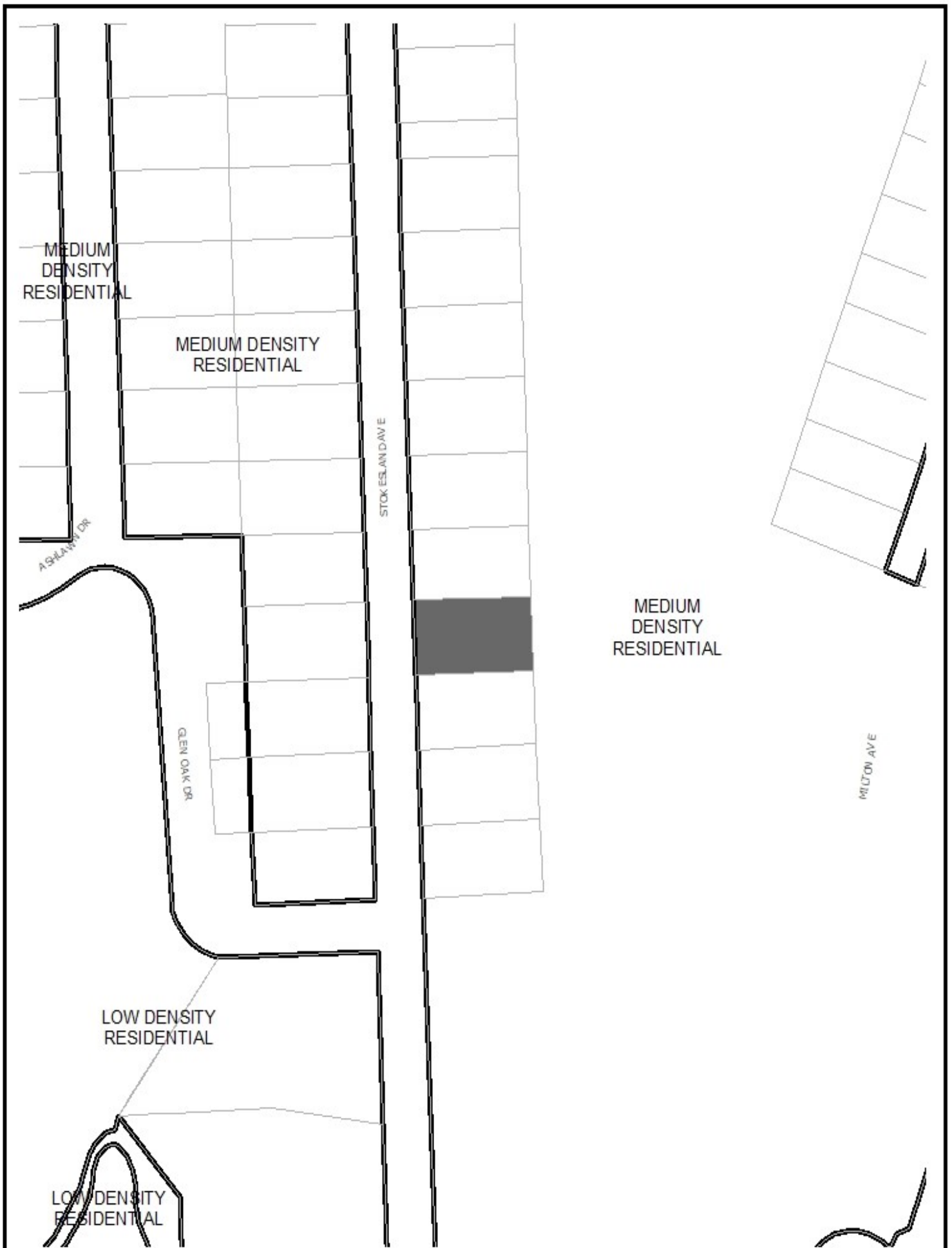


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00371

REQUEST

Special Use Permit application PZ23-00371 filed by Preferred Management Group requesting a Special Use Permit at 129 Stokesland Avenue (Parcel 56898) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ23-00371.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1053

NEW BUSINESS F.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Wasi Bin Saleem Requesting a Special Use Permit at 242 Lipton Lane 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 PZ23-00374, filed by Wasi Bin Saleem, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 56149 (242 Lipton Lane) in Accordance with Article 3.E., Section C, Item 29.

SUMMARY

242 Lipton Lane is zoned OT-R Old Town Residential. The applicant, Wasi Bin Saleem, 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 1971 and is a single family dwelling. There is a private driveway for approximately two (2) vehicles on the property as well as on-street parking. The applicant lives nearby in Cascade, VA. At the time of this report, a Certificate of Occupancy inspection had not been completed.

Thirty-two (32) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Eight (8) responses were received, six (6) were unopposed and two (2) were opposed.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00374 to operate short-term rental as a principal use at 242 Lipton Lane (Parcel ID 56149).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request for a Special Use Permit to operate a short-term rental as a principal use in accordance with Article 3.E. Section C Item 29 at 242 Lipton Lane (Parcel ID 56149).

Attachments

1. Ordinance
 2. Application
 3. 242 Lipton Lane - Aerials
-

4. 242 Lipton Lane - Owners
 5. 242 Lipton Lane - Landuse
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00374, FILED BY WASI BIN SALEEM, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 56149 (242 LIPTON LANE) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 29.

NOWHEREFORE, 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 PZ23-00374, filed by Wasi Bin Saleem, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 56149 (242 Lipton Lane) 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 PZ23-00374, filed by Wasi Bin Saleem, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 56149 (242 Lipton Lane) 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 #: PZ03-00374 PC Meeting Date: Nov. 13
Date Received: 10/11 Received By: Willis
Parcel ID: 56149 Address: 242 Lipton Ln
Existing Zoning DT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 242 LIPTON LANE, DANVILLE, VA, 24541

Applicant: SHEZA SALEEM & WASI BIN SALEEM

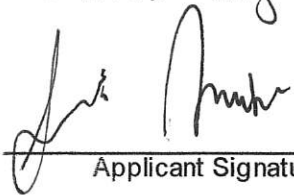
Applicant's Address: 242 LIPTON LANE, DANVILLE, VA, 24541

Applicant's Phone Number: 984-365-4989

Applicant's E-mail: OFFICIALWASIB@GMAIL.COM

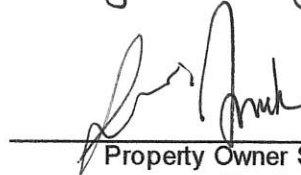
Describe Proposed Request: I am formally requesting your permission for Short-term rental of my property, 242 Lipton Lane, Danville, VA 24541. I am committed to ensuring the property is well-maintained and does not disrupt the harmony of the neighborhood. I am prepared to follow all regulations. I kindly request that the City Planning Commission consider my application for renting out my property for Short-term

Thankyou!



Applicant Signature

11/10/2023
date



Property Owner Signature
(if not applicant)

11/10/2023
date



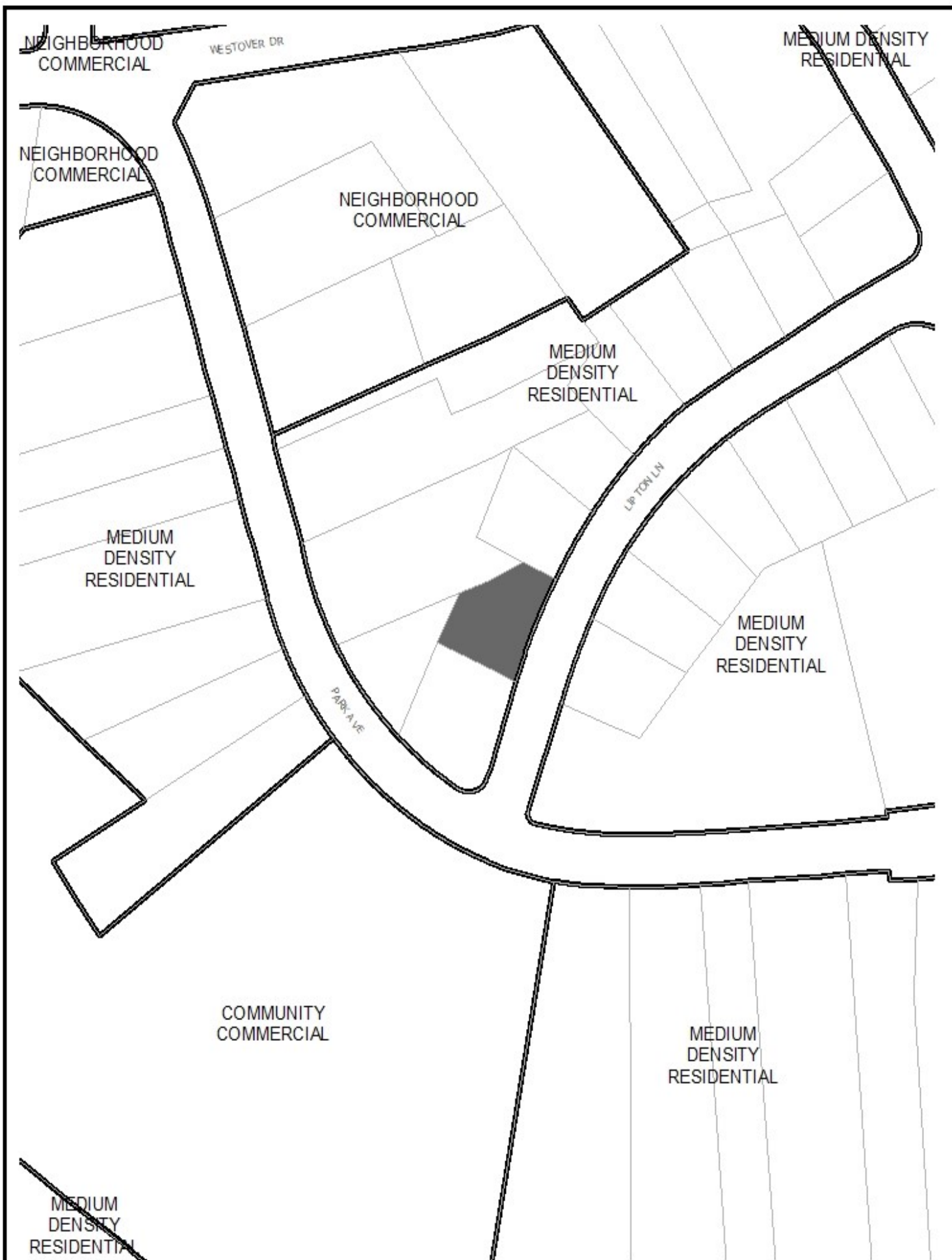


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00374

REQUEST

Special Use Permit application PZ23-00374 filed by Wasi Bin Saleem requesting a Special Use Permit at 242 Lipton Lane (Parcel 56149) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ23-00374.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1056

NEW BUSINESS G.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Jarrod Motley Requesting a Special Use Permit to Allow Short-Term Rental as Principal Use at 249 Parkland Drive

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00377, filed by Jarrod Motley, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 56844 (249 Parkland Drive) in Accordance with

SUMMARY

249 Parkland Drive is zoned OT-R Old Town Residential. The applicant, Jarrod Motley, 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 1955 and is a single family dwelling. There is a private driveway on the property that will fit three (3) vehicles in tandem as well as on-street parking.

249 Parkland Drive was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in October with a maximum occupancy of four (4) persons.

Forty-seven (47) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Fourteen (14) responses were received, seven (7) were unopposed and seven (7) were opposed.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00377 to operate a short-term rental as a principal use at 249 Parkland Drive (Parcel ID 56844).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request for a Special Use Permit to operate a short-term rental as a principal use in accordance with Article 3.E Section C Item 29 at 249 Parkland Drive (Parcel 56844).

Attachments

1. Ordinance
 2. Application
-

3. 249 Parkland Drive - Aerials
 4. 249 Parkland Drive - Owners
 5. 249 Parkland Drive - Landuse
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00377, FILED BY JARROD MOTLEY, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 56844 (249 PARKLAND 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 PZ23-00377, filed by Jarrod Motley, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 56844 (249 Parkland 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 PZ23-00377, filed by Jarrod Motley, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 56844 (249 Parkland 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 #: P223-00377 PC Meeting Date: Nov 13, 2023
Date Received: 10-13-23 Received By: Lisa Jones
Parcel ID: 56844 Address: _____
Existing Zoning OTR Future Land Use: Air BnB

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 249 Packland Dr.

Applicant: Jarrold Motley

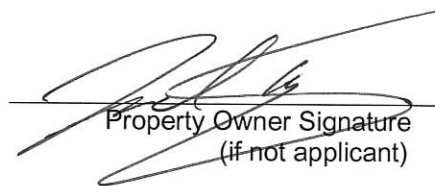
Applicant's Address: 249 Packland Dr.

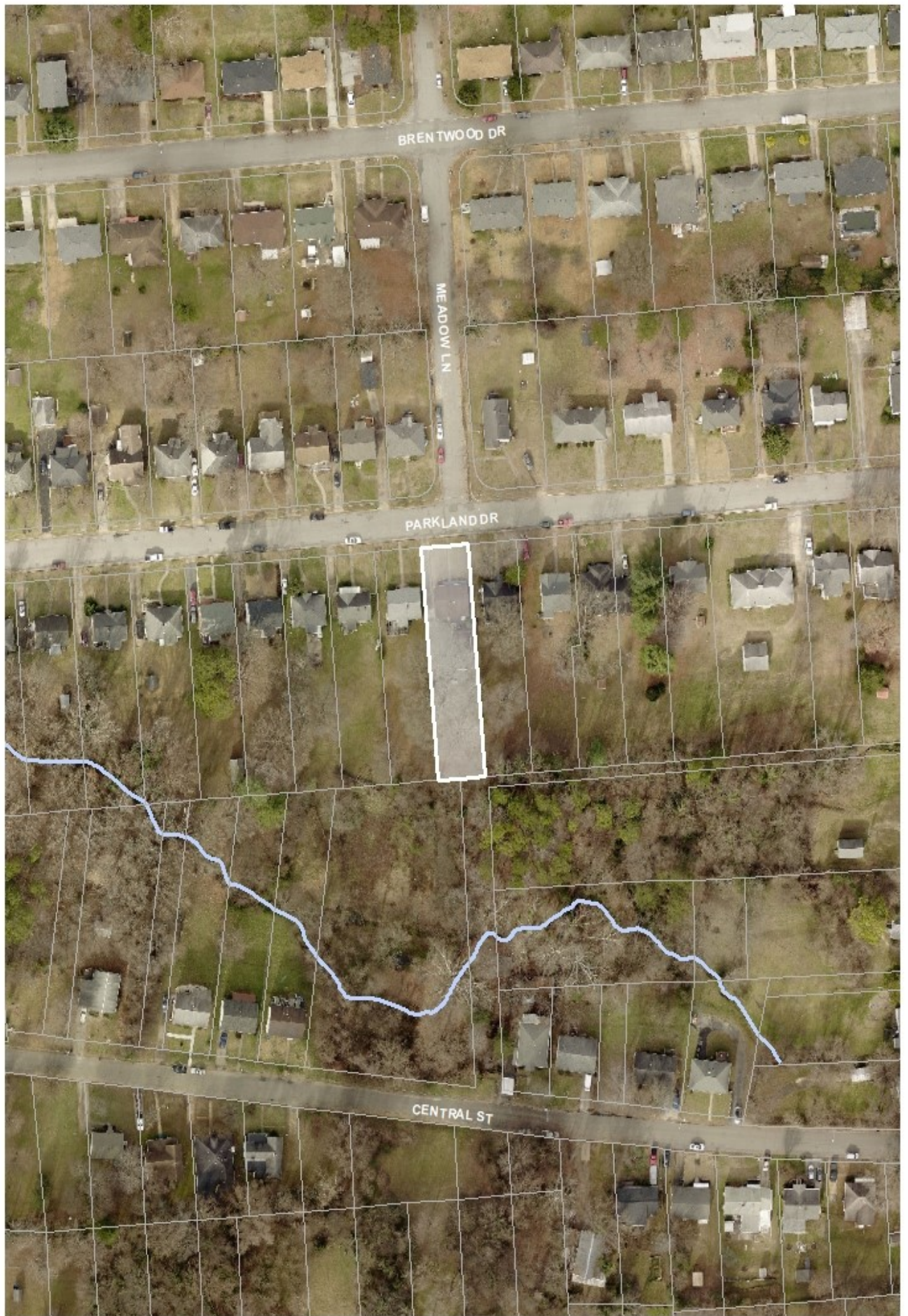
Applicant's Phone Number: 434-228-6992

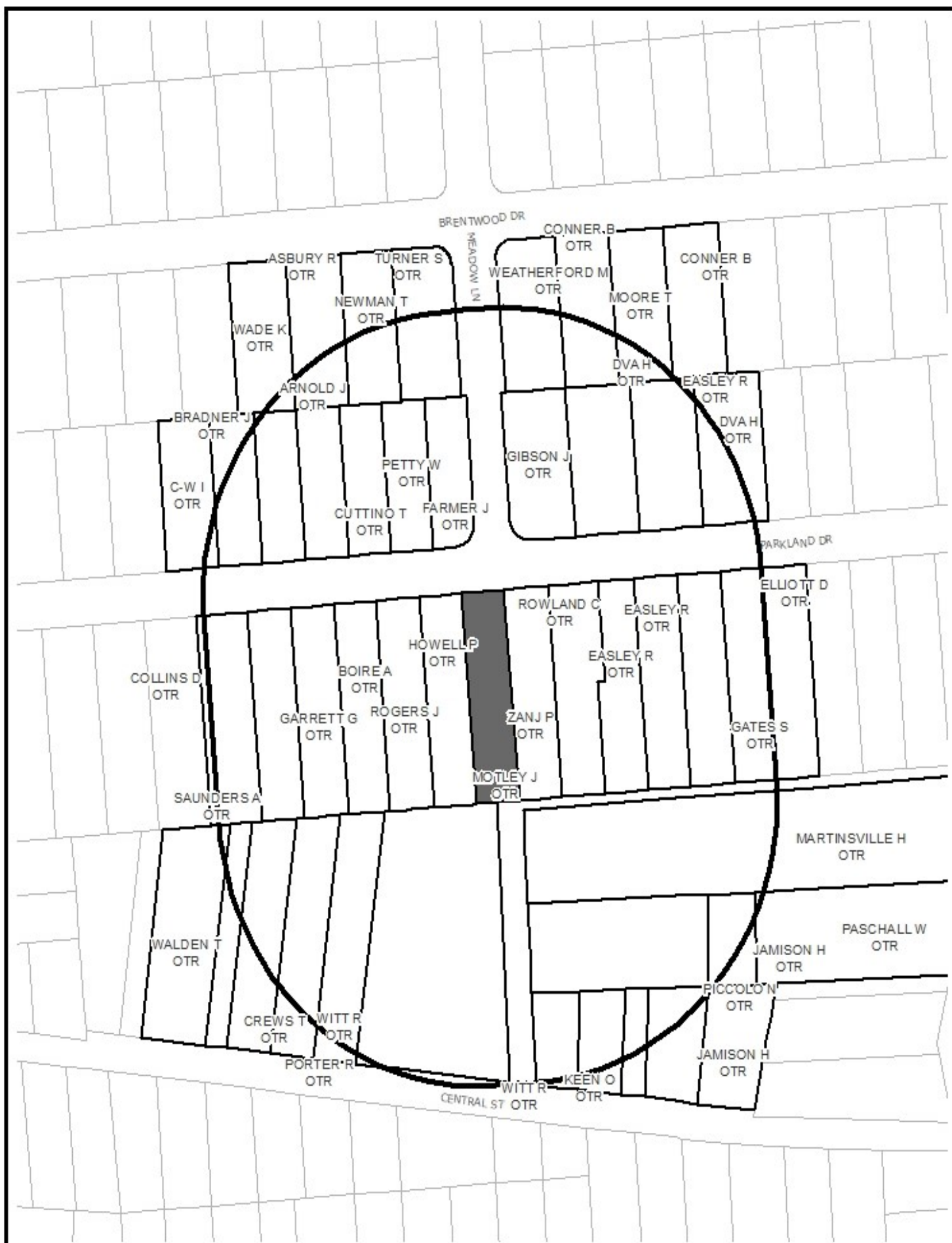
Applicant's E-mail: jarrod-motley@zanjproperties.com

Describe Proposed Request: Air BNB for 3 bedroom 1 bath house
with off the street parking and a partially finished basement.


Applicant Signature 10-13-23
date


Property Owner Signature 10-13-23
(if not applicant) date





SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/23/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/23/2023

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00377

REQUEST

Special Use Permit application PZ23-00377 filed by Jarrod Motley requesting a Special Use Permit to allow short-term rental as principal use at 249 Parkland Drive (Parcel 56844) in accordance with Article 3.E Section C Item 29.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ23-00377.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1057

NEW BUSINESS H.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Remanding Special Use Permit application filed by Elaine Ratcliffe Requesting a Special Use Permit at 316 Starmont Drive (Parcel 00850) to Allow Short-Term Rental as Principal Use back to the Planning Commission.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. Consideration of a Remanding Special Use Permit application filed by Elaine Ratcliffe Requesting a Special Use Permit at 316 Starmont Drive (Parcel 00850) to Allow Short-Term Rental as Principal Use.

SUMMARY

316 Starmont Drive is zoned S-R Suburban Residential. The applicant, Elaine Ratcliffe, has requested a Special Use Permit to operate a Short Term Rental as a principal use in accordance with Article 3.C Section C Item 29.

The subject property was built in 1965 and is a single family dwelling. There is a private driveway on the property that will fit approximately three (3) vehicles as well as on-street parking.

316 Starmont Drive was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in October for a maximum occupancy of four (4) persons. The applicant will be acting as property manager and resides in Danville.

Forty-seven (47) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Nine (9) responses were received, three (3) were unopposed and six (6) were opposed.

The property owner was recently cited in violation of the zoning ordinance by operating a short-term rental without a special use permit or City of Danville business license.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00379 to operate a short-term rental as a principal use at 316 Starmont Drive (Parcel ID 00850).

Since the November 13, 2023 City Planning Commission meeting, the Planning staff has discovered that 316 Starmont Drive is advertised as a short-term rental on multiple sites and with varying configurations. The staff have discovered listings for this property as a whole house rental and one

bedroom rentals with multiple occupancy restrictions. There are bookings in November and December. It is recommended that City Council remand this item to the City Planning Commission for further review of compliance before a Special Use Permit is approved.

RECOMMENDATION

The Planning Staff recommends that City Council remand this item to the City Planning Commission for further review.

Attachments

1. Application
 2. 316 Starmont Drive - Aerials
 3. 316 Starmont Drive - Owners
 4. 316 Starmont Drive - Landuse
 5. Planning Commission Recommendation
-



- C.O.D.
scheduled 10/11/16

City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00379 PC Meeting Date: Nov 13
Date Received: 10/13 Received By: Williss
Parcel ID: 00850 Address: 3160 Starmont Dr
Existing Zoning S-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 316 Starmont Drive

Applicant: Elaine Ratcliffe

Applicant's Address: 302 Sheffield Drive

Applicant's Phone Number: 336-309-3856

Applicant's E-mail: aaronelaine@bellsouth.net

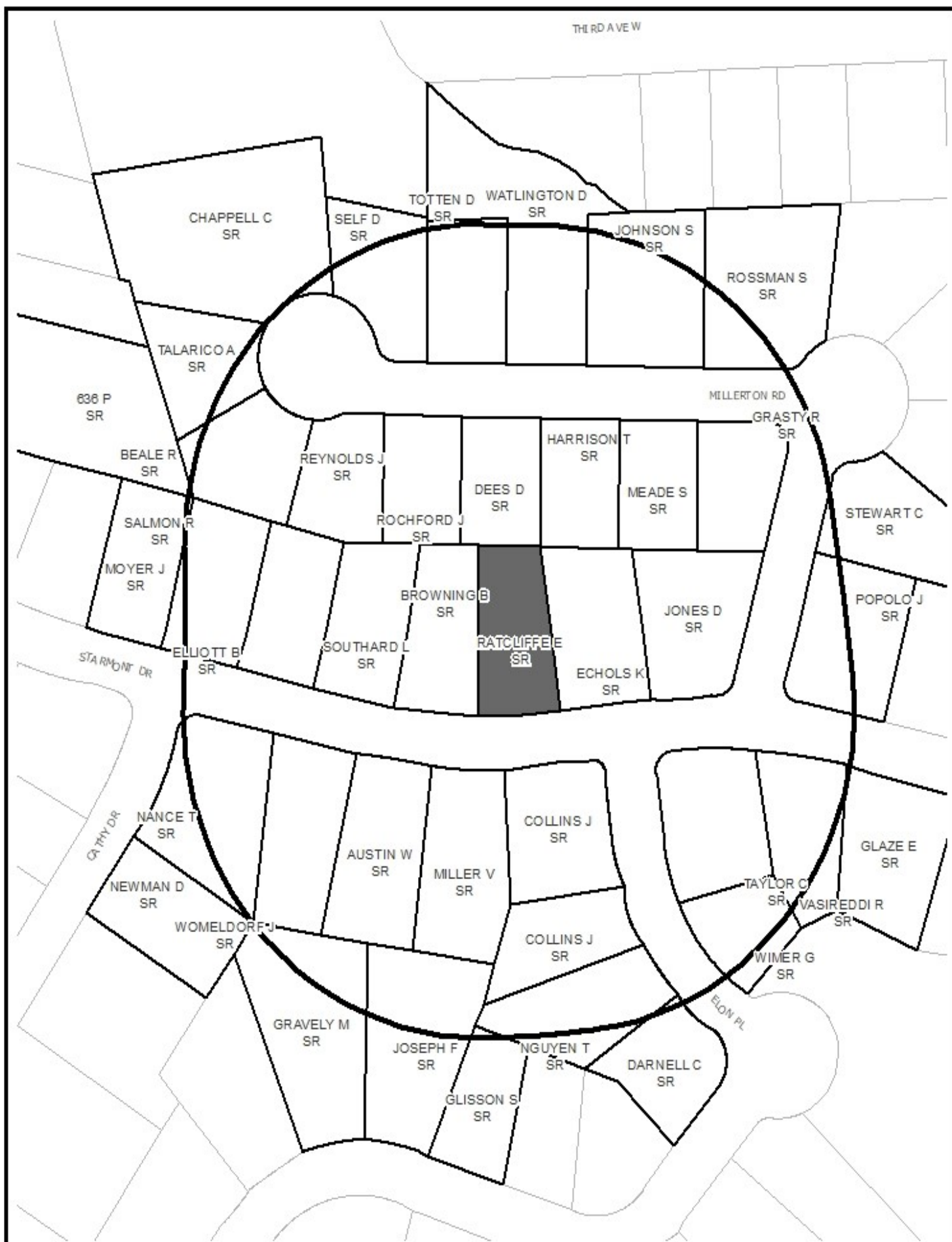
Describe Proposed Request: Primary use for Airbnb.

Off-street parking is available for 2-3
vehicles, and additional on-street parking
for 2 vehicles, which is in front of the
house.

Elaine Ratcliffe 10/13/2023
Applicant Signature date

Property Owner Signature
(if not applicant) date

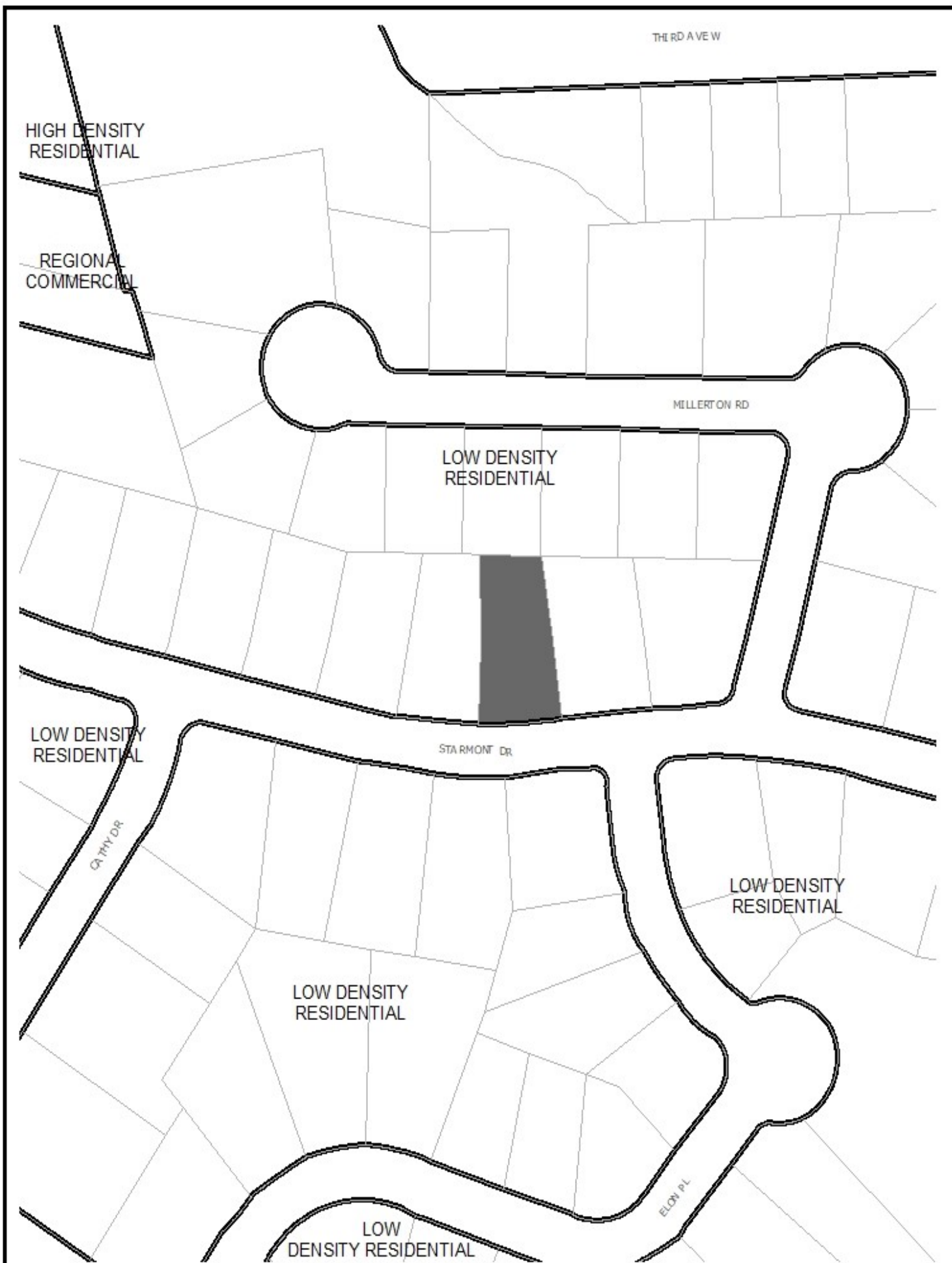




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/23/2023

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
10/23/2023

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: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00379

REQUEST

Special Use Permit application PZ23-00379 filed by Elaine Ratcliffe requesting a Special Use Permit at 316 Starmont Drive (Parcel 00850) to allow short-term rental as principal use in accordance with Article 3.C Section C Item 29.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ23-00379.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1058

NEW BUSINESS I.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Tony & Anissa Howerton Requesting a Special Use Permit at 1540 Claiborne Street 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- 00380, filed by Tony and Anissa Howerton, Requesting a Special Use Permit to Operate a Short-Term Rental at Parcel ID 02911 (1540 Claiborne Street) in Accordance with Article 3.E., Section C, Item 29.

SUMMARY

1540 Claiborne Street is zoned OT-R Old Town Residential. The applicants, Tony & Anissa Howerton, 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 1956 and is a single family dwelling. There is a private driveway for one vehicle on the property as well as on-street parking.

1540 Claiborne Street was declared in compliance to receive a Certificate of Occupancy for a Short Term Rental by the Building Inspections Division in October with a maximum occupancy of four (4) persons. The applicant will be acting as property manager and resides next door at 1544 Claiborne Street.

Fifty-two (52) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Thirteen (13) responses were received, ten (10) were unopposed and three (3) were opposed.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00380 to operate a short-term rental as a principal use at 1540 Claiborne Street (Parcel ID 02912).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request for a Special Use Permit to operate a short-term rental as a principal use in accordance with Article 3.E Section C Item 29 to operate a Short Term Rental as a principal use at 1540 Claiborne Street (Parcel ID 02912).

Attachments

1. Ordinance
 2. Application
 3. 1540 Claiborne Street - Aerials
 4. 1540 Claiborne Street - Owners
 5. 1540 Claiborne Street - Landuse
 6. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00380, FILED BY TONY AND ANISSA HOWERTON, REQUESTING A SPECIAL USE PERMIT TO OPERATE A SHORT-TERM RENTAL AT PARCEL ID 02911 (1540 CLAIBORNE STREET) 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 PZ23-00380, filed by Tony and Anissa Howerton, requesting a Special Use Permit to operate a Short-Term Rental at Parcel ID 02911 (1540 Claiborne Street) 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 PZ23-00380, filed by Tony and Anissa Howerton, requesting a Special Use Permit to operate a Short Term Rental at Parcel ID 02911 (1540 Claiborne Street) 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



-COO
scheduled
10/26

City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: 7223-60380 PC Meeting Date: Nov. 13
Date Received: 10/13 Received By: williss
Parcel ID: 02912 Address: 1540 Claiborne St
Existing Zoning OT-R Future Land Use: —

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 1540 Claiborne St.

Applicant: Tony and Anissa Howerton

Applicant's Address: 1544 Claiborne St.

Applicant's Phone Number: (Tony) 434-709-7441; (Anissa) 434-709-7167

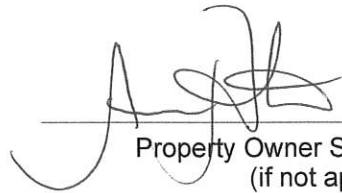
Applicant's E-mail: tonyhowerton70@gmail.com or alhowerton70@gmail.com

Describe Proposed Request: We are requesting approval for an Airbnb

Contact Person: Anissa Howerton, 434-709-7167

Parking: The property is a single dwelling home with a private driveway

 10-13-2023
Applicant Signature date

 10/13/2023
Property Owner Signature date
(if not applicant)



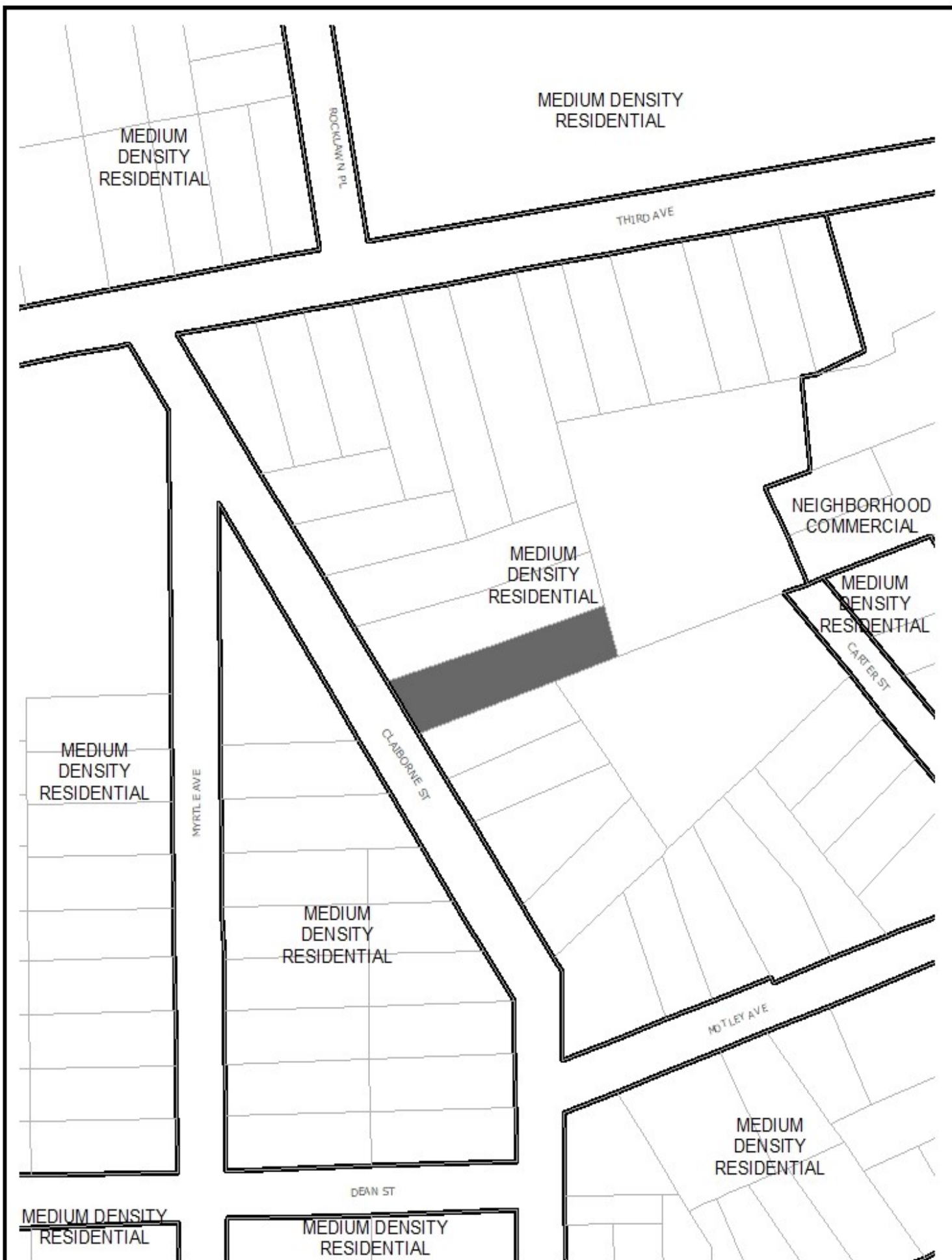


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/23/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/23/2023

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00380

REQUEST

Special Use Permit application PZ23-00380 filed by Tony & Anissa Howerton requesting a Special Use Permit at 1540 Claiborne Street (Parcel 02912) to allow short-term rental as principal use in accordance with Article 3.E Section C Item 29.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ23-00380.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1044

NEW BUSINESS J.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of Denying a Special Use Permit Application filed by Charles Motley to Convert a Single Family Detached Dwelling to a Duplex at 305 Girard Street.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. A Resolution Denying Special Use Permit Application PZ23- 00280, filed by Charles Motley, Requesting a Special Use Permit in Accordance with Article 3.E., Section C, Item 1 to Convert a Single Family Dwelling to a Duplex at Parcel ID 02281 (305 Girard Street).

SUMMARY

305 Girard Street is zoned OT-R, Old Town Residential. The applicant, Charles Motley, has requested to convert this single family dwelling into a duplex according to Article 3.E. Section C Item 2.

The subject property was built in 1906 and is a single family dwelling. It was acquired by the applicant in 2007 and is a rental unit. The majority of homes on Girard Street are single family homes with on-street parking.

Fifty-five (55) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses have been received, four (4) were unopposed and one (1) was opposed.

This item was tabled at the August 7, 2023 and the September 11, 2023 Planning Commission due to the lack of attendance by the applicant. On October 17, 2023 an email was received from the applicant (attached). Mr. Motley expressed that he was unwilling to attend the Planning Commission meeting for his request and that a formal contract with "Community Services" does not exist at this time. Neither the applicant nor a representative attended the November 13, 2023 Planning Commission Meeting.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend denial of Special Use Permit request PZ23-00280 to convert a single family dwelling to a duplex at 305 Girard Street (Parcel ID 02281).

RECOMMENDATION

It is recommended that City Council adopt a Resolution to deny the request for a Special Use Permit to convert a single family detached dwelling to a duplex at 305 Girard Street (Parcel ID 02281).

Attachments

1. Resolution
 2. Application
 3. 305 Girard Street - Plans
 4. 305 Girard Street - Aerials
 5. 305 Girard Street - Owners
 6. 305 Girard Street - Landuse
 7. Owner statement
 8. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023____.____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PZ23-00280, FILED BY CHARLES MOTLEY, REQUESTING A SPECIAL USE PERMIT IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 1 TO CONVERT A SINGLE FAMILY DWELLING TO A DUPLEX AT PARCEL ID 02281 (305 GIRARD STREET).

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 PZ23-00280, filed by Charles Motley, requesting a Special Use Permit to convert a single family dwelling to a duplex in accordance with Article 3.E., Section C, Item 1 at Parcel ID 02281 (305 Girard Street) 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 PZ23-00280, filed by Charles Motley, requesting a Special Use Permit to convert a single family dwelling to a duplex in accordance with Article 3.E., Section C, Item 1 at Parcel ID 02281 (305 Girard Street) 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 #: PZ23-00280 PC Meeting Date: Sept. 11
Date Received: 8/7 Received By: Williams
Parcel ID: 02281 Address: 305 Girard St
Existing Zoning: OT-R Future Land Use: duplex

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 305 Girard St (N. Danville)

Applicant: Charles B. Motley

Applicant's Address: 1805 Swann Ave - Belle Isle, Florida ³²⁸⁰⁹

Applicant's Phone Number: 407 851-2289 (landline)

Applicant's E-mail: charlesmotley@gmail.com

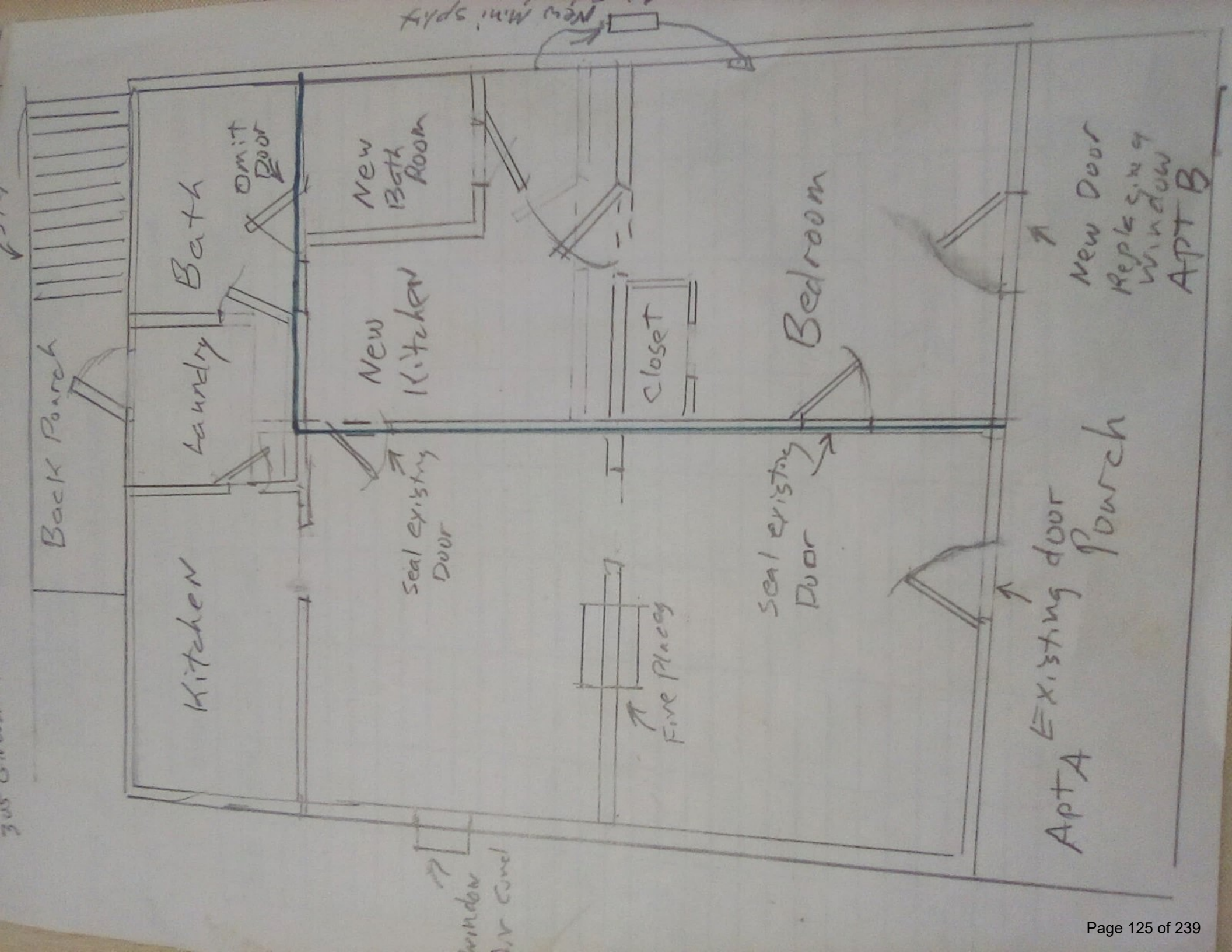
Describe Proposed Request: Replace metal roof (install)

Convert single family residence into a duplex.

Community Services leases this to house special needs community (1 person). This is Danville's greatest shortage needs. They would like this duplex so they can house another person. (and expressed they would maintain it)

Charles B. Motley
Applicant Signature date

Charles B. Motley
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.



YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
8/10/2023

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Williams, Shanika S.

From: Burton, Renee
Sent: Wednesday, October 18, 2023 8:23 AM
To: Williams, Shanika S.
Subject: FW: Girard St. duplex proposal

FYI

From: Lester, Cynthia M. <lestecm@danvilleva.gov>
Sent: Wednesday, October 18, 2023 8:15 AM
To: Burton, Renee <burtotr@danvilleva.gov>
Subject: FW: Girard St. duplex proposal

From: Charles Motley <charlesmotley@gmail.com>
Sent: Tuesday, October 17, 2023 9:50 PM
To: Lester, Cynthia M. <lestecm@danvilleva.gov>
Subject: Girard St. duplex proposal

CAUTION: This email originated outside the City of Danville's email system.
Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Cynthia,

I understand that my proposal was tabled for the 2nd time, because no one was there to represent me. I contacted my sister the night before. She is not familiar with the details.

Being from Danville, I wanted to help the City during the housing sale slump. I purchased two houses, despite there being a better investment upside in Orlando. At the time, there was a desperate need for low income housing in Danville.

As I explained earlier, the Girard Street house is under contract with the Community Services to provide a single person with a place to stay. A couple of years ago I consulted with Community Services about making a duplex, so they could provide 2 people with a home. They did not have a formal meeting nor a hearing but said, "Yes", they surely could use places for their backlog.

We also discussed how we would arrange for the tenant living there while we did the conversion. I did not ask them to attend the Commission's meeting thinking my request was sufficient. Plus with their large staff, I do not remember the name of the employee, and more so, I suspect that attending the meeting would be outside their duties, and possible conflict of interest.

I only paid \$16,000 for the Girard Street house. At age 86, I plan to give it to my son one day. With respect, it is not worth my trip to Danville just to get the Commission's approval, then another trip for the Building Dept's approval a month later, and perhaps a 3rd, 4th trip there later for more meetings.

I will go there with approvals and oversee the project, but not to attend meetings. I have submitted plans to all, which I thought you needed, so I could not add much more if I attended. My sister lives in Danville and is not involved in my housing projects. She does not know the details.

I am retired from Orange County. FL Development Engineering. As large and as busy as Orlando's development is, a permit can be issued in a fraction of the time!

The concept of providing a needed facility within the neighborhood is a "win-win" idea for everyone involved.

I do expect the Building Dept to require things like firewalls, etc, but likely add more to that list. With the red tape , I am becoming less interested in helping the community, especially working on it in mid-winter once approvals are received. So, at the November meeting, which I cannot attend, do not table this issue, either "approve" or "reject". Thank you.

Charles Motley



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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00280

REQUEST

Special Use Permit application PZ23-00280 filed by Charles Motley, requesting a Special Use Permit at 305 Girard Street (Parcel 02281) to convert single family detached dwelling to duplex in accordance with Article 3.E Section C.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend denial of Special Use Permit Request PZ23-00280.

 RB

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1054

NEW BUSINESS K.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Kelly Real Estate Requesting a Special Use Permit to Convert a Single Family Detached Dwelling to a Duplex at 411 West Main Street.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00375, filed by Kelly Real Estate, Requesting a Special Use Permit to Convert a Single-Family Dwelling to a Duplex at Parcel ID 24051 (411 West Main Street) in Accordance with Article 3.E., Section C, Item 2.

SUMMARY

The subject property, 411 West Main Street, is zoned OT-R, Old Town Residential. The applicant, Gerald Kelly, is requesting a Special Use Permit to convert the single family dwelling to a duplex.

Conversion to a duplex will allow up to six (6) unrelated persons within the structure; three (3) unrelated persons within each unit. A single family dwelling is defined as no more than three (3) unrelated persons in a single family unit.

The subject property is currently rented to Averett University and used as student housing. On October 2, 2023, a zoning violation letter was issued to the property owner and applicant. The letter noted that the current occupancy of the structure was beyond the maximum three (3) unrelated persons allowed. In order to increase the allowable occupancy and abate the zoning violation, Mr. Kelly has decided to apply for a Special Use Permit to convert the single family dwelling to a duplex dwelling.

411 West Main Street is located on the corner of College Avenue and West Main Street. There is a large paved parking area in the rear of the structure with a private driveway and garage structure. On street parking is also available in this area.

The structure at 411 West Main Street is approximately 4,130 finished square feet, creating two (2) units of approximately 2,000sf. The size of the unit is adequate and off-street parking is available. The Planning Staff would recommend that the Planning Commission approve PZ23-00375 to allow a duplex at 411 West Main Street with the condition that the property maintains a minimum of three (3) off-street parking stalls. Requiring off-street parking may help mitigate the parking burden on the adjacent property owners.

Conversion to a duplex would require additional construction to meet the Building Code. Permits for construction cannot be issued until a Special Use Permit has been approved.

Thirty-seven (37) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Eighteen (18) responses were received, six (6) were unopposed and twelve (12) were opposed.

On November 13, 2023, the City Planning Commission voted 4-2 to recommend approval of Special Use Permit request PZ23-00375 to convert a single family dwelling to a duplex at 411 West Main Street (Parcel ID 24051) with the condition that the property maintains a minimum of three (3) off-street parking spaces.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request for a Special Use Permit to convert a single family dwelling to a duplex in accordance with Article 3.E. Section C Item 2 at 411 West Main Street (Parcel ID 24051) with the condition that the property maintains a minimum of three (3) off-street parking spaces.

Attachments

1. Ordinance
 2. Application
 3. 411 W Main Street - Aerials
 4. 411 W Main Street - Owners
 5. 411 W Main Street - Landuse
 6. Zoning Violation Letter
 7. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00375, FILED BY KELLY REAL ESTATE, REQUESTING A SPECIAL USE PERMIT TO CONVERT A SINGLE-FAMILY DWELLING TO A DUPLEX AT PARCEL ID 24051 (411 WEST MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.E., SECTION C, ITEM 2.

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 PZ23-00375, filed by Kelly Real Estate, requesting a Special Use Permit to convert a single-family dwelling to a duplex at Parcel ID 24051 (411 West Main Street) in accordance with Article 3.E., Section C, Item 2 be, and the same is hereby, received; subject to the following conditions:

1. The property maintains a minimum of three (3) off-street parking stalls.

BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00375, filed by Kelly Real Estate, requesting a Special Use Permit to convert a single-family dwelling to a duplex at Parcel ID 24051 (411 West Main Street) in accordance with Article 3.E., Section C, Item 2 is hereby granted and approved, subject to the following conditions:

1. The property maintains a minimum of three (3) off-street parking stalls.

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 #: PZ23-00375 PC Meeting Date: 11-13-2023
Date Received: 10-11-2023 Received By: RB
Parcel ID: 24051 Address: 411 W Main St
Existing Zoning OT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 411 West Main St

Applicant: Kelly Real Estate

Applicant's Address: 1113 Franklin Turnpike

Applicant's Phone Number: (434) 251-5796

Applicant's E-mail: geraldwKelly@hotmail.com

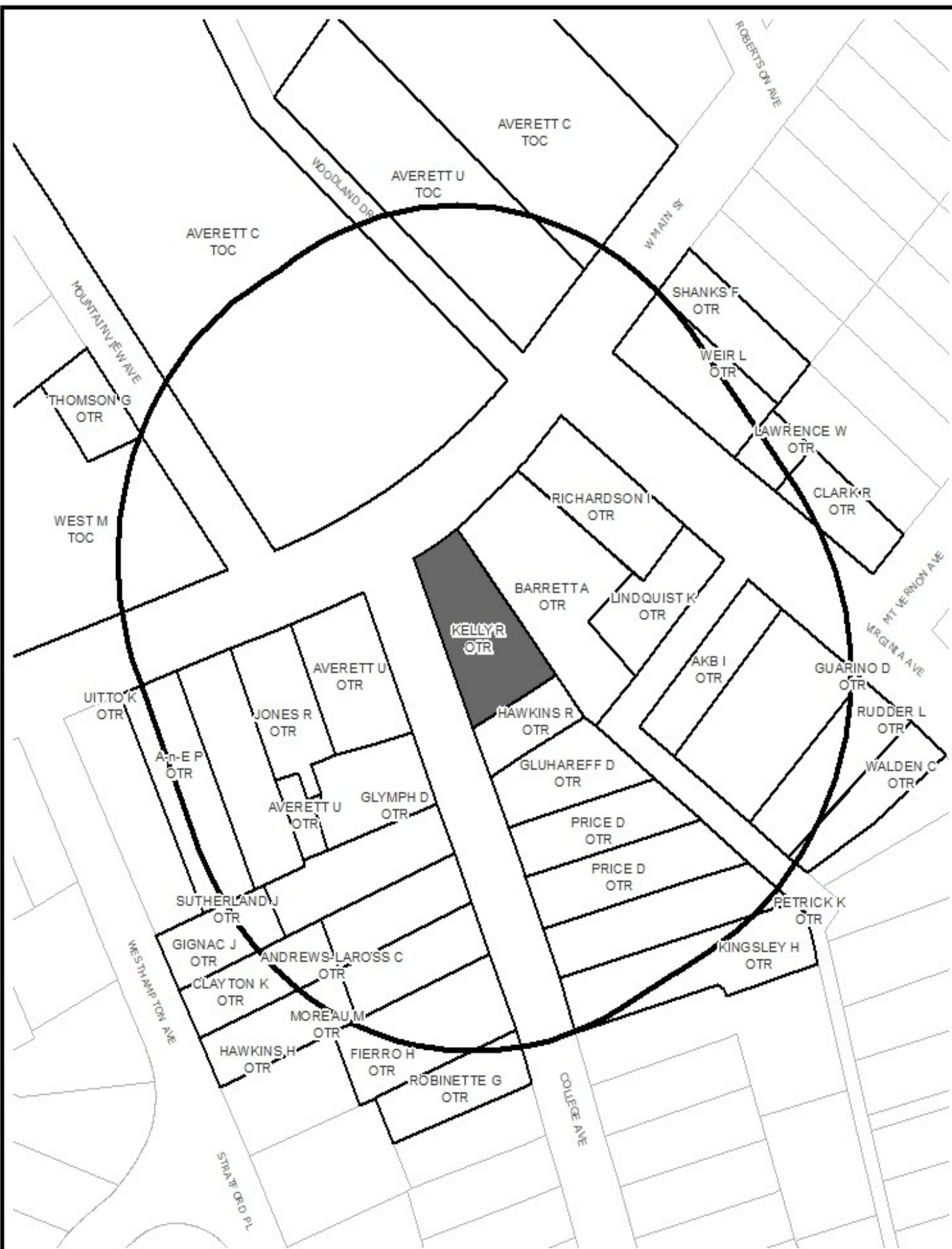
Describe Proposed Request: I would like to change the zoning
back to a Duplex, from its current zoning OTR.

Thank You

Gerald W Kelly 10-11-23
Applicant Signature date

Gerald W Kelly 10-11-23
Property Owner Signature date
(if not applicant)

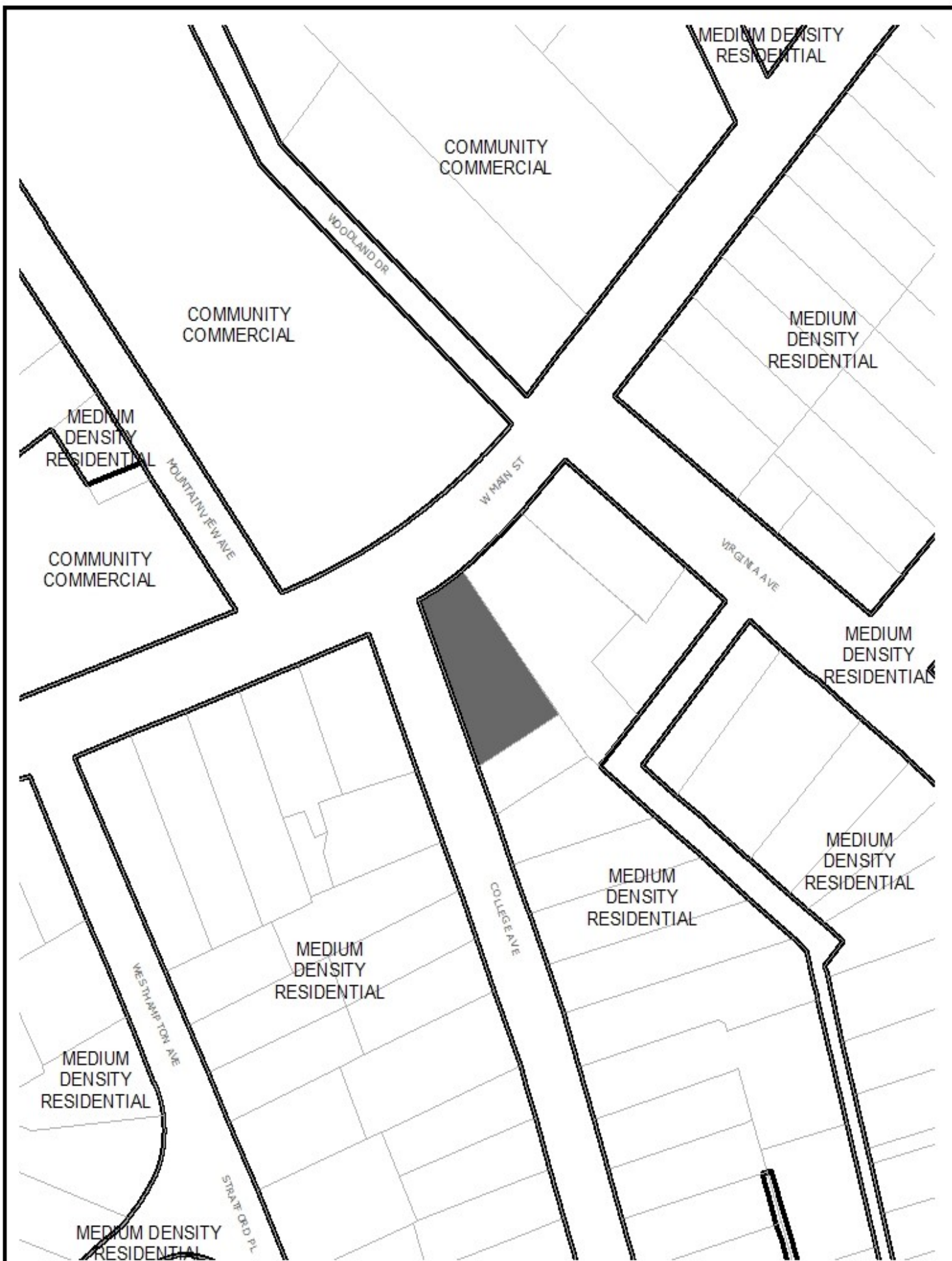




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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City of Danville
Community Development
Planning Division

October 2, 2023

KELLY REAL ESTATE LLC
1113 FRANKLIN TPKE
DANVILLE, VA 24540

RE: Zoning Violation at 411 WEST MAIN STREET

Dear Property Owners:

The purpose of this letter is to inform you of a violation of the Zoning Code at 411 West Main Street. 411 West Main Street is zoned OT-R, Old Town Residential, a single-family zoning classification. It has come to the attention of our department that 411 West Main Street is currently occupied beyond the allowed occupancy of a single-family dwelling. A single-family dwelling may only be occupied by one family. A family is defined as:

1. One (1) person or two (2) or more persons related by blood, adoption, marriage or guardianship living together as a single housekeeping unit with no more than two (2) boarders; or
2. A group of not more than three (3) unrelated persons living together as a single housekeeping unit;

To comply with the Zoning Code the occupancy of 411 West Main Street must be reduced to meet the definition of a family; no more than three (3) unrelated persons.

Please contact our office at (434) 799-5260 within (10) ten days to discuss correction of this violation.

Sincerely,

Renee Burton
Division Director of Planning
Zoning Administrator
434-799-5260 Ext. 2502

Cc: Averett University, Student Services



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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00375

REQUEST

Special Use Permit application PZ23-00375 filed by Kelly Real Estate requesting a Special Use Permit to convert single family detached dwelling to duplex at 411 West Main Street (Parcel 24051) in accordance with Article 3.E Section C Item 2.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 4-2 to recommend approval of Special Use Permit Request PZ23-00375 with the following conditions:

1. The property maintains a minimum of three (3) off-street parking spaces

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1055

NEW BUSINESS L.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application filed by Jeramy Nichols on behalf of Old Oak Properties, LLC, Requesting a Special Use Permit at 823 Industrial Avenue.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00376, filed by Jeramy Nichols on Behalf of Old Oak Properties, LLC , Requesting a Special Use Permit to Allow a Use Permitted by Right or Special Use Permit in the HR-C District (Automobile and Light Vehicle Dealerships and Retail Sales Establishments (with Service and Repair Facilities as an Ancillary Use, with Completely Enclosed Service Facilities and Screened Outdoor Storage of Repair Vehicles) at Parcel ID 24094 (823 Industrial Avenue) in Accordance with Article 3.O., Section C, Item 15.

SUMMARY

823 Industrial Avenue is zoned LED-I, Light Economic Development Industrial and is currently operating as a storage warehouse and an industrial workshop within a portion of the 42,439 square foot structure. The property owner and applicant, Jeramy Nichols, on behalf of Old Oak Properties, LLC, has requested a Special Use Permit in accordance with Article 3.O Section C Item 15 to allow uses permitted by right and by special use permit in the HR-C, Highway Retail Commercial District.

Mr. Nichols has a potential tenant for a portion of 823 Industrial Avenue that has proposed to operate an establishment that will customize and sell golf carts. This use is not allowed by right within the LED-I zoning classification. However, a Special Use Permit may be approved to allow uses permitted within the HR-C zoning district. Operation of an automobile and light vehicle dealership and retail sales establishment is allowed within the HR-C zoning district.

Therefore, the applicant has requested a Special Use Permit to allow *Automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles)* as allowed within the HR-C zoning classification and in accordance with Article 3.M Section B Item 1 to be a permitted use at 823 Industrial Avenue in accordance with Article 3.O Section C Item 15.

Parking will be required at a rate of one (1) space per 500 square feet of enclosed sales/rental floor area, plus one (1) space per 2500 square feet of open sales/rental display lot area, plus two (2) spaces per service bay, plus one (1) space per employee, but not less than five (5) spaces minimum and in accordance with Article 8 of the Zoning Code.

Fifty (50) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Ten (10) responses were received, nine (9) were not opposed, one (1) was opposed.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00376 to allow automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use at 823 Industrial Avenue (Parcel ID 24094).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve a Special Use Permit to allow automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles) in accordance with Article 3.O Section C Item 15 at 823 Industrial Avenue (Parcel ID 24094).

Attachments

1. Ordinance
 2. 823 Industrial Avenue - Aerials
 3. 823 Industrial Avenue - Owners
 4. 823 Industrial Avenue - Landuse
 5. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED:

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00376, FILED BY JERAMY NICHOLS ON BEHALF OF OLD OAK PROPERTIES, LLC , REQUESTING A SPECIAL USE PERMIT TO ALLOW A USE PERMITTED BY RIGHT OR SPECIAL USE PERMIT IN THE HR-C DISTRICT (AUTOMOBILE AND LIGHT VEHICLE DEALERSHIPS AND RETAIL SALES ESTABLISHMENTS (WITH SERVICE AND REPAIR FACILITIES AS AN ANCILLARY USE, WITH COMPLETELY ENCLOSED SERVICE FACILITIES AND SCREENED OUTDOOR STORAGE OF REPAIR VEHICLES) AT PARCEL ID 24094 (823 INDUSTRIAL AVENUE) IN ACCORDANCE WITH ARTICLE 3.O., SECTION C, ITEM 15.

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 PZ23-00376, filed by Jeramy Nichols on behalf of Old Oak Properties, LLC, requesting a Special Use Permit to allow a use permitted by right or special use permit in the HR-C District (to allow automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles) at Parcel ID 24094 (823 Industrial Avenue) in accordance with Article 3.O., Section C, Item 15 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 PZ23-00376, filed by Jeramy Nichols on behalf of Old Oak Properties, LLC, requesting a Special Use Permit to allow a use permitted by right or special use permit in the HR-C District (to allow automobile and light vehicle dealerships and retail sales establishments (with service and repair facilities as an ancillary use, with completely enclosed service facilities and screened outdoor storage of repair vehicles) at Parcel ID 24094 (823 Industrial Avenue) in accordance with Article 3.O., Section C, Item 15 is hereby granted and approved.

Approved:

Mayor

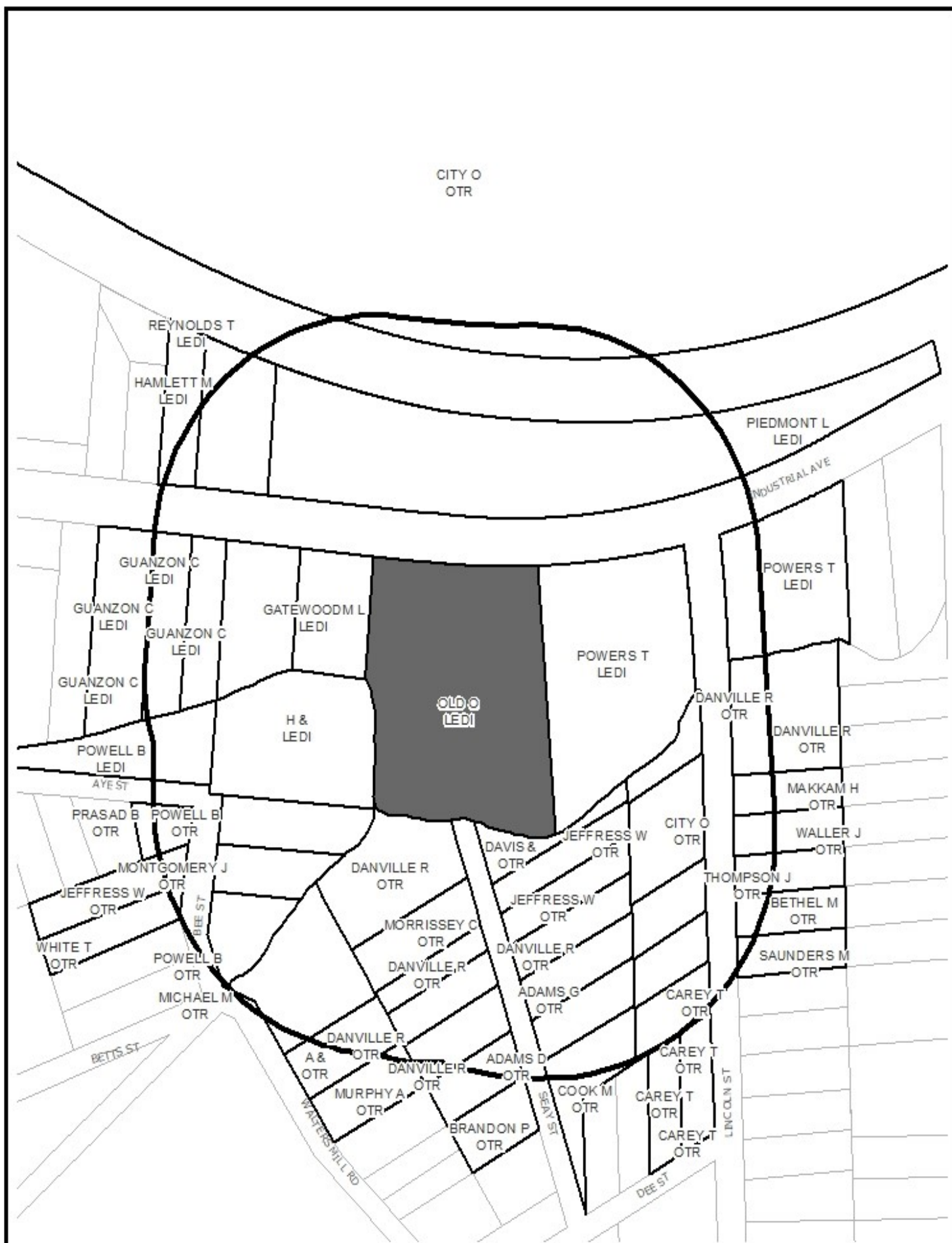
Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

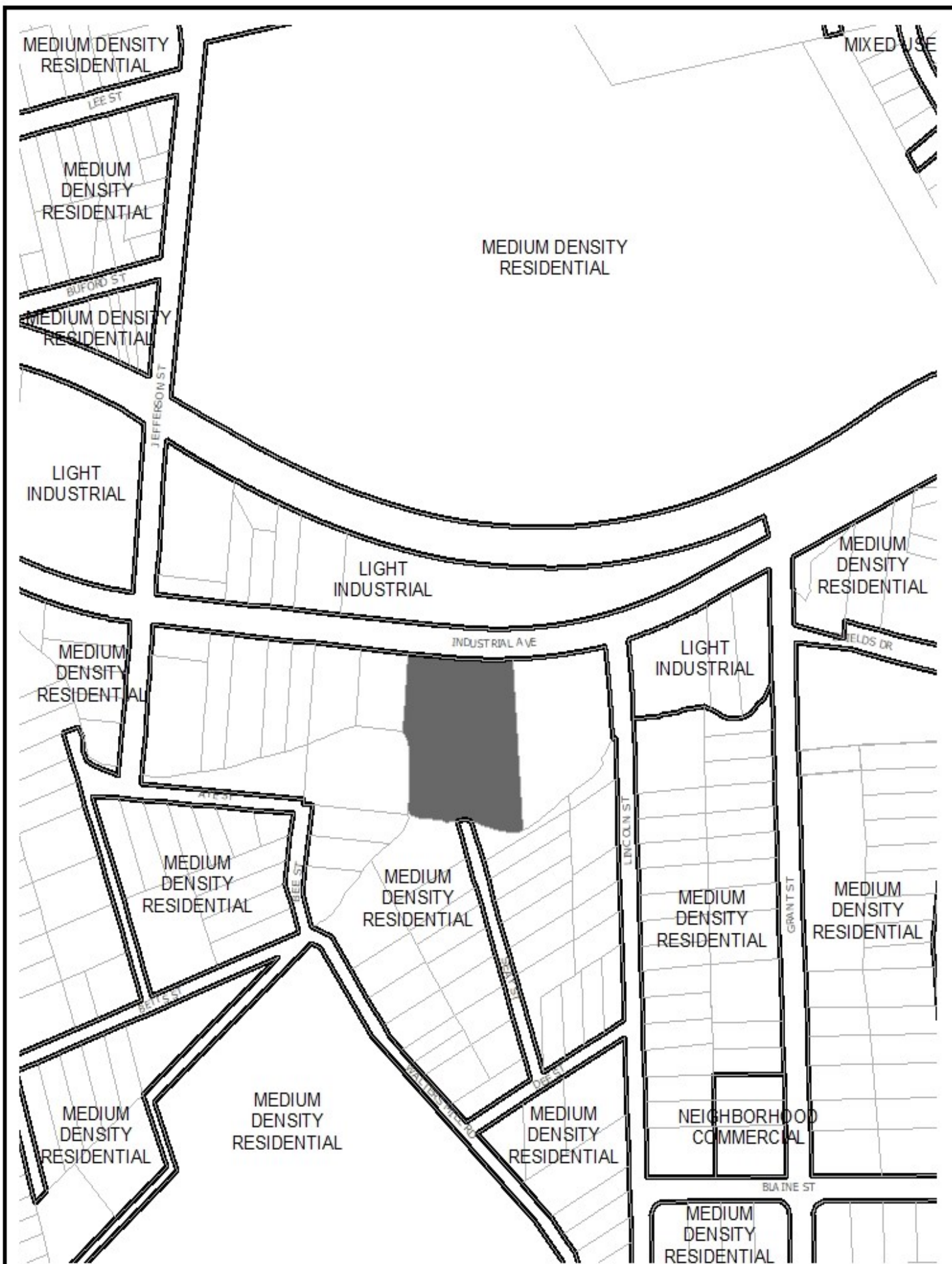




SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/19/2023

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00376

REQUEST

Special Use Permit application PZ23-00376 filed by Jeramy Nichols requesting a Special Use Permit at 823 Industrial Avenue (Parcel 24094) to allow a retail sales establishment in accordance with Article 3.0 Section C Item 15.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ23-00376.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1059

NEW BUSINESS M.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of Rezoning Application filed by Averett University Requesting a Rezoning at 419 West Main Street to Rezone from OT-R Old Town Residential to TO-C Transitional Office.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Rezoning from OT-R, Old Town Residential to "Conditional" TO-C, Transitional Office Commercial Parcel ID 22383 (419 West Main Street).

SUMMARY

419 West Main Street is zoned OT-R, Old Town Residential, a single-family zoning classification. The applicant, Averett University, has requested to rezone the property to TO-C, Transitional Office Commercial, to allow for office use at the subject location.

Last year, Averett University relocated the Office of the University President to 419 West Main Street. The relocation was completed without prior approval from the City. The subject property is not zoned properly for office use and therefore rezoning the property is required for Averett University to maintain this office operation at 419 Main Street.

419 West Main Street is located directly across from the campus of Averett University and is adjacent to many historic, single family homes. Many uses allowed within the TO-C District could be disruptive to the character of the neighborhood and quality of life for the residents in the area. Averett University has agreed to proffer specific uses that would not be allowed at this location. The proffer list is attached as Exhibit A. Adding this proffer list amends the request for rezoning from TO-C, Transitional Office Commercial to TO-CC "Conditional", Transitional Office Commercial.

Thirty-four (34) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Eighteen (18) responses were received, ten (10) were unopposed and eight (8) were opposed.

On November 13, 2023, the City Planning Commission voted 5-1 to recommend approval of "Conditional" Rezoning Request PZ23-00389 to rezone from OT-R, Old Town Residential to TO-C, Transitional Office Commercial at 419 West Main Street (Parcel ID 22383).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request to Rezone 419 West

Main Street (Parcel ID 22383) from OT-R, Old Town Residential to "Conditional" TO-C, Transitional Office Commercial.

Attachments

1. Ordinance
 2. Exhibit A - Proffer List
 3. Application
 4. Letter from Averett
 5. 419 W Main Street - Aerials
 6. 419 W Main Street - Owners
 7. 419 W Main Street - Landuse
 8. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE REZONING FROM OT-R, OLD TOWN RESIDENTIAL TO “CONDITIONAL” TO-C, TRANSITIONAL OFFICE COMMERCIAL PARCEL ID 22383 (419 WEST MAIN STREET).

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, Averett University, has requested to rezone from the OT-R Old Town Residential zoning district to “Conditional” TO-C Transitional Office Commercial zoning district, Parcel ID 22383 (419 West Main Street), 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 PZ23-00389, filed by Averett University, requesting to rezone from OT-R Old Town Residential zoning district to “Conditional” TO-C Transitional Office Commercial zoning district, Parcel ID 22383 (419 West Main Street) of the City of Danville, Virginia Zoning District Map per attached Exhibit A, 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 PZ23-00389, filed by Averett University, requesting to rezone from the OT-R Old Town Residential zoning district to the “Conditional” TO-C Transitional Office Commercial of the City of Danville, Virginia Zoning District Map per attached Exhibit A, be, and is hereby, approved in accordance with the attached PROFFER LIST, and

BE IT FINALLY ORDAINED that Parcel ID 22383, 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

EXHIBIT A
PROFFER LIST

Article 3.I: TO-C, Transitional Office Commercial
B. - Permitted Uses.

1. Accessory use, to include tool sheds, detached garages and carports, children's playhouses, doghouses and accessory off-street parking and loading spaces.
2. ~~Banks and financial institutions (without drive-thru facilities.)~~
3. Bed and breakfast, inn, or tourist home (as defined).
4. ~~Catering service.~~
5. ~~Cemeteries.~~
6. Churches and places of worship.
7. Offices (general and professional).
8. Day care facilities (adult and child).
9. ~~Funeral home.~~
10. Home occupations.
11. ~~Hospital, nursing home, and medical care facility, inclusive of inpatient activities.~~
12. ~~Nursing home.~~
13. ~~Personal service establishments.~~
14. ~~Pharmacy.~~
15. Schools, colleges and universities (public or private).
16. Single family residential dwelling, provided that (a) the residential dwelling is existing as a conforming use as of the date of adoption of this ordinance, (b) said residential dwelling shall conform in all respects to the OT-R District and (c) there shall be no more than one singlefamily dwelling per lot.
17. Studio for an artist, designer, writer, photographer, sculptor or musician.
18. Child therapeutic day support services.
19. ~~Short-term rental, as principal use.~~

(Ord. No. 2004-02.04, Art. 3.I, § B, 2-17-04; Ord. No. 2014-08.09, 8-19-14; Ord. No. 2019-07.05 , 7-2-19; Ord. No. 2023-04.06 , 4-4-23)

C. - Uses Permitted by Special Use Permit.

1. ~~Accessory apartments, within a residential dwelling and limited to one rental apartment.~~
2. ~~Any use incorporating a drive-thru facility (including banks, financial institutions and fast food restaurants).~~
3. ~~Antique shops.~~
4. ~~Community facilities and uses.~~
5. ~~Congregate care facility.~~
6. ~~Cupolas, spires and steeples (for public and semi-public uses).~~
7. ~~Fast food restaurant.~~
8. ~~Golf course, but not including a par 3 course, miniature golf course or driving range.~~
9. ~~Group home.~~
10. ~~Offices with retail sales, limited to interior display and sales of high technology, scientific, electronic, health care, medical or biomedical equipment of a type not customarily retailed to the general public, provided that there shall be no exterior or storefront displays.~~
11. ~~Parking lots (private or public, off-street as a principal use).~~
12. ~~Private clubs and lodges.~~
13. ~~Public uses and utilities.~~

14. ~~Residential apartments, as an ancillary use within a commercial structure and limited to four (4) rental apartment units per structure.~~
15. ~~Restaurant.~~
16. ~~Waiver of lot size requirements.~~
17. ~~Waiver of maximum floor area ratio of 0.25.~~
18. ~~Waiver of maximum building height regulations.~~
19. ~~Waiver of minimum yard requirements.~~
20. ~~Homeless shelter.~~
21. ~~Transitional living shelter.~~
22. ~~Post-release housing.~~
23. ~~Museum.~~
24. ~~Hotel/motel.~~
25. ~~Waiver to maximum sign area.~~


Dr. Tiffany M. Franks
President of Averett University

11/21/23
Date



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 #: PZ23-00389 PC Meeting Date: Nov. 13
Date Received: _____ Received By: _____
Parcel ID: _____ Zoning District: _____
Existing Zoning: _____ Proposed Zoning: _____

APPLICANT PROVIDED INFORMATION

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

Property Address: _____ Gross Area/Net Area: _____

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

Between: _____ and _____

Proffered Conditions (if any, please attach): _____

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

Name: Averett University Telephone: 434-791-5650

Mailing Address: 420 West Main Street, Danville VA 24541

Email Address: daungst@averett.edu

APPLICANT (PLEASE TYPE OR PRINT):

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

Name: Donald B. Aungst Telephone: 434-791-5651

Mailing Address: same as above

Email Address: _____



10/13/2023

Applicant Signature

date

Property Owner Signature
(if not applicant)

date



October 12, 2023

Renee Burton
Division Director of Planning
Zoning Administrator
City of Danville
PO Box 3300
Danville, VA 24543

Dear Renee,

The purpose of this letter is to respectfully request that our property located at 419 West Main Street be rezoned consistent with the rest of Averett University's campus. The \$360 application fee is enclosed with this letter.

The property is being used as the President's Office. The hours of operation are generally 8:30 a.m. to 4:30 p.m., Monday through Friday, although the President is frequently in the office at other times. Three employees, including the President have offices in the property.

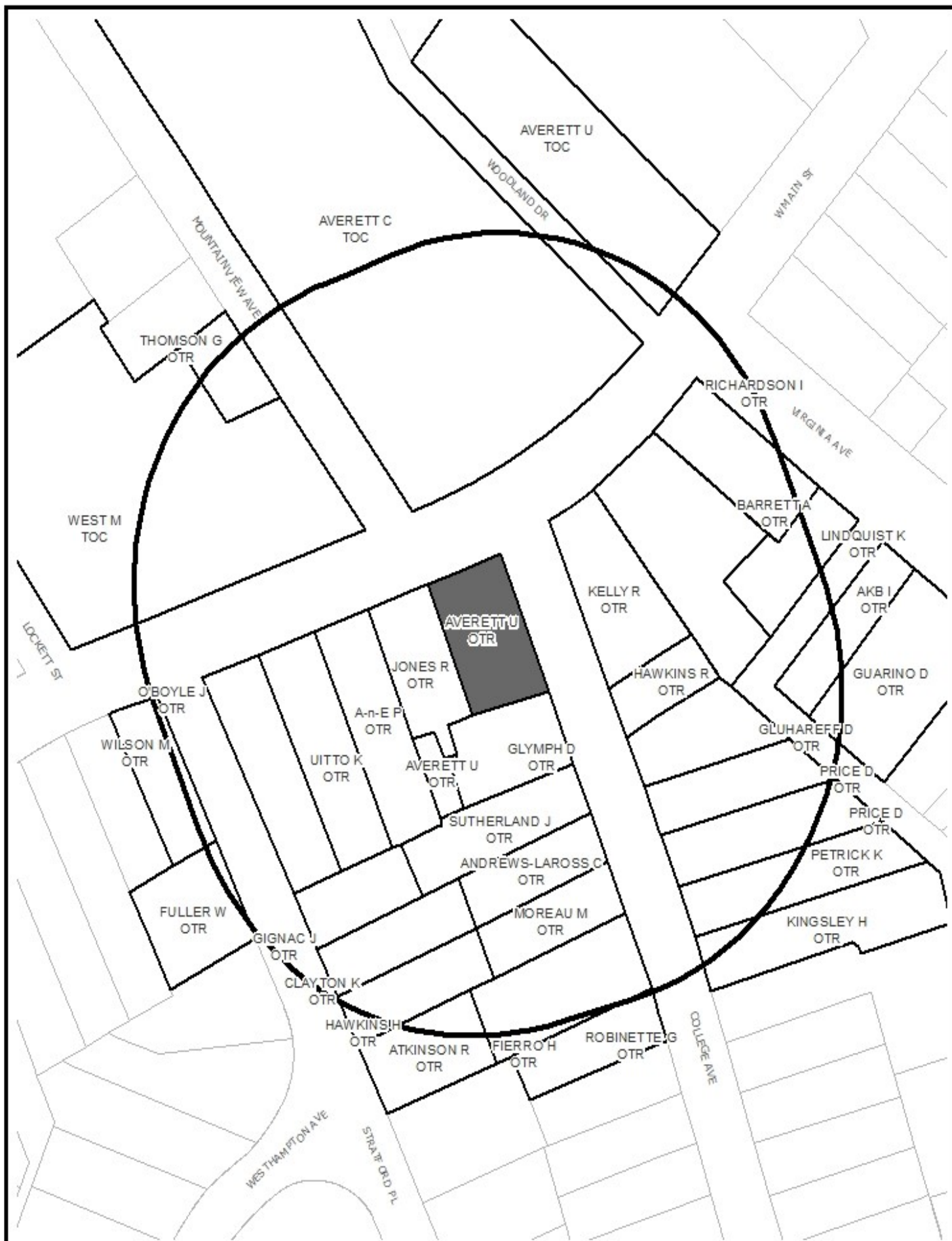
Please let me know if you have any questions regarding this application.

Thank you for your consideration.

Sincerely,

Don



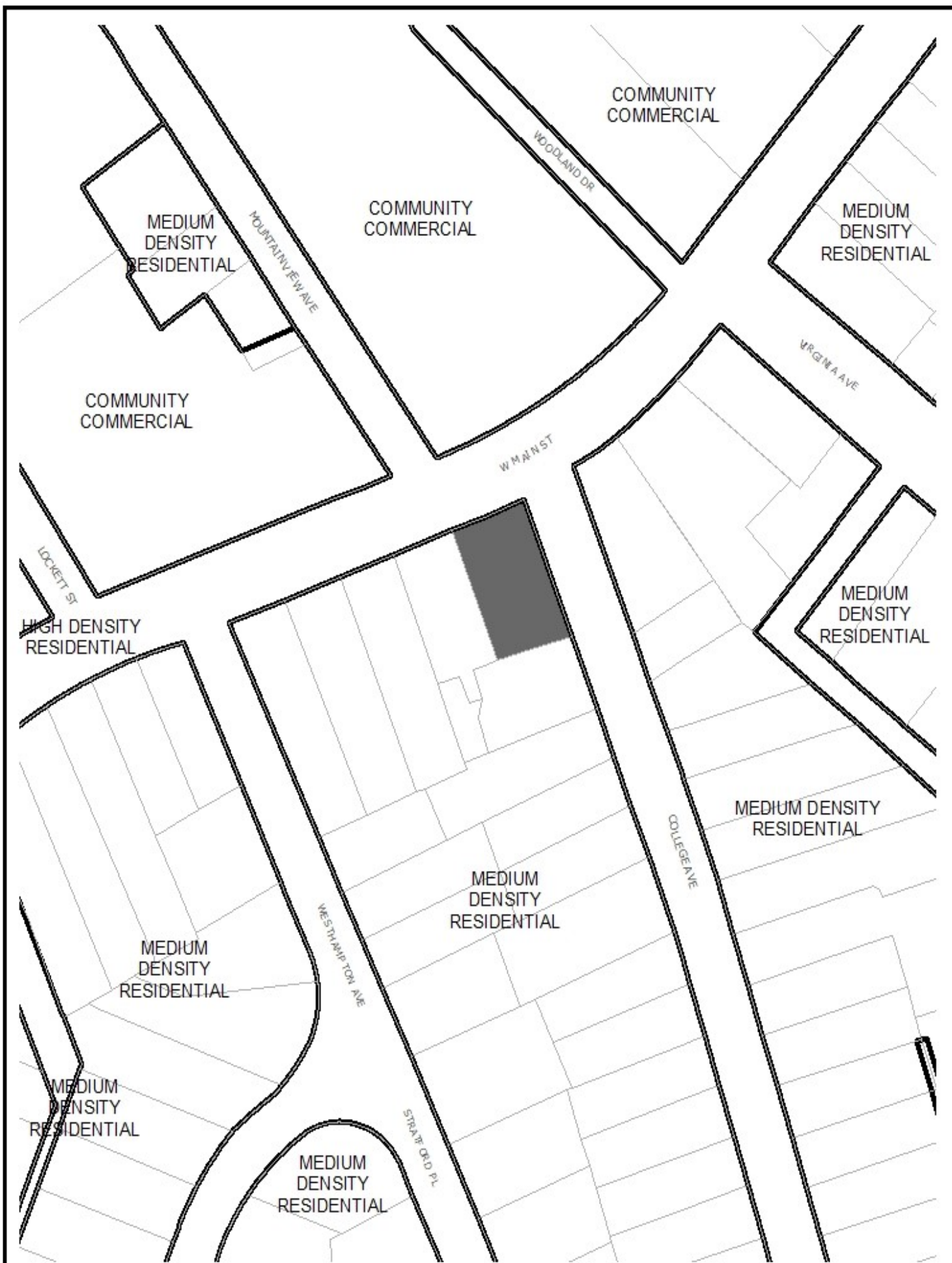


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
10/23/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/23/2023

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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PZ23-00389

REQUEST

Rezoning Application PZ23-00389 filed by Averett University requesting a rezoning at 419 West Main Street to rezone from OT-R Old Town Residential to TO-C Transitional Office.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 5-1 to recommend approval of Rezoning Request PZ23-00389 to rezone from OT-R, Old Town Residential to "Conditional" TO-C, Transitional Office Commercial.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1060

NEW BUSINESS N.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Special Use Permit Application filed by CCKW, LLC Requesting a Special Use Permit to Allow Attached Residential Dwellings on Parcels located on Monument, Shelton, Cabell, and Franklin Streets.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Granting Special Use Permit Application PZ23- 00388, filed by CCKW, LLC Requesting a Special Use Permit for a Planned Unit Development on Monument, Shelton, Cabell and Franklin Streets in Accordance with Article 17., Entitled "Planned Unit Developments" of Chapter 41., Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia to Include Parcel ID#s 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, 21602, 24048, 20749, 21228, 22594, 25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, and 22082.

SUMMARY

The proposed Planned Unit Development (PUD) consolidates parcels and creates a residential housing development on Monument, Shelton, Cabell and Franklin Streets. The entire development will consist of thirty (30) single-family attached unit dwellings and sixty (60) apartments divided into three (3) apartment buildings.

This application is the result of years of work conducted by the City's Blight Eradication Program. Parcels were acquired with the intention of neighborhood stabilization and new development. The majority of the subject parcels were acquired by the Danville Redevelopment Housing Authority for this program. The Monument-Berryman Master Plan details the program, its processes, and redevelopment potential.

Last year, an RFP was released to the public for a request for redevelopment proposals for the area. The development plan proposed by CCKW LLC was chosen from this process. Their plan most embodied the goals of the Monument-Berryman Plan.

Development of the mixed housing style development requires a Planned Unit Development. Recommending conditions of the PUD are listed below:

1. The permitted uses at the development are residential;
2. The developer will complete a Traffic Impact Analysis in consultation with the City of Danville and

implement the recommendations;

3. The buildings may not have vinyl siding on exterior vertical fascia;
4. A minimum of 45% of the building exteriors will be masonry;
5. The height of each building may not exceed 60 feet;
6. Parking shall not be placed in the front yard of townhome development;
7. No more than eight (8) and no fewer than three (3) single-family attached units (townhouses) shall be included in any one physically contiguous grouping;
8. Townhouse grouping shall be designed to minimize "Flat-faced", row-house architectural facades. Architectural projections, off-sets, window bays, canopies, porches, mixed materials and colors and other design elements of a unified architectural theme shall be provided to achieve this result;
9. Architectural treatment of attached dwellings shall vary so that no more than two abutting units are substantially the same and so that no more than four units in any group are substantially the same;
10. Apartment building construction must mimic the exterior design submitted by the applicant labeled "Allure";
11. The development will maintain landscape buffers compliant with Article 16 of the zoning ordinance and or the development agreement, whichever is greater; and
12. That the developer executes and records a development agreement with the City that acknowledges these conditions.

One hundred thirty-nine (139) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. At the time of this report, eight (8) responses were received, five (5) were unopposed and three (3) were opposed.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit request PZ23-00388 to approve a PUD at the following parcels located on Monument, Shelton, Cabell, and Franklin Streets: 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, 21602, 24048, 20749, 21228, 22594, 25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, and 22082.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request for a Special Use Permit to approve a PUD with conditions and in accordance with Article 17 at the following parcels located on Monument, Shelton, Cabell, and Franklin Streets: 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, 21602, 24048, 20749, 21228, 22594, 25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, and 22082.

Attachments

1. Ordinance
 2. Application
 3. Development
 4. Letter
 5. Allure Apartment Image
 6. Monument Berryman - Aerials
 7. Monument Berryman - Owners
 8. Monument Berryman - Landuse
 9. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00388, FILED BY CCKW, LLC REQUESTING A SPECIAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT ON MONUMENT, SHELTON, CABELL AND FRANKLIN STREETS IN ACCORDANCE WITH ARTICLE 17., ENTITLED "PLANNED UNIT DEVELOPMENTS" OF CHAPTER 41., ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL ID #S 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, 21602, 24048, 20749, 21228, 22594,25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, and 22082.

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 PZ23-00388, filed by CCKW, LLC, requesting a Special Use Permit for a Planned Unit Development on Monument, Shelton, Cabell and Franklin Streets in accordance with Article 17., entitled "Planned Unit Developments" of Chapter 41., entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia to include Parcel ID#s 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, 21602, 24048, 20749, 21228, 22594,25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, and 22082, be, and the same is hereby, received, subject to the following conditions:

1. The permitted uses at the development are residential;
2. The developer will complete a Traffic Impact Analysis in consultation with the City of Danville and implement the recommendations;
3. The buildings may not have vinyl siding on exterior vertical fascia;
4. A minimum of 45% of the building exteriors will be masonry;
5. The height of each building may not exceed 60 feet;
6. Parking shall not be placed in the front yard of townhome development;
7. No more than eight (8) and no fewer than three (3) single-family attached units (townhouses) shall be included in any one physically contiguous grouping;
8. Townhouse grouping shall be designed to minimize "Flat-faced", row-house architectural facades. Architectural projections, off-sets, window bays, canopies, porches, mixed materials and colors and other design elements of a unified architectural theme shall be provided to achieve this result;
9. Architectural treatment of attached dwellings shall vary so that no more than two

abutting units are substantially the same and so that no more than four units in any group are substantially the same;

10. Apartment building construction must mimic the exterior design submitted by the applicant labeled "Allure";
11. The development will maintain landscape buffers compliant with Article 16 of the zoning ordinance and or the development agreement, whichever is greater; and
12. That the developer executes and records a development agreement with the City that acknowledges these conditions.

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ23-00388, filed by CCKW, LLC, requesting a Special Use Permit for a Planned Unit Development on Monument, Shelton, Cabell and Franklin Streets in accordance with Article 17., entitled "Planned Unit Developments" of Chapter 41., entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia to include Parcel ID#s 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, 21602, 24048, 20749, 21228, 22594, 25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, and 22082, is hereby granted and approved, subject to the following conditions:

1. The permitted uses at the development are residential;
2. The developer will complete a Traffic Impact Analysis in consultation with the City of Danville and implement the recommendations;
3. The buildings may not have vinyl siding on exterior vertical fascia;
4. A minimum of 45% of the building exteriors will be masonry;
5. The height of each building may not exceed 60 feet;
6. Parking shall not be placed in the front yard of townhome development;
7. No more than eight (8) and no fewer than three (3) single-family attached units (townhouses) shall be included in any one physically contiguous grouping;
8. Townhouse grouping shall be designed to minimize "Flat-faced", row-house architectural facades. Architectural projections, off-sets, window bays, canopies, porches, mixed materials and colors and other design elements of a unified architectural theme shall be provided to achieve this result;
9. Architectural treatment of attached dwellings shall vary so that no more than two abutting units are substantially the same and so that no more than four units in any group are substantially the same;
10. Apartment building construction must mimic the exterior design submitted by the applicant labeled "Allure";
11. The development will maintain landscape buffers compliant with Article 16 of the zoning ordinance and or the development agreement, whichever is greater; and
12. That the developer executes and records a development agreement with the City that acknowledges these conditions.

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 #: P223-00388 PC Meeting Date: Nov. 13
Date Received: 10/16 Received By: RB
Parcel ID: _____ Address: Monument/Berryman
Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

PINs: 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, and 21602 (multi-family); 24048, 20749, 21228, 22594, 25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, 22082 (townhomes)

Property Location (address/ID#): _____

Applicant: CCKW LLC

Applicant's Address: 733 River Park Drive, Danville, VA 24540

Applicant's Phone Number: 434.793.0217 (Clif Walden); 434.942.9863 (Kevin Shotwell)

Applicant's E-mail: clif.walden@riversiderooftruss.net; kevshotwe@aol.com

Describe Proposed Request: Please see attached letter.

CKW Oct 16, 2023
CKW (Oct 16, 2023 05:59 EDT)

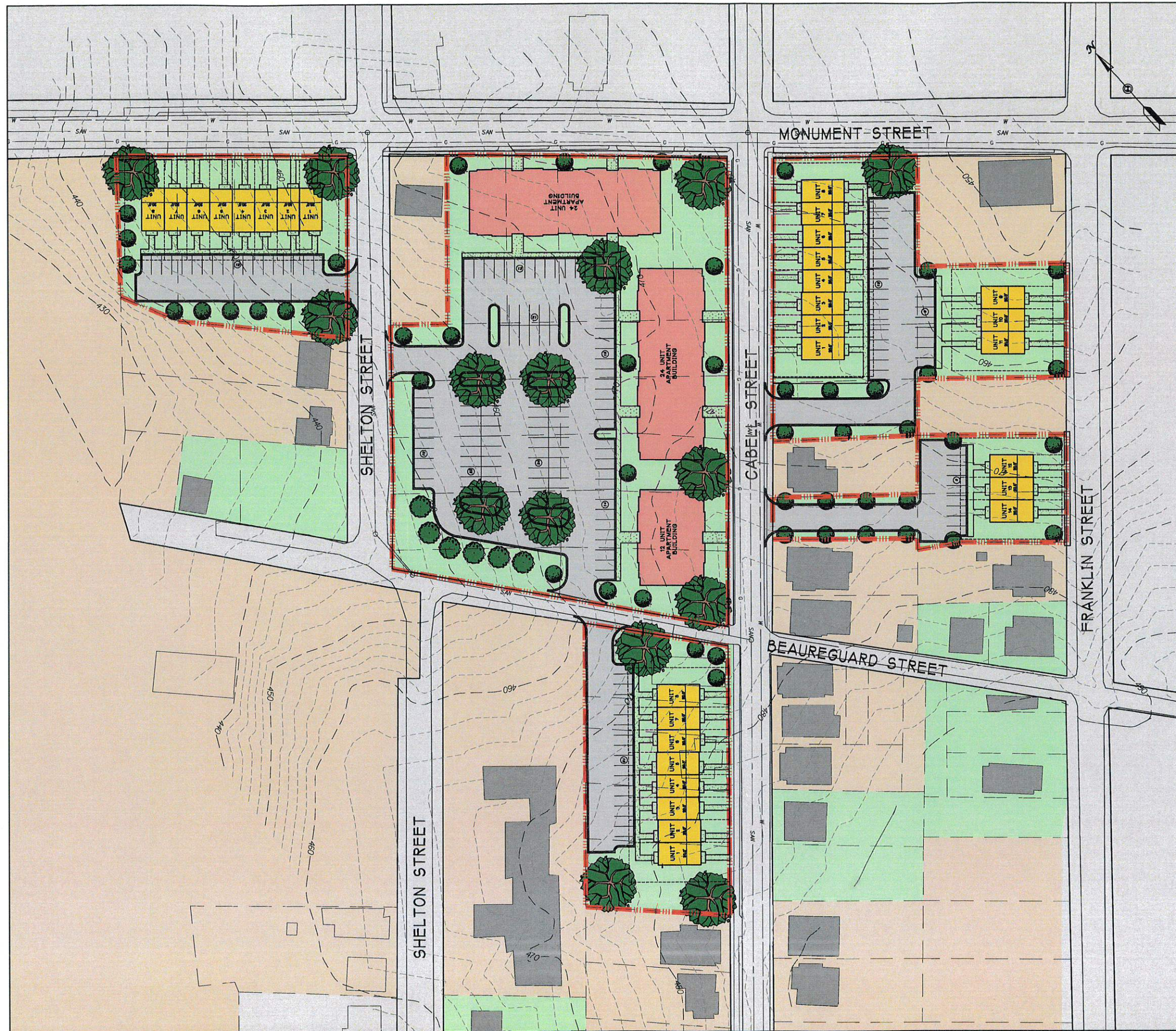
Applicant Signature date
Clifton K Walden, Jr., Co-Manager of CCKW
LLC

CKW Oct 16, 2023
CKW (Oct 16, 2023 05:59 EDT)

Property Owner Signature date
Clifton K Walden, Jr., Co-Manager of Big Time
Rentals, LLC

Larissa Deedrich Oct 16, 2023

Property Owner Signature date
Larissa Deedrich, Executive Director of the
Danville Redevelopment and Housing Authority



- LOTS AVAILABLE FOR MONUMENT-BERRYMAN REDEVELOPMENT
- LOTS NOT AVAILABLE FOR MONUMENT-BERRYMAN REDEVELOPMENT
- PROPOSED MULTI-FAMILY UNITS (APARTMENTS)
- PROPOSED SINGLE-FAMILY ATTACHED UNITS (TOWNHOUSE)
- EXISTING BUILDING
- PROPOSED DEVELOPMENT LIMITS

DEVELOPMENT SUMMARY:
APARTMENTS: 60 UNITS
TOWNHOMES: 30 UNITS

IF THIS DRAWING IS A REDUCTION
GRAPHIC SCALE MUST BE USED

40' 0 40'



**Monument - Berryman
Redevelopment Area**
MULTIFAMILY DEVELOPMENT
DANVILLE, VIRGINIA

CONCEPT PLAN - OVERALL

PROJECT:	DESIGNED BY:	JLW
REVIEWED BY:	JLW	
PROJECT No.	23001.00	
SCALE:	GRAPHIC	
ORIG. SUBMITTAL DATE:	1-10-23	
REV. SUBMITTAL DATE:		
DRAWING NUMBER:	C-1	
SHEET NUMBER:	1 OF 1	



October 16, 2023

Via Hand Delivery and Electronic Mail

Renee Burton
Director of Planning
City of Danville
427 Patton Street
Danville, Virginia 24541

Re: Special Use Permit Application submitted by CCKW LLC

Dear Ms. Burton:

On behalf of CCKW LLC ("CCKW"), I am pleased to submit this Special Use Permit Application for the following parcels located on Monument, Shelton, Cabell, and Franklin Streets (the "Parcels"): 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, and 21602 (multi-family); and 24048, 20749, 21228, 22594, 25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, and 22082 (townhomes) (the "Application").

Please note that the Parcels are owned by either Big Time Rentals, LLC or the Danville Redevelopment and Housing Authority ("DRHA"), both of which have consented to this request by CCKW, as shown on the enclosed two-page Special Use Permit Application from the City's website (the "Application Form").

Enclosed for your review and reference are a completed Application Form, marked as Exhibit A, which this Letter is intended to supplement, along with a check in the amount of \$360.00, representing the City's fee associated with this Application. An additional exhibit is identified below.

Description of Proposed Development

CCKW proposes to redevelop the Parcels to create a high-quality development consisting of a combination of apartments and townhomes that is accessible to, and affordable for, a diverse cross-section of residents. In doing so, CCKW expects this project to build upon the existing sense of community in the immediate area while also returning the Parcels to productive use. Doing so also represents an important step toward meeting the region's demonstrated, growing need for available, quality housing.

Specifically, the proposed development – located on Monument, Shelton, Cabell, and Franklin Streets – envisions thirty (30) single-family attached unit townhomes and sixty (60) apartments for rent across three multi-family buildings.

The proposed townhomes would be offered for sale, priced between \$250,000.00 and \$299,999.99, with CCKW intending to manage and rent any townhomes (for which it has experience in other markets) should any not immediately sell. The bulk of the apartments will be offered at market rate, and CCKW has committed to the City to set aside twenty percent (20%) of these units for individuals or families earning between fifty percent (50%) and eighty percent (80%) of area median income. CCKW recognizes the benefit to the larger community that is provided through housing that blends opportunities for different income levels.

The enclosed preliminary site plan (the “Site Plan”), marked as Exhibit B, demonstrates the thoughtful approach that this proposed development represents. At present, the Parcels are all zoned Old Town Residential. To achieve the creative reuse of the Parcels that is envisioned by the proposed development, CCKW specifically requests that the project be considered a planned unit development pursuant to the City’s ordinance for such projects.

Compatibility Considerations

The proposed development is in harmony with the City of Danville’s 2030 Comprehensive Plan, (1) promoting opportunities for a greater variety of housing types in the City within an established neighborhood and, in doing so, (2) supporting the continued economic development of the region.

The aims of the Application are also in harmony with the current intent and purpose of this zoning district, as CCKW’s proposal represents the return of residential development to currently vacant parcels and takes advantage of an opportunity to realize additional density in an established portion of the City.

Finally, the proposed development is consistent with the residential character of adjacent properties, surrounding neighborhoods, and existing and proposed development, both in terms of aesthetics and scale. Residents of the proposed development will have ready access to the surrounding area, both for vehicular and pedestrian uses. The Parcels presently have connections to public water and sewer facilities, which will be maintained, if not enhanced, by the proposed development.

Application Requirements for Special Use Permit

Our intention has been to address above each of the requirements identified as a requirement for consideration of this Application. To the extent that any item has been overlooked, we will gladly and promptly supplement this Letter.

* * *

Thank you in advance for your consideration of this Application. Should you or your staff have any questions, do not hesitate to let me know. We look forward to discussing the proposed development with the Planning Commission in November.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven P. Gould".

Steven P. Gould

SPG/mlk
Enclosures

c: CCKW LLC (w/encls.) [via electronic mail]
Susan McCulloch (w/encls.) [via electronic mail]

Project Samples: Townhomes and Apartments

Cornerstone Townhomes Lynchburg, VA



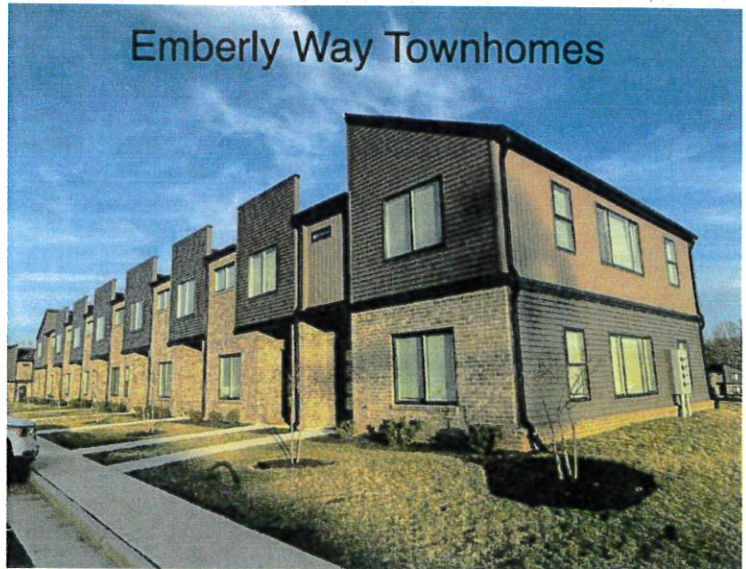
The Allure Apartments (Rendering)



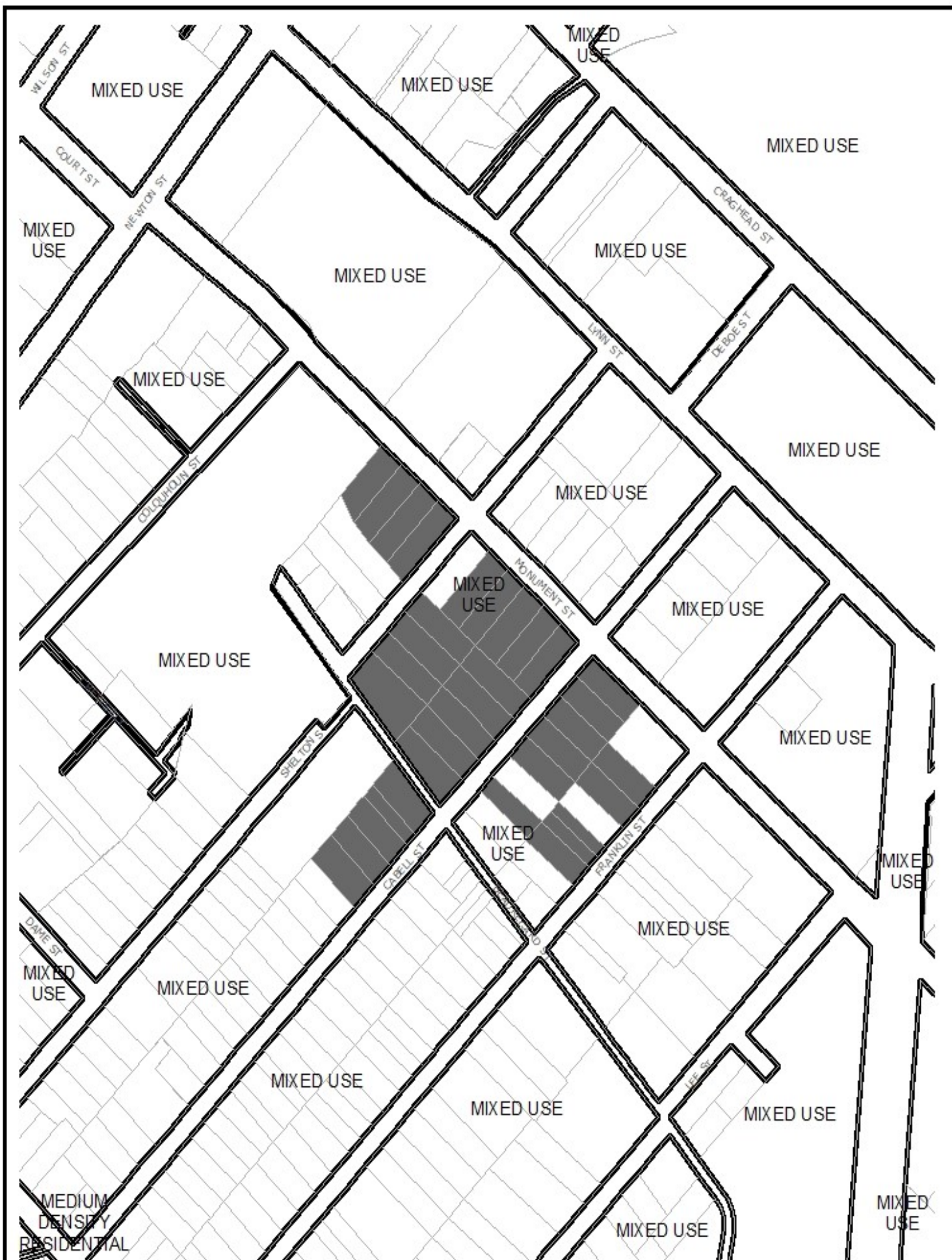
The Allure Townhomes



Emberly Way Townhomes







YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/24/2023

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: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ23-00388

REQUEST

Special Use Permit application PZ23-00388 filed by CCKW, LLC requesting a special use permit to allow attached residential dwellings in accordance with Article 3.E Section C Item 1 at the following parcels located on Monument, Shelton, Cabell, and Franklin Streets: 23320, 23677, 23662, 23661, 20860, 21603, 22885, 20074, 20881, 24445, 22244, 22727, 23040, 21602, 24048, 20749, 21228, 22594, 25347, 24577, 24549, 20071, 20076, 20856, 20862, 21471, 20488, 25184, 21957, 21561, 20637, 24941, 23319, and 22082.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of Special Use Request PZ23-00388 to approve a PUD with conditions and in accordance with Article 17.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 964

NEW BUSINESS O.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

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

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.

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.

On October 4, 2023, the City Planning Commission held a work session for further discussion about issues stemming from Short-Term rentals in the City of Danville. One request from the meeting was for Staff to further explore a cap on the number of Short-Term Rentals in the City. The suggestion was to limit the number to 150 which is roughly equivalent to 1% of the 15,450 parcels in the City with the State Use Code "Single Family Residential - 1 dwelling". This request will be presented for vote during the November 13, 2023 meeting of the City Planning Commission.

Attachments

1. Ordinance
 2. Exhibit A
 3. Short Term Rental Map
 4. Commission on Architectural Review Recommendation
 5. 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 the Commissioner of Revenue.
 - 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.~~
- c. With the exception of CB-C and TW-C, no more than one (1) Short-Term Rental per parcel without a Special Use Permit.
- d. 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.
- e. 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.
- 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:

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.

Last 12 MONTHS



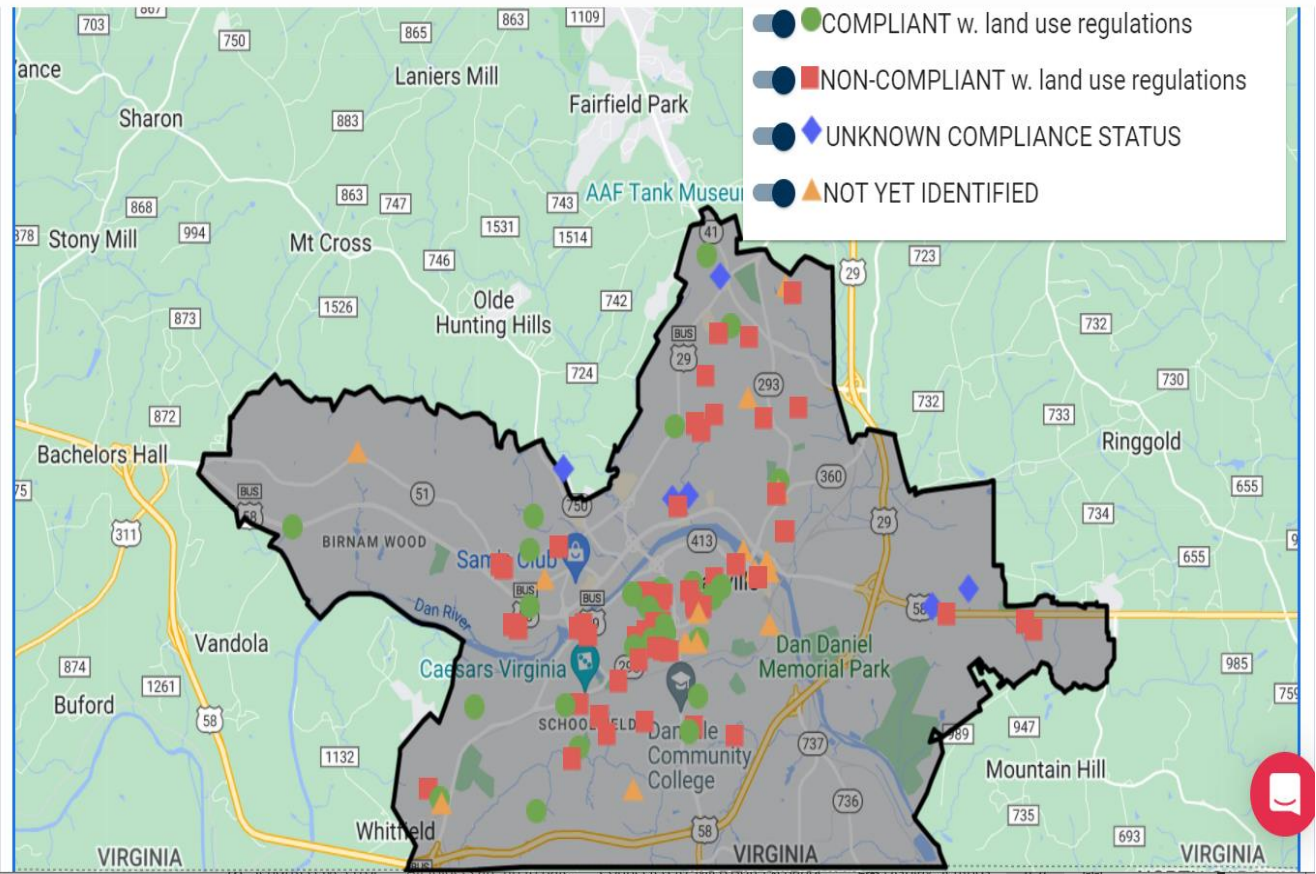
109

Total Short Term
Rental Units



3

New Short Term
Rental Units in Last
30 Days





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 - 1061

NEW BUSINESS P.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Request to Amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, More Specifically, to Amend Article 15 Section B, entitled "Definitions".

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 15, Entitled "Definitions", Section B, Entitled "Definitions".

SUMMARY

During the October 4, 2023 Planning Commission work session, it was requested that staff modify the definition of off-street parking to address the maintenance of parking areas.

Off street parking is currently defined as: *A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.*

Article 8 "Parking and Loading Requirements" of the Zoning Code Section C "Off street Parking Area Construction and Maintenance"

1. For all uses, other than single-family residential, required off-street parking and loading areas must be constructed of an all-weather, stabilized, dust free surface paving with curb, gutters, and drainage improvements.

Staff recommends that the two are combined to create a more comprehensive definition:

Off-street parking: A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way. Required off-street parking must be constructed of an all-weather, dust-free surface paving, unless otherwise exempt.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of a Code Amendment to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, more specifically to amend Article 15 Section B entitled "Definitions", to amend the definitions of "Off-street Parking".

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, more specifically to amend Article 15 Section B entitled

“Definitions”, to amend the definitions of “Off-street Parking”.

Attachments

1. Planning Commission Recommendation
 2. Ordinance
-



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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT REQUEST

REQUEST

Consideration of a Request to Amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, More Specifically, to Amend Article 15 Section B, entitled "Definitions".

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of the above Code Amendment Request.

Mr. Steve Petrick, Chair

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 15, ENTITLED "DEFINITIONS", SECTION B, ENTITLED "DEFINITIONS".

NOWHEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the 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 15, Section B, 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, specifically, to approve an amendment to Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically to amend Article 15, entitled "Definitions", Section B, entitled "Definitions" to amend the definition of "Off-street Parking", be, and the same is hereby, amended and reordained to read as follows:

CHAPTER 41 – ZONING CODE

ARTICLE 15 - DEFINITIONS

B. - Definitions

Off-street parking: A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and that is not located on a dedicated street right-of-way. **Required off-street parking must be constructed of an all-weather, dust-free surface paving, unless otherwise exempt.**

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL - 1063

NEW BUSINESS Q.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Request to Amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, More Specifically, to Amend Article 2 Section Y entitled "Short-term rentals" to Limit the Number of Short Term Rentals.

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., Item 3.

SUMMARY

Staff was asked by the Planning Commission to review alternatives to limit the location and number of Short Term Rentals (STRs) in the City of Danville. Alternatives were presented to and discussed by the Planning Commission during its October 4, 2023 Work Session. The Planning Commission voted to publicly consider a cap on the number of STRs in the City of Danville and maintain the current Special Use Permit process and recommended permit requirement.

The option determined most viable by the Planning Commission was to limit the number of STRs to 150. This number was determined by the number of parcels in the City of Danville with the State Use Code "Single Family Residential-1 dwelling"; 15,450. One percent (1%) of this total is 154 or approximately 150 units.

There is concern that the increase in STRs in the City of Danville is converting much needed single family housing to short-term rental use. According to our housing study, we are experiencing a deficit of single family homes. The conversion could be detrimental to our overall housing inventory.

Therefore, the number of existing single family residential parcels was determined to be the best number to use in this formula.

It is believed that we currently have 109+ STRs operating within the City of Danville. As of the time of this report, thirty (36) of those were operating in compliance with City Code. Violation notices were sent to a portion of those operating without proper approval. A number of these businesses have submitted requests for the December Planning Commission agenda.

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of the limitation of Short Term Rentals in the City of Danville to 150. The number of 150 was derived from one percent (1%) of the total "Single Family Residential - 1 dwellings" (15,450).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to limit the total number of Short Term Rentals in the City of Danville to 150, based on one percent (1%) of the total number of "Single Family Residential - 1 dwellings".

Attachments

1. Ordinance
-

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., ITEM 3.

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., Item 3. 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., Section Y., Item 3. be, and the same is hereby, amended and reordained to read as follows:

CHAPTER 41 – ZONING ORDINANCE

Article 2. GENERAL REGULATIONS

Y. - Short Term Rentals

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. **No more than one hundred and fifty (150) permits may be issued.**
- 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:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL - 1062

NEW BUSINESS R.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Request to Amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, More Specifically, to Amend Article 3.X Section H, to Amend the Definition for "Herbal Wellness Shop" and "Vape Shop".

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 3.X Entitled "West Main Street Corridor Overlay", Section H., Entitled "Prohibited Uses".

SUMMARY

The Virginia Board of Pharmacy and the Virginia Cannabis Control Authority are charged with the regulation of Herbal Wellness Shops and Vape Shops (as defined by the City of Danville Zoning Code). Our current definition of both operations only identifies the Virginia Board of Pharmacy as the regulatory agency. This Code amendment will add the Virginia Cannabis Control Authority to the definition of Herbal Wellness Shops and Vape Shops to recognize their regulatory authority.

The definitions shall read:

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

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

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of a Code Amendment to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, more specifically to amend Article X entitled "WMCO, West Main Street Corridor Overlay", Section H entitled "Definitions" to amend the definitions of "Herbal Wellness Shop" and "Vape Shop".

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, more specifically to amend Article X entitled "WMCO, West Main Street Corridor Overlay", Section H entitled "Definitions" to amend the definitions of "Herbal Wellness Shop" and "Vape Shop".

Attachments

1. Ordinance
 2. 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 3.X ENTITLED "WEST MAIN STREET CORRIDOR OVERLAY", SECTION H., ENTITLED "PROHIBITED USES".

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the 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 3.X., Section H., 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, specifically, to approve an amendment to Chapter 41, entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically to amend Article 3.X, entitled "WEST MAIN STREET CORRIDOR OVERLAY", Section H., entitled " Prohibited Uses" to amend the definitions of "Herbal Wellness Shop" and "Vape Shop", be, and the same is hereby, amended and reordained to read as follows:

CHAPTER 41 – ZONING ORIDNANCE

Article 3.X - WEST MAIN STREET CORRIDOR OVERLAY

H. Prohibited Uses

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

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

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT REQUEST

REQUEST

Consideration of a Request to Amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, More Specifically, to Amend Article 3.X Section H, to Amend the Definition for "Herbal Wellness Shop".

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend approval of the above Code Amendment Request.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1064

NEW BUSINESS S.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Review of the Final Draft of the City of Danville Preservation Plan.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

A Resolution Approving Preservation Danville 2023, a Preservation Plan for the City of Danville, Dated August 2023.

SUMMARY

The City of Danville Preservation Plan was the result of a partnership grant with the Virginia Department of Historic Resources (VDHR) and the City of Danville. The grant was awarded through VDHR's Certified Local Government Program (CLG). This CLG grant program awards matching grant funds to preservation projects throughout the Commonwealth that qualify.

The City of Danville Preservation Plan (Preservation Danville 2023) was completed by PaleoWest. PaleoWest held a series of meetings with a local steering committee, the general public and the Commission of Architectural Review. The Preservation Plan presented today is a result of these meetings and a public survey.

Preservation Danville 2023 can be found at the link below:

<https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:19b7ccb5-0f9a-4bb3-a7ed-c68dd9ea99b8>

On November 13, 2023, the City Planning Commission voted 6-0 to recommend approval of the adoption of the City of Danville Preservation Plan.

RECOMMENDATION

It is recommended that City Council adopt a Resolution adopting Preservation Danville 2023 (a city-wide preservation plan).

Attachments

1. Resolution
 2. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023____.____

A RESOLUTION APPROVING PRESERVATION DANVILLE 2023, A PRESERVATION PLAN FOR THE CITY OF DANVILLE, DATED AUGUST 2023.

WHEREAS, the City of Danville, Virginia, caused to be conducted a comprehensive preservation for plan for the City; and

WHEREAS, the aforementioned study has resulted in the compilation of a document known as the Preservation Danville 2023, A Preservation Plan for Danville, Virginia, (The Plan) dated August 2023, consisting of 115 pages; and

WHEREAS, in the opinion of the Council, it is in the best interests of the City of Danville that the Council, for and on behalf of the City, approve the Plan as submitted.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the Council hereby approves the aforementioned Preservation Plan for the City of Danville dated August 2023, a copy of which is attached to this resolution.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney



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

City Planning Commission

MEMORANDUM

DATE: NOVEMBER 13, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: PRESERVATION PLAN ADOPTION

REQUEST

Review final draft of the City of Danville Preservation Plan.

RECOMMENDATION

The Planning Commission, at their November 13, 2023, meeting voted 6-0 to recommend adoption of the City of Danville Preservation Plan.

Mr. Steve Petrick, Chair

Council Letter City of Danville, Virginia



CL - 970

NEW BUSINESS T.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of Approval to release Three Blanket Easements on Parcels in Pittsylvania County for a prospective Dominion Energy Solar Farm.

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 for a prospective Dominion Energy solar farm. The blanket easements would be on parcel numbers 1493-76-7622, 2403-50-9989, 2403-71-4078, 2403-90-5349, 2413-44-6256.

BACKGROUND

The City holds three blanket electric utility easements on parcels 1493-76-7622, 2403-50-9989, 2403-71-4078, 2403-90-5349, 2413-44-6256 located on Hopewell Road in Pittsylvania County. A solar developer working on behalf of Dominion Energy has requested that the City define the electric easement area for the City's overhead electric distribution infrastructure. The current blanket electric utility easements are not defined and cover the entire parcel.

RECOMMENDATION

Staff recommends vacating the three blanket electric utility easements on parcels 1493-76-7622, 2403-50-9989, 2403-71-4078, 2403-90-5349, 2413-44-6256 on Hopewell Road in Pittsylvania County for a prospective Dominion Energy solar farm.

Attachments

1. Resolution
 2. Deed of Vacation - Parcel No. 2403-50-9989 and Parcel No. 2403-71-4078
 3. Deed of Vacation - Parcel No. 2413-44-6256
 4. Deed of Vacation - Parcel No. 2403-90-5349
 5. Deed of Vacation - Parcel No. 1493-76-7622
 6. Site Plan
-

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 five (5) parcels of real property located in Pittsylvania County identified as Parcel Nos. 1493-76-7622, 2403-50-9989, 2403-71-4078, 2403-90-5349, and 2413-44-6256 (the "Property"); and

WHEREAS, the owner 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 FINALLY 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 easement.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

Assistant City Attorney

Schedule "A"

Easement No. 1

A permanent blanket easement of twenty feet (20 Ft.) for the installation and maintenance of electric lines and facilities along the property located in Pittsylvania County, Virginia presently designated as Parcel ID # 1493-76-7622, and presently owned by Timothy L. Shelton, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated November 2, 1992 in Deed Book 937, at page 719.

Easement No. 2

A permanent blanket easement of fifteen feet (15 Ft.) for the installation and maintenance of electric lines and facilities along the properties located in Pittsylvania County, Virginia presently designated as Parcel ID #s 2403-50-9989, 2403-71-4078, and 2403-90-5349, and presently owned by Linda B. and Keith C. Hylton, and Phillip D. Hylton, respectively, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated January 6, 1994 in Deed Book 977, at page 286.

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 #2413-44-6256, and presently owned by Langewater, LLC, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated December 2, 1993 in Deed Book 979, at page 151.

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 2403-50-9989; 2403-71-4078
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 LINDA B. HYLTON and KEITH
C. HYLTON, GRANTEES,**

W I T N E S S E T H:

WHEREAS, Grantor holds a certain blanket easement across two (2) parcels of real
property located in Pittsylvania County, Virginia, identified as Parcel No. 2403-50-9989
and Parcel No. 2403-71-4078 (the "Property"), conveyed on January 6, 1994 and recorded
in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book
977, at page 286 (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 # 2413-44-6256
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 **LANGEWATER, 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. 2413-44-6256
(the "Property"), conveyed on December 2, 1993 and recorded in the Clerk's Office of the
Circuit Court of Pittsylvania County, Virginia in Deed Book 979, at page 151 (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 # 2403-90-5349
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 PHILLIP D. HYLTON,
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. 2403-90-5349
(the "Property"), conveyed on January 6, 1994 and recorded in the Clerk's Office of the
Circuit Court of Pittsylvania County, Virginia in Deed Book 977, at page 286 (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 # 1493-76-7622
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,**
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. 1493-76-7622 (the "Property"), conveyed on November 2, 1992 and recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book 937, at page 719 (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

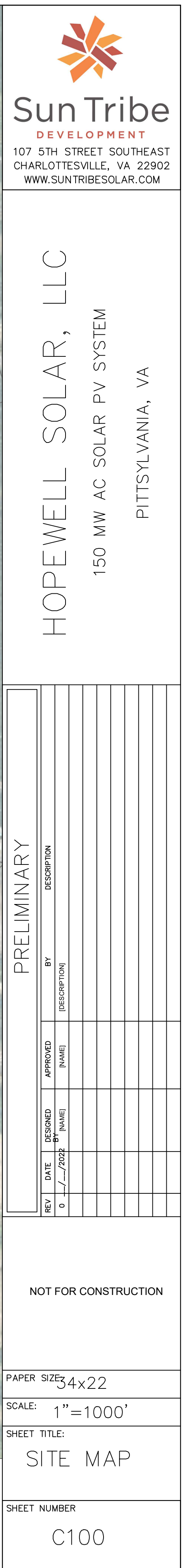
My commission expires:

Notary registration number:

APPROVED AS TO FORM:

BY:

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



Council Letter

City of Danville, Virginia



CL - 1072

NEW BUSINESS U.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of a Resolution Approving and Authorizing a Real Estate Purchase Agreement for Approximately 44.335 Acres of Land Located on Stinson Drive.

From: W. Clarke Whitfield Jr., City Attorney

COUNCIL ACTION

A Resolution Approving and Authorizing a Real Estate Purchase Agreement for Approximately 44.335 Acres of Land Located on Stinson Drive by and Between the Industrial Development Authority of Danville, Virginia and the City of Danville Virginia.

SUMMARY

Consideration of a Resolution Approving and Authorizing a Real Estate Purchase Agreement for Approximately 44.335 Acres of Land Located on Stinson Drive by and between, the Industrial Development Authority of Danville, Virginia and the City of Danville, Virginia.

BACKGROUND

On April 8, 2021, the City of Danville received a grant from the Virginia Outdoors Foundation in the amount of \$200,000 which will cover the acquisition costs of the forested land from the IDA, installation of a picnic shelter, installation of flora/fauna identification markers, and the paving of a connecting trail to the existing River Walk trail system.

RECOMMENDATION

Staff recommends the approval of the City of Danville to enter into an Agreement of Purchase and Sale with the Industrial Development Authority of Danville, Virginia, purchasing approximately 44.335 acres of forested land located on Stinson Drive (Parcel ID #77436 and a portion of Parcel ID #78524) for the installation of a picnic shelter and flora/fauna identification markers and the paving of a connecting trail to the existing River Walk trail system.

Attachments

1. Resolution
 2. IDA and City Stinson Drive Sales Contract
 3. ANGLERS PARK ALTA Nov 2022
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2023____.____

A RESOLUTION APPROVING AND AUTHORIZING A REAL ESTATE PURCHASE AGREEMENT FOR APPROXIMATELY 44.335 ACRES OF LAND LOCATED ON STINSON DRIVE BY AND BETWEEN, THE INDUSTRIAL DEVELOPMENT AUTHORITY OF DANVILLE, VIRGINIA AND THE CITY OF DANVILLE VIRGINIA.

WHEREAS, the Industrial Development Authority of Danville, Virginia ("IDA") is the record owner of certain parcels of real property located on Stinson Drive (Parcel ID #77436 and a portion of Parcel ID #78524); and

WHEREAS, the City, desires to purchase the Property from the IDA and the IDA desires to sell the Property to the City for a purchase price of Fifty Thousand Dollars (\$50,000); and

WHEREAS, the City, and Virginia Outdoors Foundation have entered into that certain Grant Agreement in the Amount of Two Hundred Thousand Dollars (\$200,000) dated April 8, 2021, supporting the City's purchase of approximately 44.335 acres of forested land located on Stinson Drive; and

WHEREAS, the Grant funds provided, will cover the cost of acquisition of the property from the IDA as well as, installation of a picnic shelter and flora/fauna identification markers and the paving of a connection trail to the existing River Walk trail system.

NOW THEREFORE, BE IT RESOLVED, by the Council of Danville, Virginia that it hereby authorizes and approves the Agreement of Purchase and Sale, substantially in the form attached hereto as Schedule A by and between, the City of Danville and the Industrial Development Authority of Danville, Virginia for approximately 44.335 acres of forested land located on Stinson Drive for a purchase price of Fifty Thousand Dollars (\$50,000) plus reasonable closing costs; and

BE IT FURTHER RESOLVED, that Council of the City of Danville, Virginia,

hereby authorizes the City Manager, Kenneth F. Larking, to execute on behalf of the City both the Agreement of Purchase and Sale and any and all documents as may be necessary to complete the transaction described in this resolution.

Approved:

Mayor

Attest:

Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

AGREEMENT OF PURCHASE AND SALE

THIS AGREEMENT OF PURCHASE AND SALE ("Agreement") is made and entered into this ____ day of _____ 2023, between the **Industrial Development Authority of Danville, Virginia** whose address is City of Danville, C/O City Attorney's Office, P.O. Box 3300, Danville, VA 24543 (hereinafter called "**Seller**"), and the **City of Danville, Virginia** whose address is City of Danville, C/O City Manager's Office, P.O. Box 3300, Danville, VA 24543 (hereinafter called "Purchaser").

WITNESSETH:

WHEREAS, Seller is the owner of that certain parcel of real property described as Lot B1 on that certain Preliminary Plat of Survey for containing 3.980 acres more or less along with all improvements, in the City of Danville, Virginia, more particularly described on Exhibit "A" attached hereto and incorporated herein (and shall hereinafter be referred to collectively as the "Property"); and

WHEREAS, Seller desires to sell the Property to Purchaser, and Purchaser desires to purchase the Property from Seller, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, do hereby agree as follows:

1. Purchase and Sale. Subject to the terms and conditions hereinafter set forth, Seller agrees to sell to Purchaser and Purchaser agrees to purchase from Seller the Property, together with (a) all rights, easements and privileges, appurtenances belonging and appertaining thereto, including, without limitation, all easements, rights of way or other interests in, on or under any lands, highways, alleys, streets, or rights of way abutting or adjoining the Property (b) all buildings and other improvements thereon, and (c) and any fixtures attached to the Property.

2. Purchase Price. (a) The purchase price ("Purchase Price") to be paid by Purchaser to Seller for the Property shall be Fifty Thousand Dollars (\$50,000).

(b) At, or within sixty (60) days, of the "Closing", the Purchase Price payable by Purchaser to Seller shall be paid by cash, cashier's check or wire transfer.

3. Deposit. None.

4. Representations and Warranties of Seller. Seller, to induce Purchaser to enter into this Agreement and to complete Closing, makes the following representations and warranties to Purchaser, which representations and warranties are true and correct as of the date of this Agreement, and shall be true and correct at and as of the Closing Date in all respects as though

such representations and warranties were made both at and as of the date of this Agreement, and at and as of the Closing Date:

(a) There is no action, suit or proceeding pending or, to the knowledge of Seller, threatened against or affecting the Property or any portion thereof.

(b) Seller has not received any written notice of any condemnation proceeding or other proceedings in the nature of eminent domain ("Taking") which is currently pending in connection with the Property, and to Seller's knowledge no Taking has been threatened.

(c) Seller is and on the closing date shall have full power and authority to enter into and perform this Agreement and all documents, instruments and contracts entered into or to be entered into by it pursuant to this Agreement and to carry out the transactions contemplated hereby. This Agreement is, and all documents to be executed by Seller and delivered to Purchaser at the Closing will be on the Closing Date, duly authorized, executed and delivered by Seller and all consents and approvals of third parties have been obtained. This Agreement is, and all documents to be executed by Seller and delivered to Purchaser at the Closing will be the legal, valid and binding obligations of Seller, enforceable in accordance with their respective terms will not violate any provisions of any agreement, judicial order or any other thing to which Seller is a party or to or by which Seller or the Property is subject or bound.

(d) The Property is not subject to any roll back tax or any similar tax related to the discontinuance of any use to which the Property has been put.

(e) Seller has not received any notice or notices of violation (or claimed violations) of any law, ordinance, order, statute, rule or regulation or any complaints, order, citation or notice with regard to, affecting or relating to the Property.

(f) No tax appeals are currently pending with respect to the Property.

(g) Seller has not entered into any presently effective contract regarding the sale, conveyance, transfer or disposition of the Property (except for this Agreement). Seller has not granted to anyone and no one possesses any option to purchase or right of first refusal to purchase the Property. Seller has not entered into any occupancy agreement, lease or the like with respect to, and no one has any right to use or occupy, the Property.

5. Covenants by Seller. Between the date hereof and the Closing, Seller agrees that:

(a) Seller will maintain the Property in the same condition as it is on the date of this Agreement (reasonable wear and tear excepted);

(b) Seller will not, by reason of any action or omission of Seller, cause or permit any representation or warranty to become not true, incorrect or inaccurate;

(c) Seller shall perform any and all material obligations with respect to the Property under all easements, covenants, restrictions and contracts of record;

(d) Seller will promptly give notice to Purchaser of every threatened or actual litigation whether or not covered by insurance against or relating to the Property (including, without limitation, the sale thereof to Purchaser) or any portion thereof between the date of this Agreement and the Closing;

(e) Seller will not, without the prior written consent of Purchaser, apply for, consent to or process any applications for zoning, re-zoning, variances, site plan approvals, subdivision approvals or development with respect to the Property or any portion thereof;

(f) Seller will not, without the prior written consent of Purchaser, grant any rights or other privileges in or with respect to the Property or any portion thereof or grant, or consent to or waive the right to object to, any easements, covenants or restrictions affecting all or any portion of the Property;

(g) Seller will not enter into or modify any mortgages, operating agreements, ground leases, space leases or other agreements or encumbrances with respect to or affecting the Property or any portion thereof; and

(h) Seller will promptly notify Purchaser if it discovers, determines or is notified that any warranty or representation made by Seller hereunder is not (or is no longer) true.

7. Seller's Defaults; Purchaser's Remedies. In the event that Seller shall be in material default hereunder for any reason other than Purchaser's default, Purchaser may deliver a written notice to Seller stating with particularity the alleged default of Seller, the action required by Seller to cure such default, and Purchaser's intent to exercise its remedies provided below if the default is not cured. Seller shall have five (5) business days after receipt of such notice to cure the alleged default to Purchaser's reasonable satisfaction (and the Closing Date shall be delayed, if necessary, until the end of such five (5) business day period). In the event such default is not cured within such five (5) business day period, then Purchaser may elect, as its sole and exclusive remedy, for such default, to terminate this Agreement by written notice to Purchaser and the Closing Agent. Purchaser hereby expressly waives its rights to seek damages in the event of Seller's default hereunder.

8. Purchaser's Default; Seller's Remedies. In the event that Purchaser shall be in default hereunder for any reason other than Seller's default, Seller may deliver a written notice to Purchaser stating with particularity the alleged default of Purchaser, the action required by Purchaser to cure such default and Seller's intent to terminate this Agreement if the default is not cured. Purchaser shall have five (5) business days after receipt of such notice to cure the alleged default to Seller's reasonable satisfaction (and the Closing Date shall be delayed, if necessary, until the end of such five (5) business day period). In the event such default is not cured within such five (5) business day period, then Seller may, as Seller's sole and exclusive remedy for such default, terminate this Agreement by written notice to Purchaser and the Closing Agent. Seller hereby expressly waives its rights to seek damages in the event of Purchaser's default hereunder.

9. Prorations. At Closing, real estate taxes, assessments and all other items of income and expense, if any, shall be prorated as of the Closing Date. Any assessments for prior years due to change in land usage or ownership, including, without limitation, rollback taxes, shall be the sole responsibility of Seller. The terms and provisions of this Section shall survive Closing.

10. Closing Costs. (a) Seller shall be responsible for the (i) costs of preparing the Deed (as hereinafter defined and (ii) the Grantor's Tax on the Deed, if any.

(b) Purchaser shall be responsible for (i) the cost to obtain the Commitment, (ii) all premiums, and other charges on the owner's title policy issued to Purchaser pursuant to the Commitment (the "Title Policy") and any endorsements to the Title Policy, (iii) all documentary stamps taxes and transfer taxes on the Deed, with the exception of the Grantor's Tax, (iv) documentary stamps and intangible costs on any deed of trust and notes, and (v) the recording costs on the Deed.

(c) Each party shall be responsible for payment of its own legal fees.

11. Closing. The "Closing" shall be held no later than thirty (30) days from the Date of this Agreement. Notwithstanding the foregoing provisions of this Section 11, Purchaser shall have the right to adjourn the Initial Scheduled Closing Date for any reason one (1) time (for not more than thirty (30) days) to a date specified by Purchaser (the "Purchaser Adjourned Closing Date") by delivering notice to Seller and closing agent two (2) business days before the Initial Scheduled Closing Date. As used herein, the term "Closing Date" shall mean the Initial Scheduled Closing Date and the Purchaser Adjourned Closing Date, as applicable. It is expressly agreed by Seller and Purchaser that time is of the essence with respect to the parties' obligations to close this transaction on the Closing Date. For the avoidance of doubt, Seller and Purchaser acknowledge that any adjournment of the Closing Date pursuant to any right of adjournment granted hereunder, then time shall be of the essence with respect to Seller's and Purchaser's obligation to close this transaction on such adjourned Closing Date.

(a) At Closing, Seller shall cause to be executed and delivered to Purchaser the following documents with respect to the Property being conveyed:

(i) A special warranty deed ("Deed") subject only to the Acceptable Exceptions;

(ii) A non-foreign affidavit in a form reasonably acceptable to Purchaser;

(iii) Such other documents that the Closing Agent may reasonably require in connection with the issuance of the owner's policy to Purchaser, including but not limited to, such affidavits required for deletion of the parties in possession and mechanics' lien exceptions appearing on an owner's title insurance policy; and

(b) At Closing, or within sixty (60) days thereof, Purchaser shall deliver the Purchase Price (subject to prorations and adjustments, including, but not limited to, a credit for the Deposit).

(c) At Closing, Seller and Purchaser shall each execute counterpart closing statements in a customary form, and such other documents required by the Closing Agent that are reasonably necessary to consummate Closing.

(d) At Closing, both parties shall pay their respective costs by wire transfer, or by cashier's check drawn on a bank reasonably acceptable to Closing Agent.

12. Brokers. Each party warrants and represents to the other that no real estate broker or agent has been involved in negotiations leading to the execution of this Agreement and that no other commission is owed to any other broker or agent as a result of the action of such party. Each party agrees to hold the other harmless from any loss, cost or charge (including reasonable attorneys' fees), arising from the assertion by any other broker or agent that any fee or commission is owed because of the acts or agreement of such party. The provisions of this Section shall survive the Closing and any cancellation or earlier termination of this Agreement.

13. Assignability. Purchaser shall not have the right to assign this Agreement and its rights hereunder to any entity or person.

14. Notices. Any notices required or permitted to be given under this Agreement shall be in writing and shall be deemed given if delivered by hand, sent by recognized overnight courier (such as Federal Express), transmitted via facsimile transmission or mailed by certified or registered mail return receipt requested, in a postage pre-paid envelope, and addressed as follows:

If to Seller:

Industrial Development Authority of Danville, Virginia
C/O City Attorney's Office
P.O. Box 3300
Danville, VA 24541

With a copy to:

City Attorney's Office
P.O. Box 3300
Danville, VA 24541

If to Purchaser:

City of Danville, Virginia
C/O City Manager's Office
P.O. Box 3300
Danville, VA 24541

With a copy to:
City Attorney's Office
P.O. Box 3300
Danville, VA 24541

Notices personally delivered or sent by overnight courier shall be deemed given on the date of receipt, notices sent via electronic mail or facsimile transmission shall be deemed given upon transmission and notices sent via certified mail in accordance with the foregoing shall be deemed given when deposited in the U.S. Mails.

15. Eminent Domain. If, prior to Closing, the Property or any material portion thereof is taken by eminent domain, Seller shall promptly notify Purchaser and Purchaser shall have the option of either: (i) canceling this Agreement by delivery of written notice to Seller and both parties shall be relieved of all further obligations under this Agreement; or (ii) Purchaser may proceed with the Closing, whereupon Purchaser shall be entitled to and Seller shall assign to Purchaser all of Seller's interest in all condemnation payments, awards and settlements applicable to the Property.

16. Special Conditions. The following Special Conditions serve as a primary inducement for the Seller to sell this property therefore Purchaser agrees to the following Special Conditions: the City must adhere to all of the terms and conditions and provide all documents as enumerated on the Virginia Outdoors Foundation Grant award letter dated April 8, 2021.

17. Miscellaneous.

(a) This Agreement shall be construed and governed in accordance with the laws of the Commonwealth of Virginia and in the event of any litigation hereunder, the venue for any such litigation, shall be the City of Danville, Virginia. All of the parties to this Agreement have participated fully in the negotiation and preparation hereof and, accordingly; this Agreement shall not be more strictly construed against any one of the parties hereto.

(b) In the event any interpretation of this Agreement is determined by appropriate judicial authority to be illegal or otherwise invalid, such provision shall be given its nearest legal meaning or reconstrued as deleted as such authority determines, and the remainder of this Agreement shall be construed to be in full force and effect.

(c) In the event of any litigation between the parties under this Agreement, each party shall be responsible for its own attorneys' fees and court costs through all trial and any appellate levels. The provisions of this subparagraph shall survive the Closing and any termination or cancellation of this Agreement.

(d) In construing this Agreement, the singular shall be deemed to include the plural, the plural shall be deemed to include the singular and the use of any gender shall include every other gender and all captions and paragraph headings shall be discarded.

(e) All of the Exhibits to this Agreement are incorporated in and made a part of this Agreement.

(f) This Agreement constitutes the entire agreement between the parties for sale and purchase of the Property, and supersedes any other agreement or understanding of the parties with respect to the matters herein contained. This Agreement may not be changed, altered or modified except in writing signed by the party against whom enforcement of such a change would be sought. This Agreement shall be binding upon the parties hereto and their respective successors and assigns.

(g) The term “Effective Date” or such other similar term, shall mean the date on which Seller and Purchaser have executed and delivered this Agreement.

(h) The parties hereby agree that time is of the essence with respect to performance of each of the parties’ obligations under this Agreement. The parties agree that in the event that any date on which performance is to occur falls on a Saturday, Sunday or state or national holiday, then the time for such performance shall be extended until the next business day thereafter occurring.

(i) This Agreement may be executed in any number of counterparts, each of which, when executed, shall be deemed to be an original, all of which shall be deemed to be one and the same instrument. Facsimile transmission signatures shall be deemed original signatures.

WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first set forth above.

**SELLER: Industrial Development
Authority of Danville, Virginia**

By: _____
Name: T. Neal Morris
Title: Chairman

PURCHASER: City of Danville, Virginia

By: _____
Name: Kenneth F. Larking
Title: City Manager

Exhibit “A”

SEE NEXT PAGE

Council Letter

City of Danville, Virginia



CL - 967

NEW BUSINESS V.

City Council REGULAR MEETING

Meeting Date: December 5, 2023

Subject: Consideration of Amending the Fiscal Year 2024 Budget Appropriation Ordinance for the 2022 Assistance to Fire Fighters Grant in the amount of \$83,740 with local funding of \$8,374.

From: David Coffey, Fire Chief

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for a Grant from the Department of Homeland Security in the Amount of \$83,740.22 and a Local Share in the Amount of \$8,374.03 for an Air Compressor/Cascade/Fill Station for a Total Appropriation in the Amount of \$92,114.25 and Appropriating Same.

First Reading

SUMMARY

The City has received notification from the Department of Homeland Security that the Danville Fire Department has been approved to receive funding from the 2022 Assistance to Firefighters Program in the amount of \$83,740 for the purchase of an air compressor/cascade/fill station with local funding of \$8,374.

BACKGROUND

Funds from the Department of Homeland Security are given to the Assistance to Firefighters Program to assist in helping localities throughout the Commonwealth upgrade their equipment for the safety of the public and firefighters with respect to fire and fire-related hazards. The grant must be used within twenty-four months of receipt of funds.

RECOMMENDATION

It is recommended that City Council approve the attached Ordinance Amending the Fiscal Year 2024 Budget by increasing the revenue to anticipate the receipt of the grant funds from the Department of Homeland Security.

Attachments

1. Ordinance
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2023-____.____

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY IN AN AMOUNT OF \$83,740.22 AND A LOCAL SHARE IN THE AMOUNT OF \$8,374.03 FOR AN AIR COMPRESSOR/CASCADE/FILL STATION FOR A TOTAL APPROPRIATION IN THE AMOUNT OF \$92,114.25 AND APPROPRIATING SAME.

WHEREAS, the City has been notified by the Department of Homeland Security that the Danville Fire Department has been awarded a grant; and

WHEREAS, the grant funds are to be used to upgrade the existing air compressor/cascade/fill station; and

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2024 Budget Appropriation Ordinance be, and is hereby, amended by increasing revenue from the Department of Homeland Security for an air compressor/cascade/fill station and such revenue and appropriation to be as follows:

ANTICIPATED REVENUE

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Federal: Equipment		<u>\$83,740.22</u>

ANTICIPATED EXPENDITURES

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Equipment		<u>\$83,740.22</u>

AND BE IT FURTHER ORDAINED that a transfer from Special Grants Unallocated revenue and appropriation is hereby authorized to cover the local share as follows:

TRANSFER FROM

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
Special Grants Unallocated		
Transfer In From General Fund		<u>\$8,374.03</u>

TRANSFERRED TO

<u>Description</u>	<u>Account No.</u>	<u>Amount</u>
PPE		
Transfer In From General Fund		<u>\$8,374.03</u>

AND BE IT FURTHER ORDAINED that this appropriation shall be for one year and will not carry forward from year to year; and

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2023 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:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney