DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

February 6, 2024

7:00 PM

REVISED

PRESIDING:	Alonzo L. Jones, Mayor	
CITY COUNCIL MEMBERS:	James B. Buckner L.G. "Larry" Campbell, Jr. Bryant Hood Barry P. Mayo	Dr. Gary P. Miller, Vice Mayor Sherman M. Saunders J. Lee Vogler, Jr., Madison J. Whittle
STAFF:	Ken F. Larking, City Manager Earl B. Reynolds, Jr., Deputy City Manager	W. Clarke Whitfield, Jr., City Attorney Susan M. DeMasi, City Clerk

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

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

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

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

repetitive, redundant, cumulative, or irrelevant to the subject of the public hearing. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - VICE MAYOR GARY P. MILLER

PLEDGE OF ALLEGIANCE TO THE FLAG

ANNOUNCEMENTS AND SPECIAL RECOGNITION

A. Certificate of Recognition: Timothy Lowell Garland, Jr.
Presented to: Mr. Garland

B. Introduction of Terrance Draper, 4H Agent, Virginia Cooperative Extension,
By Corey Riedel, Horticultural Extension Agent, Virginia Cooperative Extension.

MEETING MINUTES

A. Consideration of Approval of Minutes for Regular Council Meeting held on January 2, 2024.
Council Letter Number CL - 1112.

Consideration of Approval of Minutes for Regular Council Meeting held on January 2, 2024.

NEW BUSINESS

A. Consideration of Amending Chapter 41 entitled “Zoning Ordinance”, Specifically, Article 3.J Section C to Create Item 23 "Automobile and Light Vehicle Repair Establishments (within Completely Enclosed Structures with Screened Outdoor Storage)".
Council Letter Number CL - 1115.

1. Public Hearing

2. An Ordinance Amending Chapter 41 Entitled, “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 3.J., Section C, to Create Item 23 “Automobile and Light Vehicle Repair Establishments (within Completely Enclosed Structures with Screened Outdoor Storage)”.

B. Consideration of Approving or Denying a Rezoning Application filed by First Choice Transmissions LLC, Requesting to Rezone 135 Forestdale Drive (Parcel 54834) from OT-R Old Town Residential to N-C Neighborhood Commercial.
Council Letter Number CL - 1116.

1. Public Hearing

2. A Resolution Maintaining Parcel ID 54834 (135 Forestdale Drive) in the OT-R Old Town-Residential Zoning District; OR

3. An Ordinance Rezoning from OT-R Old Town Residential Zoning District to N-C Neighborhood Commercial Zoning District Parcel ID 54834 (135 Forestdale Drive)

C. Consideration of Approving or Denying a Special Use Permit Application filed by First Choice Transmissions LLC, Requesting a Special Use Permit at 135 Forestdale Drive (Parcel 54834) to Allow Automobile and Light Vehicle Repair Establishments.
Council Letter Number CL - 1117.

1. Public Hearing

2. A Resolution Denying Special Use Permit Application PZ23- 00497, filed by First Choice Transmissions LLC, Requesting a Special Use Permit in Accordance with Article 3.J., Section C., Item 23. of the Danville Zoning Ordinance at Parcel ID 54834 (135 Forestdale Drive); OR

3. An Ordinance Granting Special Use Permit Application PZ23- 00497, filed by First Choice Transmissions, LLC, Requesting a Special Use Permit in Accordance with Article 3.J, Section C Item 23 of Chapter 41., Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia to Include Parcel ID 54834 (135 Forestdale Drive).

D. Consideration of a Special Use Permit Application filed by Powers Signs Requesting a Special Use Permit at 540 Central Boulevard (Parcel 26372).
Council Letter Number CL - 1113.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ23- 00465, filed by Powers Signs, Inc., Requesting a Special Use Permit for a Waiver to the Maximum Sign Area in Accordance with Article 3.I, Section C, Item 25 of Chapter 41., Entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia to Include Parcel ID 26372 (540 Central Boulevard).

E. Consideration of a Rezoning Application filed by River City Developers LLC, Requesting to Rezone Parcel 73170 from PS-C Planned Shopping Center Commercial to M-R Multifamily Residential.
Council Letter Number CL - 1118.

1. Public Hearing

2. An Ordinance Rezoning from PS-C Planned Shopping Center Commercial Zoning District to M-R Multi-Family Residential Zoning District Parcel ID 73170 (Parker Road).

F. Consideration of Approval to Release a Blanket Easement on Parcel 2403-90-5329 in Pittsylvania County for a Dominion Energy Solar Farm.
Council Letter Number CL - 1119.

A Resolution Authorizing the Abandonment of One Blanket Easement Across a Property in Pittsylvania County.

COMMUNICATIONS FROM VISITORS

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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 - 1112 **MEETING MINUTES A.**

City Council REGULAR MEETING

Meeting Date: February 6, 2024

Subject: Consideration of Approval of Minutes for Regular Council Meeting held on January 2, 2024.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of Approval of Minutes for Regular Council Meeting held on January 2, 2024.

Attachments

1. Meeting Minutes

The Regular January meeting of the Danville City Council was held on January 2, 2024, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, L.G. "Larry" Campbell Jr., Bryant Hood, Mayor Alonzo L. Jones, Barry Mayo, Vice Mayor Gary P. Miller, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). Sherman M. Saunders was absent (1). *Mr. Whittle entered the meeting at 7:03 p.m.*

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

CONSENT AGENDA

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

Minutes from the Regular Council Meeting held on December 5, 2023. Draft copies of the minutes had been distributed prior to the meeting.

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.

An Ordinance entitled, Ordinance No. 2023-12.17, An Ordinance Amending the Fiscal Year 2024 Budget Appropriation Ordinance to Provide for a Grant from the Department of Homeland Security in an Amount of $83,740.22 and a Local Share in the Amount of $8,374.03 for an Air Compressor/Cascade/Fill Station for a Total Appropriation in the Amount of $92,114.25 and Appropriating Same.

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

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

NEW BUSINESS

Vice Mayor Miller **moved** to **Postpone** New Business Item A for an indefinite amount of time.

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

RESOLUTION NO. 2024-01.01

A RESOLUTION DECLARING CERTAIN CITY-OWNED PROPERTY TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO CONVEY SUCH PROPERTY TO THE DANVILLE REDEVELOPMENT AND HOUSING AUTHORITY.

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

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

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

Vice Mayor Miller **Moved** to **Postpone** New Business Item F until the next scheduled City Council meeting.

ORDINANCE NO. 2024-01.05

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).

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

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

CONSIDERATION OF 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

Vice Mayor Miller **Moved** to **Postpone** New Business Item G until the next scheduled City Council meeting.

ORDINANCE NO. 2024-01.05

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.

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

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

Vogler, and Whittle, (9)
NAY: None (0)
ABSENT: Saunders (1)

CONSIDERATION OF A SPECIAL USE PERMIT AT 618 CRAGHEAD STREET (PARCEL 21749) TO REQUEST WAIVER OF MAXIMUM DENSITY

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit at 618 Craghead Street. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 19, 2023 and December 26, 2023. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2024-01.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23- 00404, FILED BY GARRETT SHIFFLETT, REQUESTING A SPECIAL USE PERMIT FOR A WAIVER OF MAXIMUM DENSITY IN ACCORDANCE WITH ARTICLE 3., SECTION C, ITEM 13 OF CHAPTER 41., ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL ID 21749.

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

Council Member Whittle questioned parking, and City Manager Ken Larking stated that in the River District and downtown there were no parking requirements, therefore there were no issues related to parking for this project. Council Member Vogler asked if this project included eighty-eight new apartment units, and Mr. Larking noted that was correct. Vice Mayor Miller asked if there were plans to include future parking, including a parking garage in the downtown area, and Mr. Larking stated that staff was working on a couple of different options for structured parking downtown.

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

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

CONSIDERATION OF A REZONING APPLICATION REQUESTING TO REZONE PARCELS ON SOUTH BOSTON ROAD FROM N-C NEIGHBORHOOD COMMERCIAL TO HR-C HIGHWAY RETAIL COMMERCIAL

Mayor Jones opened the floor for a Public Hearing regarding a Request to Rezone Parcels on South Boston Road. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 19, 2023 and December 26, 2023.

Mayor Jones recognized the following citizens who spoke against the Rezoning:

Dale Van Austin, 114 Pine Circle, who spoke in opposition to this land being rezoned because it was a flood zone that goes through his back yard. If the channel behind his property was filled in it will cause his yard to be a swamp.

Sharon Casada, 110 Pine Circle, who spoke in opposition of this ordinance due to flood issues of the property and the residents of Green Acres not being aware of what the land will be developed into.

Brendan Kyles, 569 Bermuda Road, who expressed his opposition to a business coming in and taking over the property. These concerns included noise and traffic issues.

Mayor Jones recognized Tom Wagstaff, Roxboro, NC, who spoke on behalf of his son and daughter-in-law who own the land. He stated that this property was turned down 25 years ago for Burger King to be on the property. The zoning board unanimously voted to approve this request. He stated his family has been paying for this property for four generations. It was time for the property to be developed like the rest of 58 that backs up against residential property.

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

Council Member Campbell **moved** to approve an Ordinance entitled:

ORDINANCE NO. 2024-01.02

AN ORDINANCE REZONING FROM N-C NEIGHBORHOOD COMMERCIAL ZONING DISTRICT TO HR-C HIGHWAY RETAIL COMMERCIAL ZONING DISTRICT PARCEL IDS 76526, 76527, 76528, 76529, 76530, 76531, 76532, 76533, 76534, AND 76535 (SOUTH BOSTON ROAD).

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

Council Member Campbell stated that it was concerning that citizens were coming in opposition without any discussion having taken place. Council Member Vogler stated that this was like voting blindly because there was no idea what this property may or may not be along with the fact that the community has not been met with. Vice Mayor Miller stated this was a large piece of property and needed to be discussed with the residents; a buffer needed to be put into place. Council Member Mayo stated that there needs to be a clear understanding of what was going to happen, the citizens were concerned, the developer knows what they want to do but there needs to be a discussion. Council Member Hood asked Director of Planning Renee Burton to explain. Ms. Burton stated that 29 notices were sent out to surrounding residents; 24 were received with five being opposed and nineteen not being opposed. It was currently zoned neighborhood commercial, and those businesses were generally less intense than those that were zoned highway commercial like on Piney Forest Road and Riverside Drive. Neighborhood commercial businesses were things like beauty salons, barber shops, banks, and restaurants without drive-thru; any business under 3,000 square feet. Council Member Vogler asked if the Planning Commission was given any idea as to what would be developed on this property, and Ms. Burton noted that there were no development plans at this time. Mayor Jones stated that it would be unjust voting on something that had not been communicated to the community.

Council Member Campbell **moved** to postpone Item C for an indefinite period of time:

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

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

CONSIDERATION OF A REZONING APPLICATION REQUESTING TO REZONE 3411 WESTOVER DRIVE (PARCEL 71202) FROM N-C NEIGHBORHOOD COMMERCIAL TO S-R SUBURBAN RESIDENTIAL

Mayor Jones opened the floor for a Public Hearing regarding a Request to Rezone 3411 Westover Drive. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 19, 2023 and December 26, 2023.

Mayor Jones recognized Anthony Haynes, Copper Construction, who noted he was trying to get this rezoned because the way that the homes were zoned, banks do not want to loan money for home purchases.

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

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

ORDINANCE NO. 2024-01.03

AN ORDINANCE REZONING FROM N-C NEIGHBORHOOD COMMERCIAL ZONING DISTRICT TO S-R SUBURBAN RESIDENTIAL ZONING DISTRICT PARCEL ID 71202 (3411 WESTOVER DRIVE).

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

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

CONSIDERATION OF A REZONING APPLICATION REQUESTING TO REZONE PARCEL 73014 FROM OT-R OLD TOWN RESIDENTIAL TO HR-C HIGHWAY RETAIL COMMERCIAL

Mayor Jones opened the floor for a Public Hearing regarding a Request to Rezone Parcel 73014. Notice of the Public Hearing was published in the *Danville Register & Bee* on December 19, 2023 and December 26, 2023. No one present desired to be heard and the Public Hearing was closed.

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

ORDINANCE NO. 2024-01.04

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL ZONING DISTRICT TO HR-C HIGHWAY RETAIL COMMERCIAL ZONING DISTRICT PARCEL ID 73014 (ASH STREET).

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

VOTE:	8-0-1
AYE:	Buckner, Campbell, Hood, Jones, Mayo, Miller, Vogler, and Whittle, (9)
NAY:	None (0)
ABSENT:	Saunders (1)

COMMUNICATIONS

The City Manager, Deputy City Manager and City Attorney wished everyone a Happy New Year.

Council Member Buckner asked everyone to keep Josh Hearne in their thoughts and prayers; he was in a bad bicycle accident with some serious injuries. Mr. Buckner noted his congratulations to Shawn Wesley and Rick Barker and his team for their New Year's Eve celebration on Craghead Street with the Tobacco Leaf fell at midnight, and wished a Happy New Year to everyone.

Council Member Campbell wished everyone a Happy New Year and stated they were excited about 2024 and what will happen in the City; the prosperity and that prosperity be shared in all areas of the community. Rev. Campbell reminded citizens about the Climate Change workshop in the Plan Danville office on Union Street on February 2, 9, 16, and 23, and asked that the City armory to be looked at with a plan for the future of that historic building.

Council Member Hood wished everyone a Happy New Year, and noted he would like to recognize Curtis Goard, a mentor of his sitting in the back, he was instrumental in a lot young men in his community growing up. Mr. Hood noted his word for 2024 going forward was "thrive" for the City of Danville.

Council Member Mayo wished everyone a Happy New Year, and recognized Casey Cunningham who won an award at the Harry Johnson Holiday Classic for the work she does in the community. Mr. Mayo noted he was looking forward to a prosperous year, and hoped everyone had a wonderful Christmas and a Happy New Year.

Vice Mayor Miller noted the Harry Johnson Holiday Classic was fantastic this year, some of the best high school basketball he has seen. Next year, it will be back at GW with a 2500 seat gymnasium. The Downtown Danville Countdown was amazing, there was a lot going on and everyone had a great time. In the last three weeks Dr. Miller noted he has had patients with flu, covid, and RSV. There were vaccines for all of these and encouraged citizens to get their vaccines.

Council Member Vogler wished everyone a Happy New Year and hoped everyone had a blessed Christmas. The Harry Johnson Holiday Classic was phenomenal, and he cannot speak enough about the volunteers; the players, families, and those in attendance enjoyed it and next year will be even better. Mr. Vogler noted it was an exciting time to be in Danville, the last few years have been unbelievable and there was not a better team in the country than what the City has with staff, council, city employees, and citizens. What they were doing in Danville was truly something special, it was something people were hearing about far and wide, and praising the work that was being done here. Mr. Vogler stated he was proud of the team they have here and what will be

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done, and was more excited about what was coming next. It was time they shared that growth and prosperity with the citizens and community.

Council Member Whittle stated that Mr. Scearce told his brother to “buckle up buttercup”, there were a lot of great things coming in 2024.

Mayor Jones noted Frank Ruff has done a great job, and he was proud of Dr. Miller and Mr. Vogler being willing to step up and help Danville move forward and commended all the Council for supporting them. Mayor Jones noted the Harry Johnson Holiday Classic meant more this year; there was a lot of negativity regarding the location, and people said it should be canceled, however, it was a great event. Mayor Jones noted he and his family went to Vance Street for a service, and there were three different preachers; all spoke about Danville and the one word that really stood out to him that they all used was “purpose”. Know your purpose, know what purpose was. Danville had their purpose; their purposes were to improve education, reduce violent crime, and growing Danville. Mayor Jones thanked the citizens for not giving up on Danville and thanked the citizens for supporting Council. The best was yet to come.

ADJOURNED: 7:49 p.m.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

DRAFT

Council Letter
City of Danville, Virginia

CL - 1115 **NEW BUSINESS A.**

City Council REGULAR MEETING

Meeting Date: February 6, 2024

Subject: Consideration of Amending Chapter 41 entitled “Zoning Ordinance”, Specifically, Article 3.J Section C to Create Item 23 "Automobile and Light Vehicle Repair Establishments (within Completely Enclosed Structures with Screened Outdoor Storage)".

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Amending Chapter 41 Entitled, “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986, As Amended, More Specifically, to Amend Article 3.J., Section C, to Create Item 23 “Automobile and Light Vehicle Repair Establishments (within Completely Enclosed Structures with Screened Outdoor Storage)”.

SUMMARY

A request was received by SOVA Legal to amend Article 3.J Section C to create Item 23 "Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage)". This amendment would allow a property owner to apply for a Special Use Permit to operate an automobile and light vehicle repair establishment in the N-C, Neighborhood Commercial Zoning District with a Special Use Permit granted by City Council.

Article 3. J Section A states:
The Neighborhood Commercial District is established to provide for selected locations in the City for neighborhood and convenience retail shopping facilities. Retail uses in the N-C District shall serve localized neighborhood shopping patterns, with the purpose of these establishments to provide good and necessities that usually require frequent purchasing with a minimum of consumer travel per shopping trip. Building size and intensity is governed to ensure appropriate scale and lot coverage within the district: Individual businesses are limited to 3,000 square feet of floor area per establishments and not to exceed 12,000 square feet per building, with a floor area ratio of 0.30.

The N-C District is not intended to create a retail market environment which is competitive with other City commercial areas, but, rather, is intended to accommodate existing and future neighborhood and convenience retail uses at locations compatible with those recognized by the Comprehensive Plan. The district is aimed at providing opportunities for individual neighborhood-styled businesses which, historically, have not been located in Danville within traditional strip shopping centers, regional shopping malls or in downtown commercial areas.

Minimum site improvements for uses within the N-C District shall include adequate on-site parking, public water and sewer service, public street frontage and safe access, pedestrian improvements, storm drainage, stormwater management facilities, and outdoor lighting for parking areas.

Automobile repair establishments, when not associated with an automobile dealership, are traditionally neighborhood-style businesses. They are generally locally owned and operated by the owner/manager living in the surrounding neighborhood. This type of business is in character with the intent of the N-C, Neighborhood Commercial Zoning Classification. However, the operation of an automobile repair facility produces outdoor storage, mechanic noises, frequent traffic and deliveries. This type of operation may not be compatible with all neighborhoods that possess the N-C zoning classification. Allowing the operation of an automobile repair facility by Special Use Permit allows review of each proposed operation to determine its compatibility with the neighborhood and comprehensive plan.

On January 8, 2024, the City Planning Commission voted 6-0 to recommend approval of Code Amendment PZ23-00495 to create Article 3.J Section C Item 23 "Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage)".

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. Specifically, amend Article 3.J Section C to create Item 23 "Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage)".

Attachments

1. Ordinance
2. Application
3. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024 ____.____

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, “ZONING ORDINANCE” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3.J., SECTION C, TO CREATE ITEM 23 “AUTOMOBILE AND LIGHT VEHICLE REPAIR ESTABLISHEMENTS (WITHIN COMPLETELY ENCLOSED STRUCTURES WITH SCREENED OUTDOOR STORAGE)”.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41 entitled, “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to amend Article 3.J., Section C, to create item 23 "Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage)" be, and the same is hereby, received; and

BE IT FURTHER ORDAINED, by the Council in consideration of said report and the public hearing this day held by Council, specifically, to Article 3.J., Section C, to create item 23, of Chapter 41 entitled, “Zoning Ordinance”, of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

CHAPTER 41 ZONING ORDINANCE

ARTICLE 3.J. N-C, Neighborhood Commercial

C. - Special Permit Uses

23. - Automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage).

Approved:

_____
Mayor

Attest:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

December 8, 2023

Via Hand Delivery and Electronic Mail
Renee Burton
Director of Planning
City of Danville
427 Patton Street
Danville, Virginia 24541

Re: Applications for Code Change, Rezoning, and Special Use Permit submitted by First Choice Transmissions LLC and L. Hampton Wilkins

Dear Ms. Burton:

On behalf of First Choice Transmissions LLC ("First Choice") and L. Hampton Wilkins ("Mr. Wilkins") (together with First Choice, the "Applicants"), the tenant and owner, respectively, of 135 Forestdale Drive (the "Parcel"), I submit the enclosed applications (collectively, the "Applications"):

- Application for Code Change Amendment;
- Application to Rezone the Parcel; and
- Application for Special Use Permit for the Parcel.

This letter is intended to supplement the Applications, which have been marked as Exhibits A, B, and C, respectively, including outlining the compatibility of First Choice's use of the Parcel as required by the Applications.

Also enclosed is a check in the amount of $1,070.00, representing the City's fees associated with the Applications.

Relevant Background Information

The Parcel is truly exceptional: its uses have historically been commercial, yet it is located squarely within a residential area and is, in fact, zoned OT-R (Old Town Residential District).

Prior to First Choice's tenancy, the Parcel was home to one or more private providers of emergency medical services. Unfortunately, given the location of the Parcel and the existing improvements to it, other uses of the Parcel are limited. Indeed, First Choice's use of the Parcel –

to provide automobile-related services – was deemed an expansion of the prior non-conforming use of the Parcel.

In light of this determination by the City and confirmed by the Board of Zoning Appeals, our office has communicated with you on behalf of the Applicants to outline a path that – if approved by the Planning Commission and City Council – would allow for First Choice to operate on the Parcel. This path is a three-step process reflected in the Applications and discussed in greater detail below.

Application for Code Change Amendment

The necessary first step in this process is to provide an additional, limited opportunity for automobile service establishments to operate within the City.

At present, an automobile service establishment is allowed in the City only as follows: by right on parcels zoned M-I (Industrial Manufacturing District) and HR-C (Highway Retail Commercial District), and by special use permit on parcels zoned LED-I (Light Economic Development District).

Parcels zoned N-C (Neighborhood Retail Commercial District) presently allow for repair service establishments so long as they are non-motor vehicle related and without outdoor service.

Given these existing limitations, the Applicants submit that providing for additional locations in which a motor vehicle repair establishment can operate – with appropriate protections for neighboring property owners – is reasonable and, in particular, appropriate for properties such as the Parcel where maintenance of a prior non-conforming use is not practical.

To that end, the Applicants seek to amend the Code to allow for a motor vehicle repair establishment to operate on a parcel zoned N-C pursuant to a special use permit, provided that there is no outdoor service and any vehicles stored on the property are appropriately screened. In doing so, the Applicants do not seek to create any new "by right" use but instead create an opportunity in which exceptional properties such as the Parcel can continue in productive use.

Application for Rezoning

Should the above-referenced Code amendment be adopted, the Applicants next seek rezoning of the Parcel to the N-C classification, which the Applicants submit is the most appropriate zoning designation for a property such as this that has long been intended to serve a commercial purpose, is nestled within an otherwise-residential area, and for which it would be difficult to maintain a prior non-conforming use.

The requested rezoning would continue the commercial purpose of the Parcel and, should the special use permit discussed below be granted, allow First Choice – an established business within the City – to continue serving customers from this new location. First Choice observes normal weekday business hours, operating from 9 a.m. until no later than 6 p.m., and currently employs a team of five individuals.

A written statement of the compatibility of First Choice's use of the Parcel is set forth below.

Application for Special Use Permit

As the third and final step in this process, following adoption of the Code amendment and rezoning of the Parcel to N-C, the Applicants seek a special use permit to operate a motor vehicle-related service establishment on the Parcel.

The Applicants submit that, while many properties zoned N-C may not be appropriate for the siting of such a business, the Parcel is ideal given its existing infrastructure, the distance between such improvements and neighboring residences, and the comparatively more disruptive commercial uses to which neighbors of the Parcel have been accustomed in recent decades. First Choice is committed to performing all repair services inside its garage bays and constructing appropriate screening for any vehicles stored overnight on the Parcel.

Compatibility Considerations

For both the rezoning and special use permit applications, First Choice's use of the Parcel is in harmony with multiple goals of the City's 2030 Comprehensive Plan: it both (1) embraces the principle of sustainable growth and land use by continuing the productive use of the Parcel without the need for development of open space and, in doing so, (2) supports the continued economic development of the region by allowing this small business to thrive and grow. And, assuming adoption of the Code amendment set forth above, First Choice's use of the Parcel will be consistent with the N-C zoning district's special uses.

Furthermore, First Choice's operation from the Parcel is compatible with surrounding properties and current and future neighborhood conditions, given the long-standing commercial use of the Parcel and the fact that its operation represents a return to normal business hours and a reduction in noise and light disturbances associated with the most recent use of the Parcel.

Finally, the rezoning is also compatible with existing pedestrian and vehicular traffic patterns and preserves the status quo in both respects. The Parcel is also served by public facilities, and the rezoning sought here will not change or require expansion of such service.

Application Requirements for Special Use Permit

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

* * *

Thank you in advance for your consideration of these Applications. Should you or your staff have any questions, do not hesitate to let me know. We look forward to discussing the Applications with the Planning Commission in January.

Sincerely,

Steven P. Gould

Enclosures

c: First Choice Transmissions LLC (w/encls.) [via electronic mail]
L. Hampton Wilkins (w/encls.) [via electronic mail]

CODE CHANGE AMENDMENT

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL
Application is hereby made for the Code Change Amendment as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: DATE FILED:

RECEIVED FROM:

SECTION AFFECTED:

PLANNING COMMISSION DATE/ACTION:

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section:

Chapter 41, Section 3.J: - N-C, Neighborhood Commercial (Neighborhood Retail Commercial District)

Purpose for proposed amendment:

To allow motor vehicle repair service establishments to be a special use under item 12. Proposed amendment: "Repair service establishments (non-motor and motor vehicle related, ~~and~~ without outdoor service, and with screened outdoor vehicle storage areas)"

PRESENT OWNER(S) OF ALL PROPERTIES INCLUDED IN APPLICATION:

1. NAME (PLEASE PRINT OR TYPE): L. Hampton Wilkins

ADDRESS: 428 Piney Forest Road, Danville, VA 24540

EMAIL: hampton@wilkinsandco.com

TELEPHONE: (434)797-4007

SIGNATURE: Steven L. Hall, counsel for owner I hereby authorize the filing of this application.

2. NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

TELEPHONE:

SIGNATURE: _____

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

NAME (PLEASE PRINT OR TYPE): First Choice Transmissions LLC

ADDRESS: 135 Forestdale Drive, Danville, VA 24540

EMAIL: firstchoicetransmissions@yahoo.com

TELEPHONE: (434) 429-7458

SIGNATURE: Steven L. Hall, counsel for applicant

David Byrd-Dickens, Manager

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: 135 Forestdale Drive Gross Area/Net Area: 0.8773 acres

Property Location: N☒ S☐ E☐ W☐ Side of: Forestdale Drive

Between: PIN 53192 and PIN 52864

Proffered Conditions (if any, please attach): _____

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

Name: L. Hampton Wilkins Telephone: (434) 797-4007

Mailing Address: 428 Piney Forest Road, Danville, VA 24540

Email Address: hampton@wilkinsandco.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: First Choice Transmissions LLC Telephone: (434) 429-7458

Mailing Address: 135 Forestdale Drive, Danville, VA 24540

Email Address: firstchoicetransmissions@yahoo.com

Steven L. Mull, Counsel for applicant 12/8/23

Applicant Signature date
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

Steven L. Mull, Counsel for applicant 12/8/23

Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the filing of this application.

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Address: _____

Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 428 Piney Forest Road, Danville, VA 24540

Applicant: First Choice Transmissions LLC

Applicant's Address: 135 Forestdale Drive, Danville, VA 24540

Applicant's Phone Number: (434) 429-7458

Applicant's E-mail: firstchoicetransmissions@yahoo.com

Describe Proposed Request: Please see attached correspondence.

Counsel for applicant 12/8/23

Applicant Signature date
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

Counsel for owner 12/8/23

Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the filing of this application.

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

City Planning Commission

MEMORANDUM

DATE: JANUARY 8, 2024

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

RE: CODE AMENDMENT APPLICATION PZ23-00495

REQUEST

Code Amendment Request PZ23-00495 to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3.J Section C to create Item 23 "Automobile and light vehicle repair establishments".

RECOMMENDATION

The Planning Commission, at their January 8, 2024, meeting voted 6-0 to recommend approval of Code Amendment Request PZ23-00495.

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1116 **NEW BUSINESS B.**

City Council REGULAR MEETING

Meeting Date: February 6, 2024

Subject: Consideration of Approving or Denying a Rezoning Application filed by First Choice Transmissions LLC, Requesting to Rezone 135 Forestdale Drive (Parcel 54834) from OT-R Old Town Residential to N-C Neighborhood Commercial.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. A Resolution Maintaining Parcel ID 54834 (135 Forestdale Drive) in the OT-R Old Town-Residential Zoning District; OR

3. An Ordinance Rezoning from OT-R Old Town Residential Zoning District to N-C Neighborhood Commercial Zoning District Parcel ID 54834 (135 Forestdale Drive)

SUMMARY

135 Forestdale Drive is a storage garage and office space, most recently occupied by LifeCare. The subject property is zoned OT-R, Old Town Residential and was utilized by Regional One as a legal nonconforming use. The property surrounding 135 Forestdale Drive is zoned and utilized as single family. According to City records, the structure at 135 Forestdale was occupied by North End Building Supply in 1986, then North End Cabinet Manufacturing. By 1999, the structure was occupied by Van's MedTech and zoned R1-B, Residential/Business. Regional One then occupied the property until LifeCare began operations in 2010 as a legal non-conforming operation. The OT-R designation was established in 2004.

In October 2023, First Choice Tramsmissions, LLC requested a zoning clearance for the operation of an automobile repair facility (transmission repair) at 135 Forestdale Drive. The request was denied based on the Zoning Administrator's determination that the use would be an expansion of a legal non-conforming use. 135 Forestdale Drive is zoned OT-R, Old Town Residential. The most recent legal use of the property was by LifeCare, which began operations in 2019 and G&D Lawn Care, which began in 2020. Both businesses have active 2023 business licenses at this location.

OT-R is a single family zoning classification that does not allow for automobile repair facilities by right or by Special Use Permit. Automobile repair faculties are allowed by right within the HR-C, Highway Retail Commercial District and M-I, Industrial Manufacturing District; and by Special Use Permit only in the PS-C, Planned Shopping Center Commercial, LED-I, Light Economic Development Districts and N-C, Neighborhood Commercial (if Code Amendment request PZ23-00495 is approved by City Council).

On November 16, 2023, the Board of Zoning Appeals reviewed an appeal, presented by SOVA legal,

of the Zoning Administrator's Decision that the operation of an automobile repair facility at 135 Forestdale Drive was an expansion of a legal non-conforming use. The Board upheld the Zoning Administrator's determination and denied the applicant the privilege of operating at 135 Forestdale Drive.

It is important to note that First Choice Transmissions, LLC is currently operating from this facility without proper licensing. After administrative denial of a zoning clearance for a business license in October, the business was relocated from Riverside Drive and began operations. The structure itself has not been inspected by the Inspections Division and a Change of Use has not been issued for this operation. The denial of his appeal also did not deter his operations; the business continued operations at 135 Forestdale Drive. To maintain operation of an automobile repair at 135 Forestdale Drive, it is necessary that the property be rezoned. Legal counsel for the company, and the Division Director of Planning determined that a Code Amendment, subsequent Rezoning Request and Special Use Permit application was the path necessary for this request. Dependent on the approval of Code Amendment PZ23-00495, the applicant requests that the subject property is rezoned to N-C, Neighborhood Commercial and granted a subsequent Special Use Permit.

135 Forestdale is predominantly surrounded by residential zoning to the north, south, east and west. The residential zoning in the immediate area is OT-R, S-R and M-R. Commercial designations can be found at the intersection of North Main Street and Franklin Turnpike. The Comprehensive Plan identifies this area, Planning Area 12, as an area for mixed use development to the east of the subject property, but recommends that residential development is maintained in the area of this proposed project. Rezoning 135 Forestdale Drive from residential to commercial is incompatible with the surrounding community and the City of Danville's Comprehensive Plan. The rezoning would only benefit the subject property and not the community as a whole.

The Planning Staff recommended that the Planning Commission deny a request to rezone 135 Forestdale Drive from OT-R, Old Town Residential to N-C, Neighborhood Commercial. The proposed rezoning is incompatible with the surrounding residential development of the community and the City of Danville's Comprehensive Plan.

Thirty-three (33) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received; four (4) were opposed and one (1) was unopposed.

On January 8, 2024, the City Planning Commission voted 6 - 0 to recommend approval of Rezoning Request PZ23-00496 to rezone from OT-R, Old Town Residential to N-C, Neighborhood Commercial at 135 Forestdale Drive (Parcel ID 22383).

RECOMMENDATION

It is recommended that City Council adopt a Resolution to deny the request to rezone 135 Forestdale Drive (Parcel ID 22383) from OT-R, Old Town Residential to N-C, Neighborhood Commercial.

Attachments

1. Resolution
2. Ordinance
3. Application
4. Comprehensive Plan - Area 12
5. Zoning Violation Letter 135 Forestdale Drive
6. 135 Forestdale - Owners Map
7. 135 Forestdale - Aerial Map
8. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

RESOLUTION NO. 2024-_____

A RESOLUTION MAINTAINING PARCEL ID 54834 (135 FORESTDALE DRIVE) IN THE OT-R OLD TOWN-RESIDENTIAL ZONING DISTRICT.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Zoning Administrator recommending denial of Rezoning Application PZ23-00496, to rezone Parcel ID 54834 (135 Forestdale Drive) from OT-R Old Town Residential to N-C Neighborhood Commercial, be, and is hereby, received; and

BE IT FURTHER RESOLVED that in consideration of said report and the public hearing held this day by Council, Rezoning Application PZ23-00496, to rezone Parcel ID 54834 (135 Forestdale Drive) from OT-R Old Town Residential to N-C Neighborhood Commercial, be, and is hereby denied; and

BE IT FURTHER RESOLVED that Parcel ID 54834 (135 Forestdale Drive) hereby maintain OT-R Old Town Residential zoning.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and legal sufficiency:

_____
City Attorney

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024 ____.____

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENITAL ZONING DISTRICT TO N-C NEIGHBORHOOD COMMERCIAL ZONING DISTRICT PARCEL ID 54834 (135 FORESTDALE DRIVE)

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, First Choice Transmissions, LLC, has requested to rezone from the OT-R Old Town Residential zoning district to N-C Neighborhood Commercial zoning district, Parcel ID 54834 (135 Forestdale Drive), of the City of Danville, Virginia Zoning District Map.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Rezoning Application PZ23-00496, filed by First Choice Transmissions, LLC, requesting to rezone from the OT-R Old Town Residential zoning district to N-C Neighborhood Commercial zoning district, Parcel ID 54834 (135 Forestdale Drive) of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER ORDAINED, that in consideration of said report and the public hearing this day held by Council, Rezoning Application PZ23-00496, filed by First Choice Transmissions, LLC, requesting to rezone from the OT-R Old Town Residential zoning district to N-C Neighborhood Commercial zoning district of the City of Danville, Virginia Zoning District Map, be, and is hereby approved, and

BE IT FINALLY ORDAINED that Parcel ID 54834, 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

December 8, 2023

Via Hand Delivery and Electronic Mail
Renee Burton
Director of Planning
City of Danville
427 Patton Street
Danville, Virginia 24541

Re: Applications for Code Change, Rezoning, and Special Use Permit submitted by First Choice Transmissions LLC and L. Hampton Wilkins

Dear Ms. Burton:

On behalf of First Choice Transmissions LLC ("First Choice") and L. Hampton Wilkins ("Mr. Wilkins") (together with First Choice, the "Applicants"), the tenant and owner, respectively, of 135 Forestdale Drive (the "Parcel"), I submit the enclosed applications (collectively, the "Applications"):

- Application for Code Change Amendment;
- Application to Rezone the Parcel; and
- Application for Special Use Permit for the Parcel.

This letter is intended to supplement the Applications, which have been marked as Exhibits A, B, and C, respectively, including outlining the compatibility of First Choice's use of the Parcel as required by the Applications.

Also enclosed is a check in the amount of $1,070.00, representing the City's fees associated with the Applications.

Relevant Background Information

The Parcel is truly exceptional: its uses have historically been commercial, yet it is located squarely within a residential area and is, in fact, zoned OT-R (Old Town Residential District).

Prior to First Choice's tenancy, the Parcel was home to one or more private providers of emergency medical services. Unfortunately, given the location of the Parcel and the existing improvements to it, other uses of the Parcel are limited. Indeed, First Choice's use of the Parcel –

to provide automobile-related services – was deemed an expansion of the prior non-conforming use of the Parcel.

In light of this determination by the City and confirmed by the Board of Zoning Appeals, our office has communicated with you on behalf of the Applicants to outline a path that – if approved by the Planning Commission and City Council – would allow for First Choice to operate on the Parcel. This path is a three-step process reflected in the Applications and discussed in greater detail below.

Application for Code Change Amendment

The necessary first step in this process is to provide an additional, limited opportunity for automobile service establishments to operate within the City.

At present, an automobile service establishment is allowed in the City only as follows: by right on parcels zoned M-I (Industrial Manufacturing District) and HR-C (Highway Retail Commercial District), and by special use permit on parcels zoned LED-I (Light Economic Development District).

Parcels zoned N-C (Neighborhood Retail Commercial District) presently allow for repair service establishments so long as they are non-motor vehicle related and without outdoor service.

Given these existing limitations, the Applicants submit that providing for additional locations in which a motor vehicle repair establishment can operate – with appropriate protections for neighboring property owners – is reasonable and, in particular, appropriate for properties such as the Parcel where maintenance of a prior non-conforming use is not practical.

To that end, the Applicants seek to amend the Code to allow for a motor vehicle repair establishment to operate on a parcel zoned N-C pursuant to a special use permit, provided that there is no outdoor service and any vehicles stored on the property are appropriately screened. In doing so, the Applicants do not seek to create any new "by right" use but instead create an opportunity in which exceptional properties such as the Parcel can continue in productive use.

Application for Rezoning

Should the above-referenced Code amendment be adopted, the Applicants next seek rezoning of the Parcel to the N-C classification, which the Applicants submit is the most appropriate zoning designation for a property such as this that has long been intended to serve a commercial purpose, is nestled within an otherwise-residential area, and for which it would be difficult to maintain a prior non-conforming use.

The requested rezoning would continue the commercial purpose of the Parcel and, should the special use permit discussed below be granted, allow First Choice – an established business within the City – to continue serving customers from this new location. First Choice observes normal weekday business hours, operating from 9 a.m. until no later than 6 p.m., and currently employs a team of five individuals.

A written statement of the compatibility of First Choice's use of the Parcel is set forth below.

Application for Special Use Permit

As the third and final step in this process, following adoption of the Code amendment and rezoning of the Parcel to N-C, the Applicants seek a special use permit to operate a motor vehicle-related service establishment on the Parcel.

The Applicants submit that, while many properties zoned N-C may not be appropriate for the siting of such a business, the Parcel is ideal given its existing infrastructure, the distance between such improvements and neighboring residences, and the comparatively more disruptive commercial uses to which neighbors of the Parcel have been accustomed in recent decades. First Choice is committed to performing all repair services inside its garage bays and constructing appropriate screening for any vehicles stored overnight on the Parcel.

Compatibility Considerations

For both the rezoning and special use permit applications, First Choice's use of the Parcel is in harmony with multiple goals of the City's 2030 Comprehensive Plan: it both (1) embraces the principle of sustainable growth and land use by continuing the productive use of the Parcel without the need for development of open space and, in doing so, (2) supports the continued economic development of the region by allowing this small business to thrive and grow. And, assuming adoption of the Code amendment set forth above, First Choice's use of the Parcel will be consistent with the N-C zoning district's special uses.

Furthermore, First Choice's operation from the Parcel is compatible with surrounding properties and current and future neighborhood conditions, given the long-standing commercial use of the Parcel and the fact that its operation represents a return to normal business hours and a reduction in noise and light disturbances associated with the most recent use of the Parcel.

Finally, the rezoning is also compatible with existing pedestrian and vehicular traffic patterns and preserves the status quo in both respects. The Parcel is also served by public facilities, and the rezoning sought here will not change or require expansion of such service.

Application Requirements for Special Use Permit

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

* * *

Thank you in advance for your consideration of these Applications. Should you or your staff have any questions, do not hesitate to let me know. We look forward to discussing the Applications with the Planning Commission in January.

Sincerely,

Steven P. Gould

Enclosures

c: First Choice Transmissions LLC (w/encls.) [via electronic mail]
L. Hampton Wilkins (w/encls.) [via electronic mail]

CODE CHANGE AMENDMENT

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL
Application is hereby made for the Code Change Amendment as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: DATE FILED:

RECEIVED FROM:

SECTION AFFECTED:

PLANNING COMMISSION DATE/ACTION:

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section:

Chapter 41, Section 3.J: - N-C, Neighborhood Commercial (Neighborhood Retail Commercial District)

Purpose for proposed amendment:

To allow motor vehicle repair service establishments to be a special use under item 12. Proposed amendment: "Repair service establishments (non-motor and motor vehicle related, ~~and~~ without outdoor service, and with screened outdoor vehicle storage areas)"

PRESENT OWNER(S) OF ALL PROPERTIES INCLUDED IN APPLICATION:

1. NAME (PLEASE PRINT OR TYPE): L. Hampton Wilkins

ADDRESS: 428 Piney Forest Road, Danville, VA 24540

EMAIL: hampton@wilkinsandco.com

TELEPHONE: (434)797-4007

SIGNATURE: I hereby authorize the filing of this application.

2. NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

TELEPHONE:

SIGNATURE: _____

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

NAME (PLEASE PRINT OR TYPE): First Choice Transmissions LLC

ADDRESS: 135 Forestdale Drive, Danville, VA 24540

EMAIL: firstchoicetransmissions@yahoo.com

TELEPHONE: (434) 429-7458

SIGNATURE:

David Byrd-Dickens, Manager

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.
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        4. Current and future neighborhood conditions.
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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: 135 Forestdale Drive Gross Area/Net Area: 0.8773 acres

Property Location: N☒ S☐ E☐ W☐ Side of: Forestdale Drive

Between: PIN 53192 and PIN 52864

Proffered Conditions (if any, please attach): _____

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

Name: L. Hampton Wilkins Telephone: (434) 797-4007

Mailing Address: 428 Piney Forest Road, Danville, VA 24540

Email Address: hampton@wilkinsandco.com

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

Name: First Choice Transmissions LLC Telephone: (434) 429-7458

Mailing Address: 135 Forestdale Drive, Danville, VA 24540

Email Address: firstchoicetransmissions@yahoo.com

Steven L. Mull, Counsel for applicant 12/8/23

Applicant Signature date
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

Steven L. Mull, Counsel for applicant 12/8/23

Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the filing of this application.

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

1. An application for a special use permit shall be made by the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property on which the proposed use is to be located. The application shall be submitted to the Director of Planning/Zoning Administrator, and shall be accompanied by the filing fee of $360.
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3. The application shall include the following information:
   a. A preliminary site plan in accordance with the Site Plan Regulations.
   b. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
   c. A written statement of proposed project compatibility with the following:
      (1.) The Comprehensive Plan.
      (2.) The applicable zoning district.
      (3.) The surrounding properties.
      (4.) Current and future neighborhood conditions.
      (5.) Pedestrian and vehicular traffic patterns, on-site and off-site.
      (6.) Adequate public facilities.
   d. When requested by the Director of Planning/Zoning Administrator, the Planning Commission, or the City Council, the following information shall be provided by the applicant:
      (1.) The architectural elevations and floor plans of proposed building(s).
      (2.) Traffic impact analysis.
      (3.) Fiscal impact analysis.
      (4.) Parking and site circulation analysis.
      (5.) Photographs of property and surrounding area.
      (6.) Environmental impact statement.

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Address: _____

Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 428 Piney Forest Road, Danville, VA 24540

Applicant: First Choice Transmissions LLC

Applicant's Address: 135 Forestdale Drive, Danville, VA 24540

Applicant's Phone Number: (434) 429-7458

Applicant's E-mail: firstchoicetransmissions@yahoo.com

Describe Proposed Request: Please see attached correspondence.

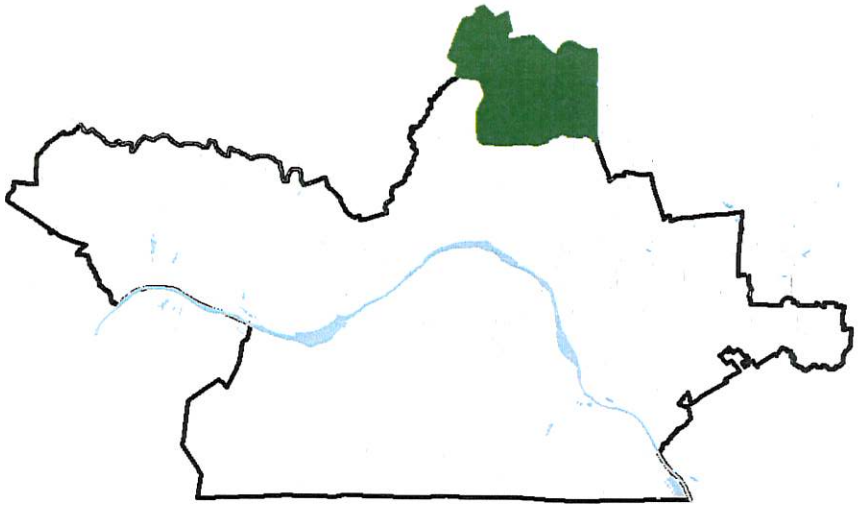
Counsel for applicant 12/8/23

Applicant Signature date
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

Counsel for owner 12/8/23

Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the filing of this application.

Planning Area 12: FRANKLIN TURNPIKE



Location: The Franklin Turnpike Planning Area, located in the northernmost section of Danville, contains over 1,700 acres (representing approximately 6% of the City's total land area). It is bordered on the west by the City's corporate boundary and Arnett Boulevard, on the north and east by the City's corporate boundary and on the south by Fagan Street. Eight distinct Sub Areas have been identified within the Planning Area.

Existing Land Use: The Franklin Turnpike Planning Area is characterized by a variety of residential uses, strip commercial development and as large expanses of undeveloped land. Some of the more notable residential subdivisions in the area include: Afton Hills, Northbrood Park, Beverly Park, Shadowood, Seminole Hills, Swain Acres, Norwood Park, Robinwood and Brentwood Park. The Planning Area is also home to some community-scaled, corridor-based commercial uses along North Main Street.

Environment: A tributary of Fall Creek flows through the Planning Area.

Public Utilities: Public Utilities are available within the area, however, several of the undeveloped parcels in the outlying areas do not currently have public utility service.

Transportation: Pedestrian connections between and interior to residential neighborhoods in the Planning Area should be strengthened by the integration of a new sidewalk master plan recommended for Danville. The proposed Franklin Turnpike extension will impact the Planning Area (it should bisect Sub Area 8 if constructed as planned) in terms of both increased transportation linkages and future land use allocation options.

Corridors: North Main Street and Piney Forest Road

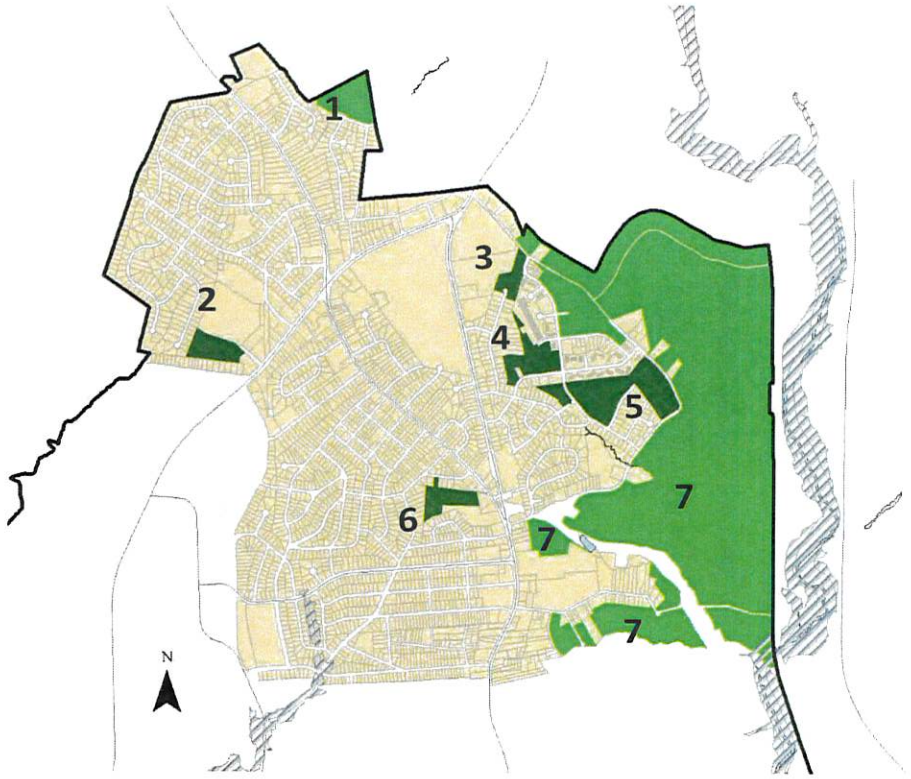
Public Facilities: G.L.H. Johnson Elementary, the Squire Recreation Area, the Armory, and a substation of the Danville Life Saving Crew are located within the Planning Area.

Revitalization: The long term future stability of several of the neighborhoods located adjacent to North Main Street is in jeopardy from neglect and commercial sprawl.

Future Land Use:

- Current zoning designation of "threshold residential" in sub area 8 will not be appropriate when the Franklin Turnpike Extension is built and should be rezoned to a more regional use.

PLANNING AREA 12					
Sub Area	Zoning Classification	Developable Acreage	Potential Yield		Future Land-Use Recommendation
			Units	Sq Feet	
1	Threshold Residential	11	4		Low Density Residential
2	Attached Residential	7	29		Medium Density Residential
3	Suburban Residential	4	4		Mixed Use
4	Suburban Residential	5	5		Medium Density Residential
	Multi-Family Residential	5	65		
	Sub Total:	**10**	**70**		
5	Old Town Residential	2	6		Medium Density Residential
	Suburban Residential	20	22		
	Sub Total:	**22**	**28**		
6	Threshold Residential	7	3		Open Space / Public
7	Threshold Residential	315	119		Mixed Use
	Transitional Office District Old Town	5		52,659	
	Residential	2	6		
	Multi-Family Residential	9	117		
	Highway Retail Commercial	40		383,560	
	Suburban Residential	5	5		
	Sub Total:	**371**	**241**	**436,219**	



Planning Area 12: FRANKLIN TURNPIKE

November 8, 2023

LEE HAMPTON WILKINS
428 PINEY FOREST ROAD
DANVILLE, VA 24540

RE: Zoning Violation at 135 FORESTDALE DRIVE

Dear Property Owner:

The purpose of this letter is to inform you of a violation of the Zoning Code at 135 Forestdale Drive. The business First Choice Transmissions at the above location are being conducted without a City of Danville Business License and/or Zoning Clearance. Operations at this location must cease until these violations are resolved.

You have Ten (10) DAYS from the date of this letter to comply with the provisions of the Code. If you have any questions, please contact me at (434) 799-5260. X3783.

Sincerely,

Lisa Jones
Planning Technician
434-799-5260 Ext. 3783
joneslk@danvilleva.gov

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
12/27/2023

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.

WATLINGTON CT
FREEZE RD
SPRINGFIELD RD
HARAWAY RD
ELLIOTT ST
NORWOOD DR
NORWOOD CT
FORESTDALE DR
FORESTDALE PL
E FRANKLIN TPKE
N MAIN ST

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

City Planning Commission

MEMORANDUM

DATE: JANUARY 8, 2024

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

RE: REZONING APPLICATION PZ23-00496

REQUEST

Rezoning Application PZ23-00496 filed by First Choice Transmissions LLC, requesting to rezone 135 Forestdale Drive (Parcel 54834) from OT-R Old Town Residential to N-C Neighborhood Commercial.

RECOMMENDATION

The Planning Commission, at their January 8, 2024 meeting, voted 6-0 to recommend approval of Rezoning Request PZ23-00496.

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1117 **NEW BUSINESS C.**

City Council REGULAR MEETING

Meeting Date: February 6, 2024

Subject: Consideration of Approving or Denying a Special Use Permit Application filed by First Choice Transmissions LLC, Requesting a Special Use Permit at 135 Forestdale Drive (Parcel 54834) to Allow Automobile and Light Vehicle Repair Establishments.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. A Resolution Denying Special Use Permit Application PZ23- 00497, filed by First Choice Transmissions LLC, Requesting a Special Use Permit in Accordance with Article 3.J., Section C., Item 23. of the Danville Zoning Ordinance at Parcel ID 54834 (135 Forestdale Drive); OR

3. An Ordinance Granting Special Use Permit Application PZ23- 00497, filed by First Choice Transmissions, LLC, Requesting a Special Use Permit in Accordance with Article 3.J, Section C Item 23 of Chapter 41., Entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia to Include Parcel ID 54834 (135 Forestdale Drive).

SUMMARY

135 Forestdale Drive is a storage garage and office space most recently occupied by LifeCare. The subject property is zoned OT-R, Old Town Residential and was utilized by Regional One as a legal nonconforming use. The property surrounding 135 Forestdale Drive is zoned and utilized as single family. According to City records, the structure at 135 Forestdale was occupied by North End Building Supply in 1986, then North End Cabinet Manufacturing. By 1999, the structure was occupied by Van's MedTech and zoned R1-B, Residential/Business. Regional One then occupied the property until LifeCare began operations in 2010 as a legal non-conforming operation. The OT-R designation was established in 2004.

In October 2023, First Choice Transmissions, LLC requested a zoning clearance for the operation of an automobile repair facility (transmission repair) at 135 Forestdale Drive. The request was denied based on the Zoning Administrator's determination that the use would be an expansion of a legal non-conforming use. 135 Forestdale Drive is zoned OT-R, Old Town Residential. The most recent legal use of the property was by LifeCare, which began operations in 2019 and G&D Lawn Care, which began in 2020. Both businesses have active 2023 business licenses at this location.

OT-R is a single family zoning classification that does not allow for automobile repair facilities by right or by Special Use Permit. Automobile repair faculties are allowed by right within the HR-C, Highway Retail Commercial District and M-I, Industrial Manufacturing District; and by Special Use Permit only in

the PS-C, Planned Shopping Center Commercial, LED-I, Light Economic Development Districts and N-C, Neighborhood Commercial (if Code Amendment request PZ23-00495 is approved by City Council).

On November 16, 2023, the Board of Zoning Appeals reviewed an appeal, presented by SOVA legal, of the Zoning Administrator's Decision that the operation of an automobile repair facility at 135 Forestdale Drive was an expansion of a legal non-conforming use. The Board upheld the Zoning Administrator's determination and denied the applicant the privilege of operating at 135 Forestdale Drive.

It is important to note that First Choice Transmissions, LLC is currently operating from this facility without proper licensing. After administrative denial of a zoning clearance for a business license in October, the business was relocated from Riverside Drive and began operations. The structure itself has not been inspected by the Inspections Division and a Change of Use has not been issued for this operation. The denial of his appeal also did not deter his operations; the business continued operations at 135 Forestdale Drive.

To maintain operation of an automobile repair at 135 Forestdale Drive, it is necessary that the property be rezoned. Legal counsel for the company, and the Division Director of Planning determined that a Code Amendment, subsequent Rezoning Request and Special Use Permit application was the path necessary for this request. The applicant, SOVA legal, has requested a Code Amendment, Rezoning and Special Use Permit for the operation of an automobile repair facility at 135 Forestdale Drive. The Planning Staff does not support the request to rezone 135 Forestdale Drive from OT-R, Old Town Residential to N-C, Neighborhood Commercial, therefore, Staff is unable to support this request for a Special Use Permit.

The Planning Staff recommended that the Planning Commission recommend denial of Special Use Permit request PZ23-00497 at 135 Forestdale Drive. A Special Use Permit may not be granted without the approval of a rezoning to N-C, Neighborhood Commercial. Staff does not support the rezoning nor the Special Use Permit request submitted by the applicant. Operation of an automobile repair facility at this location is incompatible with the surrounding community and the City of Danville's Comprehensive Plan.

Thirty-three (33) notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Five (5) responses were received; four (4) were opposed, one (1) was unopposed.

On January 8, 2024, the City Planning Commission voted 6 - 0 to recommend approval of Special Use Permit request PZ23-00497 to allow the operation of an automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage) in accordance with Article 3.J. Section C Item 23 at 135 Forestdale Drive (Parcel ID 54834).

RECOMMENDATION

It is recommended that City Council adopt a Resolution to deny the Special Use Permit request to allow the operation of an automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage) in accordance with Article 3.J. Section C Item 23 at 135 Forestdale Drive (Parcel ID 54834).

Attachments

1. Resolution - To Deny
2. Ordinance
3. Application
4. 135 Forestdale - Owners Map
5. 135 Forestdale - Aerial Map
6. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

RESOLUTION NO. 2024-__._____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PZ23-00497, FILED BY FIRST CHOICE TRANSMISSIONS LLC, REQUESTING A SPECIAL USE PERMIT IN ACCORDANCE WITH ARTICLE 3.J., SECTION C., ITEM 23. OF THE DANVILLE ZONING ORDINANCE AT PARCEL ID 54834 (135 FORESTDALE DRIVE).

WHEREAS,, First Choice Transmissions LLC is requesting a special use permit to operate an automobile and light vehicle repair establishment (within completely enclosed structures with screened outdoor storage) in accordance with Article 3.J., Section C., Item 23 of Chapter 41, entitled “Zoning Ordinance” of at Parcel ID 54834 (135 Forestdale Drive) .

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending denial of Special Use Permit application PZ23-00497, filed by First Choice Transmissions, LLC, requesting a Special Use Permit to operate an automobile and light vehicle repair establishment (within completely enclosed structures with screened outdoor storage) in accordance with Article 3.J, Section C, Item 23 of the Danville Zoning Ordinance at Parcel ID 54834 (135 Forestdale Drive), be, and is hereby, received; and

BE IT FURTHER RESOLVED thatin consideration of said report and the public hearing this day held by Council, Special Use Permit application PZ23-00497, filed by First Choice Transmissions, LLC, requesting a Special Use Permit to operate an automobile and light vehicle repair establishments (within completely enclosed structures with screened outdoor storage) in accordance with Article 3.J., Section C., Item 23 of the Danville Zoning Ordinance at Parcel 54834 (135 Forestdale Drive), is hereby denied.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024 ____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00497, FILED BY FIRST CHOICE TRANSMISSIONS, LLC, REQUESTING A SPECIAL USE PERMIT IN ACCORDANCE WITH ARTICLE 3.J, SECTION C ITEM 23 OF CHAPTER 41., ENTITLED "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL ID 54834 (135 FORESTDALE DRIVE).

WHEREAS, First Choice Transmissions, LLC is requesting a special use permit to operate an automobile and light vehicle repair establishment (within completely enclosed structures with screened outdoor storage) in accordance with Article 3.J, Section C, item 23 of Chapter 41., entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia to include Parcel ID 54834 (135 Forestdale drive).

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00497, filed by First Choice Transmissions, LLC, requesting a Special Use Permit for the operation of an automobile and light vehicle repair establishment (within completely enclosed structures with screened outdoor storage) with Article 3.J, Section C, Item 23 of Chapter 41., entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia to include Parcel ID 54834 (135 Forestdale Drive), be, and the same is hereby, received; and

BE IT FURTHER ORDAINED, that is consideration of said report and the public hearing this day held by the Council, Special Use Permit Application PZ23-00497 for the operation of an automobile and light vehicle repair establishment (within completely enclosed structures with screened outdoor storage) in accordance with Article 3.J, Section C, Item 23 of Chapter 41., entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, to include Parcel ID 54834 (135 Forestdale Drive), is hereby granted and approved.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

December 8, 2023

Via Hand Delivery and Electronic Mail
Renee Burton
Director of Planning
City of Danville
427 Patton Street
Danville, Virginia 24541

Re: Applications for Code Change, Rezoning, and Special Use Permit submitted by First Choice Transmissions LLC and L. Hampton Wilkins

Dear Ms. Burton:

On behalf of First Choice Transmissions LLC ("First Choice") and L. Hampton Wilkins ("Mr. Wilkins") (together with First Choice, the "Applicants"), the tenant and owner, respectively, of 135 Forestdale Drive (the "Parcel"), I submit the enclosed applications (collectively, the "Applications"):

- Application for Code Change Amendment;
- Application to Rezone the Parcel; and
- Application for Special Use Permit for the Parcel.

This letter is intended to supplement the Applications, which have been marked as Exhibits A, B, and C, respectively, including outlining the compatibility of First Choice's use of the Parcel as required by the Applications.

Also enclosed is a check in the amount of $1,070.00, representing the City's fees associated with the Applications.

Relevant Background Information

The Parcel is truly exceptional: its uses have historically been commercial, yet it is located squarely within a residential area and is, in fact, zoned OT-R (Old Town Residential District).

Prior to First Choice's tenancy, the Parcel was home to one or more private providers of emergency medical services. Unfortunately, given the location of the Parcel and the existing improvements to it, other uses of the Parcel are limited. Indeed, First Choice's use of the Parcel –

to provide automobile-related services – was deemed an expansion of the prior non-conforming use of the Parcel.

In light of this determination by the City and confirmed by the Board of Zoning Appeals, our office has communicated with you on behalf of the Applicants to outline a path that – if approved by the Planning Commission and City Council – would allow for First Choice to operate on the Parcel. This path is a three-step process reflected in the Applications and discussed in greater detail below.

Application for Code Change Amendment

The necessary first step in this process is to provide an additional, limited opportunity for automobile service establishments to operate within the City.

At present, an automobile service establishment is allowed in the City only as follows: by right on parcels zoned M-I (Industrial Manufacturing District) and HR-C (Highway Retail Commercial District), and by special use permit on parcels zoned LED-I (Light Economic Development District).

Parcels zoned N-C (Neighborhood Retail Commercial District) presently allow for repair service establishments so long as they are non-motor vehicle related and without outdoor service.

Given these existing limitations, the Applicants submit that providing for additional locations in which a motor vehicle repair establishment can operate – with appropriate protections for neighboring property owners – is reasonable and, in particular, appropriate for properties such as the Parcel where maintenance of a prior non-conforming use is not practical.

To that end, the Applicants seek to amend the Code to allow for a motor vehicle repair establishment to operate on a parcel zoned N-C pursuant to a special use permit, provided that there is no outdoor service and any vehicles stored on the property are appropriately screened. In doing so, the Applicants do not seek to create any new "by right" use but instead create an opportunity in which exceptional properties such as the Parcel can continue in productive use.

Application for Rezoning

Should the above-referenced Code amendment be adopted, the Applicants next seek rezoning of the Parcel to the N-C classification, which the Applicants submit is the most appropriate zoning designation for a property such as this that has long been intended to serve a commercial purpose, is nestled within an otherwise-residential area, and for which it would be difficult to maintain a prior non-conforming use.

The requested rezoning would continue the commercial purpose of the Parcel and, should the special use permit discussed below be granted, allow First Choice – an established business within the City – to continue serving customers from this new location. First Choice observes normal weekday business hours, operating from 9 a.m. until no later than 6 p.m., and currently employs a team of five individuals.

A written statement of the compatibility of First Choice's use of the Parcel is set forth below.

Application for Special Use Permit

As the third and final step in this process, following adoption of the Code amendment and rezoning of the Parcel to N-C, the Applicants seek a special use permit to operate a motor vehicle-related service establishment on the Parcel.

The Applicants submit that, while many properties zoned N-C may not be appropriate for the siting of such a business, the Parcel is ideal given its existing infrastructure, the distance between such improvements and neighboring residences, and the comparatively more disruptive commercial uses to which neighbors of the Parcel have been accustomed in recent decades. First Choice is committed to performing all repair services inside its garage bays and constructing appropriate screening for any vehicles stored overnight on the Parcel.

Compatibility Considerations

For both the rezoning and special use permit applications, First Choice's use of the Parcel is in harmony with multiple goals of the City's 2030 Comprehensive Plan: it both (1) embraces the principle of sustainable growth and land use by continuing the productive use of the Parcel without the need for development of open space and, in doing so, (2) supports the continued economic development of the region by allowing this small business to thrive and grow. And, assuming adoption of the Code amendment set forth above, First Choice's use of the Parcel will be consistent with the N-C zoning district's special uses.

Furthermore, First Choice's operation from the Parcel is compatible with surrounding properties and current and future neighborhood conditions, given the long-standing commercial use of the Parcel and the fact that its operation represents a return to normal business hours and a reduction in noise and light disturbances associated with the most recent use of the Parcel.

Finally, the rezoning is also compatible with existing pedestrian and vehicular traffic patterns and preserves the status quo in both respects. The Parcel is also served by public facilities, and the rezoning sought here will not change or require expansion of such service.

Application Requirements for Special Use Permit

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

* * *

Thank you in advance for your consideration of these Applications. Should you or your staff have any questions, do not hesitate to let me know. We look forward to discussing the Applications with the Planning Commission in January.

Sincerely,

Steven P. Gould

Enclosures

c: First Choice Transmissions LLC (w/encls.) [via electronic mail]
L. Hampton Wilkins (w/encls.) [via electronic mail]

CODE CHANGE AMENDMENT

TO THE CITY PLANNING COMMISSION AND THE HONORABLE CITY COUNCIL
Application is hereby made for the Code Change Amendment as described below:

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: DATE FILED:

RECEIVED FROM:

SECTION AFFECTED:

PLANNING COMMISSION DATE/ACTION:

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section:

Chapter 41, Section 3.J: - N-C, Neighborhood Commercial (Neighborhood Retail Commercial District)

Purpose for proposed amendment:

To allow motor vehicle repair service establishments to be a special use under item 12. Proposed amendment: "Repair service establishments (non-motor and motor vehicle related, ~~and~~ without outdoor service, and with screened outdoor vehicle storage areas)"

PRESENT OWNER(S) OF ALL PROPERTIES INCLUDED IN APPLICATION:

1. NAME (PLEASE PRINT OR TYPE): L. Hampton Wilkins

ADDRESS: 428 Piney Forest Road, Danville, VA 24540

EMAIL: hampton@wilkinsandco.com

TELEPHONE: (434)797-4007

SIGNATURE: I hereby authorize the filing of this application.

2. NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

TELEPHONE:

SIGNATURE: _____

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

NAME (PLEASE PRINT OR TYPE): First Choice Transmissions LLC

ADDRESS: 135 Forestdale Drive, Danville, VA 24540

EMAIL: firstchoicetransmissions@yahoo.com

TELEPHONE: (434) 429-7458

SIGNATURE:

David Byrd-Dickens, Manager

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: 135 Forestdale Drive Gross Area/Net Area: 0.8773 acres

Property Location: N☒ S☐ E☐ W☐ Side of: Forestdale Drive

Between: PIN 53192 and PIN 52864

Proffered Conditions (if any, please attach): _____

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

Name: L. Hampton Wilkins Telephone: (434) 797-4007

Mailing Address: 428 Piney Forest Road, Danville, VA 24540

Email Address: hampton@wilkinsandco.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: First Choice Transmissions LLC Telephone: (434) 429-7458

Mailing Address: 135 Forestdale Drive, Danville, VA 24540

Email Address: firstchoicetransmissions@yahoo.com

Steven L. Mull, Counsel for applicant 12/8/23

Applicant Signature date
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

Steven L. Mull, Counsel for applicant 12/8/23

Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the filing of this application.

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Address: _____

Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 428 Piney Forest Road, Danville, VA 24540

Applicant: First Choice Transmissions LLC

Applicant's Address: 135 Forestdale Drive, Danville, VA 24540

Applicant's Phone Number: (434) 429-7458

Applicant's E-mail: firstchoicetransmissions@yahoo.com

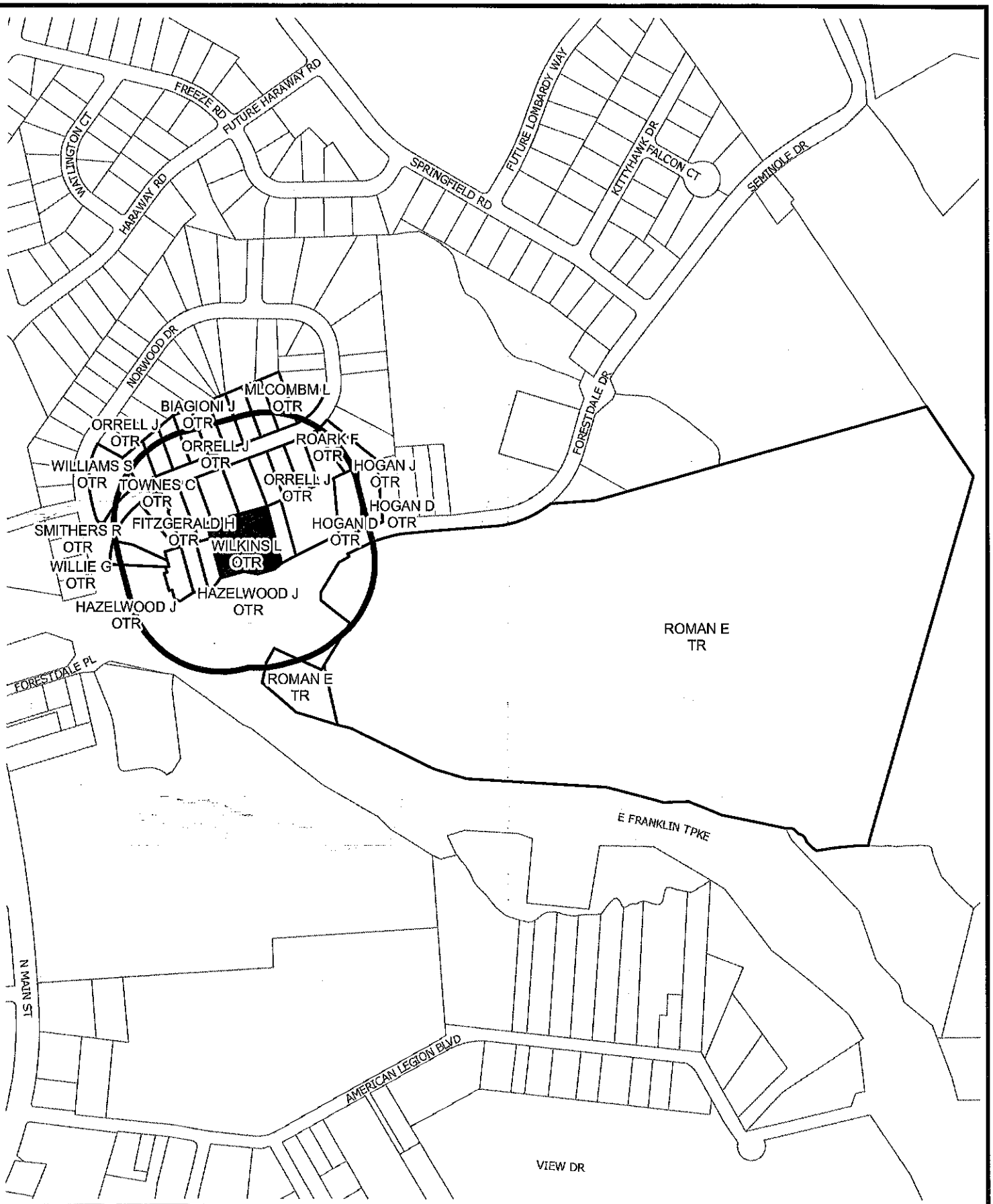
Describe Proposed Request: Please see attached correspondence.

Counsel for applicant 12/8/23

Applicant Signature date
First Choice Transmissions LLC
By: David Byrd-Dickens, Manager

Counsel for owner 12/8/23

Property Owner Signature (if not applicant) date
L. Hampton Wilkins, I hereby authorize the filing of this application.



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
12/27/2023

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.

WATLINGTON CT
FREEZE RD
SPRINGFIELD RD
HARAWAY RD
ELLIOTT ST
NORWOOD DR
NORWOOD CT
FORESTDALE DR
FORESTDALE PL
E FRANKLIN TPKE
N MAIN ST

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

City Planning Commission

MEMORANDUM

DATE: JANUARY 8, 2024

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

RE: SPECIAL USE PERMIT APPLICATION PZ23-00497

REQUEST

Special Use Permit Application PZ23-00497 filed by First Choice Transmissions LLC, requesting a Special Use Permit at 135 Forestdale Drive (Parcel 54834) to allow automobile and light vehicle repair establishments in accordance with Article 3.J Section C Item 23.

RECOMMENDATION

The Planning Commission, at their January 8, 2024, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ23-00497.

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1113 **NEW BUSINESS D.**

City Council REGULAR MEETING

Meeting Date: February 6, 2024

Subject: Consideration of an Application filed by Powers Signs Requesting a Special Use Permit at 540 Central Boulevard (Parcel 26372).

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ23- 00465, filed by Powers Signs, Inc., Requesting a Special Use Permit for a Waiver to the Maximum Sign Area in Accordance with Article 3.I, Section C, Item 25 of Chapter 41., Entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia to Include Parcel ID 26372 (540 Central Boulevard).

SUMMARY

The applicant, Powers Signs, Inc., is requesting a Special Use Permit to waive the maximum sign area in accordance with 3.I Section C. Item 25 of the Zoning Code at Sacred Heart Catholic Church and School, 540 Central Boulevard (Parcel ID 26372). The existing sign, located in the City right-of-way was allowed by an agreement dated August 2002. The sign is approximately nine feet (9') tall and has a message area of 25 square feet. The right-of-way use agreement requires that the sign meets the zoning requirements of the parcel it is adjacent to and advertising. The applicant is requesting that this sign be removed and replaced by a larger sign that exceeds the specifications of the TO-C zoning classification.

540 Central Boulevard is zoned TO-C, Transitational Office Commercial. The TO-C zoning classification allows for a ground sign with a maximum 32 square feet in message area, 44 square feet of architectural elements and 10 feet in height.

During the December 11, 2023, Planning Commission meeting, Powers Signs, Inc. proposed a brick ground sign that is designed to mimic the bell tower. This sign had an attached LED message area of 27 square feet with168.3 square feet of architectural elements, a total message area of 43.3 square feet and a total height of 19.5'. The staff and Planning Commission expressed concerns over the height and size of the proposed sign. After conversation, the Planning Commission and the applicant agreed to postpone the Special Use Permit request to allow the applicant time to communicate with their client and present a sign with a reduction in height and architectural elements.

Before the January 8, 2024 City Planning Commission meeting, the applicant submitted a new proposal with a reduction in size. The LED message area remains the same at 27 square feet, but the total message area is reduced slightly to 42 square feet, the height is reduced to 15' and the

architectural elements are 67.3 square feet (see Exhibit A). The reduction is acceptable to the Planning Staff.

Twenty-nine notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Ten (10) notices were received, six (6) were not opposed and four (4) were opposed.

On January 8, 2024, the City Planning Commission voted 6 - 0 to recommend approval of Special Use Permit Application PZ23-00465 to allow a waiver of maximum sign area in accordance with Article 3.I. Section C Item 25 at 540 Central Boulevard (Parcel ID 26372) and as submitted in Exhibit A.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve a Special Use Permit to allow a waiver of maximum sign area at Parcel ID 26372 (540 Central Boulevard) in accordance with Article 3.I. Section C Item 25 and as submitted in Exhibit A.

Attachments

1. Ordinance
2. Application
3. Exhibit A
4. 540 Central Boulevard - Aerials
5. 540 Central Boulevard - Owners
6. 540 Central Boulevard - Landuse
7. Planning Commission Recommendation

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024 ____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ23-00465, FILED BY POWERS SIGNS, INC., REQUESTING A SPECIAL USE PERMIT FOR A WAIVER TO THE MAXIMUM SIGN AREA IN ACCORDANCE WITH ARTICLE 3.I, SECTION C, ITEM 25 OF CHAPTER 41., ENTITLED “ZONING ORDINANCE” OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA TO INCLUDE PARCEL ID 26372 (540 CENTRAL BOULEVARD).

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia that the report of the Planning Commission recommending approval of Special Use Permit Application PZ23-00465, filed by Powers Signs, Inc, requesting a Special Use Permit for a waiver to the maximum sign area in accordance with Article 3.I, Section C, Item 25 of Chapter 41., entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia to include Parcel ID 26372 (540 Central Boulevard), be, and the same is hereby, received, per attached Exhibit A; and

BE IT FURTHER ORDAINED that is consideration of said report and the public hearing this day held by the Council, Special Use Permit Application PZ23-00465 for a waiver to the maximum sign area in accordance with Article 3.I, Section C, Item 25 of Chapter 41., entitled “Zoning Ordinance” of the Code of the City of Danville, Virginia, to include Parcel ID 26372 (540 Central Boulevard), be, and is hereby, granted and approved, per attached Exhibit A.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: PZ23-00465 PC Meeting Date: 12-11-23

Date Received: 11-13-23 Received By: Lisa Jones

Parcel ID: 26392 Address: 538-540 Central Blvd.

Existing Zoning TOC Future Land Use: TOC

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): 538-540 CENTRAL BLVD ID# 26372

Applicant: TOM POWERS SR POWERS SIGNS

Applicant's Address: 807 INDUSTRIAL AVE DANVILLE, VA 24541

Applicant's Phone Number: 434-793-6351

Applicant's E-mail: SR@POWERSSIGNS.COM

Describe Proposed Request: REPLACE THE EXISTING GROUND SIGN AT SACRED HEART CHURCH WITH A SIGN THAT EXCEEDS THE ALLOWED SIZE OF 32 SQ FT. TEXT 16.3 SQ FT, LED 27 SQ FT, TOTAL SQ FT 43.30, ARCH. ELEMENT 168.3 SQ FT.

Tom Powers 11-2-2023

Applicant Signature date

Property Owner Signature date
(if not applicant)

Diocese of Richmond

Office of the Bishop

November 8, 2023

Very Rev. Anthony Senyah, V.F.
Sacred Heart Catholic Church and School
538 Central Blvd.
Danville, VA 24541

Dear Fr. Senyah,

I would like to express my gratitude to you, Mr. Matthew Weatherford, and Ms. Mary Foley for your presentation via Zoom to the Building and Renovation Committee (BARC) on Thursday, October 5, 2023.

I understand that you presented the new digital sign and roof renovations at Sacred Heart School and parish. Thank you for your due diligence on both projects. I approve these two projects to move forward as presented.

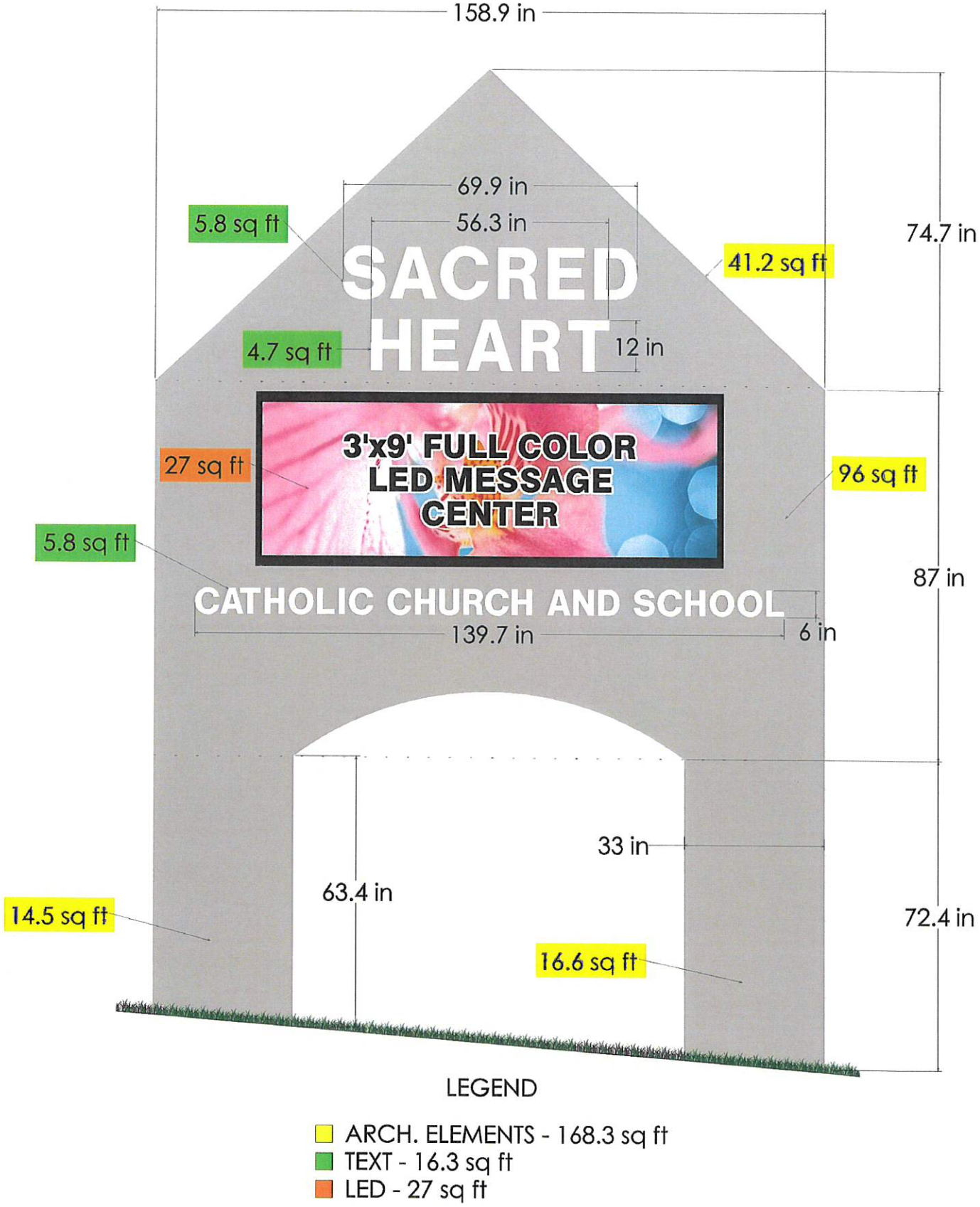
With every best wish, I remain

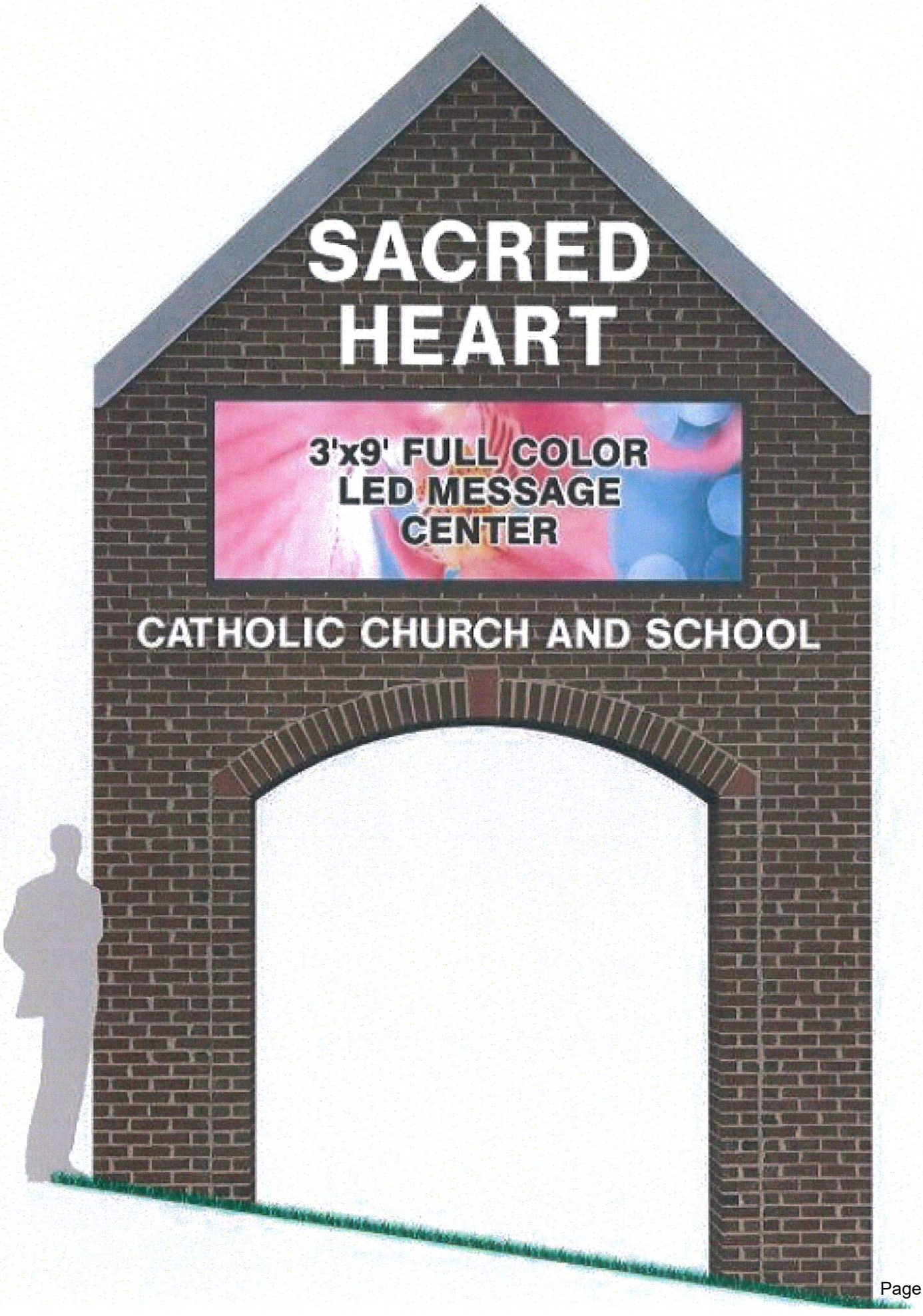
Sincerely in Christ,

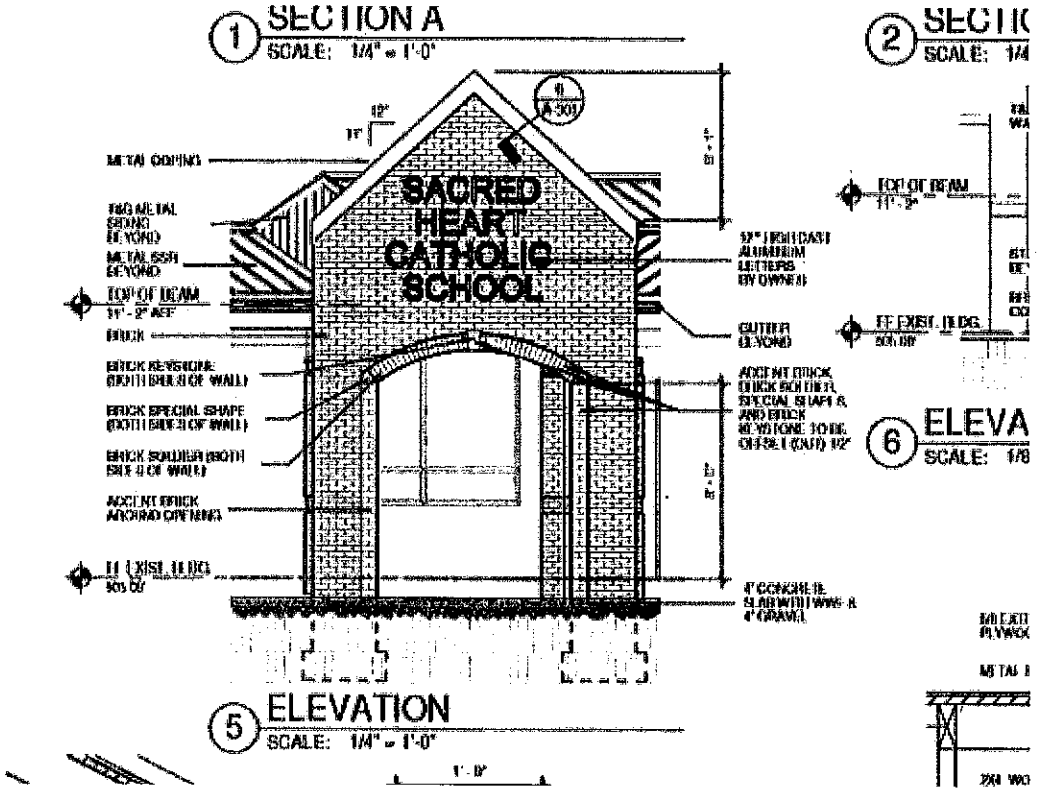
Most Reverend Barry C. Knestout
Bishop of Richmond

cc: Very Rev. Michael G. Boehling, Vicar General and Moderator of the Curia
Rev. Robert J Cole, Chairman of the Diocesan Building and Renovation Committee
Mike McGee, Chief Financial Officer
Mrs. Sarah W. Rabin, Director of Finance
Dr. Jennifer Bigelow, Superintendent of Catholic Schools

Pastoral Center • 7800 Carousel Lane, Richmond, Virginia 23294-4201 • Phone: (804) 359-5661 • Fax: (804) 358-9159


158.9 in
69.9 in
56.3 in
5.8 sq ft
SACRED
HEART
41.2 sq ft
74.7 in
4.7 sq ft
12 in
3'x9' FULL COLOR
LED MESSAGE
CENTER
27 sq ft
96 sq ft
5.8 sq ft
87 in
CATHOLIC CHURCH AND SCHOOL
139.7 in
6 in
33 in
63.4 in
14.5 sq ft
72.4 in
16.6 sq ft
LEGEND
ARCH. ELEMENTS - 168.3 sq ft
TEXT - 16.3 sq ft
LED - 27 sq ft


SACRED
HEART
3'x9' FULL COLOR
LED MESSAGE
CENTER
CATHOLIC CHURCH AND SCHOOL


1 SECTION A
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SACRED HEART CATHOLIC SCHOOL
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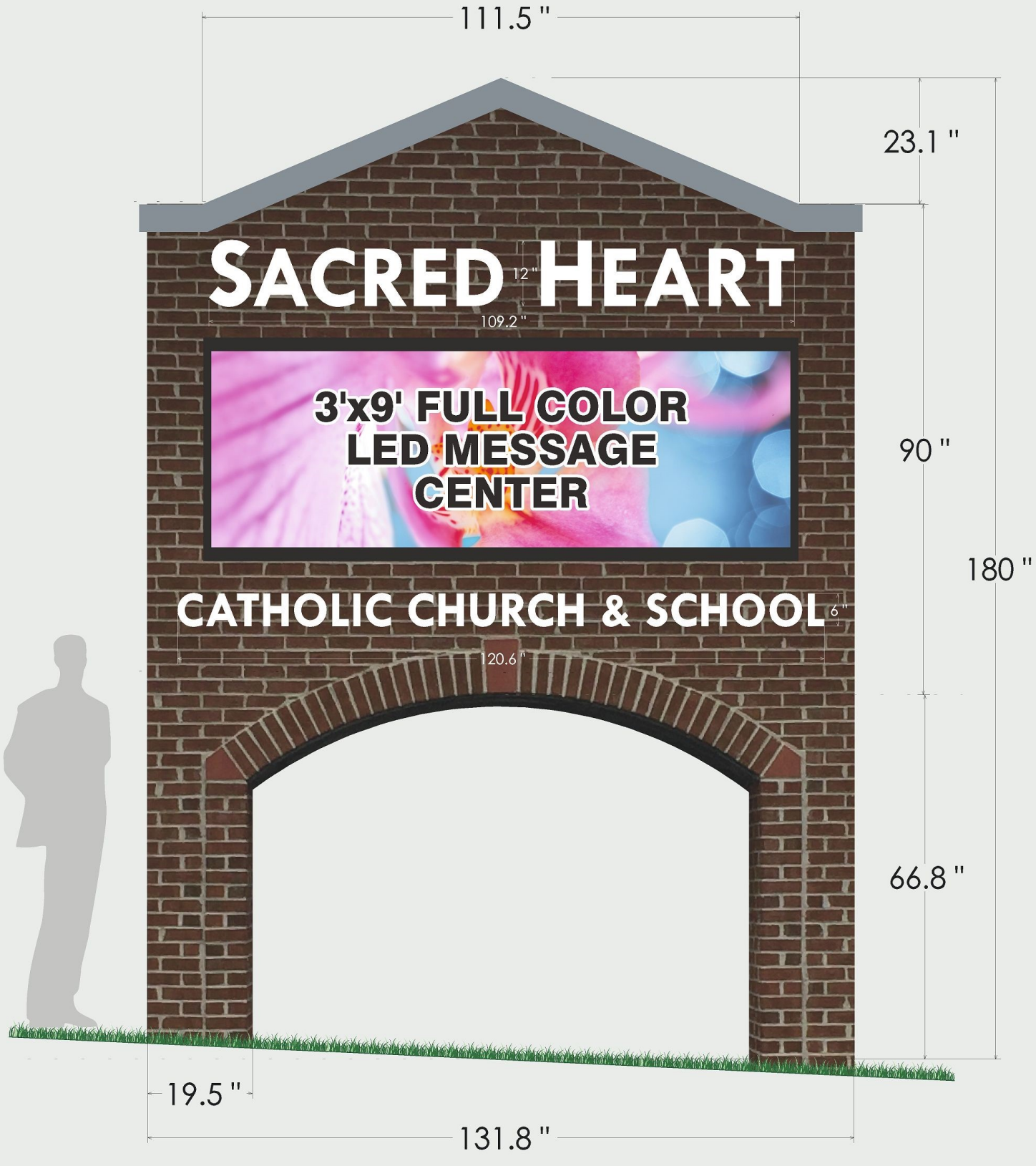
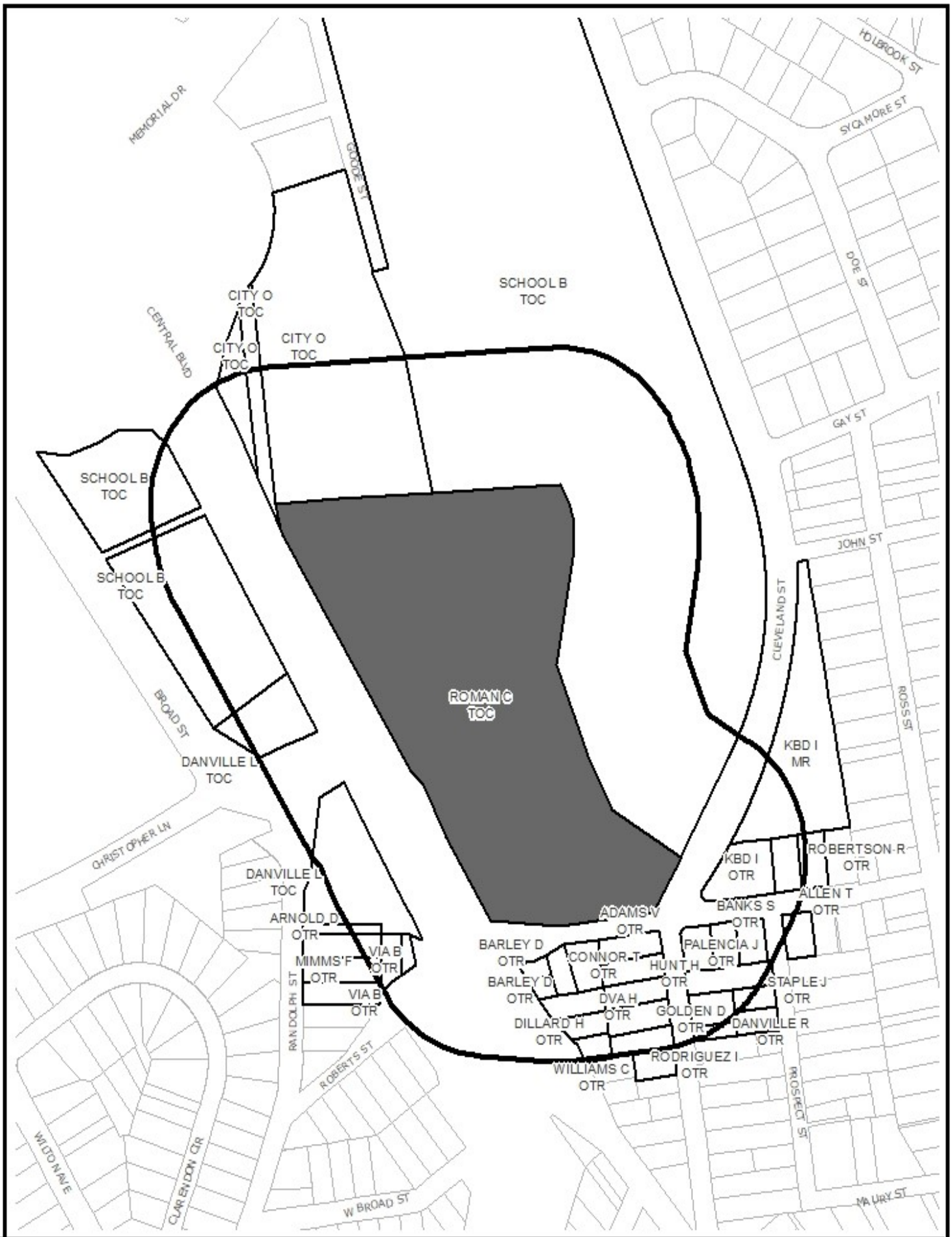
Christopher Ln
Central Blvd
Central Blvd
86



TEXT - 15 sq ft
LED - 27 sq ft
ARCH - 67.3 sq ft

CENTRAL BLVD
RANDOLPH ST
ROBERT S ST
BROAD ST
CLEVELAND ST



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
12/5/2023

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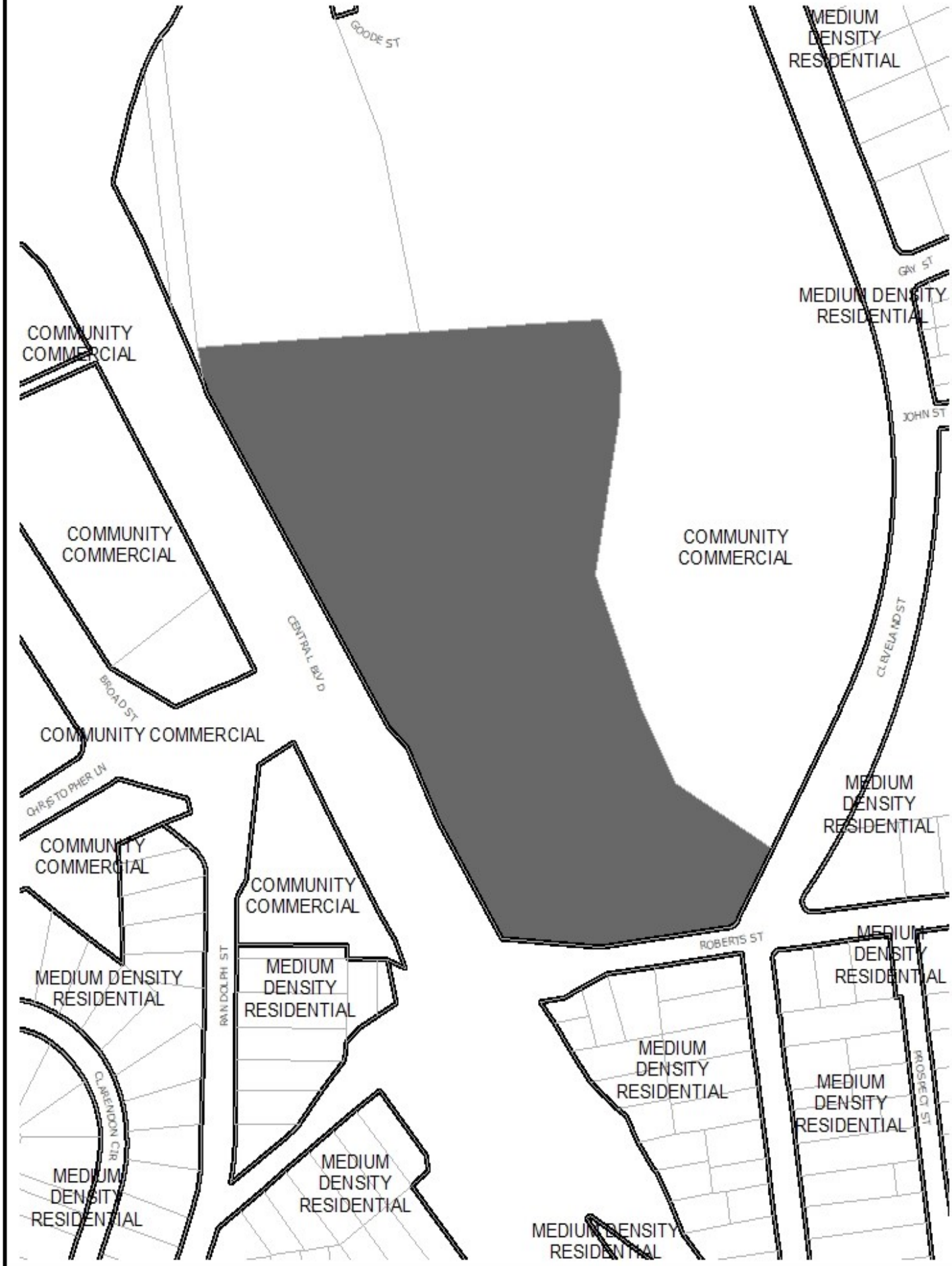

YEAR 2030 LAND USE PLAN FOR AREA SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
12/5/2023

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

City Planning Commission

MEMORANDUM

DATE: JANUARY 8, 2024

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

RE: SPECIAL USE PERMIT APPLICATION PZ23-00465

REQUEST

Special Use Permit application PZ23-00465 filed by Powers Signs requesting a Special Use Permit at 540 Central Boulevard (Parcel 26372) to allow a waiver to maximum sign area in accordance with Article 3.I Section C Item 25.

RECOMMENDATION

The Planning Commission, at their January 8, 2024, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ23-00465.

Steve Petrick SB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1118 **NEW BUSINESS E.**

City Council REGULAR MEETING

Meeting Date: February 6, 2024

Subject: Consideration of a Rezoning Application filed by River City Developers LLC, Requesting to Rezone Parcel 73170 from PS-C Planned Shopping Center Commercial to M-R Multifamily Residential.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Rezoning from PS-C Planned Shopping Center Commercial Zoning District to M-R Multi-Family Residential Zoning District Parcel ID 73170 (Parker Road).

SUMMARY

Parcel ID 73170 is a vacant, undeveloped +/-30 acre tract with frontage on Parker Road, Sweetbriar Road and Koller Street. The property was recently purchased by River City Developers, LLC for a multifamily residential development. Their first step towards development is to rezone the property. It is anticipated that the property owners will return with a Planned Unit Development (PUD) proposal after more research has been completed.

The subject property is currently zoned PS-C, Planned Shopping Center Commercial. PS-C was applied to this parcel and parcels to the east and south in anticipation of shopping center development, now known as the Coleman Marketplace. However, this land and the houses along Sweetbriar Road and Koller Street with the same designation were never developed commercially.

To the north of the subject property is both M-R, Multifamily Residential zoning and S-R, Suburban Residential zoning. The property zoned M-R is developed with multiple apartment buildings and a mobile home park. The property zoned S-R is developed with a single brick structure. The adjacent properties along the western border of the subject property are located in Pittsylvania County and are developed with single family homes.

Twenty-five notices were sent to surrounding property owners within three hundred (300) feet of the subject property. Four (4) responses were received, two (2) opposed and two (2) unopposed.

On January 8, 2024, the City Planning Commission voted 6 - 0 to recommend approval of Rezoning Application PZ23-00498 to rezone from PS-C, Planned Shopping Center Commercial to M-R, Multi-family Residential at Parcel ID 73170 (Sweetbriar Drive).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request to rezone Parcel ID 73170 (Sweetbriar Drive) from PS-C, Planned Shopping Center Commercial to M-R, Multi-family Residential.

Attachments

1. Ordinance
2. Application for Rezoning
3. 73170 - Aerial Map
4. 73170 - Owners Map
5. Planning Commission Recommendation

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024 ____.____

AN ORDINANCE REZONING FROM PS-C PLANNED SHOPPING CENTER COMMERCIAL ZONING DISTRICT TO M-R MULTI-FAMILY RESIDENTIAL ZONING DISTRICT PARCEL ID 73170 (PARKER ROAD).

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, River City Developers, LLC, has requested to rezone from the PS-C Planned Shopping Center Commercial zoning district to M-R Multi-family Residential zoning district, Parcel ID 73170 (Parker Road), 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 PZ23-00498, filed by River City Developers, LLC, requesting to rezone from the PS-C Planned Shopping Center Commercial zoning district to M-R Multi-family Residential zoning district, Parcel ID 73170 (Parker Road) 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 PZ23-00498, filed by River City Developers, LLC, requesting to rezone from the PS-C Planned Shopping Center Commercial zoning district to M-R Multi-family Residential zoning district of the City of Danville, Virginia Zoning District Map, be, and is hereby, approved, and

BE IT FINALLY ORDAINED, that Parcel ID 73170, 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

December 11, 2023

Via Hand Delivery and Electronic Mail
Renee Burton
Director of Planning
City of Danville
427 Patton Street
Danville, Virginia 24541

Re: Application for Rezoning submitted by River City Developers LLC

Dear Ms. Burton:

On behalf of River City Developers LLC (the "Applicant"), I submit the enclosed application, which is marked as Exhibit A (the "Application"), to rezone Parcel Identification Number 73710 (the "Parcel").

Also enclosed is a check in the amount of $350.00, representing the City's fee associated with the Application.

Relevant Background Information

The Applicant recently acquired the Parcel, which consists of 30.39 acres between Parker Road and Coleman Marketplace, at auction. In recent years, the Parcel has been zoned PS-C (Planned Shopping Center Commercial) given its proximity to Coleman Marketplace; however, it has not been developed to date.

Application for Rezoning

In light of (1) the absence of commercial development of the Parcel to date and (2) the City's demonstrated and well publicized need for new housing, the Applicant seeks rezoning of the Parcel to the M-R (Multifamily Residential) classification, with the ultimate goal of achieving optimal use of the Parcel through a planned unit development negotiated with the City.

The sheer size of the Parcel provides a remarkable and exciting blank canvas for new residential development. In addition, it offers an intriguing opportunity to explore potential connectivity between such a development and an existing shopping destination in our region in the event that pedestrian access can be achieved.

The Parker Road area is also already home to an array of residential uses, with the Parcel abutting (a) two properties that feature homes and front Parker Road and (b) the western sides of Sweetbriar Drive and Koller Street, both already home to residential development.

Compatibility Considerations

The Applicant's desired use of the Parcel (i.e., new housing with an emphasis on multi-family opportunities) is in harmony with multiple goals of the City's 2030 Comprehensive Plan, both (1) promoting an opportunity for additional housing that is well planned (in addition to being much needed) and, in doing so, (2) supporting the continued economic development of the region.

The Applicant's desired use is also compatible with the specific rezoning sought, and the construction of new multi-family housing is in line with the established residential use of surrounding properties as well as current and future neighborhood conditions.

Finally, the rezoning is compatible with existing vehicular traffic patterns and has the potential to improve pedestrian opportunities. Furthermore, adequate public facilities are believed to exist to serve multi-family housing on the Parcel, but a specific determination will be made in conjunction with the specific proposed use of the Parcel.

Application Requirements for Rezoning

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

* * *

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

Sincerely,

Steven P. Gould

Enclosures

c: River City Developers LLC (w/encls.) [via electronic mail]

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: Parker Road (PIN 73170) Gross Area/Net Area: 30.39 acres

Property Location: N☐ S☒ E☐ W☐ Side of: Parker Road

Between: PIN 73202 et al and Pittsylvania County line

Proffered Conditions (if any, please attach): _____

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

Name: River City Developers LLC Telephone: (434) 793-0217

Mailing Address: 733 Riverpark Drive, Danville, VA 24540

Email Address: clif.walden@riversiderooftruss.net; kevshotwe@aol.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: River City Developers LLC Telephone: (434) 793-0217

Mailing Address: 733 Riverpark Drive, Danville, VA 24540

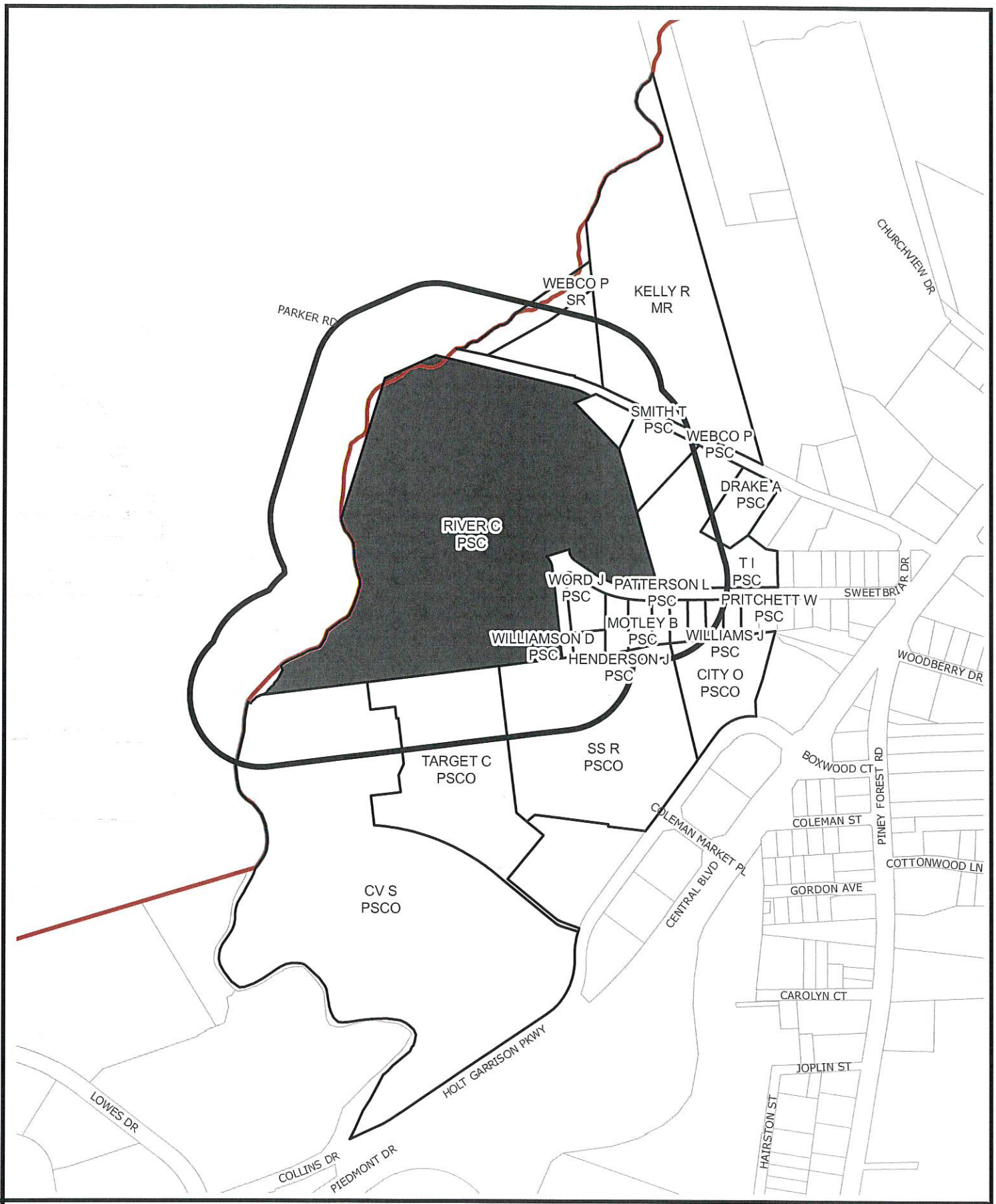
Email Address: clif.walden@riversiderooftruss.net; kevshotwe@aol.com

Kevin Shotwell (Dec 11, 2023 11:44 EST) Dec 11, 2023

Applicant Signature date
River City Developers LLC
By: Kevin Shotwell, Co-Manager

Property Owner Signature date
(if not applicant)

DEER RUN RD
PINEVIEW DR
CHURCHVIEW DR
PARKER RD
REDWOOD DR
PINEY FOREST RD
FALWELL CT
SWEETBRIAR DR
WOODBERRY DR
BOXWOOD CT
SUMMIT RD
COLEMAN ST
WILDHURST LN
COTTONWOOD LN
GORDON AVE
S WOODBERRY AVE
HOLT GARRISON PKWY
CAROLYN CT
JOPLIN ST
LOWES DR
COLLINS DR
PIEDMONT DR
CENTRAL BLVD
HAIRSTON ST
PINEY FOREST RD
APOLLO AVE
MALL DR
COURTLAND ST
LANCASTER ST
CROWN DR



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
1/2/2024

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

City Planning Commission

MEMORANDUM

DATE: JANUARY 8, 2024

TO: CITY COUNCIL

FROM: CITY PLANNING COMMISSION

RE: REZONING APPLICATION PZ23-00498

REQUEST

Rezoning Application PZ23-00498 filed by River City Developers LLC, requesting to rezone Parcel 73170 from PS-C Planned Shopping Center Commercial to M-R Multifamily Residential.

RECOMMENDATION

The Planning Commission, at their January 8, 2024 meeting, voted 6-0 to recommend approval of Rezoning Request PZ23-00498.

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1119 **NEW BUSINESS F.**

City Council REGULAR MEETING

Meeting Date: February 6, 2024

Subject: Consideration of Approval to Release a Blanket Easement on Parcel 2403-90-5329 in Pittsylvania County for a Dominion Energy Solar Farm.

From: Jason Grey, Director of Utilities

COUNCIL ACTION

A Resolution Authorizing the Abandonment of One Blanket Easement Across a Property in Pittsylvania County.

SUMMARY

City staff is seeking approval to release a blanket easement on Hopewell Road in Pittsylvania County for a prospective Dominion Energy solar farm. The blanket easement would be on Parcel Number 2403-90-5329.

BACKGROUND

The City holds a blanket electric utility easement on Parcel 2403-90-5329 located on Hopewell Road in Pittsylvania County. The solar developer working on behalf of Dominion Energy has requested that the City define the electric easement area for the City's overhead electric distribution infrastructure. The current blanket electric utility easement is not defined and covers the entire parcel.

RECOMMENDATION

Staff recommends vacating the blanket electric utility easement on Parcel 2403-90-5329 on Hopewell Road in Pittsylvania County for a prospective Dominion Energy solar farm.

Attachments

1. Resolution
2. Deed of Vacation

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024-____.____

A RESOLUTION AUTHORIZING THE ABANDONMENT OF ONE BLANKET EASEMENT ACROSS A PROPERTY IN PITTSYLVANIA COUNTY.

WHEREAS, the City of Danville holds a blanket utility easement affecting one (1) parcel of real property located in Pittsylvania County identified as Parcel No. 2403-90-5329 (the "Property"); and

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

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

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

Approved:

_____
Mayor

Attest:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Schedule "A"

A permanent blanket easement of fifteen feet (15 Ft.) for the installation and maintenance of electric lines and facilities along the properties located in Pittsylvania County, Virginia presently designated as Parcel ID #2403-90-5329, and presently owned by Phillip D. Hylton, said easement recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia by deed dated January 6, 1994 in Deed Book 977, at page 286.

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

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

Tax Map/Parcel ID # 2403-90-5329
Title Insurance: None

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

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

W I T N E S S E T H:

WHEREAS, Grantor holds a certain blanket easement across a parcel of real property located in Pittsylvania County, Virginia, identified as Parcel No. 2403-90-5329 (the "Property"), conveyed on January 6, 1994 and recorded in the Clerk's Office of the Circuit Court of Pittsylvania County, Virginia in Deed Book 977, at page 286 (the " Blanket Easement"); and

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

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

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

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

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

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

(*Remainder of page intentionally left blank*)

WITNESS the following signatures and seals:

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

BY: _____
KEN F. LARKING
City Manager

STATE OF VIRGINIA
CITY OF DANVILLE, to-wit:

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

BY: _____
NOTARY PUBLIC

My commission expires: _____

Notary registration number: _____

APPROVED AS TO FORM:

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