



DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

January 16, 2024

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 - J. LEE VOGLER, JR.

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

A. Presentation: Update on the Institute for Advanced Learning and Research

By: Telly Tucker, President of IALR

MEETING MINUTES

A. Consideration of Approval of Minutes from the December 19, 2023 Regular Council Meeting.
Council Letter Number CL - 1111.

Consideration of Approval of Minutes from the December 19, 2023 Regular Council Meeting.

NEW BUSINESS

A. Review of General Fund Financials as of December 31, 2023.

Council Letter Number CL - 1069.

Review of General Fund Financials as of December 31, 2023. Financial Statements are included.

B. Presentation of the Fiscal Year 2023 Audit Report.

Council Letter Number CL - 1036.

Presentation of the Fiscal Year 2023 Financial Statement Audit.

C. Consideration of Authorizing and Approving the Release of Nuisance Abatement Liens Affecting Parcel #23531 on Hughes Street.

Council Letter Number CL - 1096.

A Resolution Approving and Authorizing the Release of City-Held Liens Against Real Property Identified as Parcel #23531 (Hughes Street), to Facilitate its Donation to the Danville Neighborhood Development Corporation.

D. Consideration of Authorizing and Approving the Release of Nuisance Abatement Liens Affecting Parcels on Grove Street, Colquhoun Street, Lee Street, and Stokes Street.

Council Letter Number CL - 1095.

A Resolution Approving and Authorizing the Release of City-Held Liens Against Real Property Identified as Parcels #20616, #20675, #20745, #22133, and #23408, to Facilitate their Donation to the Danville Redevelopment and Housing Authority.

E. Consideration of a Rezoning Application filed by J. Cubas Holdings, LLC, requesting to Rezone Parcels on Jenny Lane from T-R Threshold Residential to S-R Suburban Residential.

Council Letter Number CL - 1104.

1. Public Hearing

2. An Ordinance Rezoning from T-R Threshold Residential Zoning District to S-R Suburban

Residential Zoning District Parcel IDS 75941, 77419, 77420, 77421, and 77422 (Jenny Lane).

- F. Consideration of a Rezoning Application filed by J. Cubas Holdings, LLC, Requesting to Rezone Parcel 78052 on Jenny Lane from T-R Threshold Residential to S-R Suburban Residential.
Council Letter Number CL - 1105.

1. Public Hearing
2. Consideration of a Rezoning Application filed by J. Cubas Holdings, LLC, Requesting to Rezone Parcel 78052 on Jenny Lane from T-R Threshold Residential to S-R Suburban Residential.

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 - 1111

MEETING MINUTES A.

City Council REGULAR MEETING

Meeting Date: January 16, 2024

Subject: Consideration of Approval of Minutes from the December 19, 2023 Regular Council Meeting.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of Approval of Minutes from the December 19, 2023 Regular Council Meeting.

Attachments

1. Meeting Minutes
-

December 19, 2023

The Second December meeting of the Danville City Council was held on December 19, 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: L.G. "Larry" Campbell Jr., Mayor Alonzo L. Jones, Barry Mayo, Vice Mayor Gary P. Miller, and Sherman M. Saunders (5). The following Council Members were absent: James B. Buckner, Bryant Hood, J. Lee Vogler, Jr., and Madison J.R. Whittle (4).

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 Sherman M. Saunders gave the Invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS AND SPECIAL RECOGNITIONS

Mayor Jones yielded to City Manager Ken Larking who announced the new Police Chief for the City of Danville was Chris Wiles. Mr. Larking reviewed the procedure for hiring a new police chief and discussed the celebration held earlier at police headquarters. Chief Wiles was then sworn in by the City Clerk, Susan DeMasi.

Chief Wiles addressed the Mayor, Council, City Manager, Deputy City Manager, City Staff, and citizens in the audience and on River City TV, thanking his parents, wife, son, Chief Neal Morris, Chief Philip Broadfoot, Deputy Chief Dean Hairston, Chief Scott Booth, and Ken Larking for their roles throughout his career. He also thanked the City of Danville employees who provided outstanding service to the community and the Police Department. He thanked City Council for working collaboratively for the best interest of the community and for their support of the men and women in the Police Department. He thanked the outstanding community members who have been supportive of the department and for all the words of encouragement. Chief Wiles thanked everyone for allowing the Danville Police Department the privilege and awesome responsibility to protect and serve them. Chief Wiles noted, most importantly, the men and women of the Danville Police Department because him standing there today was a direct result of the incredible work that they do. Council members congratulated Chief Wiles on his past accomplishments, his professionalism, and the continued success of the department.

Mayor Jones recognized Chasta White, Community Development, who discussed the Harry Johnson Holiday Classic on December 27 through December 29 at Bonner Middle School.

CONSENT AGENDA

Council Member Campbell **moved** to **POSTPONE** the following Consent Agenda item until the next scheduled meeting:

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.

ORDINANCE NO. NO. 2023-12.17

AN ORDINANCE AMENDING THE FISCAL YEAR 2024 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR A GRANT FROM THE DEPARTMENT OF HOMELAND

December 19, 2023

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.

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

VOTE: 5-0-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders (5)
NAY: None (0)
ABSENT: Buckner, Hood, Vogler, and Whittle (4)

Council Member Campbell **moved** for adoption of the following Consent Agenda item:

Approval of Minutes from Regular Council Meeting held on November 21, 2023. Draft copies of the Minutes had been distributed prior to the meeting.

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

VOTE: 5-0-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders (5)
NAY: None (0)
ABSENT: Buckner, Hood, Vogler, and Whittle (4)

APPOINTMENTS

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

Resolution No. 2023-12.05 - A Resolution Reappointing Helm Dobbins to the Employee Retirement System Board.

Resolution No. 2023-12.06 - A Resolution Reappointing Edgar Love to the Employee Retirement System Board.

Resolution No. 2023-12.07 - A Resolution Reappointing Ann Evans to the Planning Commission.

Resolution No. 2023-12.08 - A Resolution Reappointing Pierre Jones to the Planning Commission.

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

VOTE: 5-0-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders (5)
NAY: None (0)
ABSENT: Buckner, Hood, Vogler, and Whittle (4)

NEW BUSINESS

REVIEW OF GENERAL FUND FINANCIALS AS OF NOVEMBER 30, 2023

Chief Financial Officer Michael Adkins stated this update was through November, marking the fifth month of this fiscal year, or 42% of the fiscal year completed. Revenues from the General Fund

were just under \$52M for the first five months and a \$7M dollar increase from last year at this time. This increase was coming from three major places: interest earnings of \$1.2M over last year, casino taxes, both from the state and direct from Caesars was \$4.4M of that increase, and the rest of the increase was primarily found in other local taxes, about \$1.3M increase over last year. Sales taxes were at \$5.2M, 46% of budget and an increase of \$545,000 over last year. Meals taxes were at \$5M at the end of November, 46% of budget and an increase of \$511,000 over last year. Lodging taxes were at \$1.5M which was 60% of budget, running ahead of budget and an increase of \$285,000 over last year. Property tax bills went out in November, were due December 5 and the City continues to collect those taxes throughout this month; at this point in the budget the City should be about 50% collected. Real Estate taxes were at \$9.7M and 51% of budget. Personal property taxes, the local portion, were \$5M, right at 50% of budget. State and federal funding were both being received as anticipated with no concerns there. Under Expenditures, the Department level spending was 40% of budget, a little behind and where they like to see that. The only Expenditure they have been watching and were concerned about was the group health insurance; that has improved slightly at 43% of budget, just a percentage point above budget at this time. The City has extended 88% of the school's funding at this point. The schools received a capital grant from the State and it was a reimbursable grant; they have to spend the money and then turn the receipts into the State to get reimbursed. The City had helped front some of those expenses as they started those construction projects; those were well underway and the City has started receiving reimbursement from that grant in December. That percentage will start to go back down as that line item was reimbursed with those grant proceeds. The Audit was done for Fiscal Year 2023; they were proofreading the annual report now and hoped to have that published next week. Mr. Adkins noted he had hoped Brown Edwards would be there tonight but it took them a little longer to get to this point, and pushed that out to January 16th. The City was in the midst of coordinating another public auction of abandoned parcels; that was planned for Friday, January 12th at noon in chambers.

In response to Mayor Jones, Mr. Adkins confirmed that revenues were \$7M over last year at this time. A little over half of that was casino revenues, but the other half was growth in local taxes and interest. Council Member Campbell noted it seemed like the City will end up being over \$40M in reserves, and Mr. Adkins stated there was a very strong chance they will be there. The City ended Fiscal Year 2023 at \$37M, if the City can hold onto the surplus this year, it could reach \$40M.

Council Member Saunders stated the City was doing so well and a special appreciation to the Council, staff and citizens of the City; \$7M was a good trajectory and hope there was more. Mr. Saunders noted that he hopes City Council and the citizens understand that while Danville was doing great, there was a plan to invest, and would like Council to take some of this money and that some priority be given to plan to invest in children, in school age children from Head Start all the way through to include students at DCC and Averett. Vice Mayor Miller noted his agreement with Council Member Saunders, even though projections look good, looking around the country there were some things that were not so good. Inflation was crazy and things were costing more; the City needs a buffer saved up. They need to invest in their children, to catch up with other school systems; the City needs to spend more on the children and schools.

City Manager Ken Larking commended Mr. Adkins for his role as Finance Director and for Danville receiving the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for the 37th year. Mr. Adkins and his team do a phenomenal job of putting together these reports and keeping the records in compliance.

December 19, 2023

CONSIDERATION OF A REQUEST TO AMEND CHAPTER 41 ENTITLED “ZONING ORDINANCE” OF THE CITY OF DANVILLE, 1986 AS AMENDED.

Mayor Jones opened the floor for a public hearing. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 7, 2023 and December 14, 2023. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2023-12.18

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, “ZONING ORDINANCE” OF THE CODE OF THE PAGE 2 OF 99 CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 2, SECTION Y, ENTITLED “SHORT TERM RENTALS”, ARTICLE 3.A, ARTICLE 3.B, ARTICLE 3.C, ARTICLE 3.D, ARTICLE 3.E, ARTICLE 3.F, ARTICLE 3.G AND ARTICLE 3.I.

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

VOTE: 5-0-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders (5)
NAY: None (0)
ABSENT: Buckner, Hood, Vogler, and Whittle (4)

CONSIDERATION OF AUTHORIZING AND APPROVING THE TRANSFER OF OWNERSHIP OF THIRTY SURPLUS VACANT LOTS THROUGHOUT THE CITY TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY

Council Member Campbell **moved** to **POSTPONE** this Resolution until the next regularly scheduled Council meeting:

RESOLUTION NO. 2023-12.09

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.

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

VOTE: 5-0-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders (5)
NAY: None (0)
ABSENT: Buckner, Hood, Vogler, and Whittle (4)

CONSIDERATION OF AUTHORIZING AND APPROVING THE RELEASE OF TWENTY-THREE NUISANCE ABATEMENT LIENS AFFECTING NINE PARCELS OF LAND

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

RESOLUTION NO. 2023-12.10

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCELS #01033, #21281, #21283, #21284, #22754, #22755, #73086, #73087, AND #73088 TO FACILITATE THEIR DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

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

VOTE: 5-0-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders (5)
NAY: None (0)
ABSENT: Buckner, Hood, Vogler, and Whittle (4)

CONSIDERATION OF AUTHORIZING AND APPROVING THE RELEASE OF FOUR NUISANCE ABATEMENT LIENS AFFECTING PARCEL NO. 04500 ON BRADLEY ROAD

Council Member Campbell **moved** for adoption a Resolution entitled:

RESOLUTION NO. 2023-12.11

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #04500 (BRADLEY ROAD) TO FACILITATE ITS DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

The Motion was **seconded** by Vice Mayor Miller and carried by the following vote:

VOTE: 5-0-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders (5)
NAY: None (0)
ABSENT: Buckner, Hood, Vogler, and Whittle (4)

CONSIDERATION OF AUTHORIZING AND APPROVING THE RELEASE OF SEVEN NUISANCE ABATEMENT LIENS AFFECTING SEVEN PARCELS

Council Member Saunders **moved** for adoption a Resolution entitled:

RESOLUTION NO. 2023-12.12

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCELS #00344, #03106, #03243, #03442, #04259, #73570, AND #74077 TO FACILITATE THEIR DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

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

VOTE: 5-0-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders (5)
NAY: None (0)
ABSENT: Buckner, Hood, Vogler, and Whittle (4)

CONSIDERATION OF AUTHORIZING AND APPROVING THE RELEASE OF NUISANCE ABATEMENT LIENS AFFECTING PARCEL #04205 ON BRADLEY ROAD

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

RESOLUTION NO. 2023-12.13

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #04205 (BRADLEY ROAD) TO FACILITATE ITS DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

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

VOTE: 5-0-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders (5)
NAY: None (0)
ABSENT: Buckner, Hood, Vogler, and Whittle (4)

CONSIDERATION OF AUTHORIZING AND APPROVING THE RELEASE OF A NUISANCE ABATEMENT LIEN AFFECTING PARCEL #03482 ON BRADLEY ROAD

Council Member Saunders **moved** for adoption a Resolution entitled:

RESOLUTION NO. NO. 2023-12.14

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #03482 (BRADLEY ROAD), TO FACILITATE ITS DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

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

VOTE: 5-0-4
AYE: Campbell, Jones, Mayo, Miller, and Saunders (5)
NAY: None (0)
ABSENT: Buckner, Hood, Vogler, and Whittle (4)

City Attorney Clarke Whitfield explained what Council had done was pave the way for those donations. Staff will be coming back at a subsequent meeting at which time they will be donating those to the Housing Authority.

COMMUNICATIONS

There were no communications from the City Manager, Deputy City Manager or City Clerk. The City Attorney wished everyone a Merry Christmas and a Happy New Year.

Council Member Campbell wished everyone a very Merry Christmas and a Happy New Year. This was the time of the season to celebrate life, and this was a new year for him without his dad here. Rev. Campbell reminded citizens about the PLAN Danville event in February with George Mason

December 19, 2023

University, and asked the City Manager to investigate the City Armory and the City's options for the building.

Council Member Mayo wished everyone a Merry Christmas, Happy Holidays, and a Happy New Year. Mr. Mayo commented on the Green Book plaques at the Yancey House, the dedication, and the history behind that. Mr. Mayo noted there was so much happening around Danville and it was exciting; Danville was on the move. Mr. Mayo encouraged citizens to come out and watch the Harry Johnson Classic, it was going to be a great time.

Vice Mayor Miller noted he attended the dedication of the plaque; he knew about the Green Book, it originated in 1937 like a travel atlas for African-Americans but did not realize a couple of houses in Danville were in the Green Book. Dr. Miller noted there was still a chance to see the holiday light show for \$10 a carload, and wished everyone a Happy Holiday, Merry Christmas, and Happy Hanukkah.

Council Member Saunders congratulated Chief Wiles and his family on his promotion. The event in the Westmoreland neighborhood was a great event; Council was very proud of that community. Also, thanks to the Danville Fine Arts Museum for everything they were doing for the City. God Bless the children, they were the future. Merry Christmas and Happy New Year to everyone. Please remember those who are experiencing difficulty no matter what it may be.

Mayor Jones noted this was the last Council meeting of the year; it has been an exciting year, hearing the financial report and being \$7M over last year at this time. Thanks to the City Manager for all that he and his staff do. To Council Members Campbell and Whittle, they have lost some family members, Council Member Campbell's father and Council Member Whittle's mother. Mayor Jones asked citizens to continue to keep them in their prayers this holiday season. Mayor Jones wished everyone Merry Christmas and Happy New Year.

The meeting was adjourned at 7:58 pm.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Council Letter

City of Danville, Virginia



CL - 1069

NEW BUSINESS A.

City Council REGULAR MEETING

Meeting Date: January 16, 2024

Subject: Review of General Fund Financials as of December 31, 2023.

From: Michael Adkins, Chief Financial Officer

COUNCIL ACTION

Review of General Fund Financials as of December 31, 2023. Financial Statements are included.

Attachments

1. Financial Statements
-



To: Ken F. Larking, City Manager

From: Michael L. Adkins, Chief Financial Officer

Date: January 8, 2024

Subject: Summary of Preliminary General Fund Financial Results for December 31, 2023

After completing the first half of fiscal year 2024, revenues are ahead of the previous year. As of December 31, General Fund revenues were \$66,174,549. This represents 47% of our FY 2024 budget. This is an increase of \$9.1 million over December 31, 2022. Apart from small decreases in fines, miscellaneous revenues, and federal categorical aid, all major revenue categories are ahead of the prior year. The increase over last year is primarily from growth in property and local taxes, along with the increase for the gaming tax revenue.

The first installment of property tax bills was mailed during the first week of November and were due December 5. Collections of current real estate taxes through December were nearly \$10 million, or 52% of budget. This is almost identical to the prior year, showing a slight decrease of \$134,000. Collections of delinquent real estate taxes remains strong at \$579,000, or 64% of budget. Personal Property tax collections also performed as expected at this point in the year with 50% of budget collected. This is an increase of \$740,000 over the prior year. Local taxes collected through December 31, were \$18,334,850, or 45% of budget. This exceeds FY 2023 collections by nearly \$4 million.

Regarding local taxes, sales tax collections through December amounted to \$6,269,908 or 53% of budget, an increase of \$638,737 from last year. Meals taxes collected for the first half of the fiscal year amounted to \$6,036,954 or 53% of budget, an increase of \$636,382 from last year. Business Licenses realized through the end of December were \$950,997, an increase of \$129,000 from the prior year. Lodging taxes received as of December 31, were \$1,711,056 or 69% of budget, an increase of \$350,550 from the prior year. The Ceasars Min Fee received as of December 31, was \$2,363,134 or 47% of budget. All other local tax revenue categories are tracking well with budget and are exceeding the prior year at this point.

Expenditures through December 31 were \$67,295,385 or 44% of budget. This is an overall increase of \$2.2 million when compared to December 31, 2022, however, is below budget at this point in the fiscal year. This increase can be primarily attributed to an increase in salaries in benefits, along with timing of payments for maintenance service contracts within general government and operating and debt service expenses related to

the new police headquarters. The decrease in non-departmental expenditures of \$371,000 is a combination of a decrease in debt service and group health insurance offset by an increase for the transfer to the employee retirement system for the retiree bonus.

General Fund expenditures exceeded revenues by \$1.1 million, an improvement of \$6.9 million when compared to the prior fiscal year. This is typical for most of the fiscal year in the General Fund because the timing of the revenue recognition is not matched to expenditures. At this point, the General Fund is performing as expected.

CITY OF DANVILLE, VIRGINIA

GENERAL FUND REPORT

50% OF YEAR LAPSED AS OF DECEMBER 31, 2023

PRE-CLOSING FIGURES - SUBJECT TO CHANGE - UNAUDITED

	Budgets & Appropriations For Current Year	Actual Revenues & Expenditures For Year-to-Date	Percent Realized/Expended This Year	Encumbrances	Balance to be Realized/Expended	Actual Revenues & Expenditures At This Date Last Year
REVENUES:						
Property Taxes	\$ 38,347,010	\$ 19,151,686	49.94%		\$ 19,195,324	\$ 18,551,776
Other Local Taxes	41,230,430	18,334,850	44.47%		22,895,580	14,351,225
License Permits & Privilege Fees	424,040	349,425	82.40%		74,615	261,611
Fines & Forfeitures	277,760	87,870	31.64%		189,890	104,878
Revenue From Use Money & Property	3,969,170	1,950,815	49.15%		2,018,355	751,580
Charges For Services	3,140,340	1,433,560	45.65%		1,706,780	1,540,426
Miscellaneous Revenue	25,100	135,259	538.88%		(110,159)	139,389
Recovered Cost	8,897,070	4,450,885	50.03%		4,446,185	4,166,798
Non-Categorical Aid	13,382,620	5,464,215	40.83%		7,918,405	2,794,232
Shared Expenses (Categ. Aid State)	6,021,050	2,842,286	47.21%		3,178,764	2,742,561
Categorical Aid (State)	10,223,090	4,179,699	40.88%		6,043,391	3,869,461
Emergency Services (Federal)	27,020	-	0.00%		27,020	-
Categorical Aid (Federal)	-	-			-	9,435
Transfers From Utilities	15,588,000	7,794,000	50.00%		7,794,000	7,754,500
TOTAL REVENUES	\$ 141,552,700	\$ 66,174,549	46.75%		\$ 75,378,151	\$ 57,037,871
EXPENDITURES:						
General Government Administration	\$ 14,613,948	\$ 7,625,838	52.18%	\$ 110,024	\$ 6,878,087	\$ 7,161,662
Judicial Administration	9,211,265	3,905,181	42.40%	9,146	5,296,938	3,965,019
Public Safety	38,816,681	18,118,718	46.68%	592,428	20,105,535	16,669,462
Public Works	5,267,922	2,221,603	42.17%	150,103	2,896,215	2,295,414
Health, Education, Welfare & Soc. Svc.	10,006,616	3,483,439	34.81%	42,578	6,480,599	3,514,165
Parks, Recreation & Cultural	6,330,734	2,735,988	43.22%	46,532	3,548,214	2,341,110
Community Development	4,842,522	1,906,113	39.36%	30,655	2,905,754	1,010,791
Non-Departmental	19,807,836	7,909,702	39.93%	-	11,898,135	8,281,007
Transfer to Schools - Operating	36,633,907	18,437,968	50.33%	-	18,195,939	18,686,463
Transfer to Capital Projects	1,572,644	-	0.00%	-	1,572,644	165,000
Transfer to Other Funds	6,270,780	950,835	15.16%	-	5,319,945	984,802
TOTAL EXPENDITURES	\$ 153,374,856	\$ 67,295,385	43.88%	\$ 981,467	\$ 85,098,003	\$ 65,074,895
Revenue over(under) Expenditures		\$ (1,120,836)				\$ (8,037,024)
FUND BALANCE:						
Beginning Fund Balance 07/01/2023		\$ 55,069,404				\$ 46,401,528
Revenue over(under) Expenditures		(1,120,836)				(8,037,024)
Ending Fund Balance 12/31/2023		\$ 53,948,568				\$ 38,364,504
Composition of Fund Balance:						
Reserved for Encumbrances/Designated Funds		\$ 5,776,752				\$ 14,105,903
Unassigned		48,171,816				24,258,601
TOTAL FUND BALANCE 12/31/2023		\$ 53,948,568				\$ 38,364,504

**CITY OF DANVILLE, VIRGINIA
GENERAL FUND
COMPOSITION OF FUND BALANCE
PRELIMINARY - AS OF DECEMBER 31, 2023**

Beginning Total Fund Balance, July 1, 2023	55,069,403.89
Add: General Fund Revenues	66,174,549.26
Deduct: General Fund Expenditures	<u>(67,295,385.23)</u>
Ending Total Fund Balance, December 31, 2023	<u><u>53,948,567.92</u></u>

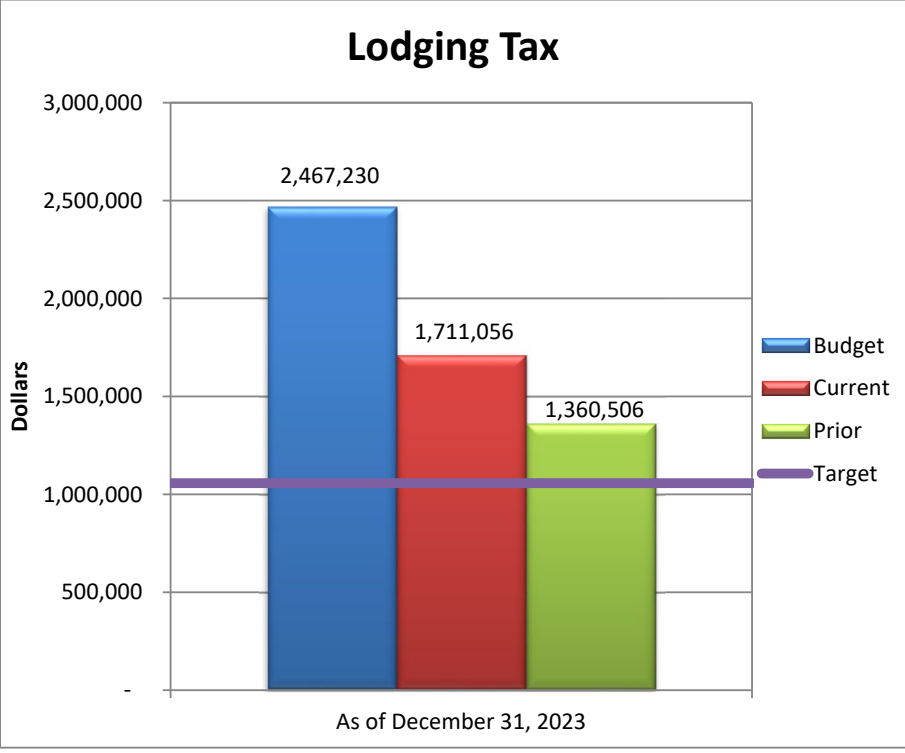
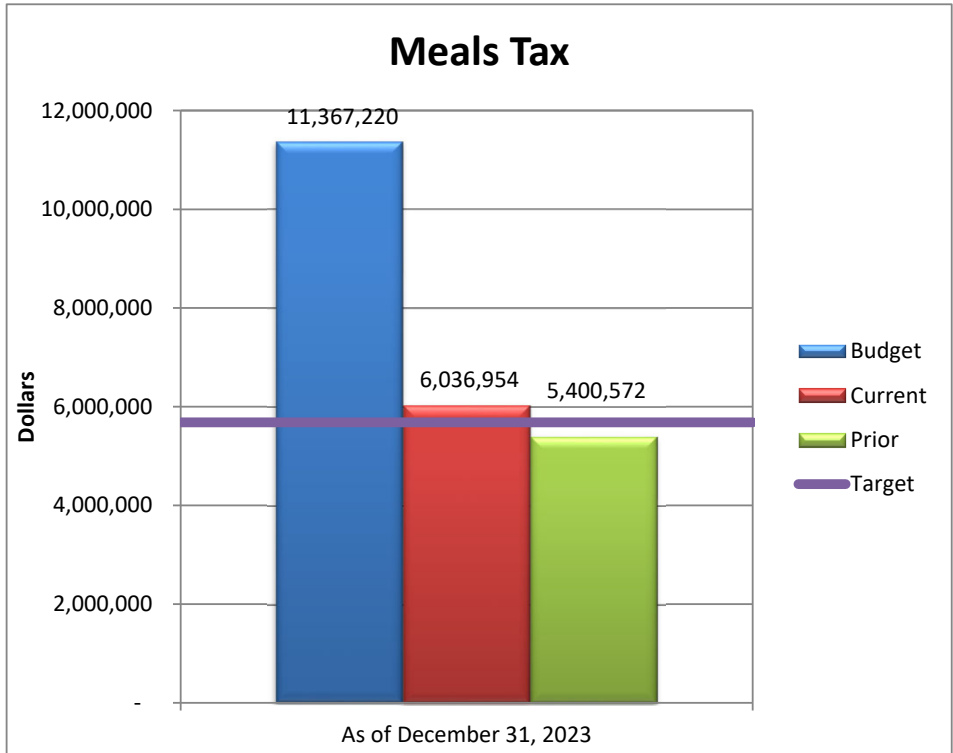
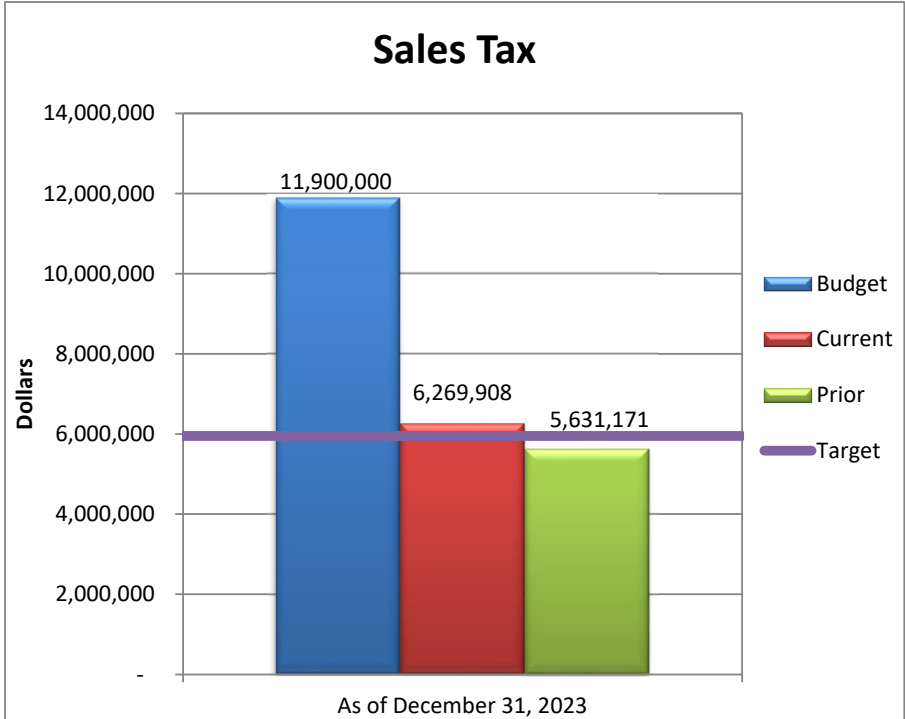
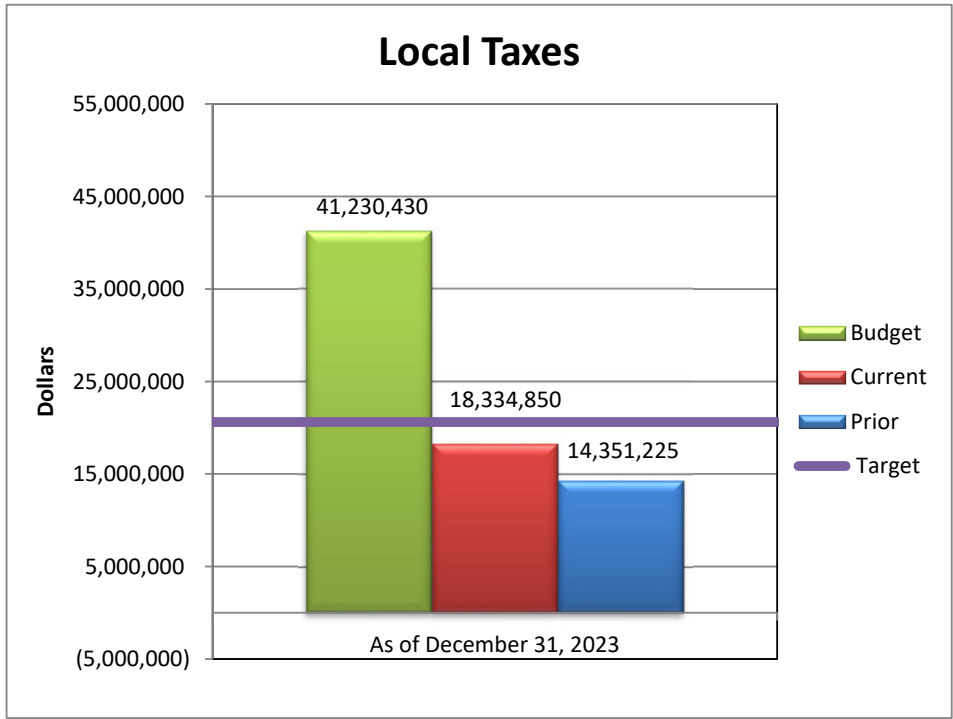
Composition of Fund Balance:

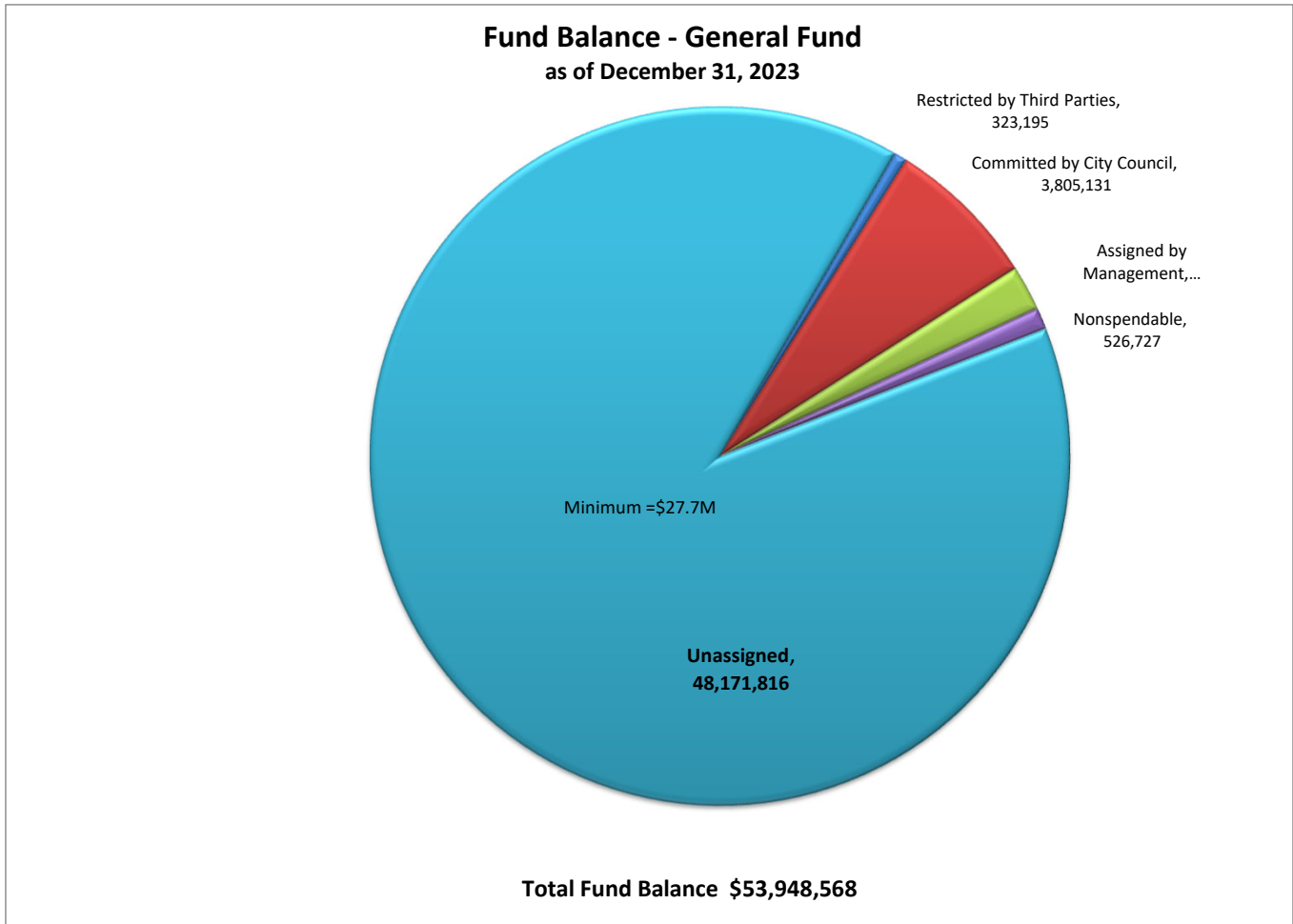
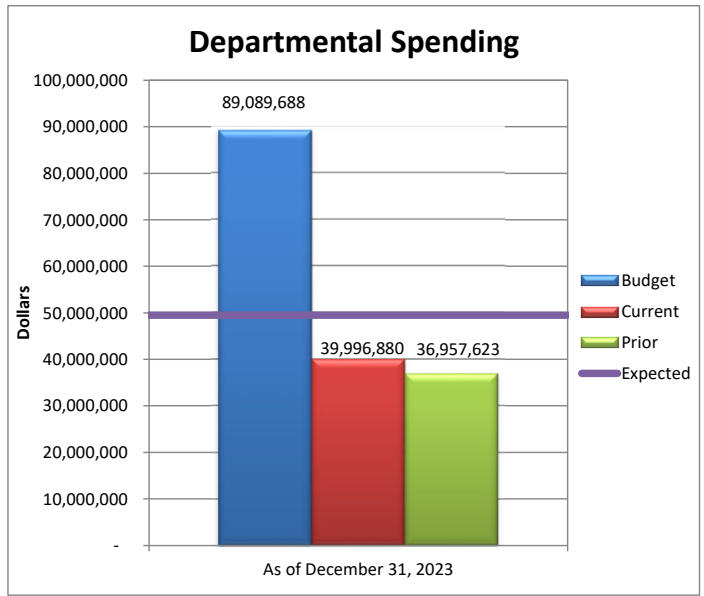
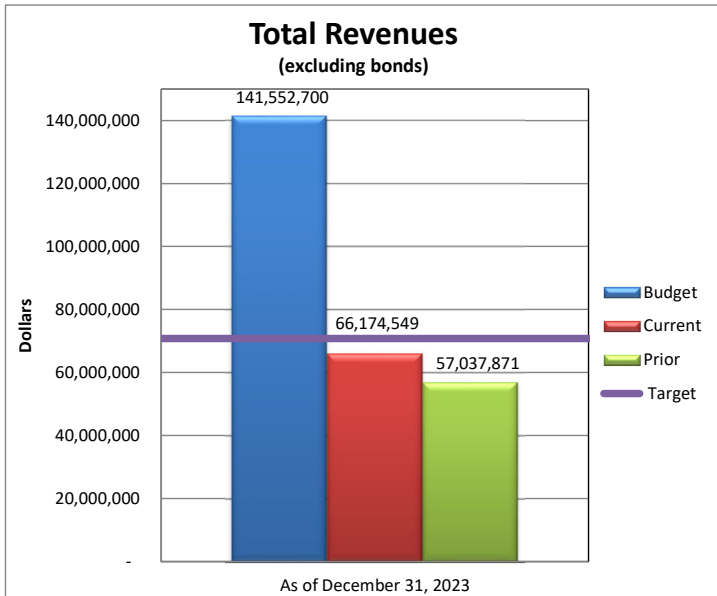
Restricted for Commonwealth Attorney	100,838.59
Restricted for Police Department	32,908.42
Restricted for Fire Department	189,448.35
Committed for Sheriff's Department	8,766.94
Committed to Schools	796,363.72
Committed to Budget Stabilization	3,000,000.00
Assigned to Sheriff's Department	16,594.32
Assigned to Community Development	123,637.52
Assigned for Encumbrances	981,467.06
Nonspendable (Inventory and Prepaids)	526,727.37
UNASSIGNED	<u>48,171,815.63</u>
Total Fund Balance, December 31, 2023	<u><u>53,948,567.92</u></u>

Unassigned fund balance from above	48,171,815.63
Unassigned Minimum per policy (20% of General Fund Operating Revenues) based on FY 2024 budget	<u>28,310,540.00</u>
Current surplus (deficit) over (under) minimum	19,861,275.63

City of Danville, Virginia
Summary of Other Local Tax Revenues - PRE-CLOSING - UNAUDITED
For the period ending December 31, 2023

Description	Current Budget	Revenue Realized	Percentage Realized	Prior Year Budget	Prior Year Realized	Percentage Prior Year
Sales Tax	\$ 11,900,000	\$ 6,269,908	52.69%	\$ 10,962,050	\$ 5,631,171	51.37%
Business Licenses	6,800,000	950,997	13.99%	5,430,000	821,966	15.14%
Meals Tax	11,367,220	6,036,954	53.11%	9,500,000	5,400,572	56.85%
Utility Taxes	930,000	375,485	40.37%	930,000	445,639	47.92%
Vehicle License Fees	1,000,000	247,077	24.71%	1,000,000	260,476	26.05%
Bank Stock Tax	1,000,000	-	0.00%	1,000,000	-	0.00%
Recordation Tax	270,000	145,530	53.90%	270,000	192,084	71.14%
Hotel Motel Tax	2,467,230	1,711,056	69.35%	2,025,080	1,360,506	67.18%
Daily Property Rental Tax	15,980	10,876	68.06%	12,370	10,670	86.26%
Motor Vehicle Tax	200,000	122,438	61.22%	200,000	117,940	58.97%
DMV Fees	280,000	101,395	36.21%	250,000	110,201	44.08%
Ceasars Min Fee	5,000,000	2,363,134	47.26%	-	-	0.00%
TOTAL	\$ 41,230,430	\$ 18,334,850	44.47%	\$ 31,579,500	\$ 14,351,225	45.44%





Council Letter

City of Danville, Virginia



CL - 1036

NEW BUSINESS B.

City Council REGULAR MEETING

Meeting Date: January 16, 2024

Subject: FY 2023 Audit Report

From: Michael Adkins, Chief Financial Officer

COUNCIL ACTION

Presentation of the Fiscal Year 2023 Financial Statement Audit.

SUMMARY

Staff from Brown Edwards, the City's external audit firm, will provide City Council results and commentary regarding the FY 2023 financial statement audit.

Attachments

None

Council Letter

City of Danville, Virginia



CL - 1096

NEW BUSINESS C.

City Council REGULAR MEETING

Meeting Date: January 16, 2024

Subject: Consideration of Authorizing and Approving the Release of Nuisance Abatement Liens Affecting Parcel #23531 on Hughes Street.

From: Ken Gillie, Director of Community Development

COUNCIL ACTION

A Resolution Approving and Authorizing the Release of City-Held Liens Against Real Property Identified as Parcel #23531 (Hughes Street), to Facilitate its Donation to the Danville Neighborhood Development Corporation.

SUMMARY

City Staff is seeking approval from City Council to release nine (9) nuisance abatement liens, and associated costs and delinquencies, affecting a parcel of land on Hughes Street (#23531), to facilitate its donation to the Danville Neighborhood Development Corporation.

BACKGROUND

The City currently holds approximately \$36,300.00 in delinquent taxes, nuisance abatement liens, and associated collection costs and interest, against a parcel of land identified as #23531 (Hughes St.). The lien and costs greatly exceed the value of the Parcel (\$3,500.00), making it presently unmarketable. DNDC is interested in building new housing in the Hughes Street area to address the City's housing shortage and help bring up property values in the area.

The nuisance abatement liens relate to grass cutting and the demolition of an unsafe structure previously on the property, in 2013. The present owners inherited the property and are not responsible for creating the liens and delinquencies and wish to donate the land to the DNDC to help assist with the redevelopment of the area in exchange for the release of the associated delinquencies and liens. Partnering with the DNDC on this furthers the City's goals of blight eradication, encouraging new affordable housing, and neighborhood redevelopment. The donation is dependent upon the City releasing the recorded nuisance abatement liens and associated delinquencies and costs to allow clear title to transfer.

Under State law, City Council can release nuisance abatement liens to facilitate the transfer of an otherwise unmarketable lot. City Staff has determined that releasing the outstanding nuisance abatement liens to facilitate the property transfer would be of benefit to the City by eliminating likely future maintenance costs, preserving historic property, increasing the taxable value and productive use of the parcels, and assisting the DNDC in its community goals.

RECOMMENDATION

City staff recommends releasing all existing liens, taxes, and associated collection costs and interest affecting Parcel #23531 (Hughes St.), contingent upon the actual transfer of the Parcel to the DNDC.

Attachments

1. Resolution
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024-_____._____

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCEL #23531 (HUGHES STREET), TO FACILITATE ITS DONATION TO THE DANVILLE NEIGHBORHOOD DEVELOPMENT CORPORATION.

WHEREAS, There exists nine (9) City-held lien and approximately \$36,300.00 collectively in delinquent taxes, associated collection costs, and interest against a certain real property in the City of Danville, identified as Tax Parcel #23531 Hughes Street, ("the Property"); and

WHEREAS, the delinquent taxes, liens, associated collection costs, and interest greatly exceed the tax assessed value of the Property, making the lot presently unmarketable; and

WHEREAS, the present owner of the Property desires to donate the Property to the Danville Neighborhood Development Corporation, as trustee for the City of Danville; and

WHEREAS, under Va. Code § 15.2-906(4) a locality may release such lien against a particular property in order to facilitate its sale or transfer to an unrelated, bona fide purchaser;

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville, Virginia that all delinquent taxes, abatement charges, City-held liens, associated collection costs, and interest of record against Tax Parcel #23531 (Hughes Street) be released to facilitate its donation to the Danville Neighborhood Development Corporation, as trustee for the City of Danville, provided such donation actually occurs.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL - 1095

NEW BUSINESS D.

City Council REGULAR MEETING

Meeting Date: January 16, 2024

Subject: Consideration of Authorizing and Approving the Release of Nuisance Abatement Liens Affecting Parcels on Grove Street, Colquhoun Street, Lee Street, and Stokes Street.

From: Ken Gillie, Director of Community Development

COUNCIL ACTION

A Resolution Approving and Authorizing the Release of City-Held Liens Against Real Property Identified as Parcels #20616, #20675, #20745, #22133, and #23408, to Facilitate their Donation to the Danville Redevelopment and Housing Authority.

SUMMARY

City Staff is seeking approval from City Council to release twenty-one (21) nuisance abatement liens, and associated costs and delinquencies, affecting five parcels of land on Grove Street (#20675), Colquhoun Street (#22133 and #23408), Lee Street (#20616), and Stokes Street (#20745) to facilitate their donation to the Danville Redevelopment and Housing Authority.

BACKGROUND

The City currently holds approximately \$71,000.00 in delinquent taxes, nuisance abatement liens, and associated collection costs and interest against five parcels of land, identified as Grove Street (#20675), Colquhoun Street (#22133 and #23408), Lee Street (#20616), and Stokes Street (#20745). The liens and costs greatly exceed the value of the parcels (\$6,500.00 collectively), making these lots presently unmarketable. DRHA is interested in acquiring buildable property near the Old West End and Monument Berryman Preservation Area to construct new housing to address the City's housing shortage, eliminate blight, and help bring up property values in the area.

The nuisance abatement liens relate to grass cutting and the demolition of three unsafe structures previously on the property, in 2016 and 2020. The present owners wish to donate the land to the DRHA to help assist with the redevelopment of the area in exchange for the release of the associated delinquencies and liens. Partnering with the DRHA on this furthers the City's goals of blight eradication, encouraging new affordable housing, and neighborhood redevelopment. The donation is dependent upon the City releasing the recorded nuisance abatement liens and associated delinquencies and costs to allow clear title to transfer.

Under State law, City Council can release nuisance abatement liens to facilitate the transfer of an otherwise unmarketable lot. City Staff has determined that releasing the outstanding nuisance abatement liens to facilitate the property transfer would be of benefit to the City by eliminating likely future maintenance costs, preserving historic property, increasing the taxable value and

productive use of the parcels, and assisting the DNDC in its community goals.

RECOMMENDATION

City staff recommends releasing all existing liens, taxes, and associated collection costs and interest affecting Parcel #20616, #20675, #20745, #22133, and #23408, contingent upon the actual transfer of the Parcels to the DRHA.

Attachments

1. Resolution
-

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024-____.____

A RESOLUTION APPROVING AND AUTHORIZING THE RELEASE OF CITY-HELD LIENS AGAINST REAL PROPERTY IDENTIFIED AS PARCELS #20616, #20675, #20745, #22133, AND #23408, TO FACILITATE THEIR DONATION TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

WHEREAS, There exists twenty-one (21) City-held liens and approximately \$71,000.00 collectively in delinquent taxes, associated collection costs, and interest against certain real properties in the City of Danville, identified as Tax Parcels #20616 (Lee Street), #20675 (Grove Street), #20745 (Stokes Street), #22133 (Colquhoun Street), and #23408 (Colquhoun Street), (collectively “the Properties”); and

WHEREAS, the delinquent taxes, liens, associated collection costs, and interest greatly exceed the tax assessed value of the Properties, making the lots presently unmarketable; and

WHEREAS, the present owner of the Properties desires to donate the Properties to the City and to the Danville Redevelopment and Housing Authority, as trustee for the City of Danville; and

WHEREAS, under Va. Code § 15.2-906(4) a locality may release such lien against a particular property in order to facilitate its sale or transfer to an unrelated, bona fide purchaser;

NOW THEREFORE, BE IT RESOLVED, by the City Council of Danville, Virginia that all delinquent taxes, abatement charges, City-held liens, associated collection costs, and interest of record against Tax Parcels #20616, #20675, #20745, #22133, and #23408 be released to facilitate their donation to the City and to the Danville Redevelopment and Housing Authority, as trustee for the City of Danville, provided such donation actually occurs.

Approved:

Mayor

Attest:

City Clerk

Approved as to
Form and Legal Sufficiency:

City Attorney

Council Letter

City of Danville, Virginia



CL - 1104

NEW BUSINESS E.

City Council REGULAR MEETING

Meeting Date: January 16, 2024

Subject: Consideration of a Rezoning Application filed by J. Cubas Holdings, LLC, requesting to Rezone Parcels on Jenny Lane from T-R Threshold Residential to S-R Suburban Residential.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. An Ordinance Rezoning from T-R Threshold Residential Zoning District to S-R Suburban Residential Zoning District Parcel IDS 75941, 77419, 77420, 77421, and 77422 (Jenny Lane).

SUMMARY

The applicant, J. Cubas Holdings, LLC is requesting to rezone Parcels 75941, 77419, 77420, 77421, and 77422 from T-R, Threshold Residential to S-R, Suburban Residential. The applicant is under contract for the purchase of these parcels and anticipates a consolidation and single family home development on the subject properties.

Parcels 75941, 77419, 77420, 77421, and 77422 are undeveloped and wooded with no water and sewer utility connections. It is required that connections be established prior to construction. Construction of a single family development would not necessitate a Traffic Impact Analysis or improvements to the existing roadway.

The primary difference between the T-R and S-R zoning classification is its maximum density. There is a maximum density of two (2) single family dwelling units per net developable acre in the T-R district and a maximum density of three (3) single family dwelling units per net developable acre in the S-R district.

The total acreage of the subject properties is 46 acres. If the entire parcel were developed, the current maximum yield would be 92 single family units. If the zoning classification is changed to S-R, the maximum yield would be 138 single family units; yielding a potential of forty (40) additional single family residential units.

The City of Danville has identified a need for additional housing units in the City of Danville. The rezoning and subsequent additional yield of single family dwellings is a benefit to the City as a whole.

Twenty (20) notices were sent to surrounding property owners within three hundred (300) feet of the subject property, including county residents. At the time of this report, thirteen (13) responses were

received, five (5) were opposed, eight (8) were unopposed.

On December 11, 2023, the City Planning Commission voted 5 - 0 to recommend approval of Rezoning Request PZ23-00469 to rezone Parcel IDs 75941, 77419, 77420, 77421, and 77422 from T-R, Threshold Residential to S-R, Suburban Residential.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance approving a Rezoning from T-R, Threshold Residential to S-R, Suburban Residential at Parcel IDs 75941, 77419, 77420, 77421, and 77422 (Jenny Lane).

Attachments

1. Ordinance
 2. Application
 3. J Cubas Letter
 4. Supporting Documents
 5. Jenny Lane - Aerials
 6. Jenny Lane - Owners
 7. Jenny Lane - Landuse
 8. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE REZONING FROM T-R THRESHOLD RESIDENTIAL ZONING DISTRICT TO S-R SUBURBAN RESIDENTIAL ZONING DISTRICT PARCEL IDS 75941, 77419, 77420, 77421, AND 77422 (JENNY LANE).

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, J. Cubas Holdings, LLC, has requested to rezone from the T-R Threshold Residential zoning district to S-R Suburban Residential zoning district, Parcel IDs 75941, 77419, 77420, 77421, AND 77422 (Jenny Lane), 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 PZ23-00469, filed by J. Cubas Holdings, LLC, requesting to rezone from the T-R Threshold Residential zoning district to S-R Suburban Residential zoning district, Parcel IDs 75941, 77419, 77420, 77421, AND 77422 (Jenny Lane) of the City of Danville, Virginia Zoning District Map, be, and 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 PZ23-00469, filed by J. Cubas Holdings, LLC, requesting to rezone from the T-R Threshold Residential zoning district to the S-R Suburban Residential of the City of Danville, Virginia Zoning District Map, be, and is hereby, approved, and

BE IT FINALLY ORDAINED that Parcel IDs 75941, 77419, 77420, 77421, AND 77422, 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

Country Club Estates

Comprehensive Land Use Change

TR-Transitional Residential to SR-Suburban Residential



Subject Properties

Parcel GPIN: 78052, 75941,
77419, 77420, 77421, 77422
Danville, Virginia

Applicant

J. Cubas Holdings, LLC
Joe Cubas, Manager

November 10th, 2023

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City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

REZONING APPLICATION

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Zoning District: _____
Existing Zoning: _____ Proposed Zoning: _____

APPLICANT PROVIDED INFORMATION

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

Property Address: Parcels ID: 78052, 75941, 77419, 77421, 77421, 77422
Gross Area/Net Area: _____ 101.36 Acres

427 Patton Street | Danville, VA 24541 | 434.799.5260 | www.danvilleva.gov

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

Between: Goodyear Blvd and Goodyear Blvd

Proffered Conditions (if any, please attach): _____

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

Name: Margaret D. Marshall Revocable Trust Telephone: (434) 489-1444

Mailing Address: C/O Hauser Realty Group 523 Main Street, Danville, Va. 24541

Email Address: Scearce.commercial@gmail.com

Name: Elizabeth Marshall Revocable Trust Telephone: (434) 489-1444

Mailing Address: C/O Hauser Realty Group 523 Main Street, Danville, Va. 24541

Email Address: Scearce.commercial@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

Name: J. Cubas Holdings, LLC Telephone: (305) 219-2558

Mailing Address: 13830 SW 28 Street, Miami, Florida 33175

Email Address: Jcubasholdings@aol.com

ESM Trust by Dalw Mdd Trust
11/9/23

Margaret D. Marshall Revocable Trust
11/10/23
Applicant Signature date

Property Owner Signature date
(if not applicant)

11-10-23
J. Cubas Holdings, LLC
Applicant



VIRGINIA REALTORS®
Commercial Purchase Agreement

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

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

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

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

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

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

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

3. **Settlement.**

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

VR Form 700 Revised 07/19
Reviewed 07/19

Page 1 of 10

Hauser Realty Group, 513 Main Street Danville VA 24041
Mike Sweeney

Produced with zipiform® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48038 www.zipLogix.com

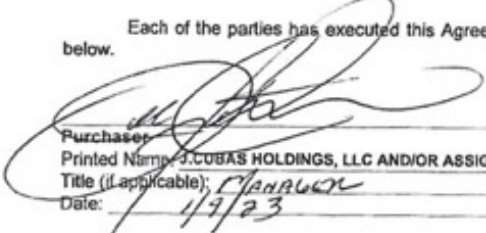
Phone: (434) 792-2088

Fax: (434) 792-2757

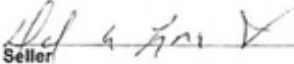
Jenny Lane

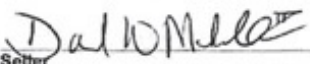
[Handwritten signatures: DWM, HAL]

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


Purchaser
Printed Name: COBAS HOLDINGS, LLC AND/OR ASSIGNEES
Title (if applicable): COBAS
Date: 1/9/23

Purchaser
Printed Name:
Title (if applicable):
Date:


Seller
Printed Name: MARGARET D MARSHALL REVOCABLE TRUST
Title (if applicable):
Date: 1-10-23


Seller
Printed Name: ELIZABETH S MARSHALL REVOCABLE TRUST
Title (if applicable):
Date: 1/9/2023

Selling Company's Name and Address

HAUSER REALTY GROUP
523 MAIN ST , DANVILLE, VA 24541

Agent's Name MICHAEL W SCEARCE
Agent's tel. no. (434)489-1444
Fax no.
Agent's email scearce.commercial@gmail.com

Listing Company's Name and Address

HAUSER REALTY GROUP
523 MAIN ST , DANVILLE , VA 24541

Agent's Name MICHAEL W SCEARCE
Agent's tel. no. (434)489-1444
Fax no.
Agent's email scearce.commercial@gmail.com

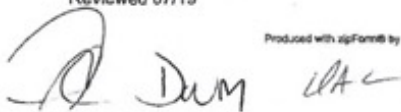
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VR Form 700 Revised 07/19
Reviewed 07/19

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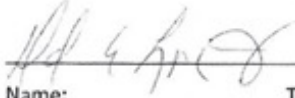
Jeany Lane



OWNER'S CONSENT

On this date, _____, 2023, Margaret D. Marshall Revocable Trust and Elizabeth S. Marshall Revocable Trust, the Owner(s) of record of vacant real estate property located in Danville, Virginia, specifically, Parcel ID 78052, 75941, 77419, 77420, 77421, 77422 with street address on Jenny Lane, through the undersigned legal representatives and Trustees of the respective trusts, grant consent onto J. Cubas Holdings, LLC. as the Contract Purchaser, to pursue a Comprehensive Land Use Change (Rezoning) and a Special Use Permit Application in accordance with City Codes & Ordinances, more specifically, Chapter 41, Zoning Ordinance, Article 3.C: S-R Suburban Residential District to obtain the entitlement approvals for the purposes of developing the subject property into a Residential Subdivision.

Agreed and Consent:


Name: _____ Trustee

Margaret D. Marshall Revocable Trust

Date: 11-10-23

Agreed and Consent:


Name: _____ Trustee

Elizabeth S. Marshall Revocable Trust

Date: 11-9-23

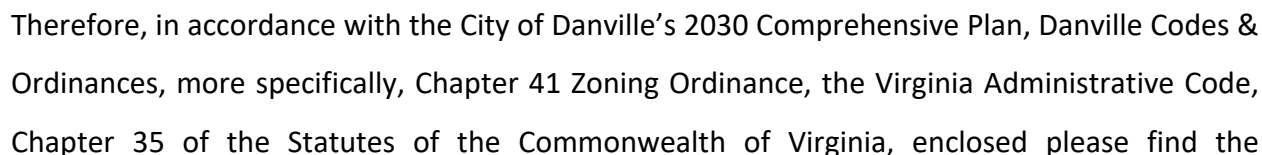
BACKGROUND

On January 9th, 2023, J. Cubas Holdings, LLC, a Florida Limited Liability Corporation, entered into a Commercial Purchase Agreement, included herein, with a Virginia resident to purchase the subject properties; a 55-acre parcel and a 46-acre parcel to develop a residential subdivision that compliments the existing neighborhood. As outlined in the Danville Housing Demand Analysis Report dated April 18th, 2022, the Danville-Danter Housing Study, and the Southern Virginia Regional Alliance, where they indicate that 3,900 new jobs are on the immediate horizon, this application submittal attempts to fill the severe housing shortage in Danville, which is at a critical juncture, having had little new housing added to the market over the past 25 years.



In accordance with the latest Plat of Survey by Crutchfield and Associates dated 4/21/20 provided by the Seller, the subject properties are comprised of 55.08 and 46.33 acres, respectively. The

The purpose of this application submittal package is to request a zoning change from the existing T-R Threshold Residential District to S-R Suburban Residential District in accordance with Chapter 41, Article 3. C. for the purposes of developing a Residential Subdivision.



Comprehensive Land Use Change Application submittal along with the Phase I Conceptual Site Plans and exhibits to secure the required entitlements.

REQUEST FOR LAND USE CHANGE & SPECIAL USE PERMIT

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

The purpose of this application submittal package is to request a zoning change from the existing T-R Threshold Residential District to S-R Suburban Residential District in accordance with Chapter 41, Article 3. C. for the purposes of developing a Residential Subdivision of 405 detached single-family homes. A Conceptual Site Plan has been submitted for Phase I of the proposed residential subdivision as part of this Comprehensive Land Use Change application submittal.

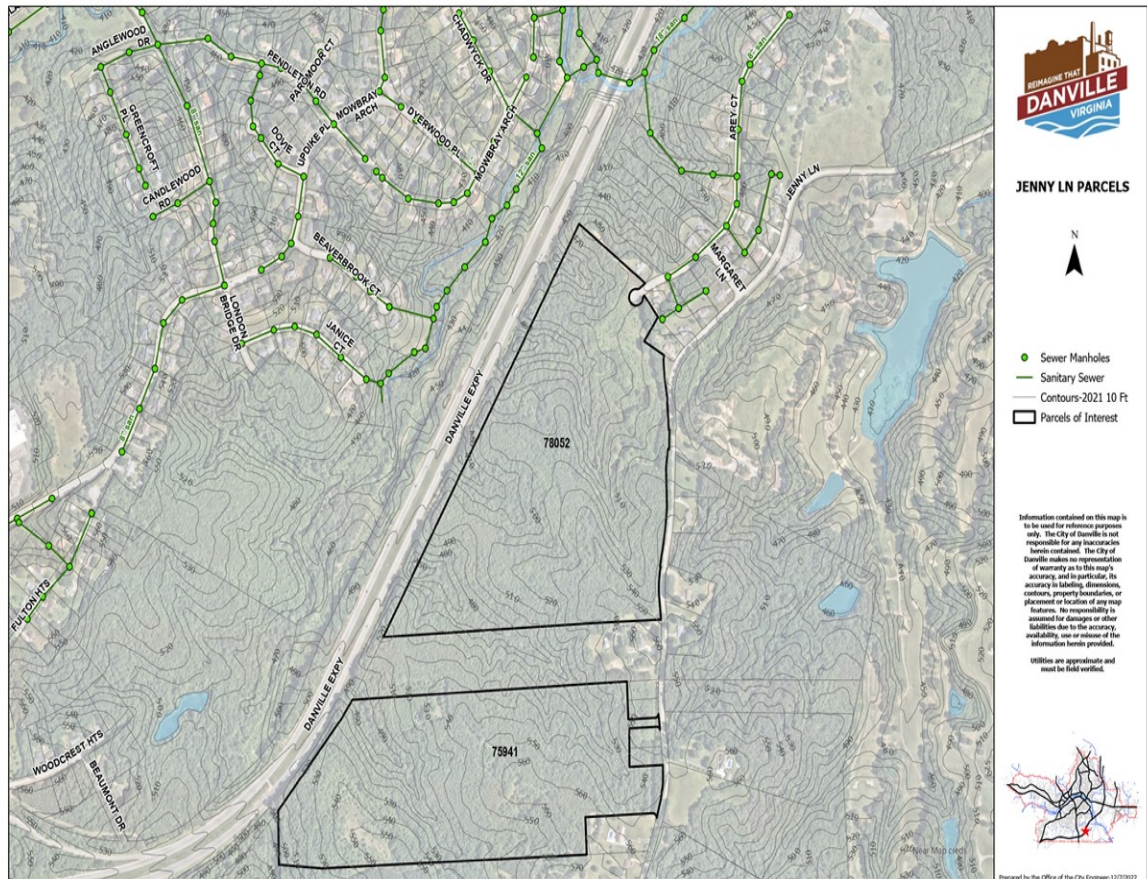
In accordance with Chapter 41, Article 3.C. S-R Suburban Residential District (Single Family Residential District), the purpose and intent of the S-R District is to provide for single family detached residences at subdivision densities which are compatible with the Comprehensive Plan's goals for traditional suburban-scaled residential development in Danville. The average density of three units per acre establishes the S-R District as the City's medium density district for detached residences. The S-R district shall require public water and sewer service, public streets, and sidewalks as minimum subdivision improvements. Recognizing prevailing storm drainage deficiencies in and around the City, new subdivisions shall be constructed with storm drainage conveyance system equivalent in performance and function and shall include Best Management Practices and stormwater management facilities.

Furthermore, in accordance with Article 3-C, C.5., Cluster residential development shall be encouraged in the S-R District in order to promulgate the City's objectives for environmental preservation, architectural harmony and consistency, adequacy of open space and recreation areas, and enhanced quality neighborhood improvements in new residential subdivisions. Provisions are included herein to permit cluster subdivisions with densities up to two-thirds higher than conventional subdivisions.

The S-R District may be applied to both undeveloped tracts and existing stable neighborhoods in appropriate locations recognized by the Comprehensive Plan. The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community infrastructure, and encourage housing with compatible scale and character of architecture. No more than one single family dwelling shall be permitted per subdivision lot. No lots shall be permitted with private domestic wells or septic systems.

In accordance with Chapter 41, Article 3-C. S-R Suburban Residential Subdivision, the subject properties are 55 and 46 acres, respectively. Conceptual Site Plans for Phase I show a total of 221 detached single-family lots with a maximum density of four (4) units per acre on the 55-acre parcel. Phase II of the residential subdivision development will occur on the 46-acre parcel. It will also have a maximum density of four (4) units per acre for a total of 184 detached single-family homes. Combined, the residential subdivision will consist of 405 detached single-family homes. In accordance with Chapter 41, Article 3-C, S-R Suburban Residential Subdivision, the Conceptual Site Plans meet or exceed all the standards outlined in Article 3-C of the Zoning Ordinance. The standards outlined in Sub-paragraphs F., G. and I, will be met through final site plans and construction documents in order to obtain development permits.

The City of Danville has provided a water & sewer location Map as referenced herein, which shows the general location of main lines next to the subject property. Therefore, the subject property(s) will connect to City water & sewer.



2. Consistency with the City of Danville 2030 Comprehensive Plan

Introduction/Purpose

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

This Plan focuses on those particular areas in which the City, through its elected leaders and those staff involved in the planning and management of the City’s growth and

development, can and should have a progressive impact, defining what is in the best public interest while ensuring the preservation of private property rights.

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

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

GOALS FOR FUTURE DEVELOPMENT

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

The goals and policies/objectives outlined in the Comprehensive Plan serve to establish the framework around which the Future Land Use Map and plan were designed. They further establish the framework around which the City’s physical, community, and

economic growth and development can be shaped and guided. The goals are grouped into five general categories and can be stated as:

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

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

A. Sustainable Growth & Land Use

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

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

In accordance with the City of Danville Comprehensive Plan's Goals of Sustainable Growth & Land Use policies and objectives, the approval of the Land Use Change for the Residential Subdivision will be compatible with and maintain continuity of the residential uses of the neighborhood as the subject property and surrounding properties are either zoned T-R Threshold Residential or S-R Residential Subdivision, as required under Chapter 41, Zoning Ordinance of the City of Danville.

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

The purpose and intent of Article 3.C, the S-R, Suburban Residential District is to create and provide for single family detached residences at subdivision densities which are compatible with the Comprehensive Plan's goals for traditional suburban-scaled residential development in Danville.

Furthermore, in accordance with Chapter 41, Article 3-C. S-R Suburban Residential Subdivision, Phase I of the Conceptual Site Plans show a total of 221 detached single-family lots with a maximum density of four (4) units per acre. The size of the subject properties are 55.08 and 46 acres, respectively.

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

The Existing Land Use of the Southwyck Planning Area is largely residential in nature, *although it does support a wide range in residential uses in terms of affordability*. Nonresidential uses include the Southwyck Plaza Shopping Center, Goodyear's private eighteen-hole golf course and Grove Park. Public water service is available throughout the Planning Area however, public sewer is not easily available in the southern half of the planning area yet, the City has indicated that main lines are located at the mouth of the subject property on Jenny Lane, Arey Court and across the bypass.

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

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

B. Transportation

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

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

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

In accordance with the City’s Transportation Policy / Objective, the subject property is located in Planning Area 5 which provides for a network of major and minor thoroughfares (the Danville Expressway and South Main Street, respectively), local collector streets (Goodyear Blvd.) and minor residential streets. Corridors: South Main Street (Route 86 South). It also sits within close proximity of the intersection of Goodyear Blvd and Jenny Lane located on the south-side of the bypass, a major Collector. Additionally, the residential subdivision will encourage the incorporation of planned bicycle and pedestrian system within the subdivision to hopefully, if possible, integrate these facilities into the City’s existing Transportation Plan thereby, enhance the City’s and the residential subdivision’s viability as an inviting center for tourism.

Furthermore, as per policies and objectives of the Transportation Plan, the Applicant will submit for Subdivision and Site Plan Review at development, to ensure adequate street planning and design in order for the City to carefully evaluate all future residential development proposals in order to provide for appropriate levels of intercommunity traffic circulation in accordance with adopted subdivision standards required by VDOT.

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

If the Comprehensive Land Use Change to the residential subdivision is approved, in accordance with the Comprehensive Plan, more specifically, subsections A, Sustainable Growth & Land Use,

B. Transportation and F. Economic Development, the residential subdivision will take access through several access points from Jenny Lane located south of the Bypass and intersecting with Goodyear Boulevard, identified in the Comprehensive Plan as a Major Gateway. Heading north or into the city, Goodyear Boulevard intersects with South Main Street or State Road 86, another major transportation corridor and entrance gateway into the City.

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

In accordance with Chapter 41, Article 3-C and the City's 2030 Comprehensive Plan, specifically, Sub-paragraph D (Housing & Neighborhoods), the Phase I Conceptual Site Plans and accompanying submittal package for the development of the residential subdivision have been designed precisely with the intent and purpose of this policy and objective as it promotes opportunities for a detached single family residential subdivision in the City through new development within established neighborhoods and districts and through sustainable and well planned new development on vacant land with an emphasis on providing safe, sanitary, and affordable homes for low- to moderate-income residents as well as residents with higher incomes.

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

While the residential subdivision, if approved, is not located at or near any historical and/or cultural resources, as part of its advertising campaigns and in accordance with this section of the

Comprehensive Plan, the subdivision will promote, among other things, Danville as a heritage tourism destination and as an All-American City.

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

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

Another form of economic development is through the growth and development of real estate housing more specifically, in the form of a residential subdivision. Real property tax is governed by State laws. State law requires property tax liabilities to be distributed according to property values and for those values to be at 100% of fair market value. As economic conditions are constantly changing, so are property values. It is the responsibility of the City to perform periodic reviews, adjustments as well as sales, cost, and income analysis that are necessary to maintain an accurate assessment. Assessing all real estate at fair market value assures all property owners are assessed fairly and equitably, thus the costs associated with the City's schools, fire, protection and public services are distributed properly and fairly.

As a basis to project the amount of tax revenue to the City generated by the approval of this application request, 405 single family homes will be used at an average fair market value of \$300,000 per home. Real estate assessment values and tax rates are effective as of July 1 of a given year through June 30 of the following year. The current Real Estate tax rate of the City of Danville is **\$0.84** per \$100 of assessed value. Therefore, based on the current tax rate, the

residential subdivision is projected to initially generate \$1,020,600 in property tax revenue to the City upon completion on an annual basis.

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

Policies / Objectives

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

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

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

In accordance with Article 6 of the Zoning Ordinance, this Comprehensive Land Use Change Application Submittal meets all applicable standards in Article 3-C., more specifically, (1) it is in harmony with the adopted Comprehensive Plan, it's in harmony with the intent and purpose of the Residential zoning district in which the use is proposed to be located; and with the character of adjacent properties and the surrounding neighborhoods,(2) the proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities, (3) the proposed use shall not result in the destruction, loss

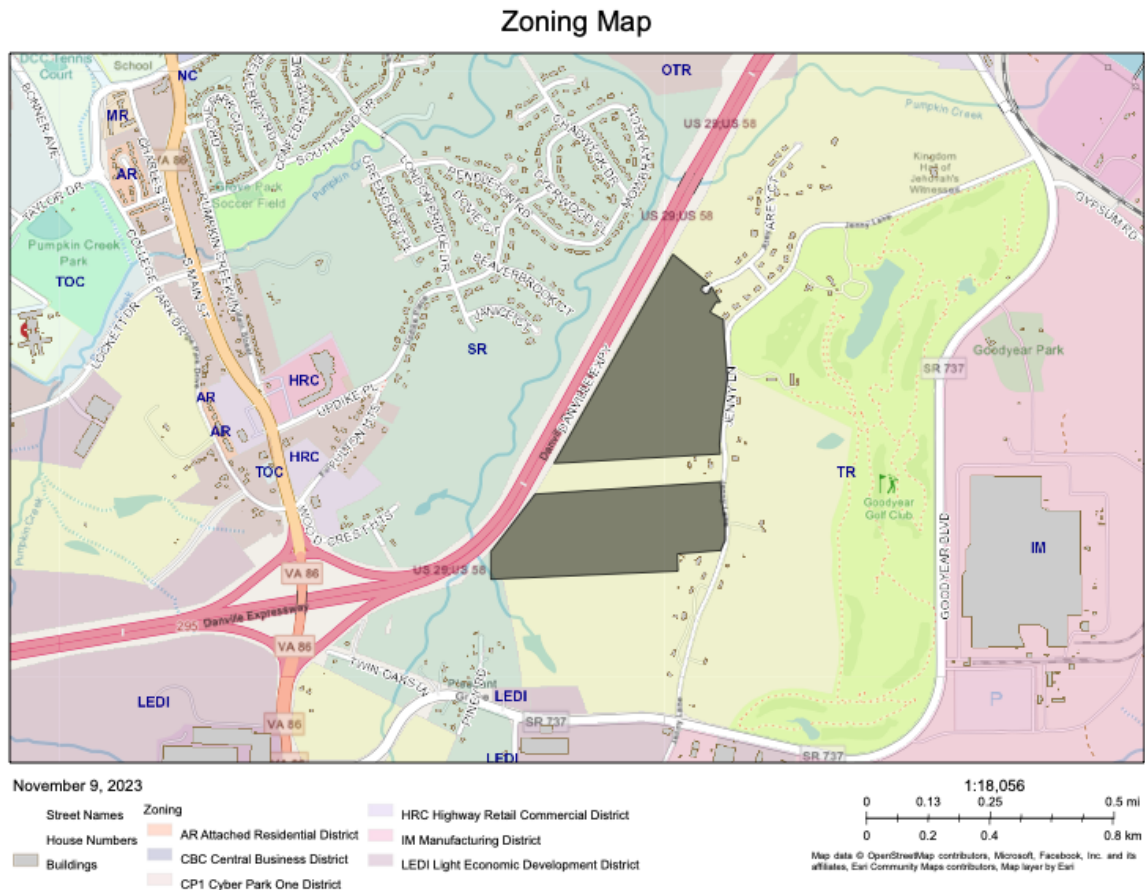
or damage of any feature determined to be of significant ecological, scenic or historic importance, (4) the proposed use shall be designed, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods. Furthermore, it meets the objectives outlined in Economic Development section of the Comprehensive Plan. More specifically, the approval would (1) enhance the long-term visual attractiveness of the City's major commercial corridors, (2) expand job opportunities for City employees, (3) due to its proximity to Goodyear Gold Course, may increase visitation and tourism to the City and (4) promote the City as an attractive location to purchase a home and economic development. Additionally, upon completion, based on the projections mentioned above; the development of 405 single-family homes at a fair market value of \$300,000 and a tax rate of \$0.84 per \$100, the annual projected Property Taxes due to the City will be \$2,520 per home or a total of \$ 1,020,600 per year at the present rate.

3. Compatibility with Surrounding Properties & Adjacent Land Uses

The subject property(s) are in Planning Area 5: Southwyck, and in Sub-Area 9 of the Comprehensive Plan with a Future Land Use of Medium Density Residential. They are presently zoned T-R, Threshold Residential District. As per the Zoning Map from the City's GIS system included herein, the subject properties are surrounded by existing residential subdivisions in the SR district, as well as, the TR district, Goodyear Golf Course and single-family residential across Jenny Lane, the bypass to the north and single-family residential to the east.

Therefore, in accordance with Chapter 41, Articles 3.B and 3-C, the subject property(s) already have the appropriate residential district to develop a single-family residential development. The purpose of this Comprehensive Land Use Change application request is to increase the density from 2 units per acre under the existing TR Residential District to a maximum of 4 units per acre under the SR Residential Subdivision District. As such, the subject property(s) will maintain compatibility with the residential nature of the area, adjoining and /or surrounding properties &

adjacent land uses while continuing to provide continuity to the existing neighborhood as shown in the City's GIS Zoning Map below.



4. MASTER PLAN OF DEVELOPMENT

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

The Phase I Conceptual Site Plan shows residential lots and the required open space as per Article 3-C, SR Residential Subdivision.

The purpose of this application submittal package is to request a zoning change from the existing T-R Threshold Residential District to S-R Suburban Residential District in accordance with Chapter 41, Article 3. C. for the purposes of developing a Residential Subdivision of 405 detached single-family homes.

In accordance with Chapter 41, Article 3-C. S-R Suburban Residential Subdivision, the subject properties are 55 and 46 acres, respectively. Conceptual Site Plans for Phase I show the development of 221 detached single-family lots with a maximum density of four (4) units per acre. The development of Phase II of the residential subdivision will occur on the 46-acre parcel. It will also have a maximum density of four (4) units per acre for a total of 184 detached single-family homes. Upon completion, the overall residential subdivision development will consist of 405 detached single-family homes. In accordance with Chapter 41, Article 3-C, C.5, S-R Suburban Residential Subdivision, the Conceptual Site Plans meet or exceed all the standards outlined in Article 3-C of the Zoning Ordinance.

Furthermore, in accordance with Article 3-C, C.5., Cluster residential development shall be encouraged in the S-R District in order to promulgate the City's objectives for environmental preservation, architectural harmony and consistency, adequacy of open space and recreation areas, and enhanced quality neighborhood improvements in new residential subdivisions. Provisions are included herein to permit cluster subdivisions with densities up to two-thirds higher than conventional subdivisions.

The S-R District may be applied to both undeveloped tracts and existing stable neighborhoods in appropriate locations recognized by the Comprehensive Plan. The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community infrastructure, and encourage housing with compatible scale and character of architecture. No more than one single family dwelling shall be permitted per subdivision lot. No lots shall be permitted with private domestic wells or septic systems.

The City of Danville has provided a water & sewer location Map as referenced herein, which shows the general location of main lines next to the subject property. Therefore, the subject property will connect to City water & sewer.

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

The subject property(s) abut to two residential subdivisions already zoned SR Suburban Residential and T-R Threshold Residential respectively on either side, abuts to the ROW of the bypass on the north and Jenny Lane on the south. The City of Danville has indicated that the water mains are located at the subject property. In accordance with the City of Danville Comprehensive Plan, Chapter 41 and Chapter 450 of the Virginia Administrative Code, the subject property will connect to City water.

The same applies to sewer. The City of Danville services the adjacent properties within the with sewer facilities. The City of Danville has indicated that the sewer mains are located at the subject property. In accordance with the City of Danville Comprehensive Plan, Chapter 41 and Chapter 450 of the Virginia Administrative Code, the subject property will connect to City sewer.

At this time, the Phase I Conceptual Site Plans do not show Impervious Surface Ration (ISR) however, the proposed density is 4.0 units per acre. Upon entitlement approvals and before the design of construction documents, the applicant will coordinate with the City of Danville Engineering & Public Works Departments to design and meet the requirements for stormwater retention.

J. Cubas Holdings, LLC
13830 SW 28 Street
Miami, Florida 33175
305-219-2558
Jcubasholdings@aol.com

December 4th, 2023
Via Email

Ms. Renee Burton
Director of Planning & Zoning
City of Danville
427 Patton Street, Room 207
Danville, Va. 24541

Re: **PZ23-00469 & PZ23-00470**

Dear Renee,

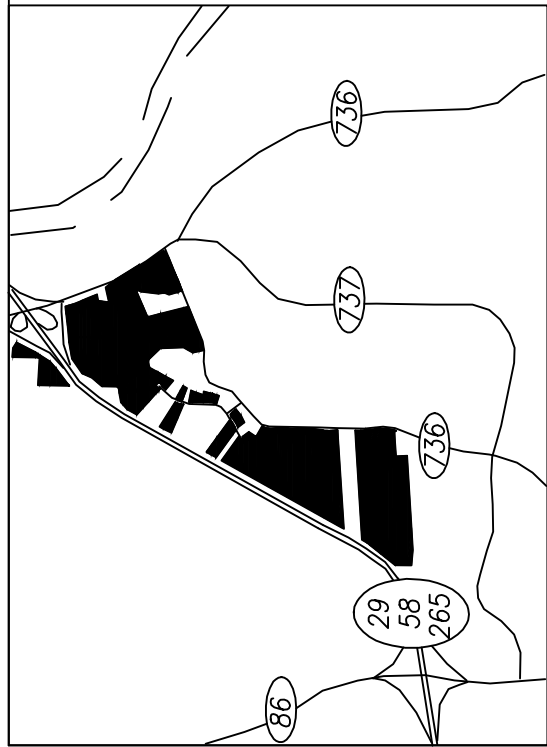
As expressed in our email correspondence dated November 28th, 2023, please be advised that our rezoning application submittals referenced above, to rezone both properties from TR Transitional Residential to SR Suburban Residential Subdivision, erroneously indicated that our request was for the purposes of increasing density to four units per acre.

For purposes of clarity, please note that our application submittal(s) is to increase density from two units per acre to three units per acre in accordance with the SR district of the Zoning Ordinance.

My apologies for any inconvenience or misunderstanding this may have caused.

Kindest regards,


Joe Cubas
President



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

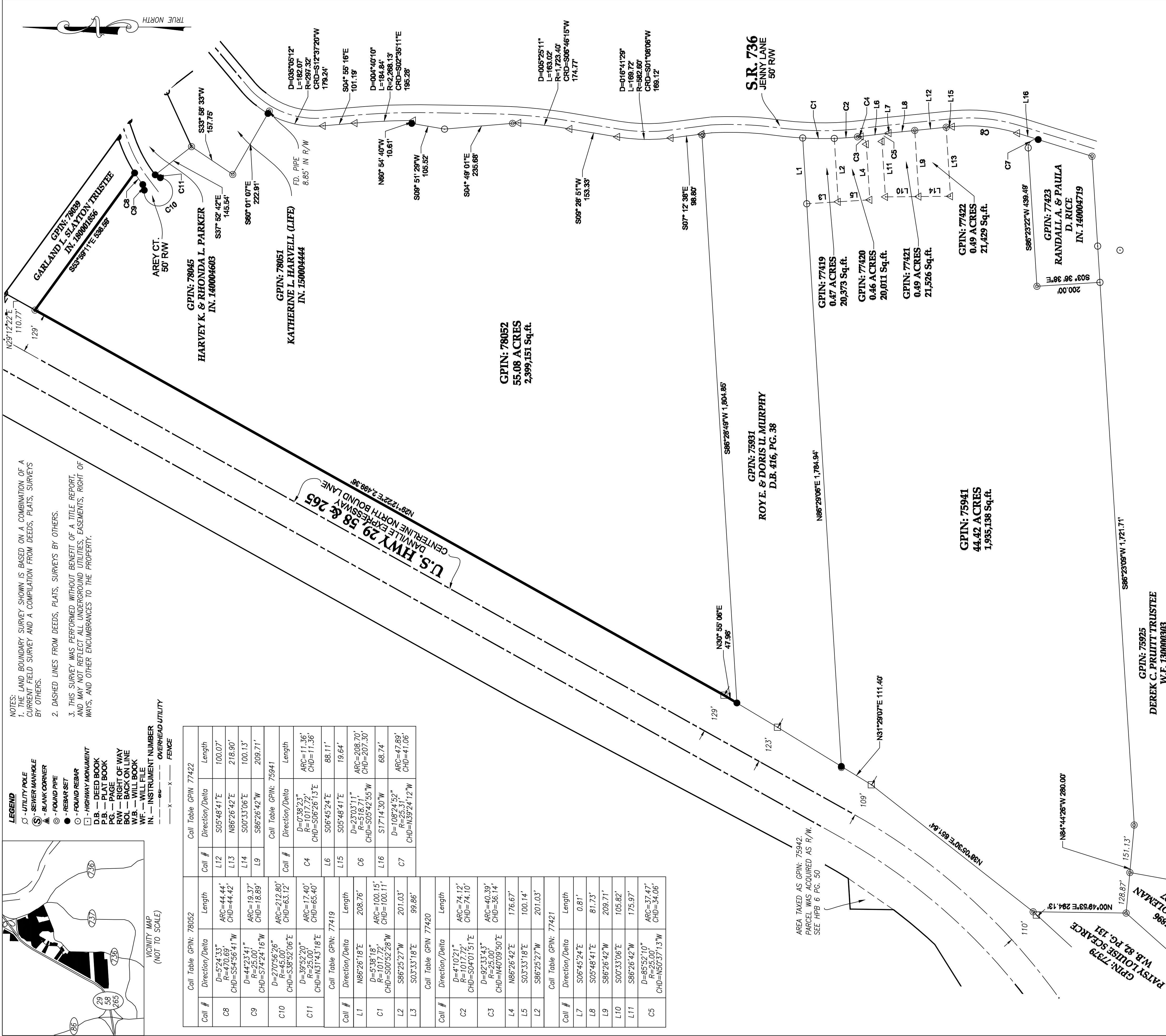
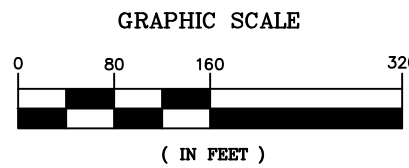
LEGEND
○ - UTILITY POLE
○ - SEWER MANHOLE
△ - BLANK CORNER
● - FOUND PIPE
● - REBAR SET
○ - FOUND REBAR
□ - HIGHWAY MONUMENT
DB - DEED BOOK
PB - PAGE
RW - RIGHT OF WAY
BOL - BACK ON LINE
WB - WILL BOOK
IN - INSTRUMENT NUMBER
--- - OVERHEAD UTILITY
--- x --- FENCE

VICINITY MAP
(NOT TO SCALE)

Call Table GPIN: 78052			Call Table GPIN: 77422		
Call #	Direction/Delta	Length	Call #	Direction/Delta	Length
C8	D=524.33" R=44.44" CHD=554.5641"W	100.07'	L12	S05°48'41"E	100.07'
C9	D=442.34" R=25.00" CHD=574.2416"W	100.13'	L13	N86°26'42"E	218.90'
C10	D=270°56'26" R=45.00" CHD=538.52.06"E	209.71'	L14	S00°33'06"E	100.13'
C11	D=39°52'20" R=25.00" CHD=531.4318"E	19.64'	L9	S86°26'42"W	209.71'
Call Table GPIN: 75941			Call Table GPIN: 75941		
C4	D=0°38'23" R=107.72" CHD=506.2613"E	88.11'	C4	D=0°38'23" R=107.72" CHD=506.2613"E	88.11'
L15	S05°48'41"E	19.64'	L15	S05°48'41"E	19.64'
C6	D=230°31.1" R=518.71" CHD=505.42.55"W	68.74'	C6	D=230°31.1" R=518.71" CHD=505.42.55"W	68.74'
L16	S17°14.30"W	100.11'	L16	S17°14.30"W	100.11'
C7	D=108°24'52" R=25.00" CHD=4139'24.12"W	99.86'	C7	D=108°24'52" R=25.00" CHD=4139'24.12"W	99.86'

Call Table GPIN: 77419			Call Table GPIN: 77420		
Call #	Direction/Delta	Length	Call #	Direction/Delta	Length
L1	N86°26'18"E	208.76'	C2	D=410°21" R=101.72" CHD=504°01'51"E	81.73'
C1	D=5°18'18" R=101.72" CHD=500°52'28"W	105.82'	L8	S05°48'41"E	81.73'
L4	N86°26'42"E	176.67'	L9	S86°26'42"W	209.71'
L5	S03°33'18"E	100.14'	L10	S00°33'06"E	105.82'
L2	S86°25'27"W	201.03'	L11	S86°26'42"W	175.97'
Call Table GPIN: 77421			Call Table GPIN: 77421		
C5	D=85°52'10" R=25.00" CHD=505.3713"W	34.06'	C5	D=85°52'10" R=25.00" CHD=505.3713"W	34.06'

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



**PLAT OF SURVEY OF
23 EXISTING PARCELS CONTAINING
55.08 ACRES
2,399,151 Sq.ft.**
OWNED BY
CITY OF DANVILLE, VIRGINIA
TRUSTEE OF MARGARET D. MARSHALL
REVOCABLE TRUST
W.F. 190000079
GIN: 75939, 75941, 76198, 76199, 77419, 77420, 77421, 77422,
78019, 78020, 78021, 78022, 78023, 78024, 78025, 78026, 78027, 78028, 78029, 78030, 78031,
78032, 78033, 78034, 78035, 78036, 78037, 78038, 78039, 78040, 78041, 78042, 78043, 78044, 78045, 78046, 78047 & 78052.



SURVEYORS CERTIFICATE
HEREBY CERTIFY THAT THIS CURRENT BOUNDARY SURVEY TO THE
23 EXISTING PARCELS CONTAINING 55.08 ACRES, 2,399,151
Sq.ft. WAS CONDUCTED IN ACCORDANCE WITH THE MINIMUM
STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL
ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE
ARCHITECTS.

STEVEN L. CRUTCHFIELD, P.L.S.
VIRGINIA CERTIFICATE NUMBER: 2738

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

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

REV	DATE	DESCRIPTION
A	04/11/23	PRELIMINARY LAYOUT
1		
2		
3		
4		
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9		
10		

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

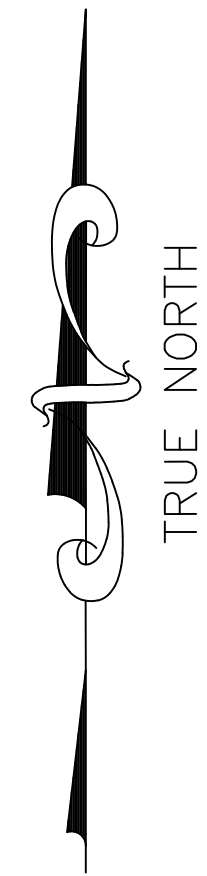
PREPARED BY:
MARC P. MAIER, P.E.
FLORIDA LICENSE #72513
1033 S. GLEN MEADOW L.P.
LEICANTO, FL 34461
(352) 634-1643

**PRELIMINARY
NOT FOR CONSTRUCTION**

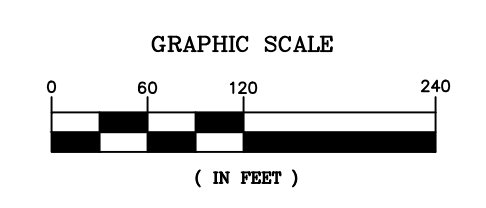
MARC P. MAIER, P.E.
FL. PROFESSIONAL ENGINEER LIC. #72513

COUNTRY CLUB ESTATES
JENNY LANE
DANVILLE, VA 24541

SHEET DESCRIPTION
EXISTING CONDITIONS
S-1



1
C-1 **EXISTING CONDITIONS**
SCALE: 1" = 120'



REV	DATE	DESCRIPTION
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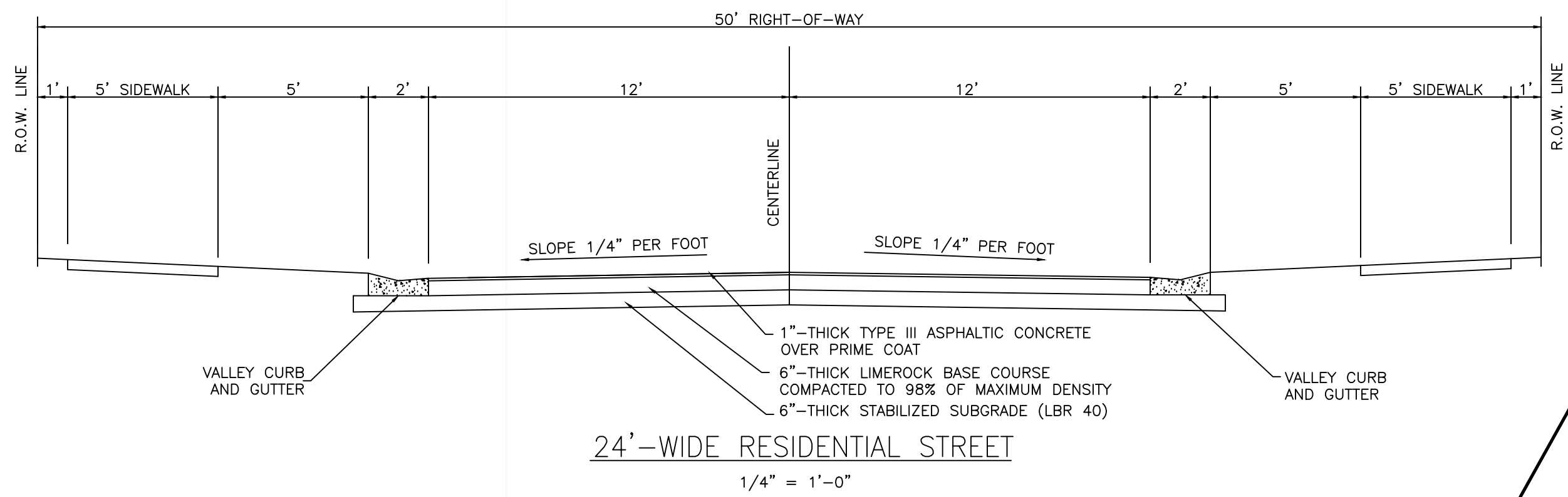
DRAWN BY: KH	CHECKED BY: MM
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PREPARED FOR: J. CUBAS HOLDINGS, LLC 13830 SW 28TH STREET MIAMI, FL 33175
PREPARED BY: MARC P. MAIER, P.E. FLORIDA LICENSE #72513 1033 S. GLEN MEADOW LP. LECANTO, FL 34461 (352) 634-1643

PRELIMINARY NOT FOR CONSTRUCTION
MARC P. MAIER, P.E. FL PROFESSIONAL ENGINEER LIC. #72513

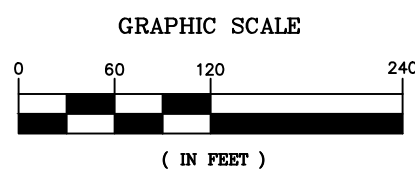
COUNTRY CLUB ESTATES JENNY LANE DANVILLE, VA 24541
SHEET DESCRIPTION EXISTING CONDITIONS
SHEET NUMBER C-1

SITE SCHEDULE	
TOTAL APPLICANT OWNED LAND AREA	106.76 ACRES
TOTAL SITES ALLOWED	225
TOTAL SITES PROPOSED	221



GPIN: 75931
ROY E. & DORIS U. MURPHY
D.B. 416, PG. 38

1
C-2
SITE PLAN
SCALE: 1" = 120'



REV	DATE	DESCRIPTION
A	04/11/23	PRELIMINARY LAYOUT
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DRAWN BY: KJH
CHECKED BY: MW

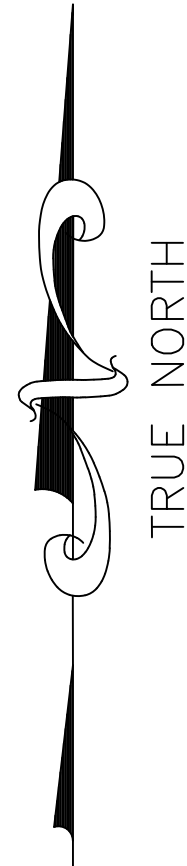
PREPARED FOR:
J. CUBAS
HOLDINGS, LLC
13830 SW 28TH STREET
MIAMI, FL 33175

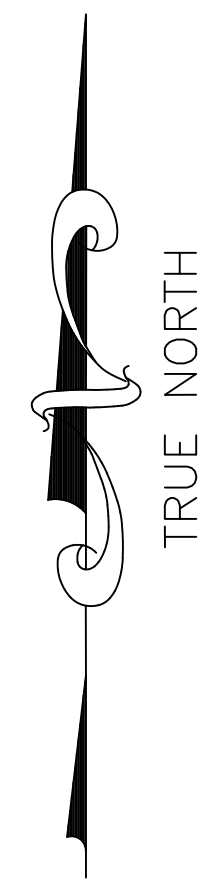
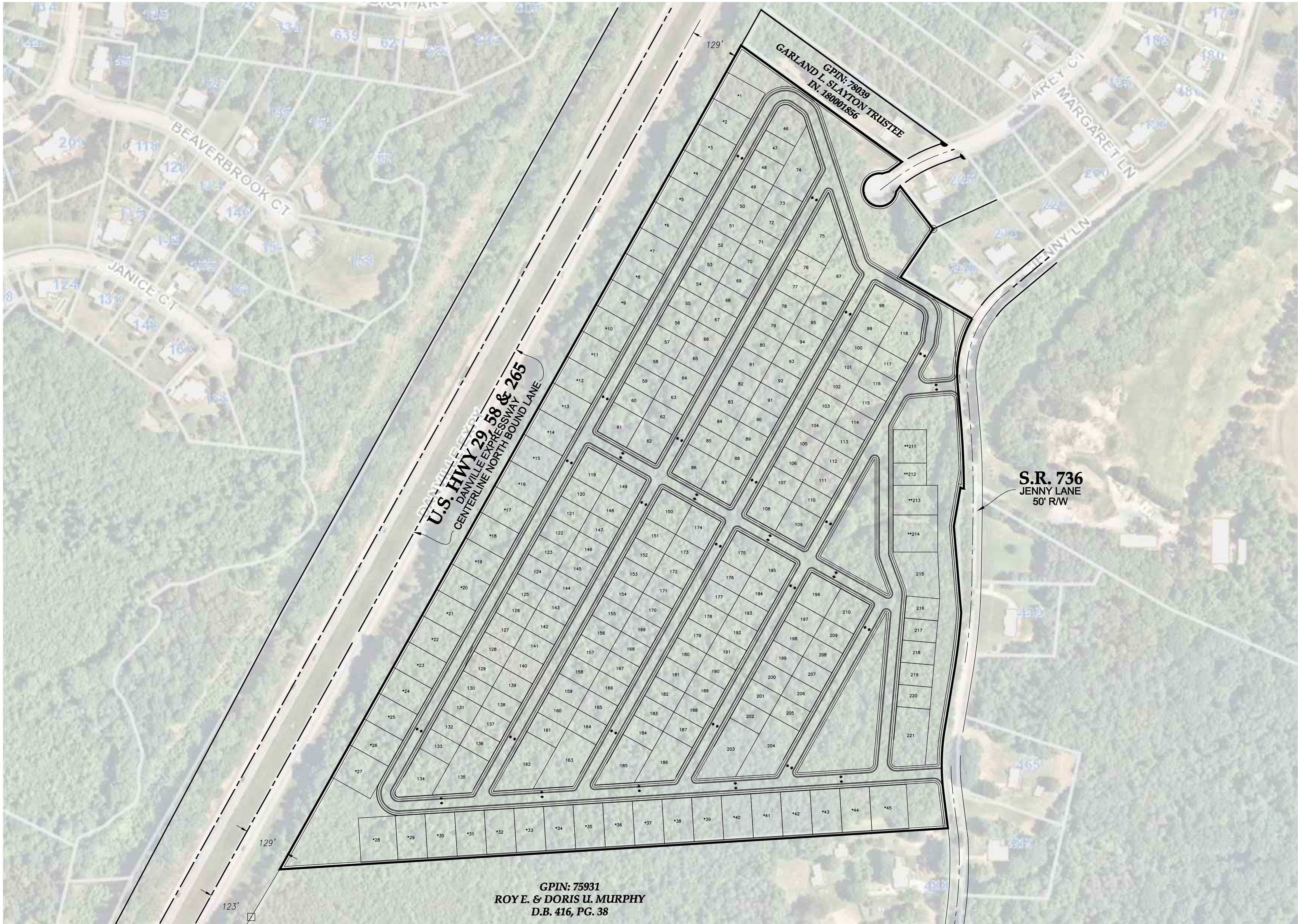
PREPARED BY:
MARC P. MAIER, P.E.
FLORIDA LICENSE #72513
1033 S. GLEN MEADOW L.P.
LECANTO, FL 34461
(352) 634-1643

PRELIMINARY
NOT FOR CONSTRUCTION

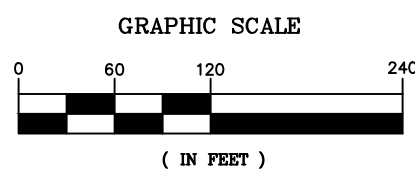
MARC P. MAIER, P.E.
FL PROFESSIONAL ENGINEER LIC. #72513

COUNTRY
CLUB
ESTATES
JENNY LANE
DANVILLE, VA 24541
SHEET DESCRIPTION
SITE PLAN
SHEET NUMBER
C-2





1
C-2 **SITE PLAN WITH AERIAL**
SCALE: 1" = 120'



REV	DATE	DESCRIPTION
A	04/11/23	PRELIMINARY LAYOUT
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DRAWN BY:	CHECKED BY:
KH	MM

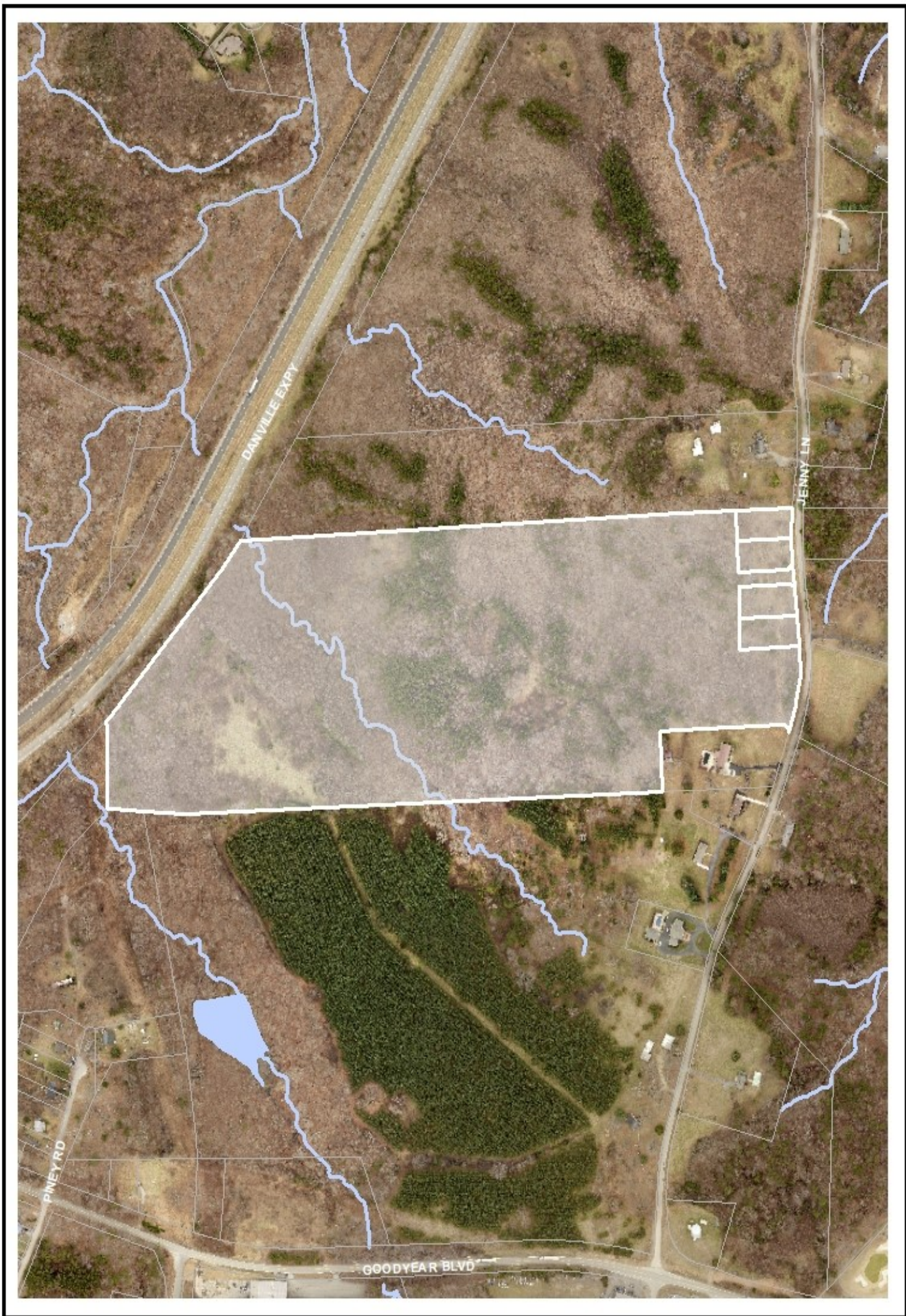
PREPARED FOR:
J. CUBAS HOLDINGS, LLC
13830 SW 28TH STREET
MIAMI, FL 33175

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

**PRELIMINARY
NOT FOR CONSTRUCTION**

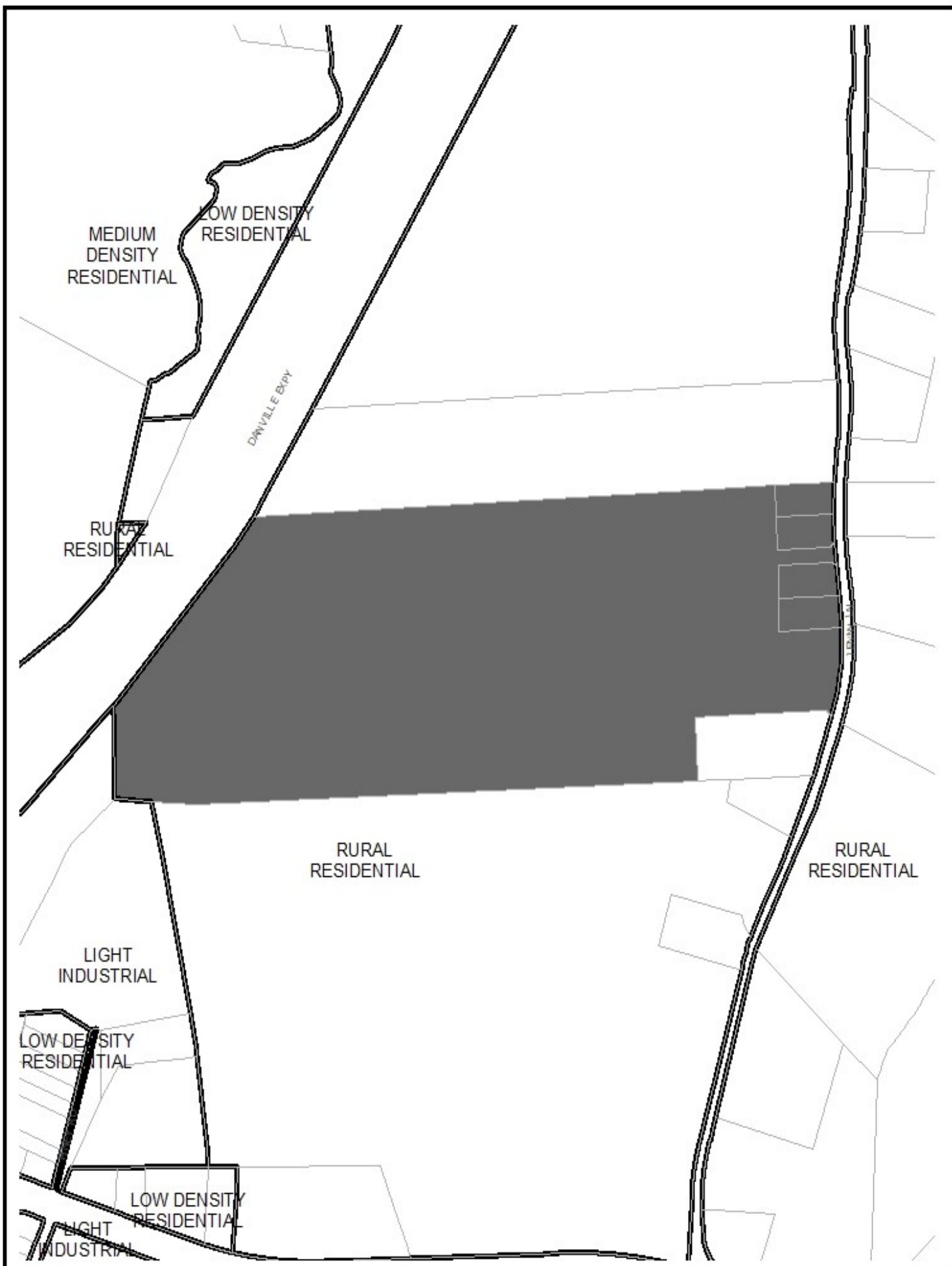
MARC P. MAIER, P.E.
FLORIDA LICENSE #72513

COUNTRY CLUB ESTATES
JENNY LANE
DANVILLE, VA 24541
SITE PLAN WITH AERIAL
SHEET NUMBER
C-3





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
12/5/2023

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: DECEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PZ23-00469

REQUEST

Rezoning Application PZ23-00469 filed by J. Cubas Holdings, LLC, requesting to rezone Parcels 75941, 77419, 77420, 77421, 77422 on Jenny Lane from TR Threshold Residential to S-R Suburban Residential.

RECOMMENDATION

The Planning Commission, at their December 11, 2023, meeting voted 5-0 to recommend approval of Rezoning Request PZ23-00469.

Mr. Steve Petrick, Chair

Council Letter

City of Danville, Virginia



CL - 1105

NEW BUSINESS F.

City Council REGULAR MEETING

Meeting Date: January 16, 2024

Subject: Consideration of a Rezoning Application filed by J. Cubas Holdings, LLC, Requesting to Rezone Parcel 78052 on Jenny Lane from T-R Threshold Residential to S-R Suburban Residential.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing
2. Consideration of a Rezoning Application filed by J. Cubas Holdings, LLC, Requesting to Rezone Parcel 78052 on Jenny Lane from T-R Threshold Residential to S-R Suburban Residential.

SUMMARY

The applicant, J. Cubas Holding, LLC, is requesting to rezone Parcel ID 78052 from T-R, Threshold Residential to S-R, Suburban Residential. The applicant is under contract for the purchase of this parcel and anticipates construction of a single family home development on the subject property.

Parcel ID 78052 is undeveloped and wooded with water and sewer utility connections to the north. Construction of a single family development would not necessitate a Traffic Impact Analysis or improvements to the existing roadway.

The primary difference between the T-R and S-R zoning classification is its maximum density. There is a maximum of two (2) units per net developable acre in the T-R district and a maximum of three (3) units per net developable acre in the S-R district.

The total acreage for Parcel ID 78052 is 55 acres. If the entire parcel was developed, the current maximum yield would be 110 single family dwelling units. If the zoning classification is changed to S-R, the maximum yield would be 165 single family dwelling units; yielding a potential for fifty-five (55) additional single family residential dwelling units.

The City of Danville has identified a need for additional housing units. The rezoning and subsequent additional yield of single family dwelling units is a benefit to the City as a whole.

Sixteen (16) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. At the time of this report, four (4) opposed responses were received.

On December 11, 2023, the City Planning Commission voted 5 - 0 to recommend approval of Rezoning Request PZ23-00470 to rezone Parcel ID 78052 (Jenny Lane) from T-R, Threshold Residential to S-R, Suburban Residential.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance approving a Rezoning from T-R, Threshold Residential to S-R, Suburban Residential at Parcel ID 78052 (Jenny Lane).

Attachments

1. Ordinance
 2. Application
 3. J Cubas Letter
 4. Supporting Documents
 5. Jenny Lane - Aerials
 6. Jenny Lane - Owners
 7. Jenny Lane - Landuse
 8. Planning Commission Recommendation
-

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE REZONING FROM T-R THRESHOLD RESIDENTIAL ZONING DISTRICT TO S-R SUBURBAN RESIDENTIAL ZONING DISTRICT PARCEL ID 78052 (JENNY LANE).

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, J. Cubas Holdings, LLC, has requested to rezone from the T-R Threshold Residential zoning district to S-R Suburban Residential zoning district, Parcel ID 78052 (Jenny Lane), 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 PZ23-00470, filed by J. Cubas Holdings, LLC, requesting to rezone from the T-R Threshold Residential zoning district to S-R Suburban Residential zoning district, Parcel ID 78052 (Jenny Lane) of the City of Danville, Virginia Zoning District Map, be, and 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 PZ23-00470, filed by J. Cubas Holdings, LLC, requesting to rezone from the T-R Threshold Residential zoning district to the S-R Suburban Residential of the City of Danville, Virginia Zoning District Map, be, and is hereby approved, and

BE IT FINALLY ORDAINED that Parcel ID 78052, 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

Country Club Estates

Comprehensive Land Use Change

TR-Transitional Residential to SR-Suburban Residential



Subject Properties

Parcel GPIN: 78052, 75941,
77419, 77420, 77421, 77422
Danville, Virginia

Applicant

J. Cubas Holdings, LLC
Joe Cubas, Manager

November 10th, 2023

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b. Transportation	
c. Corridors & Gateway	
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City of Danville Existing Utilities Map	



City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

REZONING APPLICATION

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Zoning District: _____
Existing Zoning: _____ Proposed Zoning: _____

APPLICANT PROVIDED INFORMATION

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

Property Address: Parcels ID: 78052, 75941, 77419, 77421, 77421, 77422
Gross Area/Net Area: _____ 101.36 Acres

427 Patton Street | Danville, VA 24541 | 434.799.5260 | www.danvilleva.gov

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

Between: Goodyear Blvd and Goodyear Blvd

Proffered Conditions (if any, please attach): _____

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

Name: Margaret D. Marshall Revocable Trust Telephone: (434) 489-1444

Mailing Address: C/O Hauser Realty Group 523 Main Street, Danville, Va. 24541

Email Address: Scearce.commercial@gmail.com

Name: Elizabeth Marshall Revocable Trust Telephone: (434) 489-1444

Mailing Address: C/O Hauser Realty Group 523 Main Street, Danville, Va. 24541

Email Address: Scearce.commercial@gmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

Name: J. Cubas Holdings, LLC Telephone: (305) 219-2558

Mailing Address: 13830 SW 28 Street, Miami, Florida 33175

Email Address: Jcubasholdings@aol.com

ESM Trust by Dalw Mdt Trust
11/9/23

Margaret D. Marshall Revocable Trust
11/10/23
Applicant Signature date

Property Owner Signature date
(if not applicant)

11-10-23
J. Cubas Holdings, LLC
Applicant

427 Patton St. Suite 208 | Danville, Virginia 24541 | 434.799.5260 | www.danvilleva.gov



VIRGINIA REALTORS®
Commercial Purchase Agreement

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

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

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

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

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

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

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

3. **Settlement.**

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

VR Form 700 Revised 07/19
Reviewed 07/19

Page 1 of 10

Hauser Realty Group, 513 Main Street Danville VA 24041
Mike Sweeney

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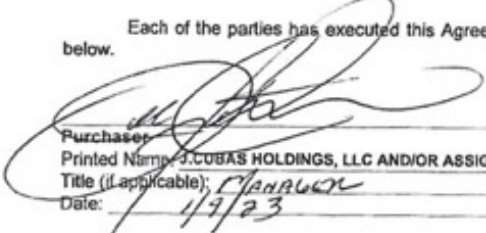
Phone: (434) 792-2088

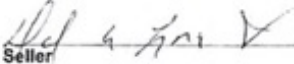
Fax: (434) 792-2757

Jenny Lane

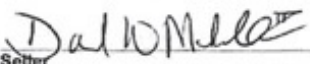
[Handwritten signatures: DWM, HAL]

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


Purchaser
Printed Name: 3. COBAS HOLDINGS, LLC AND/OR ASSIGNEES
Title (if applicable): 1/10/23
Date: 1/10/23


Seller
Printed Name: MARGARET D MARSHALL REVOCABLE TRUST
Title (if applicable):
Date: 1-10-23

Purchaser
Printed Name:
Title (if applicable):
Date:


Seller
Printed Name: ELIZABETH S MARSHALL REVOCABLE TRUST
Title (if applicable):
Date: 1/9/2023

Selling Company's Name and Address

HAUSER REALTY GROUP
523 MAIN ST , DANVILLE, VA 24541

Listing Company's Name and Address

HAUSER REALTY GROUP
523 MAIN ST , DANVILLE , VA 24541

Agent's Name MICHAEL W SCEARCE
Agent's tel. no. (434)489-1444
Fax no.
Agent's email scearce.commercial@gmail.com

Agent's Name MICHAEL W SCEARCE
Agent's tel. no. (434)489-1444
Fax no.
Agent's email scearce.commercial@gmail.com

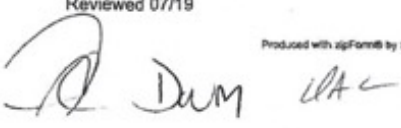
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VR Form 700 Revised 07/19
Reviewed 07/19

Page 8 of 10

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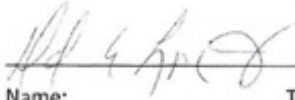
Jeany Lane



OWNER'S CONSENT

On this date, _____, 2023, Margaret D. Marshall Revocable Trust and Elizabeth S. Marshall Revocable Trust, the Owner(s) of record of vacant real estate property located in Danville, Virginia, specifically, Parcel ID 78052, 75941, 77419, 77420, 77421, 77422 with street address on Jenny Lane, through the undersigned legal representatives and Trustees of the respective trusts, grant consent onto J. Cubas Holdings, LLC. as the Contract Purchaser, to pursue a Comprehensive Land Use Change (Rezoning) and a Special Use Permit Application in accordance with City Codes & Ordinances, more specifically, Chapter 41, Zoning Ordinance, Article 3.C: S-R Suburban Residential District to obtain the entitlement approvals for the purposes of developing the subject property into a Residential Subdivision.

Agreed and Consent:

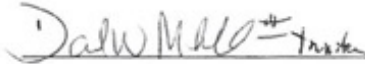


Name: _____ Trustee

Margaret D. Marshall Revocable Trust

Date: 11-10-23

Agreed and Consent:



Name: _____ Trustee

Elizabeth S. Marshall Revocable Trust

Date: 11-9-23

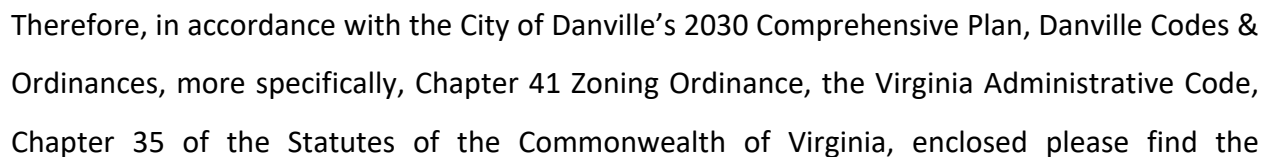
BACKGROUND

On January 9th, 2023, J. Cubas Holdings, LLC, a Florida Limited Liability Corporation, entered into a Commercial Purchase Agreement, included herein, with a Virginia resident to purchase the subject properties; a 55-acre parcel and a 46-acre parcel to develop a residential subdivision that compliments the existing neighborhood. As outlined in the Danville Housing Demand Analysis Report dated April 18th, 2022, the Danville-Danter Housing Study, and the Southern Virginia Regional Alliance, where they indicate that 3,900 new jobs are on the immediate horizon, this application submittal attempts to fill the severe housing shortage in Danville, which is at a critical juncture, having had little new housing added to the market over the past 25 years.



In accordance with the latest Plat of Survey by Crutchfield and Associates dated 4/21/20 provided by the Seller, the subject properties are comprised of 55.08 and 46.33 acres, respectively. The

The purpose of this application submittal package is to request a zoning change from the existing T-R Threshold Residential District to S-R Suburban Residential District in accordance with Chapter 41, Article 3. C. for the purposes of developing a Residential Subdivision.



Comprehensive Land Use Change Application submittal along with the Phase I Conceptual Site Plans and exhibits to secure the required entitlements.

REQUEST FOR LAND USE CHANGE & SPECIAL USE PERMIT

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

The purpose of this application submittal package is to request a zoning change from the existing T-R Threshold Residential District to S-R Suburban Residential District in accordance with Chapter 41, Article 3. C. for the purposes of developing a Residential Subdivision of 405 detached single-family homes. A Conceptual Site Plan has been submitted for Phase I of the proposed residential subdivision as part of this Comprehensive Land Use Change application submittal.

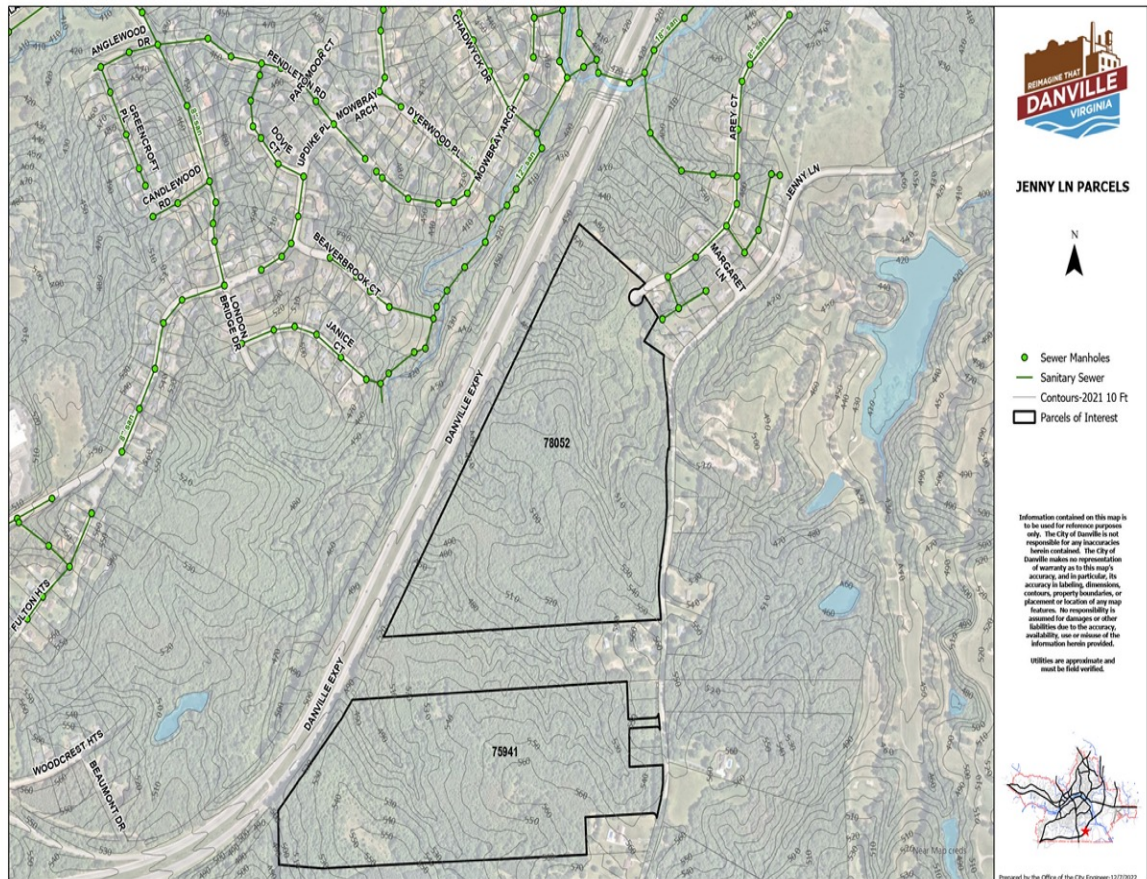
In accordance with Chapter 41, Article 3.C. S-R Suburban Residential District (Single Family Residential District), the purpose and intent of the S-R District is to provide for single family detached residences at subdivision densities which are compatible with the Comprehensive Plan's goals for traditional suburban-scaled residential development in Danville. The average density of three units per acre establishes the S-R District as the City's medium density district for detached residences. The S-R district shall require public water and sewer service, public streets, and sidewalks as minimum subdivision improvements. Recognizing prevailing storm drainage deficiencies in and around the City, new subdivisions shall be constructed with storm drainage conveyance system equivalent in performance and function and shall include Best Management Practices and stormwater management facilities.

Furthermore, in accordance with Article 3-C, C.5., Cluster residential development shall be encouraged in the S-R District in order to promulgate the City's objectives for environmental preservation, architectural harmony and consistency, adequacy of open space and recreation areas, and enhanced quality neighborhood improvements in new residential subdivisions. Provisions are included herein to permit cluster subdivisions with densities up to two-thirds higher than conventional subdivisions.

The S-R District may be applied to both undeveloped tracts and existing stable neighborhoods in appropriate locations recognized by the Comprehensive Plan. The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community infrastructure, and encourage housing with compatible scale and character of architecture. No more than one single family dwelling shall be permitted per subdivision lot. No lots shall be permitted with private domestic wells or septic systems.

In accordance with Chapter 41, Article 3-C. S-R Suburban Residential Subdivision, the subject properties are 55 and 46 acres, respectively. Conceptual Site Plans for Phase I show a total of 221 detached single-family lots with a maximum density of four (4) units per acre on the 55-acre parcel. Phase II of the residential subdivision development will occur on the 46-acre parcel. It will also have a maximum density of four (4) units per acre for a total of 184 detached single-family homes. Combined, the residential subdivision will consist of 405 detached single-family homes. In accordance with Chapter 41, Article 3-C, S-R Suburban Residential Subdivision, the Conceptual Site Plans meet or exceed all the standards outlined in Article 3-C of the Zoning Ordinance. The standards outlined in Sub-paragraphs F., G. and I, will be met through final site plans and construction documents in order to obtain development permits.

The City of Danville has provided a water & sewer location Map as referenced herein, which shows the general location of main lines next to the subject property. Therefore, the subject property(s) will connect to City water & sewer.



2. Consistency with the City of Danville 2030 Comprehensive Plan

Introduction/Purpose

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

This Plan focuses on those particular areas in which the City, through its elected leaders and those staff involved in the planning and management of the City’s growth and

development, can and should have a progressive impact, defining what is in the best public interest while ensuring the preservation of private property rights.

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

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

GOALS FOR FUTURE DEVELOPMENT

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

The goals and policies/objectives outlined in the Comprehensive Plan serve to establish the framework around which the Future Land Use Map and plan were designed. They further establish the framework around which the City’s physical, community, and

economic growth and development can be shaped and guided. The goals are grouped into five general categories and can be stated as:

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

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

A. Sustainable Growth & Land Use

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

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

In accordance with the City of Danville Comprehensive Plan's Goals of Sustainable Growth & Land Use policies and objectives, the approval of the Land Use Change for the Residential Subdivision will be compatible with and maintain continuity of the residential uses of the neighborhood as the subject property and surrounding properties are either zoned T-R Threshold Residential or S-R Residential Subdivision, as required under Chapter 41, Zoning Ordinance of the City of Danville.

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

The purpose and intent of Article 3.C, the S-R, Suburban Residential District is to create and provide for single family detached residences at subdivision densities which are compatible with the Comprehensive Plan's goals for traditional suburban-scaled residential development in Danville.

Furthermore, in accordance with Chapter 41, Article 3-C. S-R Suburban Residential Subdivision, Phase I of the Conceptual Site Plans show a total of 221 detached single-family lots with a maximum density of four (4) units per acre. The size of the subject properties are 55.08 and 46 acres, respectively.

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

The Existing Land Use of the Southwyck Planning Area is largely residential in nature, *although it does support a wide range in residential uses in terms of affordability*. Nonresidential uses include the Southwyck Plaza Shopping Center, Goodyear's private eighteen-hole golf course and Grove Park. Public water service is available throughout the Planning Area however, public sewer is not easily available in the southern half of the planning area yet, the City has indicated that main lines are located at the mouth of the subject property on Jenny Lane, Arey Court and across the bypass.

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

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

B. Transportation

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

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

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

In accordance with the City’s Transportation Policy / Objective, the subject property is located in Planning Area 5 which provides for a network of major and minor thoroughfares (the Danville Expressway and South Main Street, respectively), local collector streets (Goodyear Blvd.) and minor residential streets. Corridors: South Main Street (Route 86 South). It also sits within close proximity of the intersection of Goodyear Blvd and Jenny Lane located on the south-side of the bypass, a major Collector. Additionally, the residential subdivision will encourage the incorporation of planned bicycle and pedestrian system within the subdivision to hopefully, if possible, integrate these facilities into the City’s existing Transportation Plan thereby, enhance the City’s and the residential subdivision’s viability as an inviting center for tourism.

Furthermore, as per policies and objectives of the Transportation Plan, the Applicant will submit for Subdivision and Site Plan Review at development, to ensure adequate street planning and design in order for the City to carefully evaluate all future residential development proposals in order to provide for appropriate levels of intercommunity traffic circulation in accordance with adopted subdivision standards required by VDOT.

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

If the Comprehensive Land Use Change to the residential subdivision is approved, in accordance with the Comprehensive Plan, more specifically, subsections A, Sustainable Growth & Land Use,

B. Transportation and F. Economic Development, the residential subdivision will take access through several access points from Jenny Lane located south of the Bypass and intersecting with Goodyear Boulevard, identified in the Comprehensive Plan as a Major Gateway. Heading north or into the city, Goodyear Boulevard intersects with South Main Street or State Road 86, another major transportation corridor and entrance gateway into the City.

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

In accordance with Chapter 41, Article 3-C and the City's 2030 Comprehensive Plan, specifically, Sub-paragraph D (Housing & Neighborhoods), the Phase I Conceptual Site Plans and accompanying submittal package for the development of the residential subdivision have been designed precisely with the intent and purpose of this policy and objective as it promotes opportunities for a detached single family residential subdivision in the City through new development within established neighborhoods and districts and through sustainable and well planned new development on vacant land with an emphasis on providing safe, sanitary, and affordable homes for low- to moderate-income residents as well as residents with higher incomes.

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

While the residential subdivision, if approved, is not located at or near any historical and/or cultural resources, as part of its advertising campaigns and in accordance with this section of the

Comprehensive Plan, the subdivision will promote, among other things, Danville as a heritage tourism destination and as an All-American City.

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

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

Another form of economic development is through the growth and development of real estate housing more specifically, in the form of a residential subdivision. Real property tax is governed by State laws. State law requires property tax liabilities to be distributed according to property values and for those values to be at 100% of fair market value. As economic conditions are constantly changing, so are property values. It is the responsibility of the City to perform periodic reviews, adjustments as well as sales, cost, and income analysis that are necessary to maintain an accurate assessment. Assessing all real estate at fair market value assures all property owners are assessed fairly and equitably, thus the costs associated with the City's schools, fire, protection and public services are distributed properly and fairly.

As a basis to project the amount of tax revenue to the City generated by the approval of this application request, 405 single family homes will be used at an average fair market value of \$300,000 per home. Real estate assessment values and tax rates are effective as of July 1 of a given year through June 30 of the following year. The current Real Estate tax rate of the City of Danville is **\$0.84** per \$100 of assessed value. Therefore, based on the current tax rate, the

residential subdivision is projected to initially generate \$1,020,600 in property tax revenue to the City upon completion on an annual basis.

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

Policies / Objectives

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

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

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

In accordance with Article 6 of the Zoning Ordinance, this Comprehensive Land Use Change Application Submittal meets all applicable standards in Article 3-C., more specifically, (1) it is in harmony with the adopted Comprehensive Plan, it's in harmony with the intent and purpose of the Residential zoning district in which the use is proposed to be located; and with the character of adjacent properties and the surrounding neighborhoods,(2) the proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities, (3) the proposed use shall not result in the destruction, loss

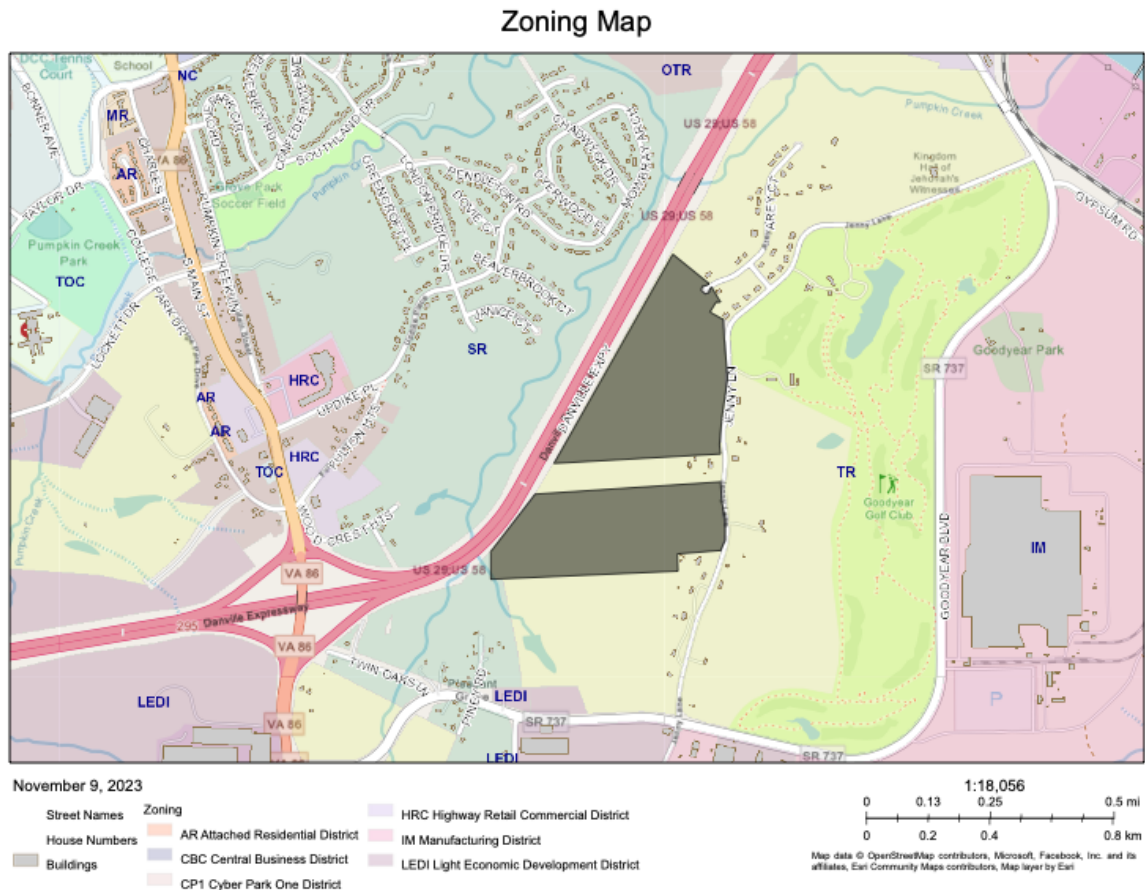
or damage of any feature determined to be of significant ecological, scenic or historic importance, (4) the proposed use shall be designed, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods. Furthermore, it meets the objectives outlined in Economic Development section of the Comprehensive Plan. More specifically, the approval would (1) enhance the long-term visual attractiveness of the City's major commercial corridors, (2) expand job opportunities for City employees, (3) due to its proximity to Goodyear Gold Course, may increase visitation and tourism to the City and (4) promote the City as an attractive location to purchase a home and economic development. Additionally, upon completion, based on the projections mentioned above; the development of 405 single-family homes at a fair market value of \$300,000 and a tax rate of \$0.84 per \$100, the annual projected Property Taxes due to the City will be \$2,520 per home or a total of \$ 1,020,600 per year at the present rate.

3. Compatibility with Surrounding Properties & Adjacent Land Uses

The subject property(s) are in Planning Area 5: Southwyck, and in Sub-Area 9 of the Comprehensive Plan with a Future Land Use of Medium Density Residential. They are presently zoned T-R, Threshold Residential District. As per the Zoning Map from the City's GIS system included herein, the subject properties are surrounded by existing residential subdivisions in the SR district, as well as, the TR district, Goodyear Golf Course and single-family residential across Jenny Lane, the bypass to the north and single-family residential to the east.

Therefore, in accordance with Chapter 41, Articles 3.B and 3-C, the subject property(s) already have the appropriate residential district to develop a single-family residential development. The purpose of this Comprehensive Land Use Change application request is to increase the density from 2 units per acre under the existing TR Residential District to a maximum of 4 units per acre under the SR Residential Subdivision District. As such, the subject property(s) will maintain compatibility with the residential nature of the area, adjoining and /or surrounding properties &

adjacent land uses while continuing to provide continuity to the existing neighborhood as shown in the City's GIS Zoning Map below.



4. MASTER PLAN OF DEVELOPMENT

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

The Phase I Conceptual Site Plan shows residential lots and the required open space as per Article 3-C, SR Residential Subdivision.

The purpose of this application submittal package is to request a zoning change from the existing T-R Threshold Residential District to S-R Suburban Residential District in accordance with Chapter 41, Article 3. C. for the purposes of developing a Residential Subdivision of 405 detached single-family homes.

In accordance with Chapter 41, Article 3-C. S-R Suburban Residential Subdivision, the subject properties are 55 and 46 acres, respectively. Conceptual Site Plans for Phase I show the development of 221 detached single-family lots with a maximum density of four (4) units per acre. The development of Phase II of the residential subdivision will occur on the 46-acre parcel. It will also have a maximum density of four (4) units per acre for a total of 184 detached single-family homes. Upon completion, the overall residential subdivision development will consist of 405 detached single-family homes. In accordance with Chapter 41, Article 3-C, C.5, S-R Suburban Residential Subdivision, the Conceptual Site Plans meet or exceed all the standards outlined in Article 3-C of the Zoning Ordinance.

Furthermore, in accordance with Article 3-C, C.5., Cluster residential development shall be encouraged in the S-R District in order to promulgate the City's objectives for environmental preservation, architectural harmony and consistency, adequacy of open space and recreation areas, and enhanced quality neighborhood improvements in new residential subdivisions. Provisions are included herein to permit cluster subdivisions with densities up to two-thirds higher than conventional subdivisions.

The S-R District may be applied to both undeveloped tracts and existing stable neighborhoods in appropriate locations recognized by the Comprehensive Plan. The intent of the district shall be to preserve existing natural features and vegetation, promote excellence in site planning and landscape design, facilitate the efficient layout and orientation of public utilities and community infrastructure, and encourage housing with compatible scale and character of architecture. No more than one single family dwelling shall be permitted per subdivision lot. No lots shall be permitted with private domestic wells or septic systems.

The City of Danville has provided a water & sewer location Map as referenced herein, which shows the general location of main lines next to the subject property. Therefore, the subject property will connect to City water & sewer.

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

The subject property(s) abut to two residential subdivisions already zoned SR Suburban Residential and T-R Threshold Residential respectively on either side, abuts to the ROW of the bypass on the north and Jenny Lane on the south. The City of Danville has indicated that the water mains are located at the subject property. In accordance with the City of Danville Comprehensive Plan, Chapter 41 and Chapter 450 of the Virginia Administrative Code, the subject property will connect to City water.

The same applies to sewer. The City of Danville services the adjacent properties within the with sewer facilities. The City of Danville has indicated that the sewer mains are located at the subject property. In accordance with the City of Danville Comprehensive Plan, Chapter 41 and Chapter 450 of the Virginia Administrative Code, the subject property will connect to City sewer.

At this time, the Phase I Conceptual Site Plans do not show Impervious Surface Ration (ISR) however, the proposed density is 4.0 units per acre. Upon entitlement approvals and before the design of construction documents, the applicant will coordinate with the City of Danville Engineering & Public Works Departments to design and meet the requirements for stormwater retention.

J. Cubas Holdings, LLC
13830 SW 28 Street
Miami, Florida 33175
305-219-2558
Jcubasholdings@aol.com

December 4th, 2023
Via Email

Ms. Renee Burton
Director of Planning & Zoning
City of Danville
427 Patton Street, Room 207
Danville, Va. 24541

Re: **PZ23-00469 & PZ23-00470**

Dear Renee,

As expressed in our email correspondence dated November 28th, 2023, please be advised that our rezoning application submittals referenced above, to rezone both properties from TR Transitional Residential to SR Suburban Residential Subdivision, erroneously indicated that our request was for the purposes of increasing density to four units per acre.

For purposes of clarity, please note that our application submittal(s) is to increase density from two units per acre to three units per acre in accordance with the SR district of the Zoning Ordinance.

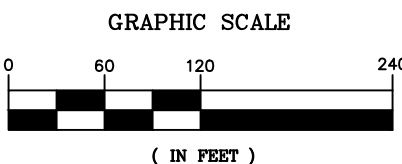
My apologies for any inconvenience or misunderstanding this may have caused.

Kindest regards,

Joe Cubas
President



1
C-1 **EXISTING CONDITIONS**
SCALE: 1" = 120'



REV	DATE	DESCRIPTION
A	04/11/23	PRELIMINARY LAYOUT
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DRAWN BY:	CHECKED BY:
RM	MM

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

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

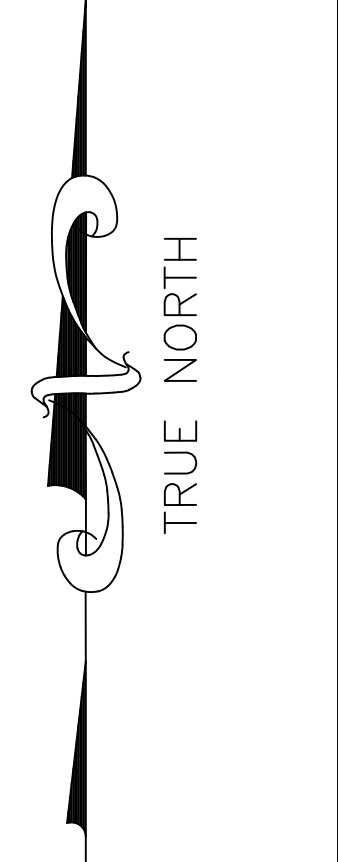
PRELIMINARY
NOT FOR CONSTRUCTION

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

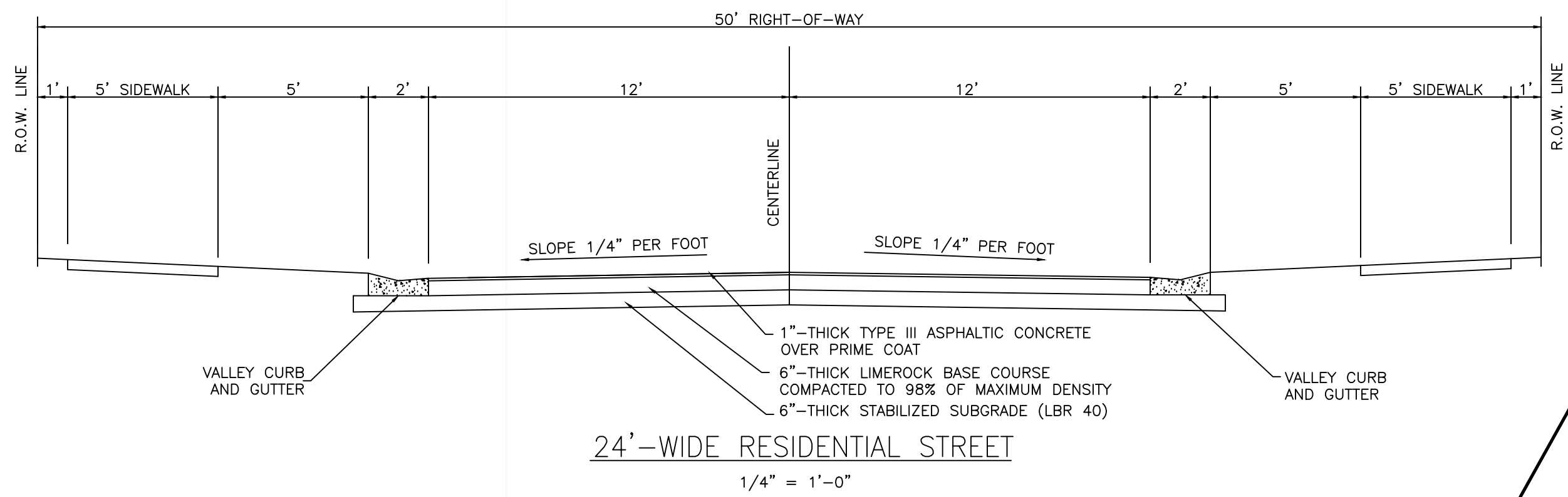
COUNTRY CLUB ESTATES
JENNY LANE
DANVILLE, VA 24541

SHEET DESCRIPTION
EXISTING CONDITIONS

SHEET NUMBER
C-1

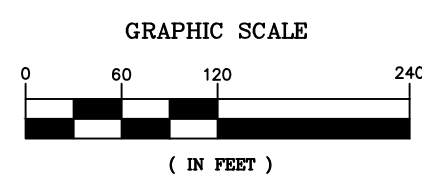


SITE SCHEDULE	
TOTAL APPLICANT OWNED LAND AREA	106.76 ACRES
TOTAL SITES ALLOWED	225
TOTAL SITES PROPOSED	221



GPIN: 75931
ROY E. & DORIS U. MURPHY
D.B. 416, PG. 38

1
C-2
SITE PLAN
SCALE: 1" = 120'



REV	DATE	DESCRIPTION
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DRAWN BY: KJH
CHECKED BY: MW

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

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

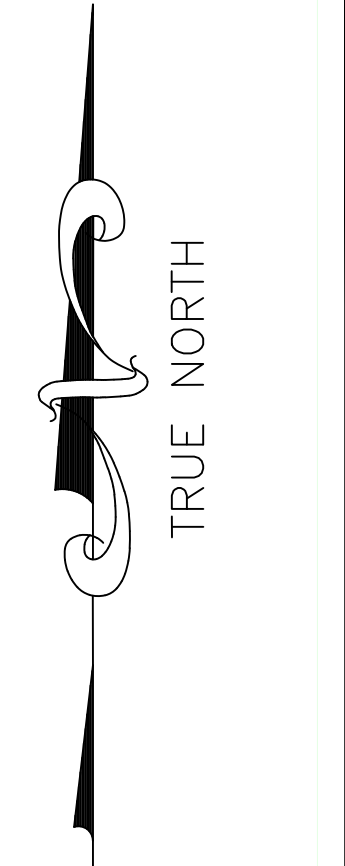
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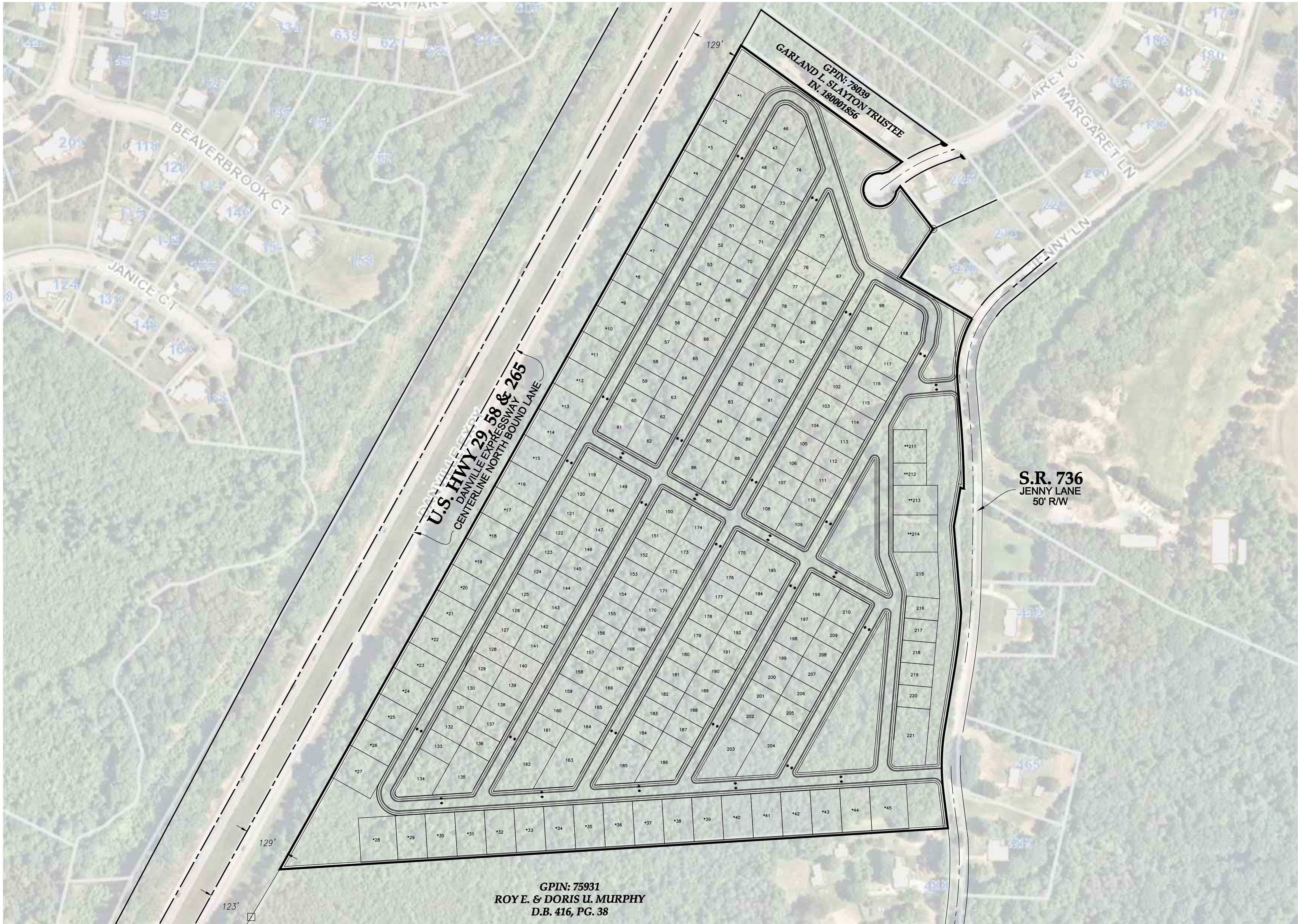
MARC P. MAIER, P.E.
FLORIDA PROFESSIONAL ENGINEER L.C. #72513

COUNTRY
CLUB
ESTATES
JENNY LANE
DANVILLE, VA 24541

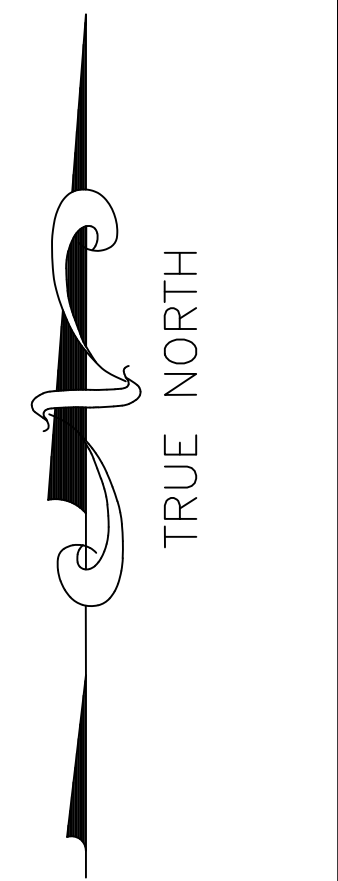
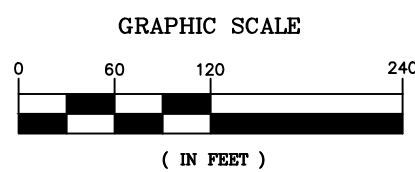
SHEET DESCRIPTION
SITE PLAN

SHEET NUMBER
C-2





1 SITE PLAN WITH AERIAL
C-2 SCALE: 1" = 120'



REV	DATE	DESCRIPTION
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DRAWN BY: KKH CHECKED BY: MM

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

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

**PRELIMINARY
NOT FOR CONSTRUCTION**

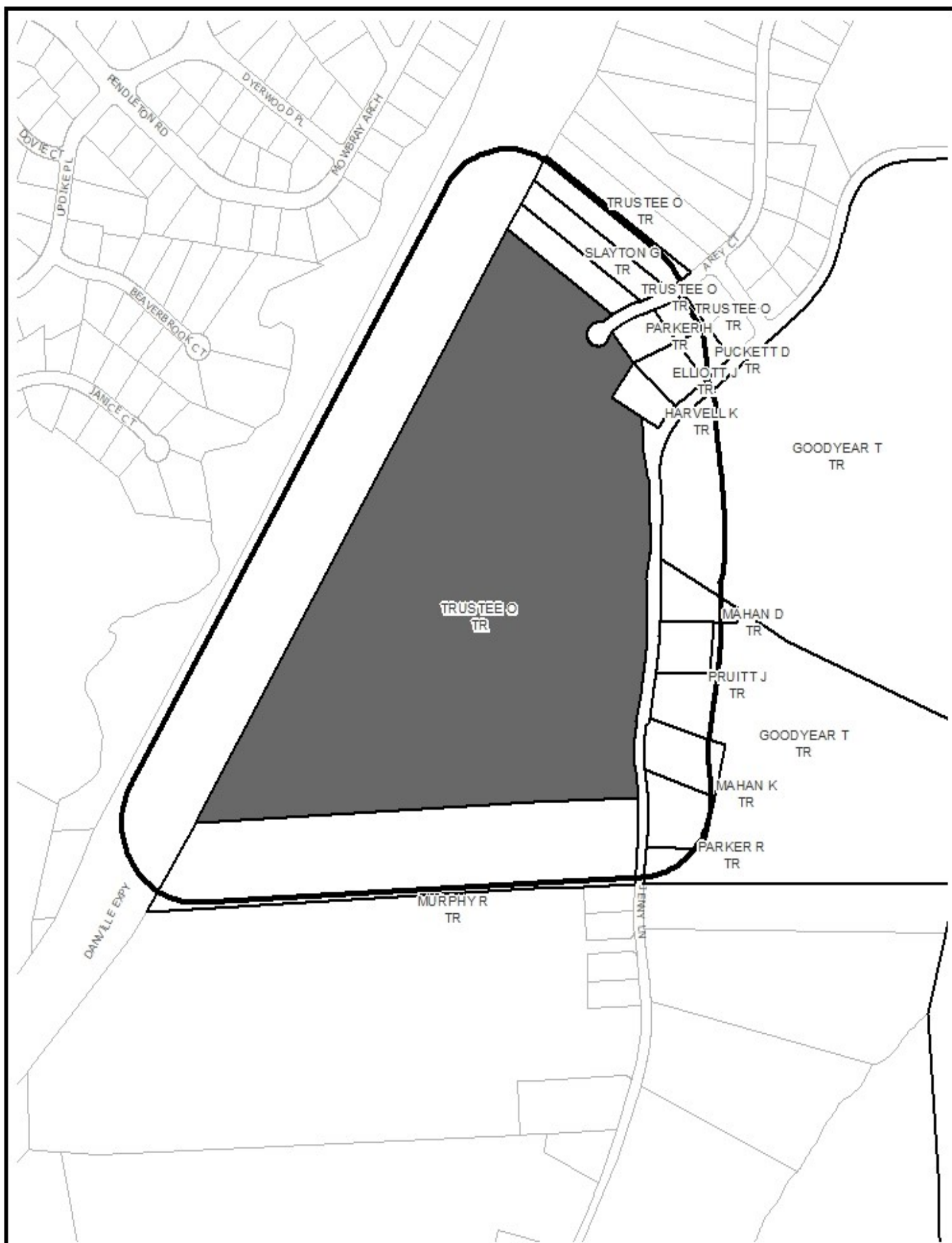
MARC P. MAIER, P.E.
FL PROFESSIONAL ENGINEER LIC. #72513

COUNTRY CLUB ESTATES
JENNY LANE
DANVILLE, VA 24541

SHEET DESCRIPTION
SITE PLAN WITH AERIAL

SHEET NUMBER
C-3



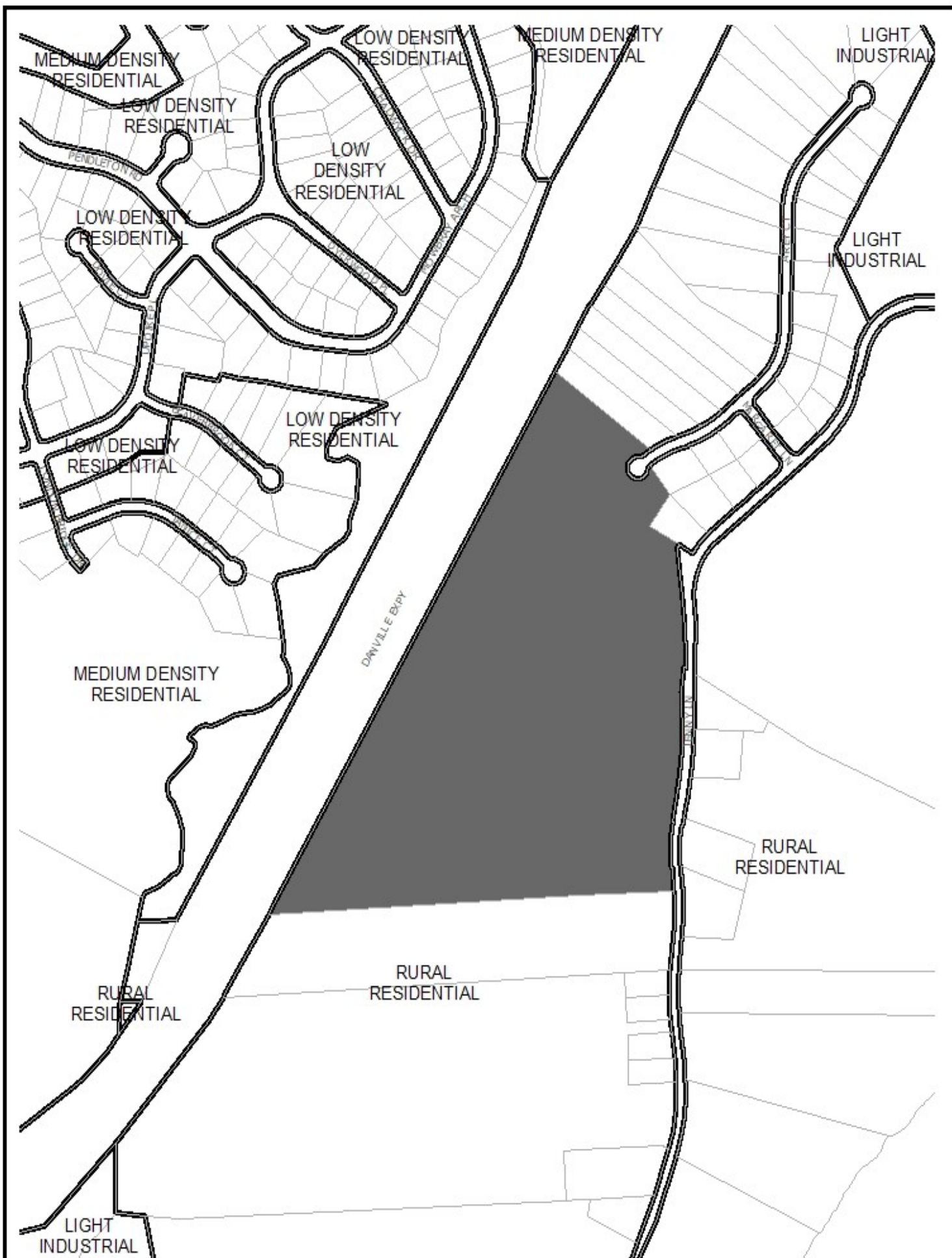


SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY



Prepared by:
Planning Division
12/5/2023

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YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
12/5/2023

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City Planning Commission

MEMORANDUM

DATE: DECEMBER 11, 2023
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PZ23-00470

REQUEST

Rezoning Application PZ23-00470 filed by J. Cubas Holdings, LLC, requesting to rezone Parcel 78052 on Jenny Lane from TR Threshold Residential to S-R Suburban Residential.

RECOMMENDATION

The Planning Commission, at their December 11, 2023, meeting voted 5-0 to recommend approval of Rezoning Request PZ23-00470.

Mr. Steve Petrick, Chair