



PLANNING COMMISSION REGULAR MEETING AGENDA

CITY COUNCIL CHAMBERS

October 7, 2024

3:00 PM

I. WELCOME AND CALL TO ORDER

II. ROLL CALL

III. NEW BUSINESS

1. Special Use Permit application PZ24-00482 filed by Lightshift Energy to allow a public utilities facility in accordance with Article 3.M Section C Item 23 at 900 Mt Cross Road (Parcel 72885).
2. Rezoning application PZ24-00490 filed by J. Cubas Holdings, LLC to rezone a total of 22.50 acres that include Parcel 76199 and a portion of Parcel 75939 (Goodyear Blvd) to M-R Multifamily Residential from HR-C Highway Retail Commercial and T-R Threshold Residential, respectively.
3. Special Use Permit application PZ24-00491 filed by J. Cubas Holdings, LLC to allow assisted living residences in accordance with Article 3.G Section C Item 8 and a waiver of maximum density in accordance with Article 3.G. Section C Item 21 at Parcel 76199 and a portion of Parcel 75939 (Goodyear Blvd).

IV. APPROVAL OF MINUTES

1. Minutes from September 9, 2024 meeting

V. PLANNING DIRECTOR'S REPORT

VI. ADJOURNMENT

STAFF REPORT

DATE: October 7, 2024
TO: Planning Commission
FROM: Renee Burton, Division Director of Planning
RE: Special Use Permit application PZ24-00482 filed by Lightshift Energy to allow a public utilities facility in accordance with Article 3.M Section C Item 23 at 900 Mt Cross Road (Parcel 72885).

SUMMARY

Lightshift™ Energy (formerly Delorean Power) is requesting a Special Use Permit to operate a public utility at 900 Mt. Cross Road. 900 Mt. Cross Road is a 2.6 acre parcel owned by the City of Danville that contains a vacant block structure. Lightshift™ Energy, with a land use lease agreement with the City of Danville, is requesting to install a battery storage facility with a capacity of up to 12 megawatts of energy storage. The proposed facility will provide local energy storage in an effort to lower rising transmission, capacity and congestion charges. This will provide benefits to ratepayers of Danville Utilities. The energy storage will interconnect with the City's electric system.

The Zoning Code defines public utility as: *[a] use or structure which is engaged in conducting the supply of utility services to the public which is of public consequence and whose operations have little or no potential to negatively impact the environment in terms of noise, odor and personal harm (i.e. electric transformer, natural gas, telecommunications facilities, water and sewer transmission, collection, distribution and metering devices and water and sewerage pumping stations).*

If approved, this will be the second battery storage facility for energy operated by Lightshift Energy for the City of Danville. The first facility received approval from City Council in 2021 and is located at 864 Monument Street. The facility being reviewed today will mimic the Monument Street facility in design, but will not have the same level of visibility to the public. The equipment for the Mt. Cross Road facility will be located behind the existing structure and down the natural slope of the property. This arrangement has limited visibility for passersby and the neighboring property owners.

This project and lease agreement between Lightshift Energy and the City of Danville received unanimous approval when presented to the Utility Commission during their August meeting. The project, lease agreement and Special Use Permit request will be presented to City Council during their November meeting.

This project is in compliance with the Zoning Code, Comprehensive Plan and will provide a benefit to ratepayers of Danville utilities.

RECOMMENDATION

The City of Danville Planning Staff recommends that the City Planning Commission recommends conditional approval of PZ24-00482 to allow a public utility facility in accordance with Article 3.M Section C 23. The proposed facility will provide benefits to ratepayers of

Danville Utilities by lowering rising transmission, capacity and congestion charges.

Danville City Code allows City Planning Commission to impose any conditions necessary to assure that the proposed use will conform to zoning ordinance requirements. The Planning Division recommends approving this project with the condition that the Special Use Permit shall become void if the facility is not under contract with the City of Danville Utility Department and interconnected to the City of Danville's electric system.

ATTACHMENTS

1. Special Use Permit Application 9-6-24 - signed
2. Danville 2 SUP Portal Questions vFinal
3. Danville 2 SUP Narrative 9-6-24_v Final
4. Preliminary-Layout_9-6-24
5. 900 Mt Cross Rd Aerials Map
6. 900 Mt Cross Rd Owners Zoning Map
7. 900 Mt Cross Rd Land Use Map



CITY OF DANVILLE

Community Development Division of Planning and Zoning

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 \$400.00.*
2. *If the request for a special use permit has been denied by the City Council, a request in substantially the same form shall not be resubmitted within one (1) year of the date of denial.*

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#) 900 Mount Cross Rd, Danville, VA 24540 / Parcel ID: 72885

Applicant: Delorean Power LLC dba Lightshift Energy

Applicant's Address: 1201 Wilson Boulevard Floor 27, Arlington, VA 22209

Applicant's Phone Number: (812) 606-4996

Applicant's E-mail: michaelherbert@lightshift.com

Applicant's Signature 

Date 9/6/2024

PLEASE ATTACH THE FOLLOWING:

1. A preliminary site plan in accordance with the Site Plan Regulations.
2. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
3. A written statement of proposed project compatibility with the following:
 - A) The Comprehensive Plan.
 - B) The applicable zoning district.
 - C) The surrounding properties.
 - D) Current and future neighborhood conditions.
 - E) Pedestrian and vehicular traffic patterns, on-site and off-site.
 - F) Adequate public facilities.
4. 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:
 - A) The architectural elevations and floor plans of proposed building(s).
 - B) Traffic impact analysis.
 - C) Fiscal impact analysis.
 - D) Parking and site circulation analysis.
 - E) Photographs of property and surrounding area.
 - F) Environmental impact statement.

Special Use Permit Application 9-6-24

Final Audit Report

2024-09-05

Created:	2024-09-05
By:	Kevin Dawkins (kevindawkins@deloreanpower.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuPQtV-NV3W7vTrbxXa-LGsZ5p5TgbGHX

"Special Use Permit Application 9-6-24" History

-  Document created by Kevin Dawkins (kevindawkins@deloreanpower.com)
2024-09-05 - 9:43:48 PM GMT
-  Document emailed to Michael Herbert (michaelherbert@lightshift.com) for signature
2024-09-05 - 9:43:53 PM GMT
-  Email viewed by Michael Herbert (michaelherbert@lightshift.com)
2024-09-05 - 9:48:18 PM GMT
-  Document e-signed by Michael Herbert (michaelherbert@lightshift.com)
Signature Date: 2024-09-05 - 9:48:31 PM GMT - Time Source: server
-  Agreement completed.
2024-09-05 - 9:48:31 PM GMT

PROPOSED PROJECT COMPATIBILITY QUESTIONS ON PERMIT PORTAL

The Comprehensive Plan

- The Comprehensive Plan adopted September 15th, 2015 places our project in Planning Area 2: PIEDMONT DRIVE/MT. CROSS ROAD. Commercial development growth that has occurred in the Planning Area 2 has led to increased power needs in the area. Our battery storage project will allow Danville Utilities to manage power demand peaks in the area, which will help to keep electric rates low and allow Danville to continue attracting businesses and further economic development in support of the Comprehensive Plan's goals.

The Applicable Zoning District

- The property is currently zoned Highway Retail Comm (HR-C). Danville's Zoning Ordinance defines the Purpose and Intent of the HR-C district to allow for commercial and business uses along with supporting public utility infrastructure, which are allowed by the granting of a Special Use Permit. The project is commercial in nature and serves to promote tax revenues and economic opportunities for the City of Danville. Our proposed battery project will also support the power needs of existing commercial and business uses within the HR-C zoning district, conforming with the intent of the HR-C zoning district. Additionally, the HR-C zoning district calls for adequate transportation and site planning of uses that have the goal of minimizing conflicts with through-traffic movements along the entrance City's corridors and major arterial streets. Our proposed project will have minimal impact on existing through-traffic movements during construction activities. Once the battery project is operational, there will be no impact on traffic.

The Surrounding Properties

- The surrounding adjacent parcels consist of wooded vacant lots to the North, East, and West. To the South there is Mt. Cross Road itself serving as a barrier to the residential homes on the other side. Due to existing setbacks, topographical shielding, buffering, and the low height of our project, there will be de minimis impacts to any of the surrounding properties as a result of placing the battery project at the 900 Mt. Cross Road site. This will allow for our project to be seamlessly integrated into the surrounding community in a compatible manner.

Current and Future Neighborhood Conditions

- The site is currently performing a utility use and has been established with this same use in the neighborhood for many years. Our proposed use will not have any change to the current viewshed or character of the property and surrounding properties. Once construction is complete and the project is placed into service, there will be no changes to future neighborhood conditions as well due to site existing setbacks, topographical shielding, buffering and continued public utility use of the property.

Pedestrian and Vehicular Traffic Patterns, On-Site and Off-Site

- Lightshift will prepare a Traffic Management Plan to minimize traffic impacts during the construction process. All construction equipment and material will be transported to the site utilizing standard width trucks. No road improvements will be necessary as a result of our proposed project.

Adequate Public Facilities

- The property, having served a utility use, has existing access to electrical and water access via a fire hydrant at front of the property. Our proposed use does not need water or sewer to operate.

SPECIAL USE PERMIT APPLICATION

BATTERY ENERGY STORAGE SYSTEM

900 Mount Cross Rd, Danville, VA

Proposed by:



September 2024

Lightshift Energy
www.lightshift.com
(703) 679-7609
1201 Wilson Boulevard, Fl 27
Arlington, VA 22209

September 6, 2024

Danville Community Development Department
Planning and Zoning – Renee Burton, Director
427 Patton Street, Room 207
Danville, VA 24541

Dear Ms. Burton,

Lightshift Energy is pleased to present the following Special Use Permit (“SUP”) application for our second battery energy storage system (BESS) in Danville, VA. This SUP application is for the construction of a BESS project on a single parcel of City of Danville owned land located at 900 Mount Cross Rd, Danville, VA 24540. Alongside Danville Utilities, Lightshift has carefully considered the best location for equipment placements on the property to proactively mitigate any viewshed or noise concerns for the project while striving to maintain most of the property’s current use, aesthetics and feel for the community.

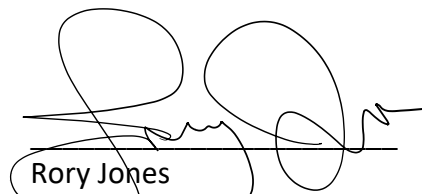
We have been working collaboratively with Danville Utilities on the project and designing it to reduce power costs for Danville Utilities customers, reduce greenhouse gas emissions, bolster electric grid resiliency, and create economic development benefits for the community. In addition to the significant power cost savings, the project will result in an increase in tax revenue for the City of Danville, while preserving the property’s character, viewshed, and possibilities for additional and/or complementary uses.

We look forward to our continued partnership with the City of Danville on this exciting project.

Sincerely,



Michael Herbert
Managing Partner
Lightshift Energy
michaelherbert@lightshift.com
(812) 606-4996



Rory Jones
Managing Partner
Lightshift Energy
roryjones@lightshift.com
(617) 852-1686

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Part 1 – Project Overview

Lightshift Energy (“Lightshift”), formerly known as Delorean Power, in collaboration with Danville Utilities, proposes to develop, build, own and operate our second Battery Energy Storage System (“BESS”) project in the City of Danville (the “Project”). The Project is proposed to be located on the 2.655-acre parcel owned by the City of Danville at 900 Mount Cross Road Danville VA 24540, Parcel ID: 72885 (the “Property”). Of the 2.665 acres, approximately 0.5 acres will be used for the BESS project. The remaining 2.165 acres of the parcel will serve to maintain property-line setbacks, vegetative buffers, and viewshed preservation. Diligence on the property inclusive of a Cultural Study, Threatened and Endangered Species Study, and Wetland Delineation have been conducted with no issues identified. The Property is currently zoned Highway Retail Comm (HRC), necessitating our pursuit of the SUP, and as demonstrated herein, the proposed BESS project satisfies all SUP requirements at the proposed location.

Lightshift is proposing to build a 12.5-megawatt (“MW”) BESS system utilizing safe and reliable BESS technology solutions to provide local grid resiliency benefits, save customers money, and offer numerous economic benefits to the City of Danville. BESS projects are an integral component of the future power grid in Virginia and will be essential to mitigating grid constraints experienced from the growing load in the City of Danville and the Commonwealth at large. Compared to alternative investments in fossil-fuel generation, traditional wires infrastructure or renewable energy generation, battery energy storage offers numerous advantages:

- **Higher quality, lower cost electricity** – unlike traditional fossil-fuel generation which can take several minutes to respond to operator dispatch signals, energy storage discharges electricity instantaneously, providing more efficient and lower cost peaking capabilities for moments when demand is highest.
- **Improved grid resilience** – energy storage enhances reliability during outages and severe weather by offering grid hardening and power quality benefits and by providing backup power for critical infrastructure.
- **Environmental sustainability** – energy storage neither consumes nor discharges water, thus posing no threat of contamination or consumption of scarce water resources in the community. It also produces zero emissions, translating to cleaner air compared to fossil-fuel alternatives.
- **Improved grid stability** – energy storage plays a major role in mitigating negative impacts to the power system caused by the growing number of intermittent resources such as wind and solar power generation, by being able to absorb excess generation and to inject energy to the grid when needed.

- ***Fewer wires and less local generation*** – energy storage can mitigate the need for costly new investments in transmission, distribution and conventional local generation, meaning fewer overhead wires to support load growth in the City of Danville.
- ***Grid Modernization*** – software-based control systems are programmable to provide numerous services and can be tailored over the project’s life to ensure long-term value for both the project and the community.
- ***Compact Design*** – energy storage occupies a very small footprint relative to renewable or fossil fuel generation and has a very low profile (less than 10 feet tall), translating to high economic impact per acre of development, easy visual screening and no negative impacts on community viewsheds and aesthetics.
- ***Remote Operations and Maintenance*** – with no external fuel inputs and no moving parts, most battery storage maintenance is performed remotely through communications software, translating to very few site visits and minimal impact to existing traffic patterns in the neighborhood.

Part 2 – Proposed Use

This would be the second BESS Project collaboratively developed between Danville Utilities and Lightshift. This Project, like the first, will be used to reduce peak system demand for Danville Utilities and reduce their wholesale power costs. This is achieved by charging the battery during off peak times and then discharging it during the peak hours that are used by American Electric Power (AEP) and the PJM Interconnection to assess Danville Utilities its transmission charges and capacity charges, respectively. The battery system will also be able to sell ancillary services into the PJM market and arbitrage wholesale energy prices. These additional benefits help reduce the cost of offering peak shaving services to Danville and ensure even greater savings are delivered by the project. With recent increases in PJM capacity prices and AEP transmission costs, the value of the Project has grown significantly, and we have worked with Danville Utilities to estimate and maximize its economic impact.

By keeping electric rates low through power cost-saving Projects like this, Danville will be able to continue to attract businesses and further economic development in the region. The Project will also help build out the supply chain and contractor expertise for BESS deployments and create jobs and workforce training in the energy sector, especially through the engineering design, construction, and operations and maintenance activities for the project. Lightshift and Danville would use local project partners and contractors as much as possible, providing direct investment into the community and building a knowledge base in the region for additional battery storage deployments in the future.

This local source of clean power will also help reduce transmission and capacity needs for the broader region, supporting resource adequacy and reliability requirements for Danville Utilities, AEP, and PJM. Charging the BESS during off peak times and discharging it during peak times also offers greenhouse gas

and toxic emissions reductions benefits as the grid is much more carbon intensive during peak periods due to a heavier reliance on fossil fuel generation sources during these times. Lightshift has been monitoring the environmental impacts of our first BESS project in Danville and would plan to track and quantify such impacts for this project as well.

The Project will be a 12.5 MW / 4-hour duration BESS, and the major equipment to be deployed at the site is expected to include the following:

- Thirteen (13) 8' X 20' fully integrated battery storage containers. We have included an image of the proposed battery containers below.
- Four (4) 4.39 MVA inverters
- Four (4) 4.39 MVA transformers
- Two (2) pad-mounted medium voltage distribution bus switchboards
- Two (2) auxiliary power transformers and auxiliary power distribution switchboards
- One (1) site communications enclosure
- Balance of plant including all electrical and communications wiring, connections and equipment

Site interconnection will be through two (2), independent existing overhead 12.47KV circuits. The site is split electrically for interconnection purposes, but the two systems will operate similarly.

The battery will be operational 24/7, 365 days per year but will not require any full-time employees. Occasional site visits will be made for routine maintenance of the system.

e-STORAGE Battery Storage Solution Imagery:



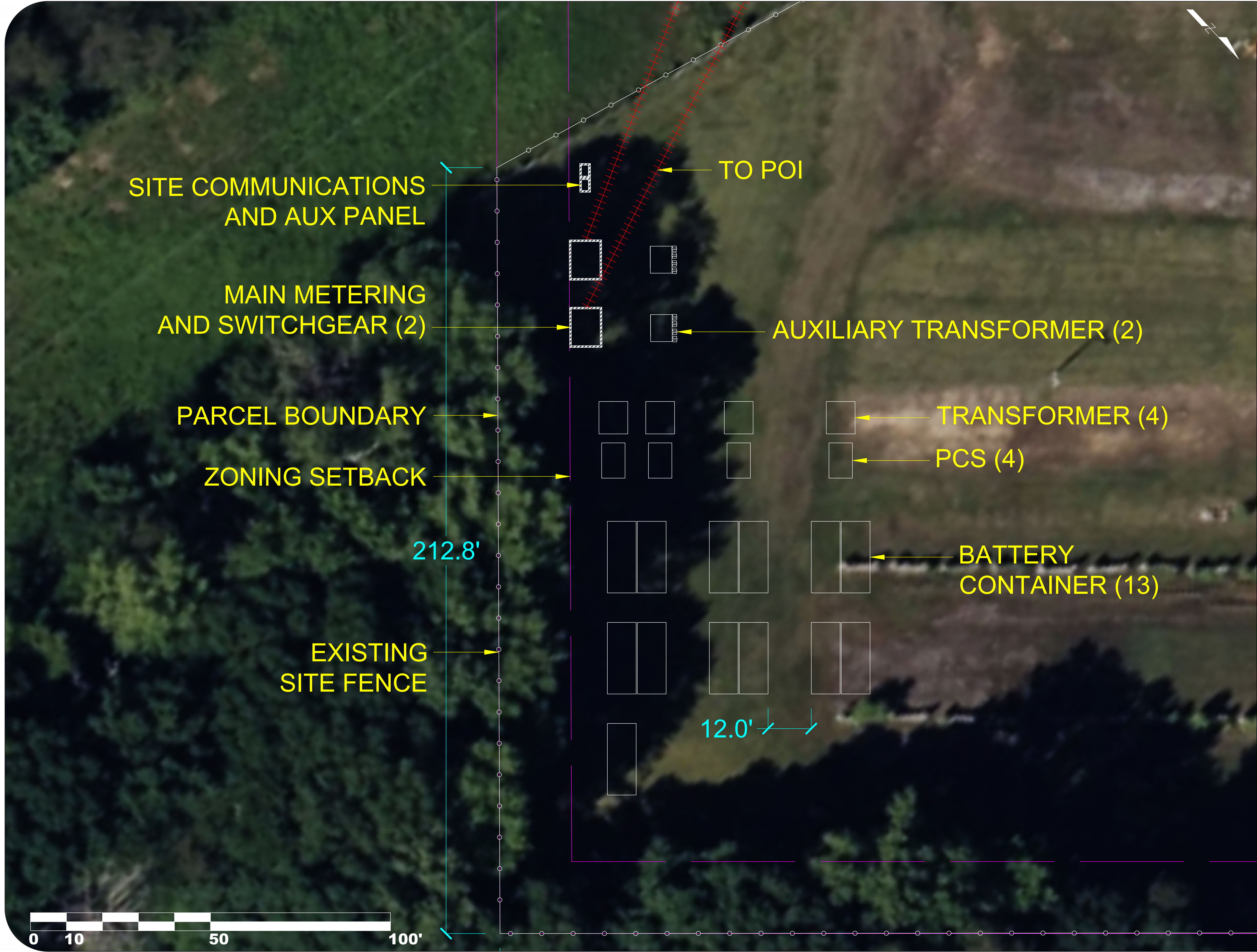
Part 3 – Community Outreach Process

Community outreach and engagement on projects is a top priority for the Lightshift team. Community member feedback is very valuable information we take into account when creating our development plans. We are happy to report that we were able to meet with all landowners that we sent letters to, as described below, and no concerns with our project development plans were raised by any landowners. Everyone we met with was very thankful that we took the time to follow up in person on our letter and wished us well in our efforts to improve grid reliability and incur power cost savings for the City of Danville.

Concerning specifics on our community outreach process, we made a list of landowners within an 800Ft radius of the Project that yielded (14) landowners along Mt. Cross Road that are in close proximity. We mailed out letters informing them about our intentions to develop the Project at the Mt. Cross Road site for Danville Utilities' use. No opposition or concerns were received from the letter outreach. In the letter, we provided some context on who our company is, how this will be the second BESS project we've developed in the City of Danville for Danville Utilities' use, and how we would be making ourselves available for in-person meetings between August 26-28 to allow for landowners to provide any comments and feedback they have on the Project. We were then able to meet with all landowners that we sent letters to and everyone we met with appreciated us coming by to meet with them in-person and no concerns on our project development plans were raised. People appreciated hearing, in-person, that we would be doing a second project in the City of Danville to help with reliability and power cost savings for Danville Utilities.

Part 4 – Preliminary Project Site Plan and Project Design

See Exhibit: [Preliminary-Layout_9-6-24.pdf](#)



General Notes

1. PRELIMINARY DRAWING; NOT FOR CONSTRUCTION. FINAL SITE LOCATION, LAYOUT AND DESIGN SUBJECT TO ENGINEERING DESIGN AND REVIEW.

2. LAYOUT SHOWS GENERAL FOOTPRINT REQUIRED FOR FACILITY. SITE LOCATION AND DETAILED LAYOUT AND CONSTRUCTION DRAWINGS TO BE DEVELOPED LATER.

SYSTEM RATING

12.5 MW, 4HR

INTERCONNECTING VOLTAGE

12.47 KV

FACILITY POWER AT POI

12.5 MW

FACILITY ENERGY AT POI

58.5 MWH

SITE AREA

~0.5 ACRE

INVERTER MANUFACTURER

POWER ELECTRONICS

BATTERY MANUFACTURER

E-STORAGE

No.	Revision/Issue	Date

LIGHTSHIFT

ENERGY

1201 WILSON BLVD, FL 27
ARLINGTON, VA 22209
571-447-9180

Project Name and Address

Danville VA BESS 2
900 Mt. Cross Rd.
Danville, VA 24540
36.6052, -79.4368

Drawing Number

DWG-005-C

Date

9/6/2024

Scale

1" = 1'

Sheet

01



General Notes

1. PRELIMINARY DRAWING; NOT FOR CONSTRUCTION. FINAL SITE LOCATION, LAYOUT AND DESIGN SUBJECT TO ENGINEERING DESIGN AND REVIEW.
2. LAYOUT SHOWS GENERAL FOOTPRINT REQUIRED FOR FACILITY. SITE LOCATION AND DETAILED LAYOUT AND CONSTRUCTION DRAWINGS TO BE DEVELOPED LATER.

SYSTEM RATING

12.5 MW, 4HR

INTERCONNECTING VOLTAGE

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FACILITY POWER AT POI

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SITE AREA

~0.5 ACRE

INVERTER MANUFACTURER

POWER ELECTRONICS

BATTERY MANUFACTURER

E-STORAGE

No.	Revision/Issue	Date

LIGHTSHIFT
ENERGY

1201 WILSON BLVD, FL 27
ARLINGTON, VA 22209
571-447-9180

Project Name and Address

Danville VA BESS 2
900 Mt. Cross Rd.
Danville, VA 24540
36.6052, -79.4368

Drawing Number
DWG-005-C

Date
9/6/2024

Scale
1/2" = 1'

Sheet

02

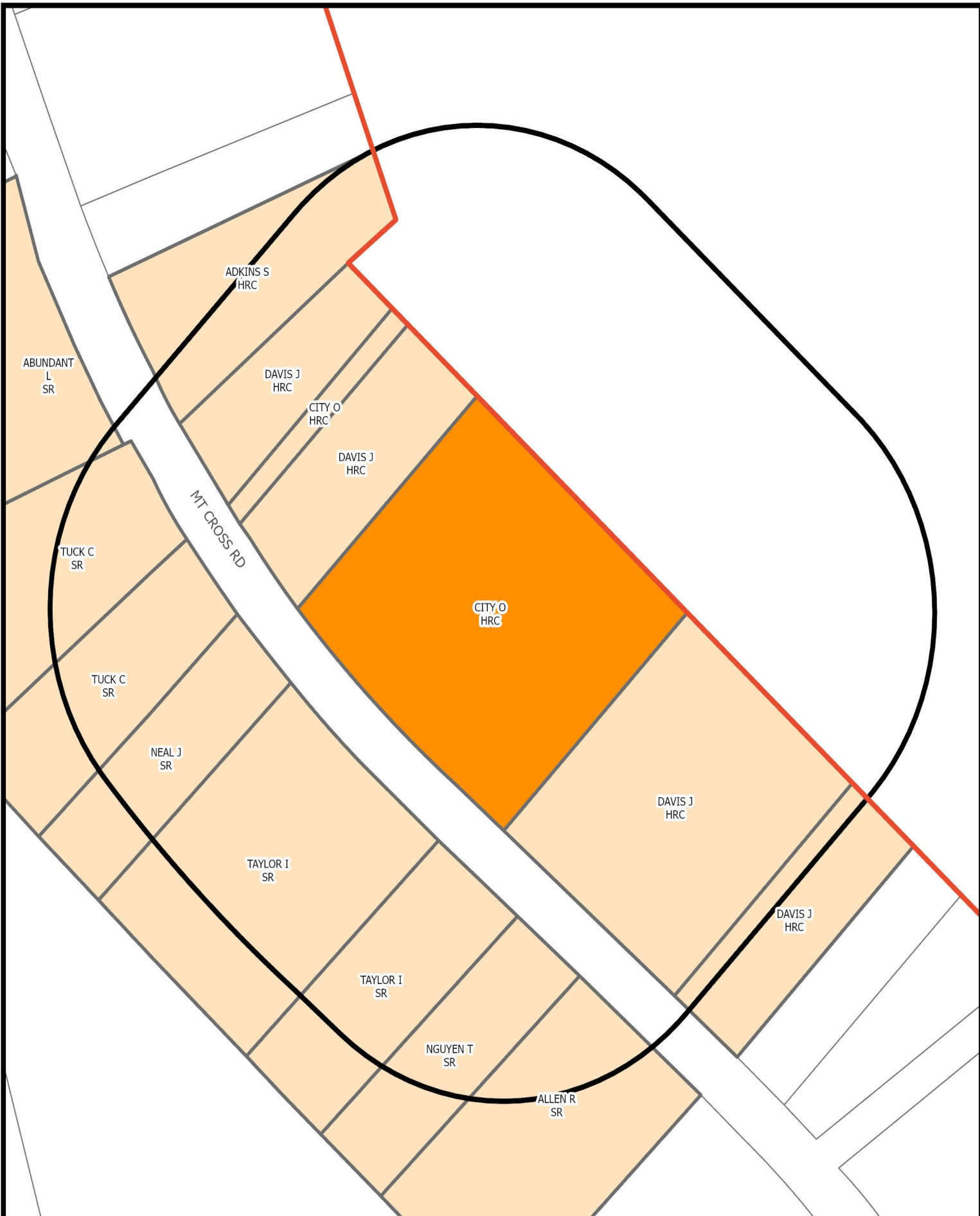


2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024



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



SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024



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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024



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

STAFF REPORT

DATE: October 7, 2024
TO: Planning Commission
FROM: Renee Burton, Division Director of Planning
RE: Rezoning application PZ24-00490 filed by J. Cubas Holdings, LLC to rezone a total of 22.50 acres that include Parcel 76199 and a portion of Parcel 75939 (Goodyear Blvd) to M-R Multifamily Residential from HR-C Highway Retail Commercial and T-R Threshold Residential, respectively.

SUMMARY

The applicant, J. Cubas Holdings, LLC is requesting to rezone Parcel 76199 and a portion of Parcel 75939 to M-R Multifamily Residential from HR-C, Highway Retail Commercial and T-R, Threshold Residential, respectively. The applicant is under contract for the purchase of the parcels to develop a residential complex that will include condominium structures and housing for elderly and assisted living residents. Construction of the housing for elderly and assisted living residential facilities will require a Special Use Permit in accordance with Article 3.G. Section C Item 8.

The subject parcels consist of a total of 22.50 acres of undeveloped, wooded area. This includes the entire 11.84 acres of Parcel 76199 and a 10.66 acre portion of Parcel 75939.

The area is serviced by public utilities and located on a major thoroughfare. The 2030 Comprehensive Plan maintains the future land use for this area as residential.

A conceptual plan has been provided with the application. The plan states that the development will have a yield of 240 condominium units and 180 assisted living units. At this point, the yields are speculative. If, as proposed, fifteen (15) acres of the subject property are developed with condominium units, the maximum yield would be 240 units within eight (8) structures per Zoning Code. However, the conceptual plan does not address stormwater, floodplain, floodway and utility easement restrictions. The net developable acreage may be reduced once these factors are accounted for.

A Special Use Permit must be approved to include development of housing for the elderly and assisted living. If the Special Use Permit is not granted, a higher percentage of land may be eligible for development as condominium or multifamily structures. If the entire area could be developed at 22.50 acres, and no housing for elderly and assisted living were constructed, the property could yield 360 units divided among twelve (12) structures per Zoning Code.

RECOMMENDATION

The Planning Staff recommends that the Planning Commission recommend approval of PZ24-00490 to rezone Parcel 76199 and a 10.66 portion of Parcel 75939 (Goodyear Blvd) to M-R

Multifamily Residential from HR-C Highway Retail Commercial and T-R Threshold Residential, respectively, with the following conditions.

1. A plat must be recorded subdividing 10.66 acres of Parcel 75939 to be consolidated with Parcel 76199.
2. A Traffic Impact Analysis is required and improvements completed per recommendations by the consultant's report and the City of Danville.

ATTACHMENTS

1. Goodyear Blvd Rezoning Application
2. Application Submittal - Part 1 of 4
3. Application Submittal - Part 2 of 4
4. Application Submittal - Part 3 of 4
5. Site Plans 91824
6. Colored Site Plan - 91824
7. Parcel 76199 Aerials Map
8. Parcel 76199 Owners Zoning Map
9. Parcel 76199 Land Use Map



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: _____ ID 76199 _____ Gross Area/Net Area: 976,372 sf or 22.41 acres

Property Location: ☐ N ☐ S ☐ E ☒ W Side of: Goodyear Boulevard

Between: US 29/58 Bypass and Jenny Lane

Proffered Conditions (if any, please attach): Proffered for elderly and assisted living residential dwellings in accordance with Article 3.G. of Zoning Ordinance

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

Name: ELIZABETH S MARSHALL REV TRUST, Telephone: 434-489-1444
ROBERT T. MARSHALL JR. AND
PATRICIA MARSHALL

Mailing Address: C/O MICHAEL SCEARCE 122 W. MAIN STREET, DANVILLE, VA 24541

Email Address: SCEARCE.COMMERCIAL@GMAIL.COM

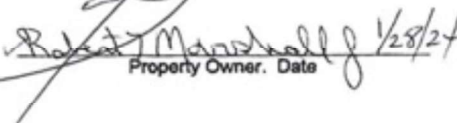
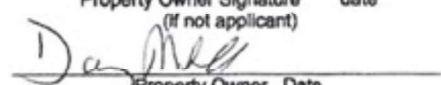
APPLICANT (PLEASE TYPE OR PRINT):

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

Name: J. CUBAS HOLDINGS, LLC Telephone: 305-219-2558

Mailing Address: 13830 SW 28 STREET, MIAMI, FLORIDA 33175

Email Address: JCUBASHOLDINGS@AOL.COM

 Applicant Signature	<u>1/29/24</u> date	 Property Owner Signature (if not applicant)	<u>1/29/24</u> date
 Property Owner. Date	<u>1/28/24</u>	 Property Owner. Date	

Comprehensive Land Use Change & Special Use Permit

HRC Highway Retail commercial
To
M-R Multifamily Residential



Subject Property

Parcel GPIN: 76199

Danville, Virginia

Applicant

J. Cubas Holdings, LLC

Joe Cubas, Manager

August 29, 2024

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City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

REZONING APPLICATION

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

PLANNING DIVISION PROVIDED INFORMATION

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

APPLICANT PROVIDED INFORMATION

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

Property Address: _____ ID 76199 _____ Gross Area/Net Area: 976,372 sf or 22.41 acres

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

Property Location: ☐ N ☐ S ☐ E ☒ W Side of: Goodyear Boulevard

Between: US 29/58 Bypass and Jenny Lane

Proffered Conditions (if any, please attach): Proffered for elderly and assisted living residential dwellings in accordance with Article 3.G. of Zoning Ordinance

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

Name: ELIZABETH S MARSHALL REV TRUST, Telephone: 434-489-1444
ROBERT T. MARSHALL JR. AND
PATRICIA MARSHALL

Mailing Address: C/O MICHAEL SCEARCE 122 W. MAIN STREET, DANVILLE, VA 24541

Email Address: SCEARCE.COMMERCIAL@GMAIL.COM

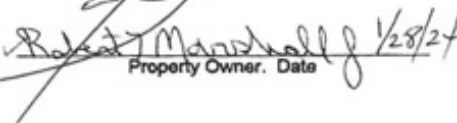
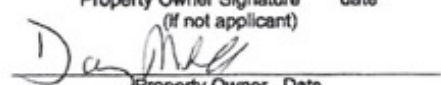
APPLICANT (PLEASE TYPE OR PRINT):

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

Name: J. CUBAS HOLDINGS, LLC Telephone: 305-219-2558

Mailing Address: 13830 SW 28 STREET, MIAMI, FLORIDA 33175

Email Address: JCUBASHOLDINGS@AOL.COM

 Applicant Signature	<u>1/29/24</u> date	 Property Owner Signature	<u>1/29/24</u> date
 Property Owner	<u>1/28/24</u> Date	 Property Owner (If not applicant)	 Date



City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Address: _____
Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): _____ Parcel IDs: 76199

Applicant: J. Cubas Holdings, LLC.

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

Applicant's Phone Number: 305-219-2558

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

Describe Proposed Request: The purpose of this submittal application is to request a zoning change and Special Use Permit in accordance with

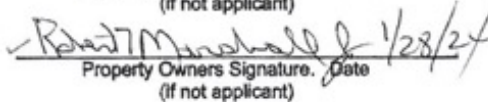
Chapter 41, Zoning Ordinance, Article 3.G.

To develop elderly housing in the form of independent and assisted living care.


Applicant Signature _____ date 1/29/24


Property Owner Signature _____ date 1/24/2024
(if not applicant)


Property Owners Signature _____ Date 1-27-2024
(if not applicant)


Property Owners Signature _____ Date 1/28/24
(if not applicant)



**VIRGINIA REALTORS®
Commercial Purchase Agreement**

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

This Commercial Purchase Agreement (the "Agreement") is dated January 23, 2024, between ELIZABETH S MARSHALL REVOCABLE TRUST, ROBERT T MARSHALL, JR & PATRICIA L MARSHALL ("Seller") and J CUBAS HOLDINGS AND/OR ASSIGNS ("Purchaser"). The parties acknowledge that HAUSER REALTY GROUP ("Listing Broker") represents Seller and that HAUSER REALTY GROUP ("Selling Broker") represents [select one]:
☒ Seller ☐ Purchaser. The parties further acknowledge that disclosure of the brokerage relationships was made to them by the real estate licensees involved in this transaction when specific assistance was first rendered and confirmed in writing.

1. **Sale of Property.** Purchaser agrees to buy and Seller agrees to sell the land, all improvements thereon, and all rights and appurtenances thereto belonging, located in the City/County of DANVILLE, Virginia, with a tax parcel no. of 76199 and a street address of GOODYEAR BLVD. Seller discloses that [select one]: ☐ there are no tenants or other parties in possession of the Property OR ☐ there are tenants or persons who are in possession of the Property as set forth on **SCHEDULE A** attached hereto.

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

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

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

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

3. **Settlement.**

A. **Settlement of Property.** Settlement of the purchase and sale of the Property shall be made at WORLD TITLE TRUST, 14750 NW 77 COURT, SUITE #304 MIAMI LAKES, FL 33016 on August 30, 2024 ("Settlement"). Possession of the Property shall be delivered to Purchaser at Settlement.

VR Form 700 Revised 07/19
Reviewed 07/19

Page 1 of 10

Hauser Realty Group, 1225 West Main St Danville VA 24541-3317
Mike Seares

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

Phone: 434-792-3888

Fax: 434-792-2757

Marshall Goodyear

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

Joe Cubas 01/23/24
Purchaser
 Printed Name: JCUBAS HOLDINGS, LLC
 Title (if applicable):
 Date:

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

Selling Company's Name and Address

HAUSER REALTY GROUP
 1225 W MAIN ST, DANVILLE, VA 24541

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

Patricia L Marshall 01/23/2024
Seller
 Printed Name: PATRICIA L MARSHALL
 Title (if applicable):
 Date:

ROBERT T MARSHALL, JR 01/23/2024
Seller
 Printed Name: ROBERT T MARSHALL, JR
 Title (if applicable):
 Date:

Danny W Marshall 01/23/24

Listing Company's Name and Address

HAUSER REALTY GROUP
 1225 W MAIN ST, DANVILLE, VA 24541

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

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VR Form 700 Revised 07/19
 Reviewed 07/19

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VIRGINIA REALTORS®
AMENDMENT TO COMMERCIAL PURCHASE AGREEMENT
AMENDMENT # 1



This AMENDMENT entered into on March 7, 2024, which is attached to and made a part of the
 (the "Agreement") dated _____, between
PATRICIA L MARSHALL, ROBERT T MARSHALL, JR, ELIZABETH S MARSHALL REVOCABLE TRUST/ DANNY W MARSHALL
 ("Seller") and **JCUBAS HOLDINGS, LLC**

("Purchaser") for the Property, whose address is: **GOODYEAR BLVD TRACT 76199, DANVILLE, VA 24541**

This Amendment provides as follows:

**SELLERS HEREBY AGREE TO SELL AND PURCHASER AGREES TO PURCHASE APPROXIMATELY 8-10 ACRES FROM THE
 ADJOINING TRACT 75939, ALSO OWNED BY THE SAME SELLERS, TO BE ADDED TO THE PURCHASE OF TRACT 76199.
 THE EXACT ACREAGE OF THE ADDITIONAL LAND WILL BE DETERMINED BY THE PURCHASERS NEW SURVEY AND WILL
 BE PRICED AT \$8,500 PER ACRE.**

Except as hereby expressly amended, the Agreement shall remain in full force and effect as originally executed.

PURCHASER:

03/07/2024 / Joe Cubas
 DATE SIGNATURE
JCUBAS HOLDINGS, LLC

_____/_____
 DATE SIGNATURE

_____/_____
 DATE SIGNATURE

_____/_____
 DATE SIGNATURE

SELLER:

03/07/2024 / Patricia L Marshall
 DATE SIGNATURE
PATRICIA L MARSHALL

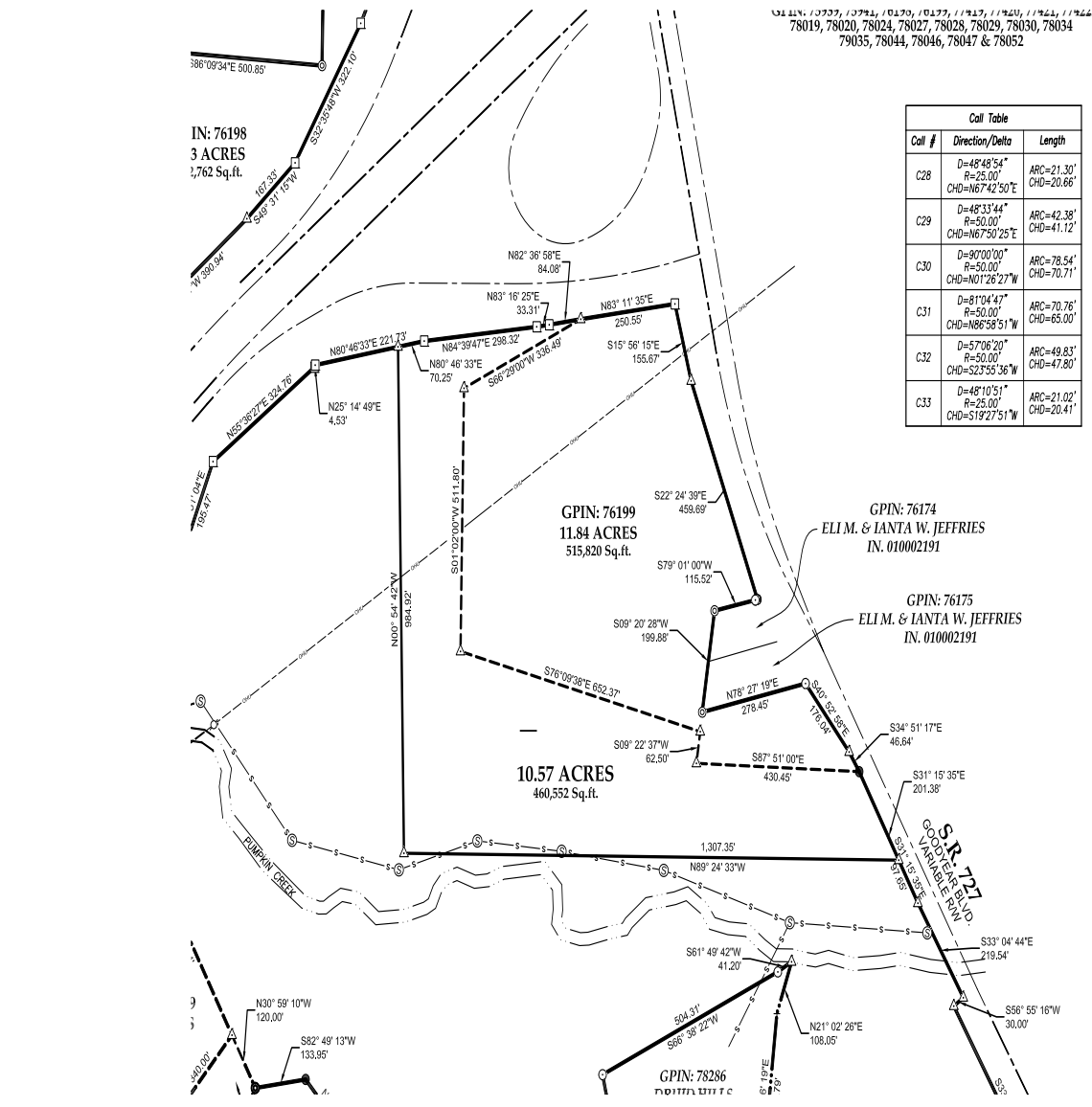
03/07/2024 / ROBERT T MARSHALL, JR
 DATE SIGNATURE
ROBERT T MARSHALL, JR

03/07/2024 / Danny W Marshall
 DATE SIGNATURE
ELIZABETH S MARSHALL REVOCABLE TRUST/

_____/_____
 DATE SIGNATURE

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VAR FORM 1810A Revised 01/20 PAGE 1 OF 1
 Reviewed 01/20





VIRGINIA REALTORS®
AMENDMENT TO COMMERCIAL PURCHASE AGREEMENT
AMENDMENT # 2



This AMENDMENT entered into on July 8, 2024, which is attached to and made a part of the
(the "Agreement") dated January 23, 2024, between
PATRICIA L MARSHALL, ROBERT T MARSHALL, JR, DANNY W MARSHALL
("Seller") and JOE CUBAS AND/OR ASSIGNS

("Purchaser") for the Property, whose address is: GOODYEAR BLVD TRACT 76199, DANVILLE, VA 24541

This Amendment provides as follows:

ALL PARTIES AGREE TO EXTEND THE FEASIBILITY PERIOD TO NOVEMBER 15, 2024 AND THE CLOSING TO DECEMBER 13, 2024.

Except as hereby expressly amended, the Agreement shall remain in full force and effect as originally executed.

PURCHASER:

07/08/2024 / JOE CUBAS AND/OR ASSIGNS
DATE SIGNATURE
JOE CUBAS AND/OR ASSIGNS

DATE SIGNATURE

DATE SIGNATURE

DATE SIGNATURE

SELLER:

07/08/2024 / Patricia L Marshall
DATE SIGNATURE
PATRICIA L MARSHALL

07/08/2024 / ROBERT T MARSHALL, JR
DATE SIGNATURE
ROBERT T MARSHALL, JR

07/08/2024 / Danny W Marshall
DATE SIGNATURE
DANNY W MARSHALL

DATE SIGNATURE

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VAR FORM 1810A Revised 01/20
Reviewed 01/20

PAGE 1 OF 1

Hausen Realty Group, 1225 West Main St Danville VA 24541-1317
Mike Searce

Phone: 434-792-3000 Fax: 434-792-2757
Produced with Lone Wolf Transactions (zipForm Edition) 717 N Harwood St, Suite 2200, Dallas, TX 75201 www.lwolf.com

Marshall Goodyear

OWNER'S CONSENT

On this date, 1-27-2024, 2024, Elizabeth S. Marshall Revocable Trust, Robert T. Marshall, Jr. and Patricia Marshall, the Owner(s) of record of vacant real estate property located in Danville, Virginia, specifically, Parcel ID 76199 with street address on Goodyear Boulevard, through the undersigned legal representatives and Trustees of the respective trusts, grant consent onto J. Cubas Holdings, LLC. as the Contract Purchaser, to pursue a Zoning Change and Special Use Permit Application in accordance with City Codes & Ordinances to obtain the entitlement approvals for the purposes of developing the subject property into elderly housing in the form of independent and assisted living care.

Agreed and Consent:

Danny Marshall

Name: Danny Marshall Trustee

Margaret D. Marshall Revocable Trust

Date:

Robert T. Marshall, Jr.

Robert T. Marshall, Jr., Owner

Date: 1/28/2024

Patricia Marshall

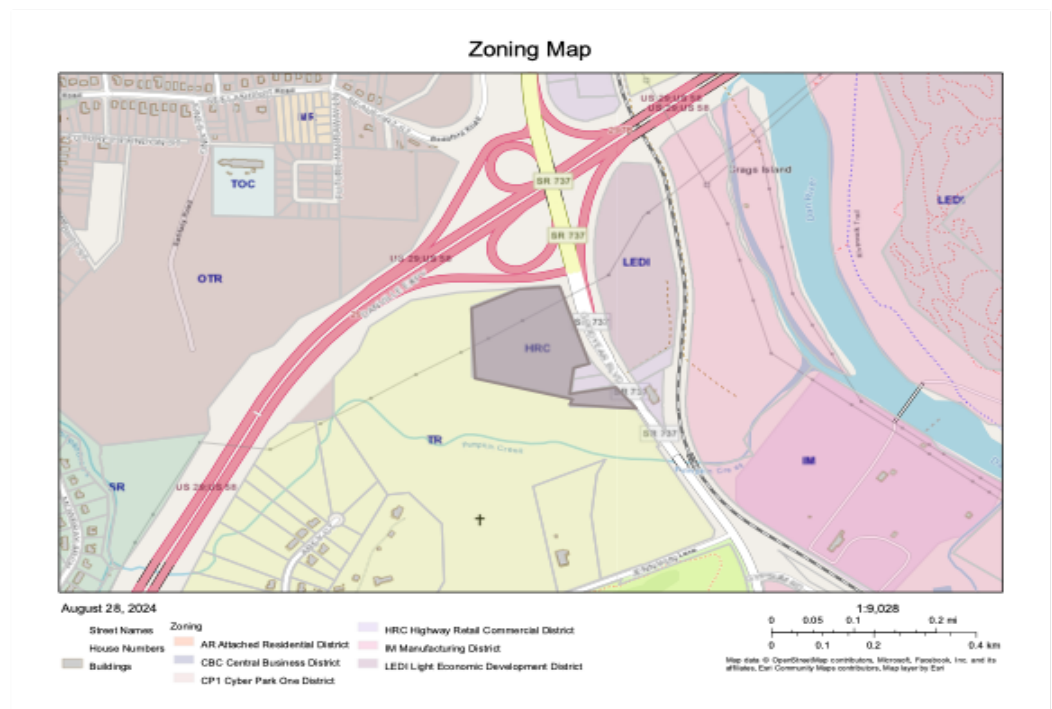
Patricia Marshall, Owner

Date: 1/24/2024

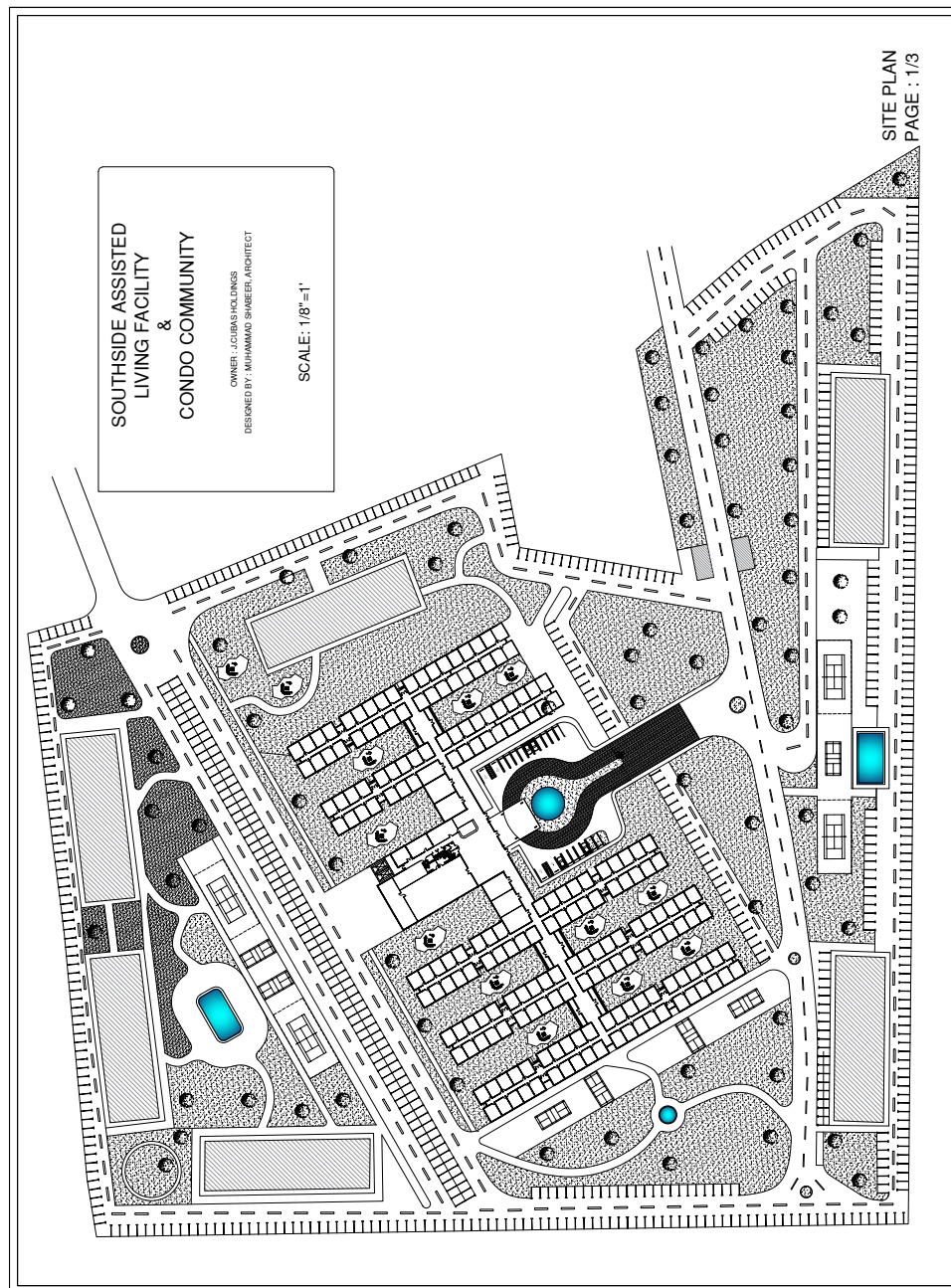
BACKGROUND

In January of the present year, J. Cubas Holdings, LLC, a Florida Limited Liability Corporation, entered into a Commercial Purchase Agreement, included herein, with a Virginia resident(s) to purchase the subject property; originally an 11.84 – acre parcel to develop housing for the elderly in the form of a retirement residential project consisting of an independent living community and housing for persons requiring assisted living with memory care. Upon an amended agreement with the Seller(s), the parties agreed to expand the size of the subject property as shown in the proposed survey an additional 10.^{.66}₅₇ acres for a grand total of 22.^{.50}₄₁ acres.

The parcel is presently zoned HRC Highway Retail Commercial with a land use of Residential and located at the intersection of Goodyear Boulevard and Hwy 29/58.



The purpose of this application submittal package is to request a Zoning Change and Special Use Permit from the existing HRC-Highway Retail Commercial District to M-R Multifamily Residential in accordance with Chapter 41, Article 3. G., C-8, C-20, C-21 and D.2. The Applicant hereby proffers approximately 7.4^{.50}₄ acres of the overall 22.4^{.50}₄ acres for elderly housing and assisted living residential dwellings at 24 units or more per acre. The remaining 15 acres are to be developed into mid-rise apartment units at a density of 16 units per acre in accordance with Article 3.G.





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





REQUEST FOR LAND USE CHANGE & SPECIAL USE PERMIT

1. Consistency with the City of Danville 2030 Comprehensive Plan

Introduction/Purpose

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

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

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

GOALS FOR FUTURE DEVELOPMENT

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

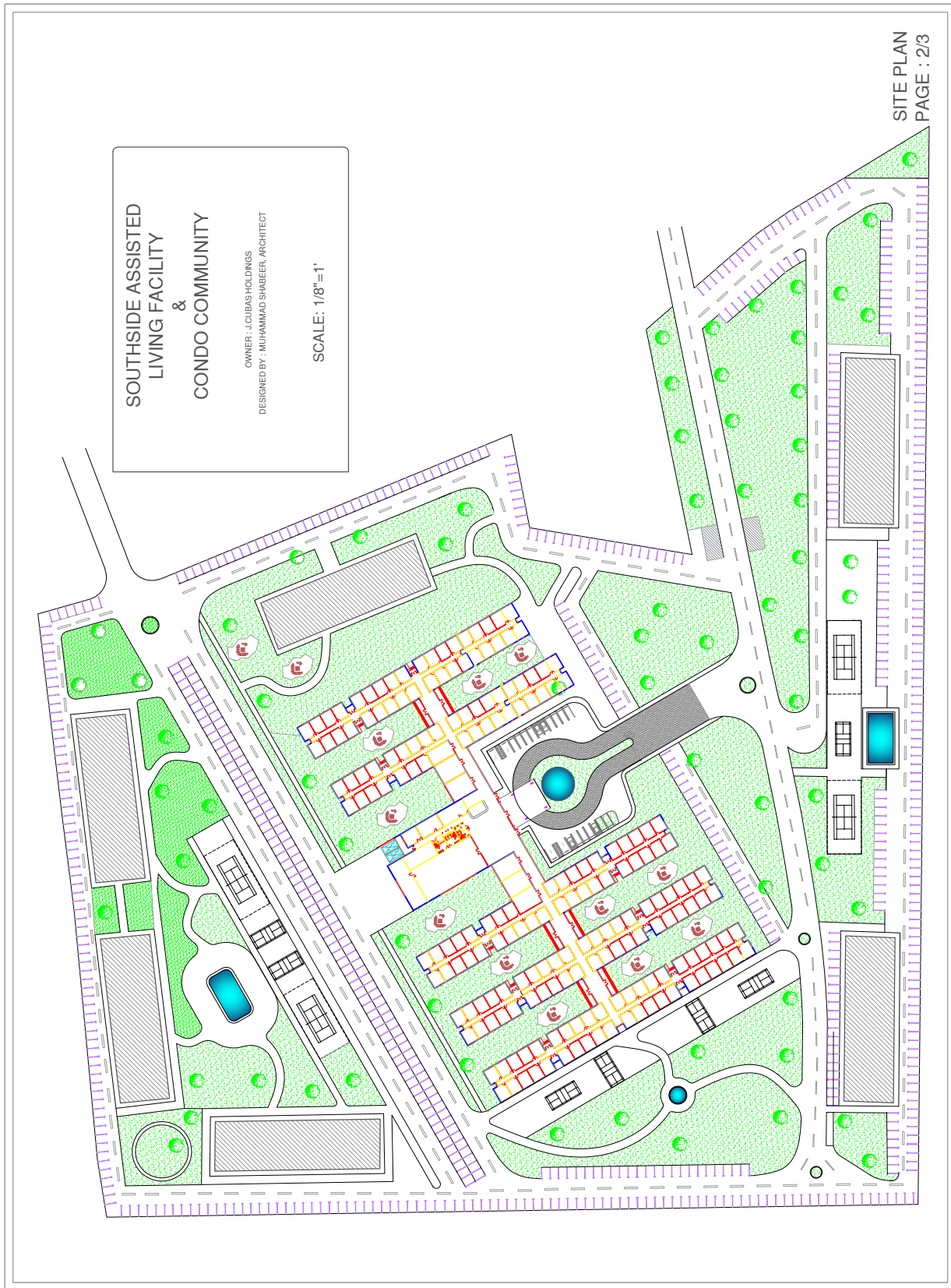
Some of those goals and objectives are to maintain sustainable growth & land use in an effort to promote a balanced mix of residential, commercial, and industrial uses which will accommodate the needs of existing businesses and residents and encourage well-planned development/redevelopment opportunities for new businesses and residents while at the same time protect the historic, architectural, cultural, and natural environment of Danville.

Furthermore, the Future Land Use policies and objectives of the Comprehensive Plan are very clear when it comes to prioritizing infill residential and assisted living development close to major thoroughfares over “leap frog” suburban development in outlying areas of the planning area. Moreover, as Danville’s population continues to age and expand, demand for elderly and disabled housing will continue to rise. Various levels of senior and assisted housing will be required to address the various needs of the increasing elderly and disabled communities.

Therefore, in accordance with the City of Danville Comprehensive Plan’s Goals of Sustainable Growth & Land Use policies and objectives, the approval of the Land Use Change & Special Use Permit for the Multifamily Residential development on the overall subject property where ^{.50}~~7.41~~ acres are hereby proffered for elderly and assisted living residential dwellings, is compatible with the Comprehensive Plan as (i) it is by a “major thoroughfare” {Goodyear Boulevard to US 29/58}, (ii) the Land Use of the subject property is “Residential”, (iii) the subject property is contiguous to numerous parcels already zoned as a Residential District with a Land Use of “Residential”, (iv) the purpose and intent of the M-R, Multifamily Residential District is to provide for multifamily residences at locations compatible with the Comprehensive Plan's goals for housing for the elderly and other limited high density residential development and redevelopment in Danville, (v) while no new garden apartment projects are recommended by the Comprehensive Plan, the M-R District is intended to promote housing for the elderly and well-planned higher density residential developments, (vi) retirement residential projects, independent living communities and nursing homes and housing for persons requiring assisted living care are encouraged under this district, (vii) elderly housing proposals may be granted higher densities (up to 24 or more units per acre) subject to superior design and (viii), maintain continuity of both, the residential and commercial uses of the neighborhood as required under Chapter 41, Zoning Ordinance of the City of Danville.

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

The purpose of this application submittal package is to request a Zoning Change and Special Use Permit from the existing HRC-Retail Commercial District to M-R Multifamily Residential District in accordance with Chapter 41, Article 3. G., C-8, C-20, C-21 and D.2. The Applicant hereby proffers approximately 7.^{.50}~~41~~ acres of the overall 22.^{.50}~~41~~ acres for elderly housing and assisted living residential dwellings at 24 units or more per acre. The remaining 15 acres are to be developed into mid-rise apartment units at a density of 16 units per acre in accordance with Article 3.G. A survey and Conceptual Site & Floor Plan have been submitted for the proposed elderly housing and mid-rise apartment units as part of this Comprehensive Land Use Change and Special Use Permit application submittals.





In accordance with Chapter 41, Article 3.G., M-R Multifamily Residential District, the purpose and intent of the M-R, Multifamily Residential District is to provide for multifamily residences at locations compatible with the Comprehensive Plan's goals for housing for the elderly and other limited high density residential development and redevelopment in Danville. The average density of sixteen (16) units per acre establishes this district as one recognizing garden-styled and mid-rise apartment units (including condominiums) as the dominant land use. Buildings shall not exceed five stories in height. While no new garden apartment projects are recommended by the Comprehensive Plan, the M-R District is intended to promote housing for the elderly and well-planned higher density residential developments.

Retirement residential projects, independent living communities & nursing homes and housing for persons requiring assisted living care **are encouraged** under this district. Elderly housing proposals may be granted higher densities (up to 24 or more units per acre) subject to superior design proposals as well as the results of the supporting transportation/parking studies which quantify

a reduction in parking demand and overall traffic impacts attributable to elderly and assisted living projects.

Also, it is intended for application to certain undeveloped tracts and infill locations as recognized by the Comprehensive Plan, where housing for the elderly would be appropriate. In all instances, it is the intent of this district to promote development which is sensitive to existing natural features and vegetation, promotes excellence in site planning and landscape design and incorporates appropriate scale, materials and character of architecture. Development in the M-R District must be sensitive to landforms, environmental characteristics, adequate public infrastructure and quality transportation improvements.

(Ord. No. 2004-02.04, Art. 3.G, Åò A, 2-17-04)

Therefore, in accordance with Chapter 41, Article 3-G., M-R Multifamily Residential District, (i) the minimum lot size requirement is 5 acres. The overall subject property(s) is 22.^{.50}~~41~~ acres, (ii) the maximum density for multifamily dwellings proffered for elderly and assisted residential dwellings is twenty-four (24) or more units per acre. As per Article 3. G. D.2., the application request proffers ^{.50}~~7.41~~ acres for elderly housing and assisted living residential dwellings at a density of 24 or more units per acres or 180 units while the remaining 15 acres are to be developed into mid-rise condominiums at a density of 16 units per acre or 240 units in accordance with Article 3. G. A., (iii) the maximum building height for the mid-rise apartments will be 60 feet or no greater than five (5) stories however, the elderly housing or assisted living residential facility has been designed as a “one-story” development, (iv) the minimum yard requirements and setbacks all exceed the requirements of Article 3G, (v) twenty five percent (25%) of the gross site area or ^{245,025}~~244,032~~ SF shall be common open space. The conceptual site plan & schedule below shows a comparison of the required vs provided amounts of square feet with a citation of the Corresponding Article for gross site area, open space, active recreation areas, setbacks, building area’s square feet, FAR, number of units and parking requirements for both, the proffered Assisted Living Facility and mid-rise condo development.

Southside Assisted Living Facility & Condo Community
(Proffered For the Elderly-7.41 Acres) 7.50 Ac
(Mid-Rise Condos - 15.0 Acres)

PROJECT INFORMATION		ZONING ORDINANCE	REMARKS
Property Address	Parcel ID: 76199		
Total Acreage-Proffered ALF	7.41 ^{.50} ac.	5 ac Article 3.G.E.1	Overall Acreage 22.41 ^{.50} ac
Total Acreage-Condos	<u>15.0 ac</u>	5.ac Article 3.G.E.1	
Overall Total Acres	22.41 ^{.50} ac		
Overall Gross Lot Area	976,180 ^{980,100} sf		
Gross Lot Area-Proffered ALF	322,780 ^{326,700} sf		Overall Lot Area 976,180 ^{980,100} SF
Gross Lot Area-Condos	653,400 sf		
Setbacks	30 Ft.	30 ft Article 3.G I.5 (A)	
Common Open Space		25% ARTICLE 3.G.G. (1)	
Proffered- ALF	177,793 sf	55% ^{54%}	
Condos	<u>295,958 sf</u>	48% ^{45%}	
Overall Common Open Space	473,751 sf	49% ^{48%}	
Active Recreational Areas		Article 3.G.G. (2)	(50%) OF COMMON OPEN SPACE AREAS
Proffered-ALF	103,576 sf	58%	
Condos	<u>130,635 sf</u>	44%	
Overall Active Recreational	234,211 sf	50%	Note: Condo excess parking spaces will be replaced with common open space, active recreational and storm water retention at engineering phase.
Building Area-Proffered ALF	87,551 sf.		
FAR (Floor Area Ration)-Proffered ALF	0.271.		
Building Area-Condos	84,000 ^{72,000} SF		
FAR (Floor Area Ration)-Condos	0.128 ^{0.110}		
Density-Proffered ALF	24 Units / Ac	Article 3. G. A, D.2	
Density-Condos	16 Units /Ac	Article 3. G A. D.3	
Units-Proffered ALF	180 Units		
Units- Condo	<u>240 Units</u>		
Total Number of Units	420 Units		
Number of Floors-Proffered ALF	1		
Number of Floors-Condos	5	Article 3. A. and G. F. 1. (a)	
Number of Bldgs-Condos	8		
Number of Units Per Bldg -Condos	30	Article 3. G. I. 6. (B)	
Parking			
Typical Parking Spaces-Proffered ALF	58	46 Article 8. G	
Handicap Parking Spaces-ALF	4	2	
EV Parking Spaces-ALF	<u>4</u>	3 Article 8. G. J. (1)	
Proposed Parking Spaces -ALF	66	51	Additional Parking on North-Side (19) Additional Visitor Parking Available (S)
Typical Parking Spaces-Condos	614	240 Article 8. G	
Handicap Parking Spaces-Condos	13	2% of Total Spaces 1106.2 (2)	Virginia Uni Statewide Bldg Code
EV Parking Spaces-Condos	<u>13</u>	12.8 Article 8. J. 1.	
Proposed Parking Spaces -Condos	640	240 Article 8. G	Plus (76) total spaces dedicated for ALF
Overall Parking Spaces - ALF & Condos	<u>706</u>		

Applicant is aware of the excess number of parking spaces provided. Upon the design and engineering phase, they will be converted into green areas and/or retention ponds.

Therefore, in accordance with Chapter 41, Article 3-G, M-R Multifamily Residential District, the Conceptual Site Plans meet or exceed all the requirements outlined in Article 3-G of the Zoning Ordinance. Since this application submittal is just for a Zoning Change and Special Use Permit, the standards outlined in Sub-paragraph I, will be met through final engineered site plans and construction development plans to obtain development or building permits.

3. Compatibility with Surrounding Properties & Adjacent Land Uses

As shown on the City of Danville GIS Zoning Map below, the subject property is contiguous to and surrounded on three sides by Parcel ID. 75939, a 64.43-acre vacant land property zoned TR Threshold Residential with a Future Land Use Designation as Residential, contiguously followed by Parcel ID 78286, a 6.28-acre parcel zoned TR Threshold Residential developed as DRUID HILLS CONGREGATION OF JEHOVAHS WITNESSES.

Further east, the GIS zoning map shows numerous vacant land parcels under same ownership as to the subject property, zoned TR Threshold Residential with a Future Land Use of Residential.

To the north of the subject property, it abuts to the ROW that is part of the southbound Goodyear Boulevard exit ramp off US 29/58. On the east, the subject property abuts to Goodyear Boulevard.

Within the southern-most footprint of the subject property, lies under the same ownership, Parcel ID 76174, a .32-acre property and Parcel ID. 76175, a .51-acre property respectively, both zoned HRC Highway Retail commercial.

The residential development across US 29/58 and directly north of the subject property zoned OTR Old Town Residential, is comprised of single-family homes and vacant lots.

East of Goodyear Boulevard and across the street from the subject property lies vacant land zoned LEDI and IM respectively.

4. Vehicular Access, Impacts and Intensity (Transportation)

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

M-R Multi-family Residential Developments

As shown on the City of Danville GIS Maps below, the development of the subject property will take access from the east end of Goodyear Boulevard, a "Major Collector Road" as identified by VDOT's road classification system. Goodyear Boulevard is a two-lane road that "loops around" in a U-shape and intersects with US 29/58 by the subject property and with Hwy. 86 on the opposite side of the neighborhood (west-side).

Therefore, since the subject property abuts to parcel ID. 75939 a 64.43-acre vacant land property zoned TR Threshold Residential with a Future Land Use Designation as Residential, contiguously followed by Parcel ID 78286, a 6.28-acre parcel zoned TR Threshold Residential developed as DRUID HILLS CONGREGATION OF JEHOVAHS WITNESSES, the development for multifamily residential dwellings on the subject property proffered for the elderly and assisted living residential units is compatible with the surrounding area as well as, Policies & Objectives of the Comprehensive Plan as it ensures adequate traffic carrying capacities where future transportation improvements should be commensurate with the Future Land Use Plan.

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

Additionally, in November of 2023, a Traffic Impact Analysis was conducted by Engineering & Planning Resources (EPR pc). The Analysis Overview studied numerous intersections surrounding the subject property including Danville Expressway exit at Goodyear Boulevard and Jenny Lane at Goodyear Boulevard (North End) identified in the report as intersections No. 5 and No. 6 respectively. Operational Analysis Reports were provided under several scenarios. The study was based on the capacity for 333 RVs with their respective automobiles. The TIA concluded that under each analysis and scenario, the two intersections that impact the subject property received a Level of Service (LOS) of "A" and from a traffic operations perspective, all intersections were satisfactory except for the Route 86 interchange westbound off-ramp identified as "the weak link in the system".

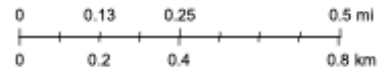
Access Roads



August 28, 2024

1:18,056

Street Names	HRC Highway Retail Commercial District
House Numbers	IM Manufacturing District
Buildings	LEDI Light Economic Development District
Zoning	MHPR Mobile Home Park District
AR Attached Residential District	MR Multi-family Residential District
CBC Central Business District	NC Neighborhood Retail Commercial District
CP1 Cyber Park One District	NTR Neo-traditional Residential District



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5. Parking & Loading Requirements

In accordance with Article 8 of the Zoning Ordinance, Parking and loading requirements prevent congestion on public streets by clearly defining and separating parking areas from roadways; remove pedestrian hazards in parking areas and public streets; create proper storm-water treatment; and make clear the availability and arrangement of spaces to all users.

(Ord. No. 2021-08.01 , Exh. A, 8-5-21)

Some of the general parking and loading area applicable requirements, proffered for elderly housing, include all off-street parking areas are solely for the parking operating vehicles by patrons, occupants, or employees of the associated use. No vehicle, equipment, materials, or supply repair, dismantling, or servicing is allowed in off-street parking areas. All required off-street parking and loading areas must be on the same property as the associated use except where otherwise allowed by this Article.

Off-street loading spaces are not required however, if off-street loading spaces are provided, they must meet the standards outlined in Article 8, Section E., 1 through 8.

Required Parking Spaces-Assisted Living Facility

Article 8, Section G. Parking Space Minimum, provides a schedule for the minimum parking spaces required. However, this section does not indicate the minimum parking spaces required for elderly housing proffered for independent and assisted living facility yet, under Section F. 1., “net floor area, *as defined in Article 15*, is the basis for required parking spaces unless otherwise indicated”.

Article 15 provides for the interpretations and definitions of terms or words for the purposes of the Zoning Ordinance. While no interpretation or definition is provided for Independent and Assisted Living Facility, the closest or most comparable definition or category is found under

Section B. Definitions, Group Home, subsection (c), “Eight (8) handicapped persons reside with handicapped defined in accordance with the Federal Fair Housing Amendments Act of 1988.”

As a result, Article 8, Section G, outlines the minimum parking spaces required for Group Homes; “two (2) parking spaces required per home plus one (1) per eight residents plus one (1) per three employees on main shift”.

Therefore, per Article 8 and Article 15 of the Zoning Ordinance, two parking spaces have been provided for the group home plus, one parking space has been provided for every eight (8) residents plus, one parking space has been provided for every three employees estimated on the main shift. As a result, the total amount of parking spaces required under Articles 8 and 15 would be 51 parking spaces. However, the conceptual site plans show a total of 58 parking spaces, 4 handicap spaces and 4 electric charging stations for a total of 66 spaces with an additional 19 parking spaces if needed, as well as a loading area independent of the parking areas and pedestrian walkways with a dedicated road, “buffered” or shielded from surrounding land uses as per Article 8.

Required Parking Spaces-Mid-Rise Condominiums

Article 8, Section G. Parking Space Minimum and the Virginia Uniform Statewide Building Code, provides a schedule for the minimum parking spaces, handicap and electric vehicle spaces required.

In accordance with Article 8.G, one (1) parking space is required per unit. The Conceptual Site Plans & Schedules show a total of 240 units. However, the applicant has provided, as shown on the site plans & schedules, 614 typical parking spaces throughout the mid-rise development portion of the subject property. Additionally, while Article 8. G. and 15 refer to the Virginia Uniform Statewide Building Code for the number of handicap spaces required, Section 1106.02 (2) requires that two percent (2%) of the total number of spaces, rounded up, shall be provided as handicap spaces. Therefore, thirteen (13) handicap parking spaces have been provided.

Additionally, in accordance with Article 8. J. 1., thirteen (13) additional parking spaces have been designated for electric vehicles (EV).

In summary, a total of 66 parking spaces have been provided for the elderly housing / assisted living facility development of the subject property while an additional 640 parking spaces have been provided for the mid-rise condo development for a grand total of 706 parking spaces.

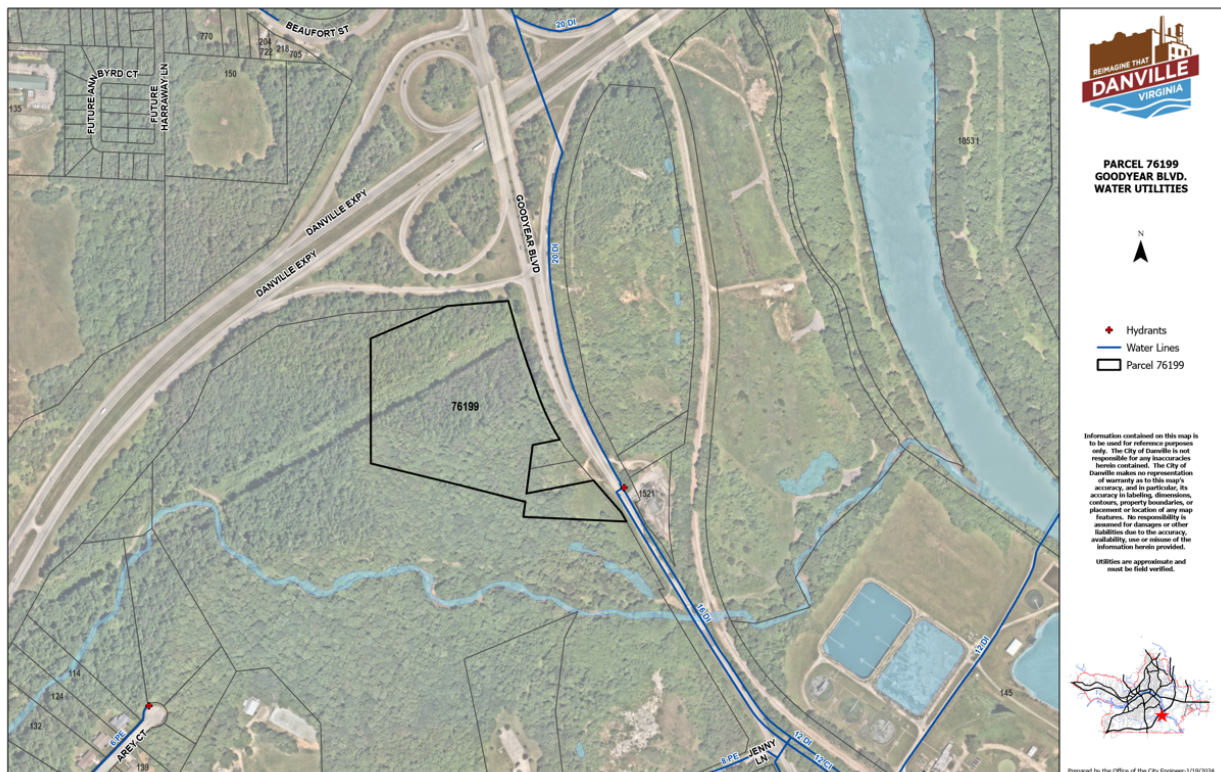
NOTE: The Applicant is aware of the excess amount of parking spaces provided.

At the design and engineering phase, a substantial amount of the excess parking spaces provided, will be replaced with green open space or used for storm water retention.

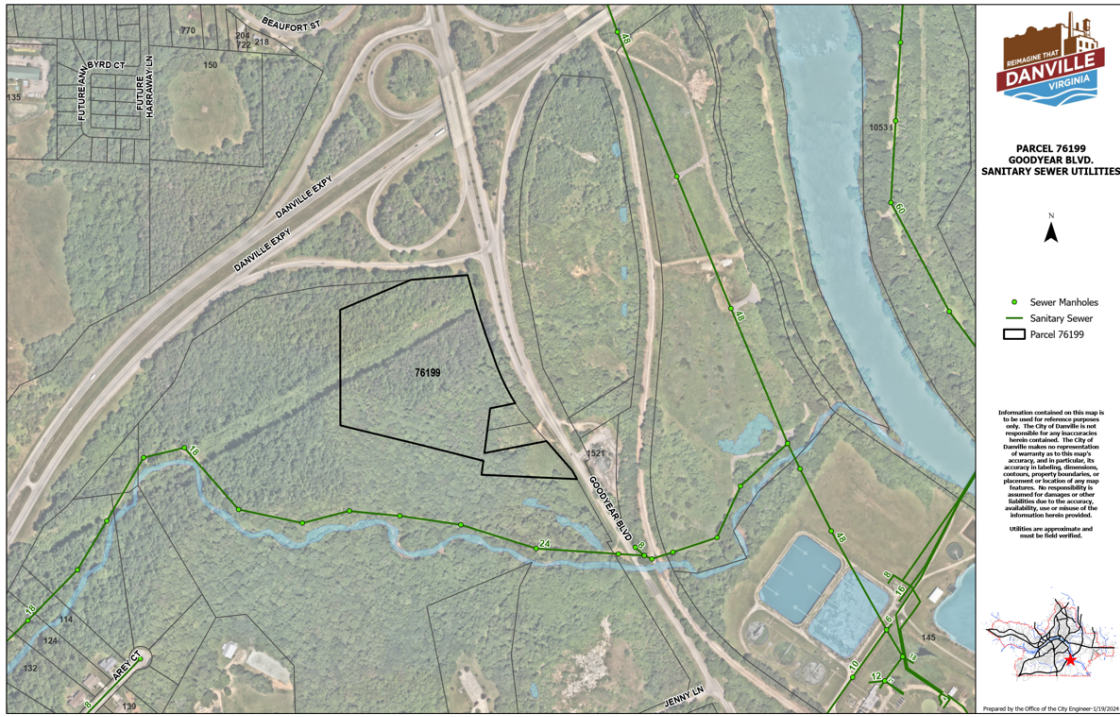
6. Adequate Public Facilities

The City of Danville has provided water & sewer location maps as referenced below, which show the general location of main lines at or within the subject property. Therefore, the subject property will connect to City water & sewer as adequate public facilities are nearby.

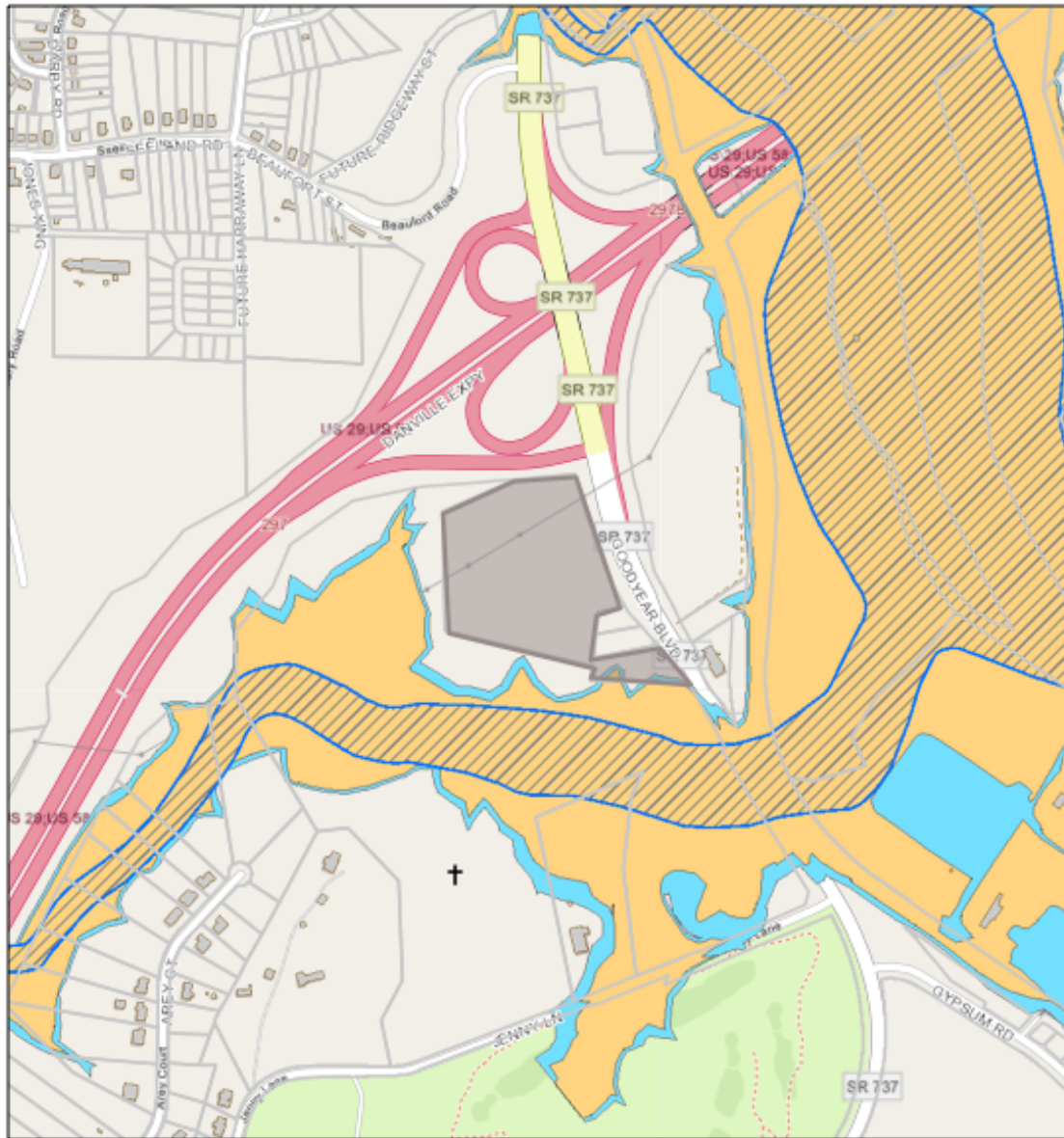
Existing Water Line Location Map



Existing Sewer Lines Location Map



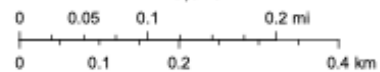
Flood Zone Map



August 28, 2024

1:9,028

- Street Names
- House Numbers
- Buildings
- Flood Zones
- Floodway (AE)
- 1% Annual Chance w/ BFEs (AE)
- 1% Annual Chance w/o BFEs (A)
- 0.2% Annual Chance



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7. MASTER PLAN OF DEVELOPMENT

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

The Conceptual Site Plan shows a multifamily dwelling and the required open space as per Article 3-G, M-R Residential District.

The purpose of this application submittal package is to request a Zoning Change and Special Use Permit from the existing HRC-Retail Commercial District to M-R Multifamily Residential District in accordance with Chapter 41, Article 3. G., C-8, C-20, C-21 and D.2. The Applicant hereby proffers approximately 7.^{.5}~~4~~ acres of the overall 22.^{.50}~~41~~ acres for elderly housing and assisted living residential dwellings at 24 units or more per acre. The remaining 15 acres are to be developed into mid-rise apartment units at a density of 16 units per acre in accordance with Article 3.G. A survey and Conceptual Site & Floor Plan have been submitted for the proposed elderly housing and mid-rise apartment units as part of this Comprehensive Land Use Change and Special Use Permit application submittals.

Therefore, in accordance with Chapter 41, Article 3-G., M-R Multifamily Residential District, the subject property is comprised of 22.^{.50}~~41~~ acres of vacant land. The Conceptual Site Plans show the development of 7.^{.50}~~41~~ acres of one-story buildings compatible with surrounding residential subdivisions consisting of 180 dwellings for elderly housing in the form of independent and assisted living with a maximum density of just under twenty-four (24) units per acre in accordance with Article 3.G, and D.2.

Additionally, on the remaining fifteen (15) acres, the Conceptual Site Plans show ^{eight (8)}~~six (6)~~ buildings in the form of mid-rise apartments consisting of 240 units in accordance with Chapter 41, Article 3-G, A. Under the M-R District the average density of sixteen (16) units per acre establishes this

district as one recognizing garden-styled and mid-rise apartment units (including condominiums) as the dominant land use. Buildings shall not exceed five stories in height. Therefore, the Conceptual Site Plans meet or exceed all the standards outlined in Article 3-G of the Zoning Ordinance.

Furthermore, the M-R, Multifamily Residential District is intended to provide for multifamily residences at locations compatible with the Comprehensive Plan's goals for housing for the elderly and other limited high density residential development and redevelopment in Danville, as well as promote housing for the elderly and well-planned higher density residential developments. Retirement residential projects, independent living communities and nursing homes and housing for persons requiring assisted living care are encouraged under this district.

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

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

As shown on the City of Danville GIS Zoning Map below, the subject property is contiguous to and surrounded on three sides by Parcel ID. 75939, a 64.43-acre vacant land property zoned TR Threshold Residential with a Future Land Use Designation as Residential, contiguously followed by Parcel ID 78286, a 6.28-acre parcel zoned TR Threshold Residential developed as DRUID HILLS CONGREGATION OF JEHOVAHS WITNESSES.

Further east, the GIS zoning map shows numerous vacant land parcels under same ownership as to the subject property, zoned TR Threshold Residential with a Future Land Use of Residential.

To the north of the subject property, it abuts to the ROW that is part of the southbound Goodyear Boulevard exit ramp off US 29/58. On the east, the subject property abuts to Goodyear Boulevard.

The City of Danville has indicated that the water & sewer main lines are located at, or within the subject property. Therefore, in accordance with the City of Danville Comprehensive Plan, Chapter 41 and Chapter 450 of the Virginia Administrative Code, the subject property will connect to City water.

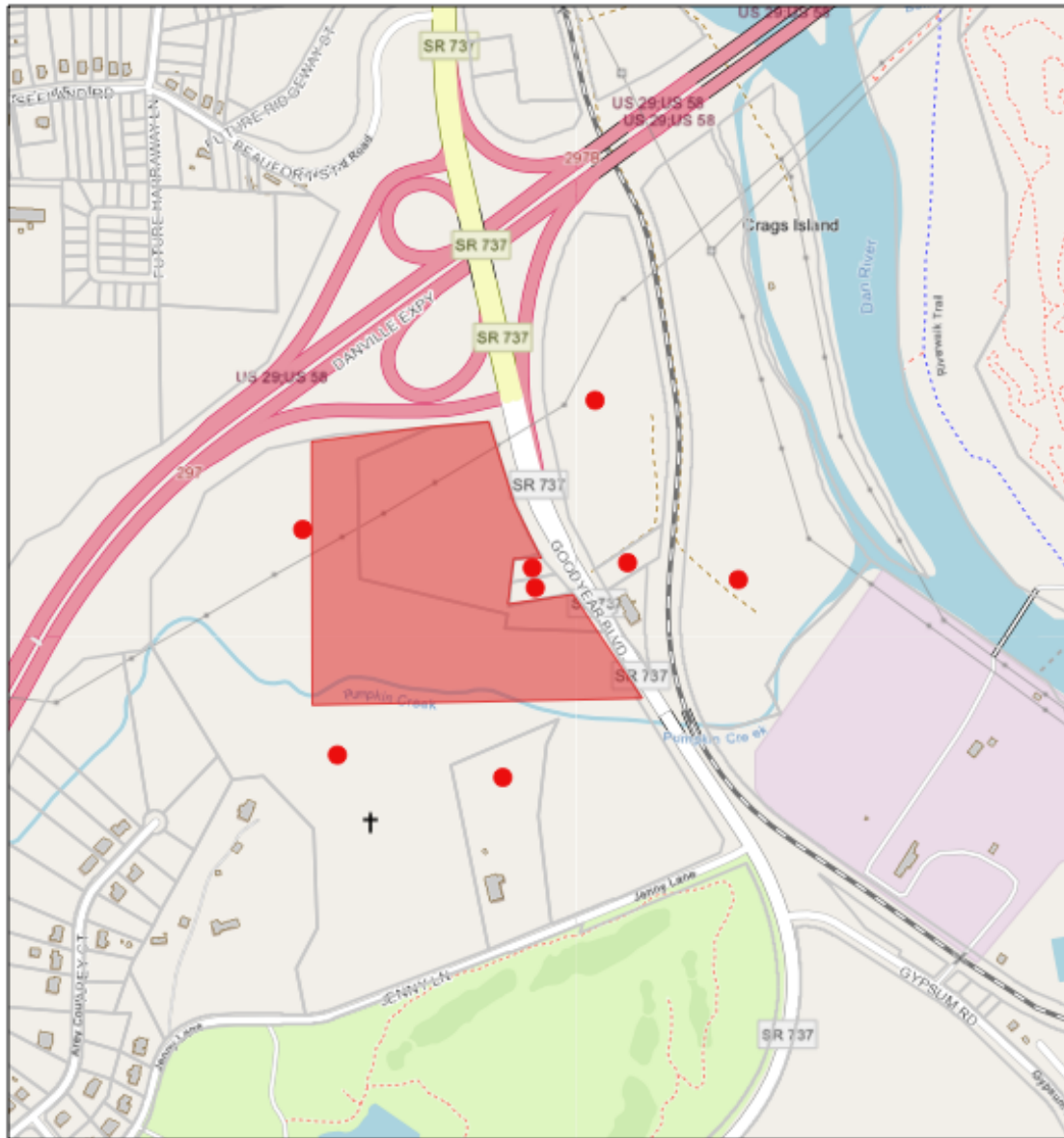
Currently, the Conceptual Site Plans initially show an Impervious Surface Ratio (ISR) of 0.271 with a proposed density of just under 24.0 units per acre for the elderly housing or assisted living facility and an Impervious Surface Ratio (ISR) of ^{0.110}~~0.128~~ with a proposed density of 16.0 units per acre for the mid-rise condo development portion of the subject property. Upon entitlement approvals and before the design of construction documents, the applicant, through its engineering firm, will coordinate with the City of Danville Engineering & Public Works Departments to design and meet the requirements for stormwater retention.

8. List & GIS Map of Surrounding Property Owners Notified

In accordance with Article 4. B. (11), please find below the list and City GIS Map of Surrounding Property Owners who “abut to the subject property and/or property immediately across the street from the subject property requested to be rezoned and, any abutting property or property immediately across the street from the property requested to be rezoned which lies in the City.” The Applicant has notified all property owners and provided them with the information regarding the elderly housing residential/mid-rise apartment residential project including, Conceptual Site Plans and renderings. Presently, the Applicant is engaged in the process of gathering their input and addressing any questions or concerns that may arise.

(Ord. No. 2004-02.04, Art. 4, À B, 2-17-04)

Surrounding Property Owners



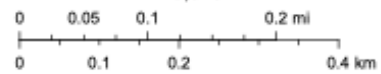
August 28, 2024

Street Names

House Numbers

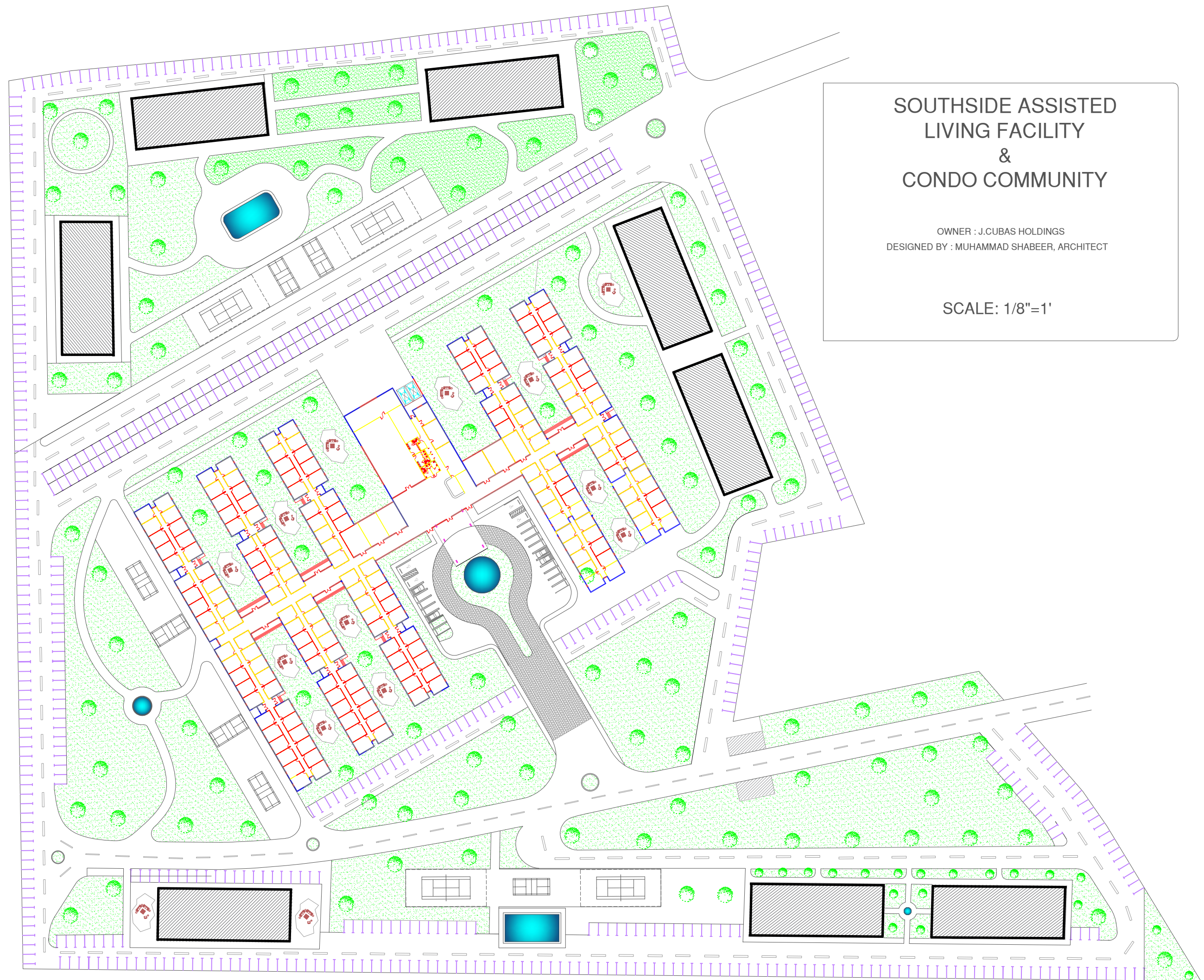
 Buildings

1:9,028



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2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024



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.

DANVILLE EXPY
DANVILLE EXPY

THREE B
LEDI

GOODYEAR BLVD

MARSHALL R
HRC

JEFFRIES E
HRC

JEFFRIES E
HRC

JEFFRIES I
HRC

JAMES B
HRC

MARSHALL R
TR

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024



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.

MEDIUM
DENSITY
RESIDENTIAL

DANVILLE EXPY

COMMUNITY
COMMERCIAL

REGIONAL
COMMERCIAL

GOODYEAR BLVD

LIGHT
INDUSTRIAL

YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024



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

STAFF REPORT

DATE: October 7, 2024
TO: Planning Commission
FROM: Renee Burton, Division Director of Planning
RE: Special Use Permit application PZ24-00491 filed by J. Cubas Holdings, LLC to allow assisted living residences in accordance with Article 3.G Section C Item 8 and a waiver of maximum density in accordance with Article 3.G. Section C Item 21 at Parcel 76199 and a portion of Parcel 75939 (Goodyear Blvd).

SUMMARY

The applicant, J. Cubas Holdings, LLC is requesting to allow housing for the elderly and assisted living in accordance with Article 3.G. Section C Item 8. The subject property is 22.50 acres and includes Parcel 76199 and a 10.66 acre portion of Parcel 75939 zoned M-R, Multifamily Residential. The area is serviced by public utilities. The application proposes a development of housing for elderly and assisted living as well as condominium housing structures.

A conceptual plan has been provided with the application. The plan states that the development will have a yield of 240 condominium units and 180 assisted living units. At this point, the yields are speculative. If, as proposed, 7.50 acres of the subject property are developed with assisted living units, the maximum yield would be 120 assisted living units per Zoning Code. The application proposes a yield of 180 assisted living units based on a maximum density of twenty-four (24) units per net developable acre which may be granted. However, the conceptual plan does not address stormwater, floodplain, floodway, and utility easement restrictions. The net developable acreage may be reduced once these factors are accounted for.

An increase of maximum density from sixteen (16) units per net developable acre to twenty-four (24) units per net developable acre may be granted for elderly housing "subject to superior design proposals as well as the results of the supporting transportation/parking studies which quantify a reduction in parking demand and overall traffic impacts attributable to elderly and assisted living project" according to Article 3.G. of the Zoning Code. The current application has not provided enough information to grant this increase in density. Planning Staff recommends a new submittal related to traffic impacts and reduced parking to grant this increase in density.

The City of Danville has identified a need for housing for the elderly and assisted living units. The proposed development could benefit the City by providing elderly and assisted living housing units in an area served by public utilities with direct access to a major thoroughfare.

The 2030 Comprehensive Plan maintains the future land use for this area as residential.

RECOMMENDATION

The Planning Staff recommends that the City Planning Commission recommend approval of PZ24-00491 to grant a Special Use Permit to allow housing for elderly and assisted living in accordance with Article 3.G Section C Item 8.

The applicant has also requested a waiver of maximum density in accordance with Article 3.G Section C Item 21. Staff does not believe that the application meets the criteria to grant this waiver. Planning Staff recommends denial of this request and a new application be submitted that meets criteria set forth in Article 3.G as stated above.

ATTACHMENTS

1. Goodyear Blvd SUP Application
2. Application Submittal - Part 1 of 4
3. Application Submittal - Part 2 of 4
4. Application Submittal - Part 3 of 4
5. Site Plans 91824
6. Colored Site Plan - 91824
7. Parcel 76199 Aerials Map
8. Parcel 76199 Owners Zoning Map
9. Parcel 76199 Land Use Map



City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Address: _____
Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): _____ Parcel IDs: 76199

Applicant: J. Cubas Holdings, LLC.

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

Applicant's Phone Number: 305-219-2558

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

Describe Proposed Request: The purpose of this submittal application is to request a zoning change and Special Use Permit in accordance with

Chapter 41, Zoning Ordinance, Article 3.G.
To develop elderly housing in the form of independent and assisted living care.


Applicant Signature _____ date 1/29/24

Patricia Marshall 1/24/2024
Property Owner Signature _____ date
(if not applicant)

D. Miller 1-27-2024
Property Owners Signature _____ Date
(if not applicant)

Robert Marshall 1/28/24
Property Owners Signature _____ Date
(if not applicant)

Comprehensive Land Use Change & Special Use Permit

HRC Highway Retail commercial
To
M-R Multifamily Residential



Subject Property

Parcel GPIN: 76199

Danville, Virginia

Applicant

J. Cubas Holdings, LLC

Joe Cubas, Manager

August 29, 2024

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City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

REZONING APPLICATION

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

PLANNING DIVISION PROVIDED INFORMATION

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

APPLICANT PROVIDED INFORMATION

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

Property Address: _____ ID 76199 _____ Gross Area/Net Area: 976,372 sf or 22.41 acres

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

Property Location: ☐ N ☐ S ☐ E ☒ W Side of: Goodyear Boulevard

Between: US 29/58 Bypass and Jenny Lane

Proffered Conditions (if any, please attach): Proffered for elderly and assisted living residential dwellings in accordance with Article 3.G. of Zoning Ordinance

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

Name: ELIZABETH S MARSHALL REV TRUST, Telephone: 434-489-1444
ROBERT T. MARSHALL JR. AND
PATRICIA MARSHALL

Mailing Address: C/O MICHAEL SCEARCE 122 W. MAIN STREET, DANVILLE, VA 24541

Email Address: SCEARCE.COMMERCIAL@GMAIL.COM

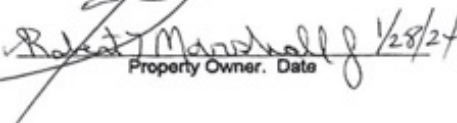
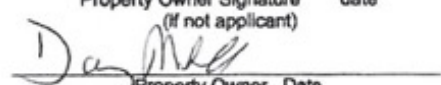
APPLICANT (PLEASE TYPE OR PRINT):

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

Name: J. CUBAS HOLDINGS, LLC Telephone: 305-219-2558

Mailing Address: 13830 SW 28 STREET, MIAMI, FLORIDA 33175

Email Address: JCUBASHOLDINGS@AOL.COM

 Applicant Signature	<u>1/29/24</u> date	 Property Owner Signature	<u>1/29/24</u> date
		(If not applicant)	
 Property Owner	<u>1/28/24</u> Date	 Property Owner	<u>1/29/24</u> Date



City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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

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

PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____
Date Received: _____ Received By: _____
Parcel ID: _____ Address: _____
Existing Zoning _____ Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#): Parcel IDs: 76199

Applicant: J. Cubas Holdings, LLC.

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

Applicant's Phone Number: 305-219-2558

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

Describe Proposed Request: The purpose of this submittal application is to request a zoning change and Special Use Permit in accordance with

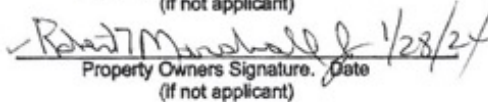
Chapter 41, Zoning Ordinance, Article 3.G.

To develop elderly housing in the form of independent and assisted living care.


Applicant Signature 1/29/24
date


Property Owner Signature 1/24/2024
(if not applicant) date


Property Owners Signature 1-27-2024
(if not applicant) Date


Property Owners Signature 1/28/24
(if not applicant) Date



VIRGINIA REALTORS®
Commercial Purchase Agreement

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

This Commercial Purchase Agreement (the "Agreement") is dated January 23, 2024, between ELIZABETH S MARSHALL REVOCABLE TRUST, ROBERT T MARSHALL, JR & PATRICIA L MARSHALL ("Seller") and J CUBAS HOLDINGS AND/OR ASSIGNS ("Purchaser"). The parties acknowledge that HAUSER REALTY GROUP ("Listing Broker") represents Seller and that HAUSER REALTY GROUP ("Selling Broker") represents **[select one]**: ☒ Seller ☐ Purchaser. The parties further acknowledge that disclosure of the brokerage relationships was made to them by the real estate licensees involved in this transaction when specific assistance was first rendered and confirmed in writing.

1. **Sale of Property.** Purchaser agrees to buy and Seller agrees to sell the land, all improvements thereon, and all rights and appurtenances thereto belonging, located in the City/County of DANVILLE, Virginia, with a tax parcel no. of 76199 and a street address of GOODYEAR BLVD. Seller discloses that **[select one]**: ☐ there are no tenants or other parties in possession of the Property OR ☐ there are tenants or persons who are in possession of the Property as set forth on **SCHEDULE A** attached hereto.

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

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

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

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

3. **Settlement.**

A. **Settlement of Property.** Settlement of the purchase and sale of the Property shall be made at WORLD TITLE TRUST, 14750 NW 77 COURT, SUITE #304 MIAMI LAKES, FL 33016 on August 30, 2024 ("Settlement"). Possession of the Property shall be delivered to Purchaser at Settlement.

VR Form 700 Revised 07/19
Reviewed 07/19

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Hauser Realty Group, 1225 West Main St Danville VA 24541-3317
Mike Seares

Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

Phone: 434-792-3888

Fax: 434-792-2757

Marshall Goodyear

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

Joe Cubas 01/23/24
Purchaser
 Printed Name: JCUBAS HOLDINGS, LLC
 Title (if applicable):
 Date:

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

Selling Company's Name and Address

HAUSER REALTY GROUP
 1225 W MAIN ST, DANVILLE, VA 24541

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

Patricia L Marshall 01/23/2024
Seller
 Printed Name: PATRICIA L MARSHALL
 Title (if applicable):
 Date:

ROBERT T MARSHALL, JR 01/23/2024
Seller
 Printed Name: ROBERT T MARSHALL, JR
 Title (if applicable):
 Date:

Danny W Marshall 01/23/24

Listing Company's Name and Address

HAUSER REALTY GROUP
 1225 W MAIN ST, DANVILLE, VA 24541

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

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VR Form 700 Revised 07/19
 Reviewed 07/19

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VIRGINIA REALTORS®
AMENDMENT TO COMMERCIAL PURCHASE AGREEMENT
AMENDMENT # 1



This AMENDMENT entered into on March 7, 2024, which is attached to and made a part of the
 (the "Agreement") dated _____, between
PATRICIA L MARSHALL, ROBERT T MARSHALL, JR, ELIZABETH S MARSHALL REVOCABLE TRUST/ DANNY W MARSHALL
 ("Seller") and **JCUBAS HOLDINGS, LLC**

("Purchaser") for the Property, whose address is: **GOODYEAR BLVD TRACT 76199, DANVILLE, VA 24541**

This Amendment provides as follows:

**SELLERS HEREBY AGREE TO SELL AND PURCHASER AGREES TO PURCHASE APPROXIMATELY 8-10 ACRES FROM THE
 ADJOINING TRACT 75939, ALSO OWNED BY THE SAME SELLERS, TO BE ADDED TO THE PURCHASE OF TRACT 76199.
 THE EXACT ACREAGE OF THE ADDITIONAL LAND WILL BE DETERMINED BY THE PURCHASERS NEW SURVEY AND WILL
 BE PRICED AT \$8,500 PER ACRE.**

Except as hereby expressly amended, the Agreement shall remain in full force and effect as originally executed.

PURCHASER:

03/07/2024 / Joe Cubas
 DATE SIGNATURE
JCUBAS HOLDINGS, LLC

_____/_____
 DATE SIGNATURE

_____/_____
 DATE SIGNATURE

_____/_____
 DATE SIGNATURE

SELLER:

03/07/2024 / Patricia L Marshall
 DATE SIGNATURE
PATRICIA L MARSHALL

03/07/2024 / ROBERT T MARSHALL, JR
 DATE SIGNATURE
ROBERT T MARSHALL, JR

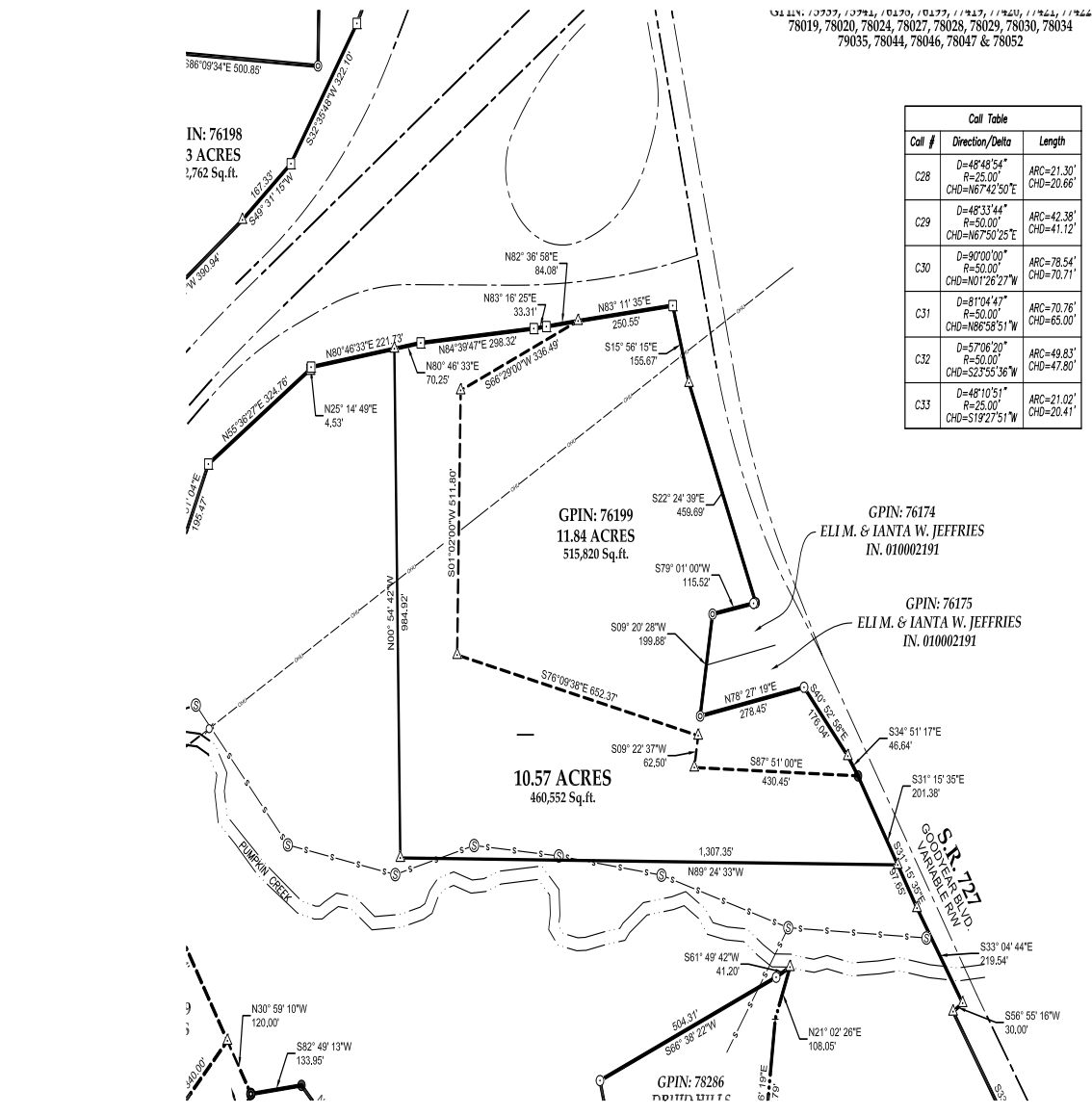
03/07/2024 / Danny W Marshall
 DATE SIGNATURE
ELIZABETH S MARSHALL REVOCABLE TRUST/

_____/_____
 DATE SIGNATURE

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VAR FORM 1810A Revised 01/20
 Reviewed 01/20

PAGE 1 OF 1





VIRGINIA REALTORS®
AMENDMENT TO COMMERCIAL PURCHASE AGREEMENT
AMENDMENT # 2



This AMENDMENT entered into on July 8, 2024, which is attached to and made a part of the
 (the "Agreement") dated January 23, 2024, between
PATRICIA L MARSHALL, ROBERT T MARSHALL, JR, DANNY W MARSHALL
 ("Seller") and JOE CUBAS AND/OR ASSIGNS

("Purchaser") for the Property, whose address is: GOODYEAR BLVD TRACT 76199, DANVILLE, VA 24541

This Amendment provides as follows:

ALL PARTIES AGREE TO EXTEND THE FEASIBILITY PERIOD TO NOVEMBER 15, 2024 AND THE CLOSING TO DECEMBER 13, 2024.

Except as hereby expressly amended, the Agreement shall remain in full force and effect as originally executed.

PURCHASER:

07/08/2024 / JOE CUBAS AND/OR ASSIGNS
 DATE SIGNATURE
JOE CUBAS AND/OR ASSIGNS

_____/_____
 DATE SIGNATURE

_____/_____
 DATE SIGNATURE

_____/_____
 DATE SIGNATURE

SELLER:

07/08/2024 / Patricia L Marshall
 DATE SIGNATURE
PATRICIA L MARSHALL

07/08/2024 / Robert T Marshall, Jr
 DATE SIGNATURE
ROBERT T MARSHALL, JR

07/08/2024 / Danny W Marshall
 DATE SIGNATURE
DANNY W MARSHALL

_____/_____
 DATE SIGNATURE

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VAR FORM 1810A Revised 01/20
 Reviewed 01/20

PAGE 1 OF 1

Hauser Realty Group, 1225 West Main St Danville VA 24541-1317
 Mike Searce

Phone: 434-792-3000 Fax: 434-792-2757
 Produced with Lone Wolf Transactions (zipForm Edition) 717 N Harwood St, Suite 2200, Dallas, TX 75201 www.lwolf.com

Marshall Goodyear

OWNER'S CONSENT

On this date, 1-27-2024, 2024, Elizabeth S. Marshall Revocable Trust, Robert T. Marshall, Jr. and Patricia Marshall, the Owner(s) of record of vacant real estate property located in Danville, Virginia, specifically, Parcel ID 76199 with street address on Goodyear Boulevard, through the undersigned legal representatives and Trustees of the respective trusts, grant consent onto J. Cubas Holdings, LLC. as the Contract Purchaser, to pursue a Zoning Change and Special Use Permit Application in accordance with City Codes & Ordinances to obtain the entitlement approvals for the purposes of developing the subject property into elderly housing in the form of independent and assisted living care.

Agreed and Consent:

Danny Marshall

Name: Danny Marshall Trustee

Margaret D. Marshall Revocable Trust

Date:

Robert T. Marshall, Jr.

Robert T. Marshall, Jr., Owner

Date: 1/28/2024

Patricia Marshall

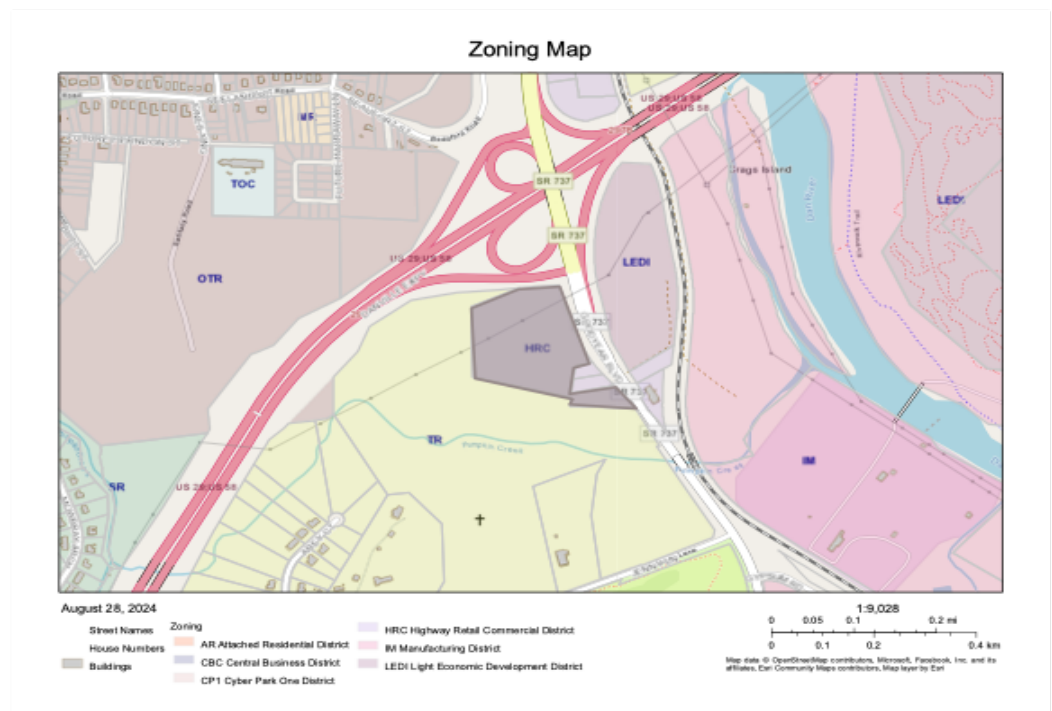
Patricia Marshall, Owner

Date: 1/24/2024

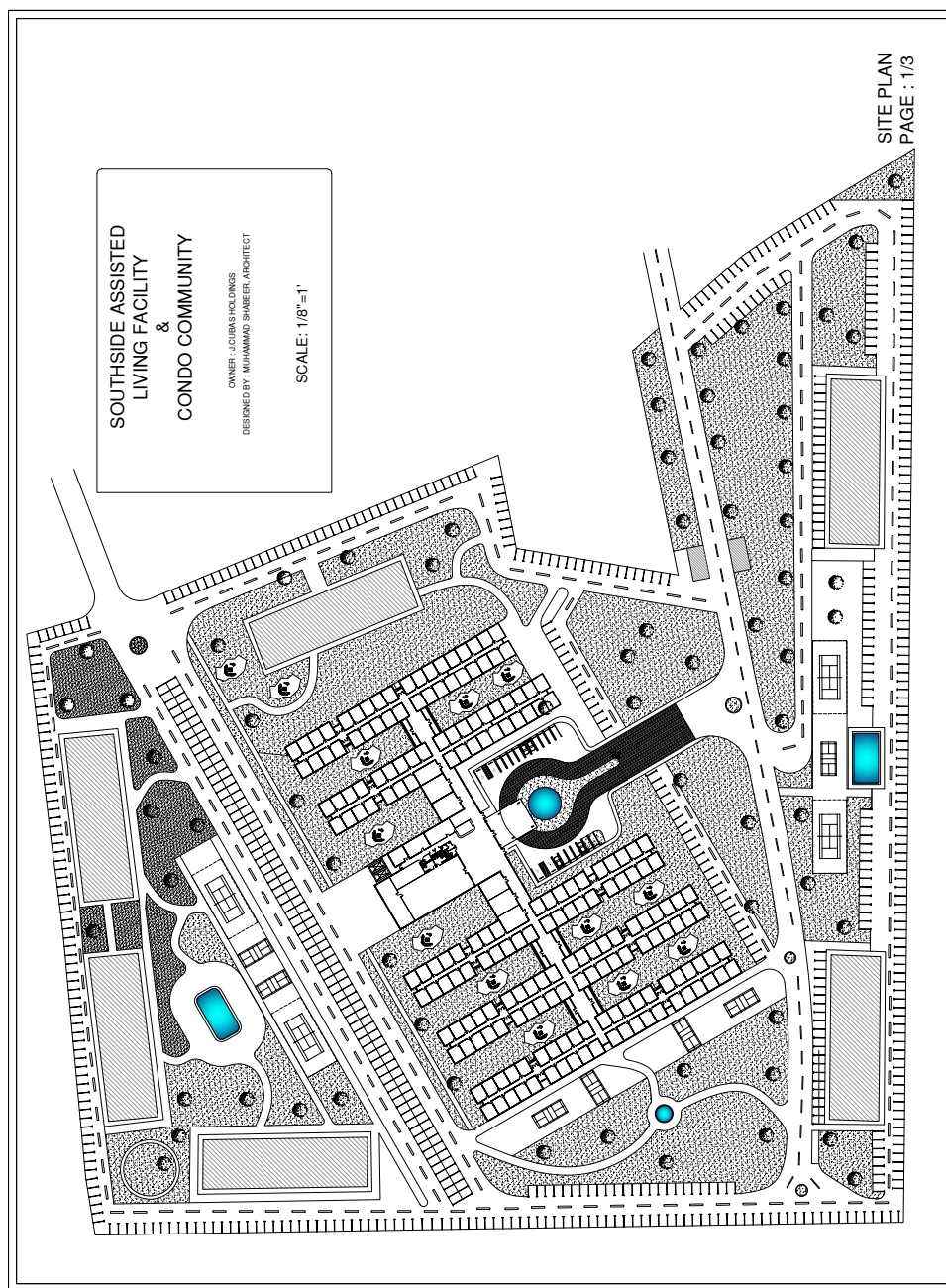
BACKGROUND

In January of the present year, J. Cubas Holdings, LLC, a Florida Limited Liability Corporation, entered into a Commercial Purchase Agreement, included herein, with a Virginia resident(s) to purchase the subject property; originally an 11.84 – acre parcel to develop housing for the elderly in the form of a retirement residential project consisting of an independent living community and housing for persons requiring assisted living with memory care. Upon an amended agreement with the Seller(s), the parties agreed to expand the size of the subject property as shown in the proposed survey an additional 10.^{.66}₅₇ acres for a grand total of 22.^{.50}₄₁ acres.

The parcel is presently zoned HRC Highway Retail Commercial with a land use of Residential and located at the intersection of Goodyear Boulevard and Hwy 29/58.



The purpose of this application submittal package is to request a Zoning Change and Special Use Permit from the existing HRC-Highway Retail Commercial District to M-R Multifamily Residential in accordance with Chapter 41, Article 3. G., C-8, C-20, C-21 and D.2. The Applicant hereby proffers approximately 7.4^{.50}₄ acres of the overall 22.4^{.50}₄ acres for elderly housing and assisted living residential dwellings at 24 units or more per acre. The remaining 15 acres are to be developed into mid-rise apartment units at a density of 16 units per acre in accordance with Article 3.G.





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





REQUEST FOR LAND USE CHANGE & SPECIAL USE PERMIT

1. Consistency with the City of Danville 2030 Comprehensive Plan

Introduction/Purpose

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

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

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

GOALS FOR FUTURE DEVELOPMENT

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

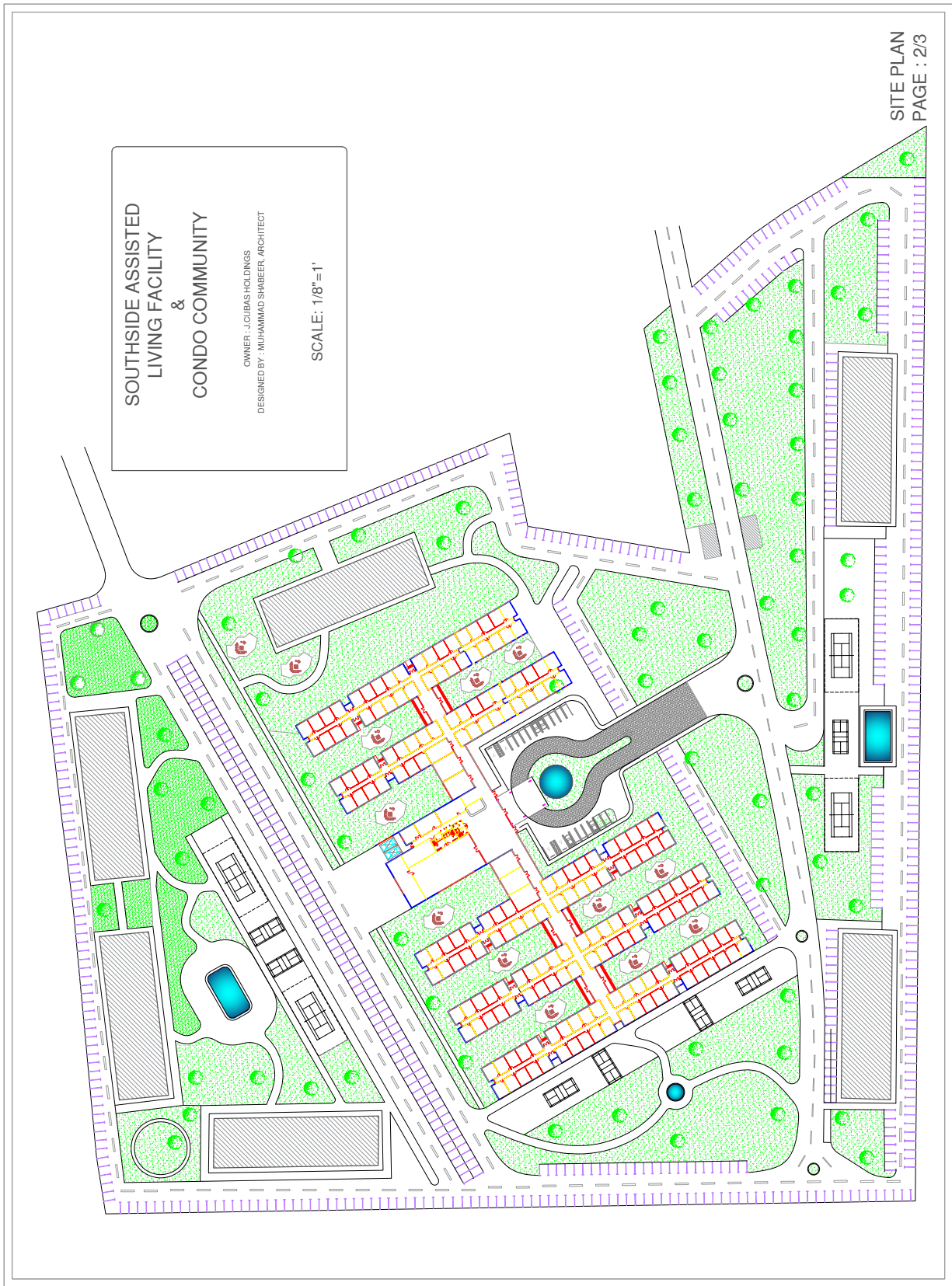
Some of those goals and objectives are to maintain sustainable growth & land use in an effort to promote a balanced mix of residential, commercial, and industrial uses which will accommodate the needs of existing businesses and residents and encourage well-planned development/redevelopment opportunities for new businesses and residents while at the same time protect the historic, architectural, cultural, and natural environment of Danville.

Furthermore, the Future Land Use policies and objectives of the Comprehensive Plan are very clear when it comes to prioritizing infill residential and assisted living development close to major thoroughfares over “leap frog” suburban development in outlying areas of the planning area. Moreover, as Danville’s population continues to age and expand, demand for elderly and disabled housing will continue to rise. Various levels of senior and assisted housing will be required to address the various needs of the increasing elderly and disabled communities.

Therefore, in accordance with the City of Danville Comprehensive Plan’s Goals of Sustainable Growth & Land Use policies and objectives, the approval of the Land Use Change & Special Use Permit for the Multifamily Residential development on the overall subject property where ^{.50}~~7.41~~ acres are hereby proffered for elderly and assisted living residential dwellings, is compatible with the Comprehensive Plan as (i) it is by a “major thoroughfare” {Goodyear Boulevard to US 29/58}, (ii) the Land Use of the subject property is “Residential”, (iii) the subject property is contiguous to numerous parcels already zoned as a Residential District with a Land Use of “Residential”, (iv) the purpose and intent of the M-R, Multifamily Residential District is to provide for multifamily residences at locations compatible with the Comprehensive Plan's goals for housing for the elderly and other limited high density residential development and redevelopment in Danville, (v) while no new garden apartment projects are recommended by the Comprehensive Plan, the M-R District is intended to promote housing for the elderly and well-planned higher density residential developments, (vi) retirement residential projects, independent living communities and nursing homes and housing for persons requiring assisted living care are encouraged under this district, (vii) elderly housing proposals may be granted higher densities (up to 24 or more units per acre) subject to superior design and (viii), maintain continuity of both, the residential and commercial uses of the neighborhood as required under Chapter 41, Zoning Ordinance of the City of Danville.

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

The purpose of this application submittal package is to request a Zoning Change and Special Use Permit from the existing HRC-Retail Commercial District to M-R Multifamily Residential District in accordance with Chapter 41, Article 3. G., C-8, C-20, C-21 and D.2. The Applicant hereby proffers approximately 7.^{.50}~~41~~ acres of the overall 22.^{.50}~~41~~ acres for elderly housing and assisted living residential dwellings at 24 units or more per acre. The remaining 15 acres are to be developed into mid-rise apartment units at a density of 16 units per acre in accordance with Article 3.G. A survey and Conceptual Site & Floor Plan have been submitted for the proposed elderly housing and mid-rise apartment units as part of this Comprehensive Land Use Change and Special Use Permit application submittals.





In accordance with Chapter 41, Article 3.G., M-R Multifamily Residential District, the purpose and intent of the M-R, Multifamily Residential District is to provide for multifamily residences at locations compatible with the Comprehensive Plan's goals for housing for the elderly and other limited high density residential development and redevelopment in Danville. The average density of sixteen (16) units per acre establishes this district as one recognizing garden-styled and mid-rise apartment units (including condominiums) as the dominant land use. Buildings shall not exceed five stories in height. While no new garden apartment projects are recommended by the Comprehensive Plan, the M-R District is intended to promote housing for the elderly and well-planned higher density residential developments.

Retirement residential projects, independent living communities & nursing homes and housing for persons requiring assisted living care **are encouraged** under this district. Elderly housing proposals may be granted higher densities (up to 24 or more units per acre) subject to superior design proposals as well as the results of the supporting transportation/parking studies which quantify

a reduction in parking demand and overall traffic impacts attributable to elderly and assisted living projects.

Also, it is intended for application to certain undeveloped tracts and infill locations as recognized by the Comprehensive Plan, where housing for the elderly would be appropriate. In all instances, it is the intent of this district to promote development which is sensitive to existing natural features and vegetation, promotes excellence in site planning and landscape design and incorporates appropriate scale, materials and character of architecture. Development in the M-R District must be sensitive to landforms, environmental characteristics, adequate public infrastructure and quality transportation improvements.

(Ord. No. 2004-02.04, Art. 3.G, Åò A, 2-17-04)

Therefore, in accordance with Chapter 41, Article 3-G., M-R Multifamily Residential District, (i) the minimum lot size requirement is 5 acres. The overall subject property(s) is 22.^{.50}~~41~~ acres, (ii) the maximum density for multifamily dwellings proffered for elderly and assisted residential dwellings is twenty-four (24) or more units per acre. As per Article 3. G. D.2., the application request proffers ^{.50}~~7.41~~ acres for elderly housing and assisted living residential dwellings at a density of 24 or more units per acres or 180 units while the remaining 15 acres are to be developed into mid-rise condominiums at a density of 16 units per acre or 240 units in accordance with Article 3. G. A., (iii) the maximum building height for the mid-rise apartments will be 60 feet or no greater than five (5) stories however, the elderly housing or assisted living residential facility has been designed as a "one-story" development, (iv) the minimum yard requirements and setbacks all exceed the requirements of Article 3G, (v) twenty five percent (25%) of the gross site area or ^{245,025}~~244,032~~ SF shall be common open space. The conceptual site plan & schedule below shows a comparison of the required vs provided amounts of square feet with a citation of the Corresponding Article for gross site area, open space, active recreation areas, setbacks, building area's square feet, FAR, number of units and parking requirements for both, the proffered Assisted Living Facility and mid-rise condo development.

Southside Assisted Living Facility & Condo Community
(Proffered For the Elderly-7.41 Acres) 7.50 Ac
(Mid-Rise Condos - 15.0 Acres)

PROJECT INFORMATION		ZONING ORDINANCE	REMARKS
Property Address	Parcel ID: 76199		
Total Acreage-Proffered ALF	7.41 ⁵⁰ ac.	5 ac Article 3.G.E.1	Overall Acreage 22.41 ⁵⁰ ac
Total Acreage-Condos	<u>15.0 ac</u>	5.ac Article 3.G.E.1	
Overall Total Acres	22.41 ⁵⁰ ac		
Overall Gross Lot Area	976,180 ^{980,100 SF} sf		
Gross Lot Area-Proffered ALF	322,780 ^{326,700 SF} sf		Overall Lot Area 976,180 ^{980,100 SF} sf
Gross Lot Area-Condos	653,400 sf		
Setbacks	30 Ft.	30 ft Article 3.G I.5 (A)	
Common Open Space		25% ARTICLE 3.G.G. (1)	
Proffered- ALF	177,793 sf	55% ^{54%}	
Condos	<u>295,958 sf</u>	48% ^{45%}	
Overall Common Open Space	473,751 sf	49% ^{48%}	
Active Recreational Areas		Article 3.G.G. (2)	(50%) OF COMMON OPEN SPACE AREAS
Proffered-ALF	103,576 sf	58%	
Condos	<u>130,635 sf</u>	44%	
Overall Active Recreational	234,211 sf	50%	Note: Condo excess parking spaces will be replaced with common open space, active recreational and storm water retention at engineering phase.
Building Area-Proffered ALF	87,551 sf.		
FAR (Floor Area Ration)-Proffered ALF	0.271.		
Building Area-Condos	84,000 ^{72,000 SF} sf		
FAR (Floor Area Ration)-Condos	0.128 ^{0.110}		
Density-Proffered ALF	24 Units / Ac	Article 3. G. A, D.2	
Density-Condos	16 Units /Ac	Article 3. G A. D.3	
Units-Proffered ALF	180 Units		
Units- Condo	<u>240 Units</u>		
Total Number of Units	420 Units		
Number of Floors-Proffered ALF	1		
Number of Floors-Condos	5	Article 3. A. and G. F. 1. (a)	
Number of Bldgs-Condos	8		
Number of Units Per Bldg -Condos	30	Article 3. G. I. 6. (B)	
Parking			
Typical Parking Spaces-Proffered ALF	58	46 Article 8. G	
Handicap Parking Spaces-ALF	4	2	
EV Parking Spaces-ALF	<u>4</u>	3 Article 8. G. J. (1)	
Proposed Parking Spaces -ALF	66	51	Additional Parking on North-Side (19) Additional Visitor Parking Available (S)
Typical Parking Spaces-Condos	614	240 Article 8. G	
Handicap Parking Spaces-Condos	13	2% of Total Spaces 1106.2 (2)	Virginia Uni Statewide Bldg Code
EV Parking Spaces-Condos	<u>13</u>	12.8 Article 8. J. 1.	
Proposed Parking Spaces -Condos	640	240 Article 8. G	Plus (76) total spaces dedicated for ALF
Overall Parking Spaces - ALF & Condos	<u>706</u>		
Applicant is aware of the excess number of parking spaces provided. Upon the design and engineering phase, they will be converted into green areas and/or retention ponds.			

Therefore, in accordance with Chapter 41, Article 3-G, M-R Multifamily Residential District, the Conceptual Site Plans meet or exceed all the requirements outlined in Article 3-G of the Zoning Ordinance. Since this application submittal is just for a Zoning Change and Special Use Permit, the standards outlined in Sub-paragraph I, will be met through final engineered site plans and construction development plans to obtain development or building permits.

3. Compatibility with Surrounding Properties & Adjacent Land Uses

As shown on the City of Danville GIS Zoning Map below, the subject property is contiguous to and surrounded on three sides by Parcel ID. 75939, a 64.43-acre vacant land property zoned TR Threshold Residential with a Future Land Use Designation as Residential, contiguously followed by Parcel ID 78286, a 6.28-acre parcel zoned TR Threshold Residential developed as DRUID HILLS CONGREGATION OF JEHOVAHS WITNESSES.

Further east, the GIS zoning map shows numerous vacant land parcels under same ownership as to the subject property, zoned TR Threshold Residential with a Future Land Use of Residential.

To the north of the subject property, it abuts to the ROW that is part of the southbound Goodyear Boulevard exit ramp off US 29/58. On the east, the subject property abuts to Goodyear Boulevard.

Within the southern-most footprint of the subject property, lies under the same ownership, Parcel ID 76174, a .32-acre property and Parcel ID. 76175, a .51-acre property respectively, both zoned HRC Highway Retail commercial.

The residential development across US 29/58 and directly north of the subject property zoned OTR Old Town Residential, is comprised of single-family homes and vacant lots.

East of Goodyear Boulevard and across the street from the subject property lies vacant land zoned LEDI and IM respectively.

4. Vehicular Access, Impacts and Intensity (Transportation)

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

M-R Multi-family Residential Developments

As shown on the City of Danville GIS Maps below, the development of the subject property will take access from the east end of Goodyear Boulevard, a "Major Collector Road" as identified by VDOT's road classification system. Goodyear Boulevard is a two-lane road that "loops around" in a U-shape and intersects with US 29/58 by the subject property and with Hwy. 86 on the opposite side of the neighborhood (west-side).

Therefore, since the subject property abuts to parcel ID. 75939 a 64.43-acre vacant land property zoned TR Threshold Residential with a Future Land Use Designation as Residential, contiguously followed by Parcel ID 78286, a 6.28-acre parcel zoned TR Threshold Residential developed as DRUID HILLS CONGREGATION OF JEHOVAHS WITNESSES, the development for multifamily residential dwellings on the subject property proffered for the elderly and assisted living residential units is compatible with the surrounding area as well as, Policies & Objectives of the Comprehensive Plan as it ensures adequate traffic carrying capacities where future transportation improvements should be commensurate with the Future Land Use Plan.

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

Additionally, in November of 2023, a Traffic Impact Analysis was conducted by Engineering & Planning Resources (EPR pc). The Analysis Overview studied numerous intersections surrounding the subject property including Danville Expressway exit at Goodyear Boulevard and Jenny Lane at Goodyear Boulevard (North End) identified in the report as intersections No. 5 and No. 6 respectively. Operational Analysis Reports were provided under several scenarios. The study was based on the capacity for 333 RVs with their respective automobiles. The TIA concluded that under each analysis and scenario, the two intersections that impact the subject property received a Level of Service (LOS) of "A" and from a traffic operations perspective, all intersections were satisfactory except for the Route 86 interchange westbound off-ramp identified as "the weak link in the system".

Access Roads



August 28, 2024

1:18,056

- | | |
|----------------------------------|--|
| Street Names | HRC Highway Retail Commercial District |
| House Numbers | IM Manufacturing District |
| Buildings | LEDI Light Economic Development District |
| Zoning | MHPR Mobile Home Park District |
| AR Attached Residential District | MR Multi-family Residential District |
| CBC Central Business District | NC Neighborhood Retail Commercial District |
| CP1 Cyber Park One District | NTR Neo-traditional Residential District |

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5. Parking & Loading Requirements

In accordance with Article 8 of the Zoning Ordinance, Parking and loading requirements prevent congestion on public streets by clearly defining and separating parking areas from roadways; remove pedestrian hazards in parking areas and public streets; create proper storm-water treatment; and make clear the availability and arrangement of spaces to all users.

(Ord. No. 2021-08.01 , Exh. A, 8-5-21)

Some of the general parking and loading area applicable requirements, proffered for elderly housing, include all off-street parking areas are solely for the parking operating vehicles by patrons, occupants, or employees of the associated use. No vehicle, equipment, materials, or supply repair, dismantling, or servicing is allowed in off-street parking areas. All required off-street parking and loading areas must be on the same property as the associated use except where otherwise allowed by this Article.

Off-street loading spaces are not required however, if off-street loading spaces are provided, they must meet the standards outlined in Article 8, Section E., 1 through 8.

Required Parking Spaces-Assisted Living Facility

Article 8, Section G. Parking Space Minimum, provides a schedule for the minimum parking spaces required. However, this section does not indicate the minimum parking spaces required for elderly housing proffered for independent and assisted living facility yet, under Section F. 1., “net floor area, *as defined in Article 15*, is the basis for required parking spaces unless otherwise indicated”.

Article 15 provides for the interpretations and definitions of terms or words for the purposes of the Zoning Ordinance. While no interpretation or definition is provided for Independent and Assisted Living Facility, the closest or most comparable definition or category is found under

Section B. Definitions, Group Home, subsection (c), “Eight (8) handicapped persons reside with handicapped defined in accordance with the Federal Fair Housing Amendments Act of 1988.”

As a result, Article 8, Section G, outlines the minimum parking spaces required for Group Homes; “two (2) parking spaces required per home plus one (1) per eight residents plus one (1) per three employees on main shift”.

Therefore, per Article 8 and Article 15 of the Zoning Ordinance, two parking spaces have been provided for the group home plus, one parking space has been provided for every eight (8) residents plus, one parking space has been provided for every three employees estimated on the main shift. As a result, the total amount of parking spaces required under Articles 8 and 15 would be 51 parking spaces. However, the conceptual site plans show a total of 58 parking spaces, 4 handicap spaces and 4 electric charging stations for a total of 66 spaces with an additional 19 parking spaces if needed, as well as a loading area independent of the parking areas and pedestrian walkways with a dedicated road, “buffered” or shielded from surrounding land uses as per Article 8.

Required Parking Spaces-Mid-Rise Condominiums

Article 8, Section G. Parking Space Minimum and the Virginia Uniform Statewide Building Code, provides a schedule for the minimum parking spaces, handicap and electric vehicle spaces required.

In accordance with Article 8.G, one (1) parking space is required per unit. The Conceptual Site Plans & Schedules show a total of 240 units. However, the applicant has provided, as shown on the site plans & schedules, 614 typical parking spaces throughout the mid-rise development portion of the subject property. Additionally, while Article 8. G. and 15 refer to the Virginia Uniform Statewide Building Code for the number of handicap spaces required, Section 1106.02 (2) requires that two percent (2%) of the total number of spaces, rounded up, shall be provided as handicap spaces. Therefore, thirteen (13) handicap parking spaces have been provided.

Additionally, in accordance with Article 8. J. 1., thirteen (13) additional parking spaces have been designated for electric vehicles (EV).

In summary, a total of 66 parking spaces have been provided for the elderly housing / assisted living facility development of the subject property while an additional 640 parking spaces have been provided for the mid-rise condo development for a grand total of 706 parking spaces.

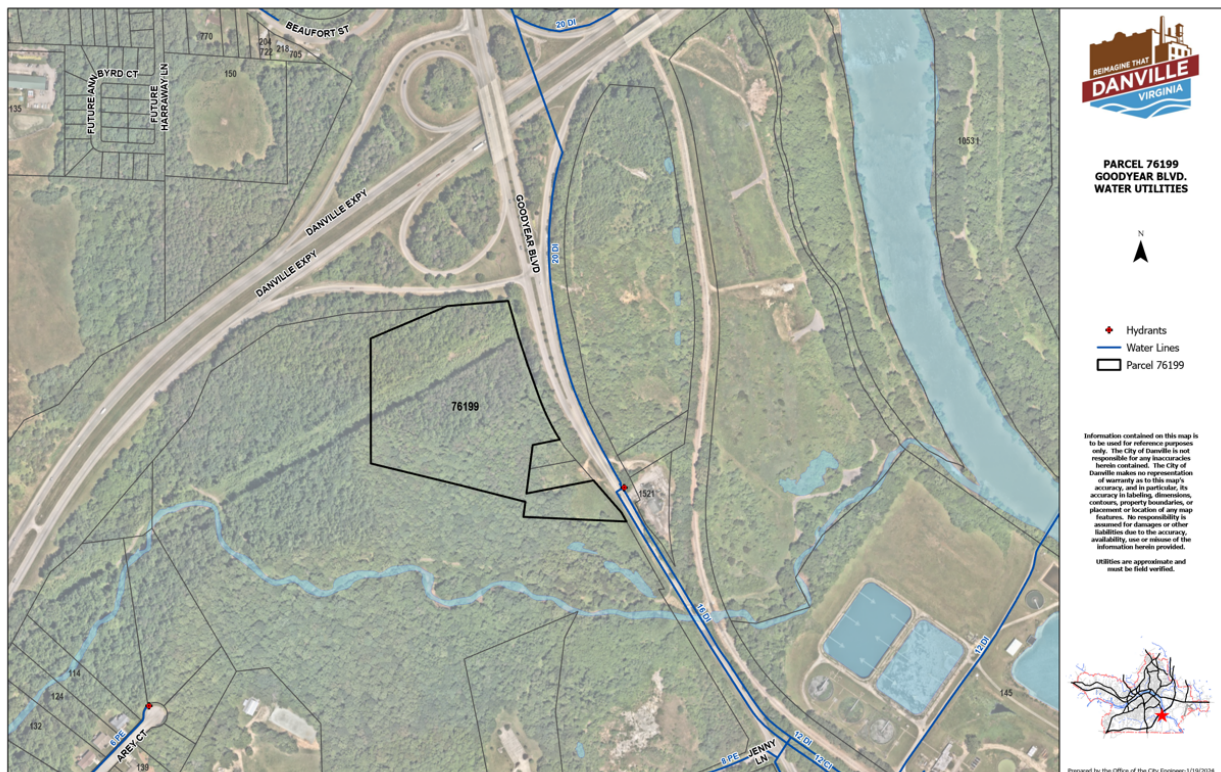
NOTE: The Applicant is aware of the excess amount of parking spaces provided.

At the design and engineering phase, a substantial amount of the excess parking spaces provided, will be replaced with green open space or used for storm water retention.

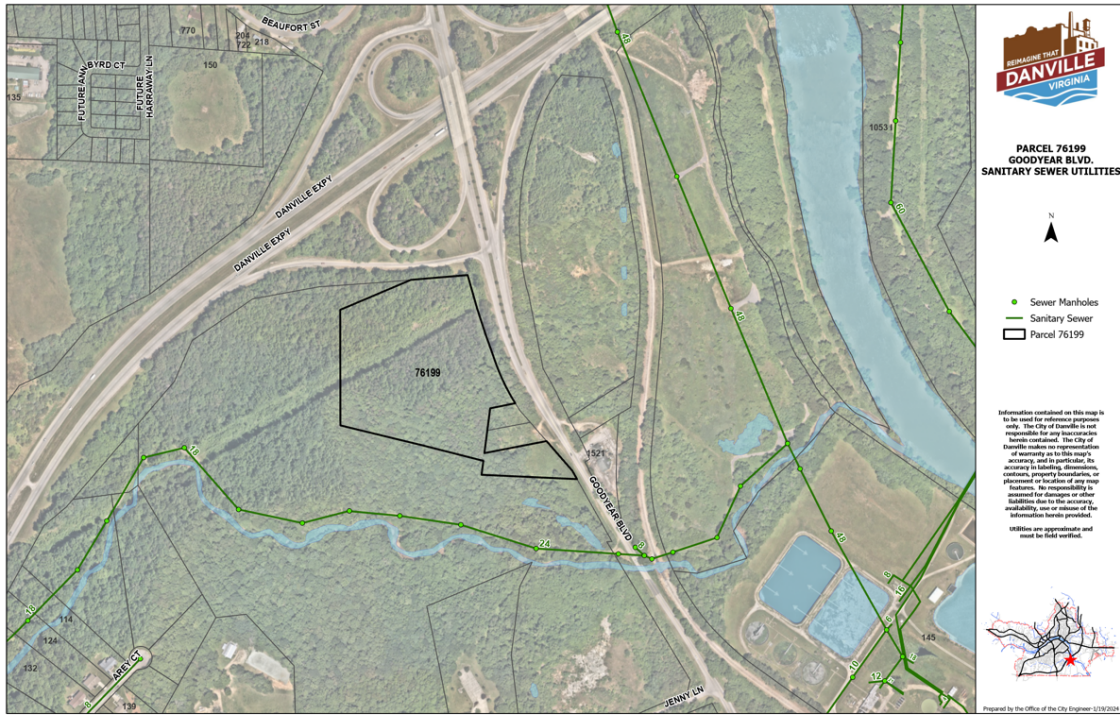
6. Adequate Public Facilities

The City of Danville has provided water & sewer location maps as referenced below, which show the general location of main lines at or within the subject property. Therefore, the subject property will connect to City water & sewer as adequate public facilities are nearby.

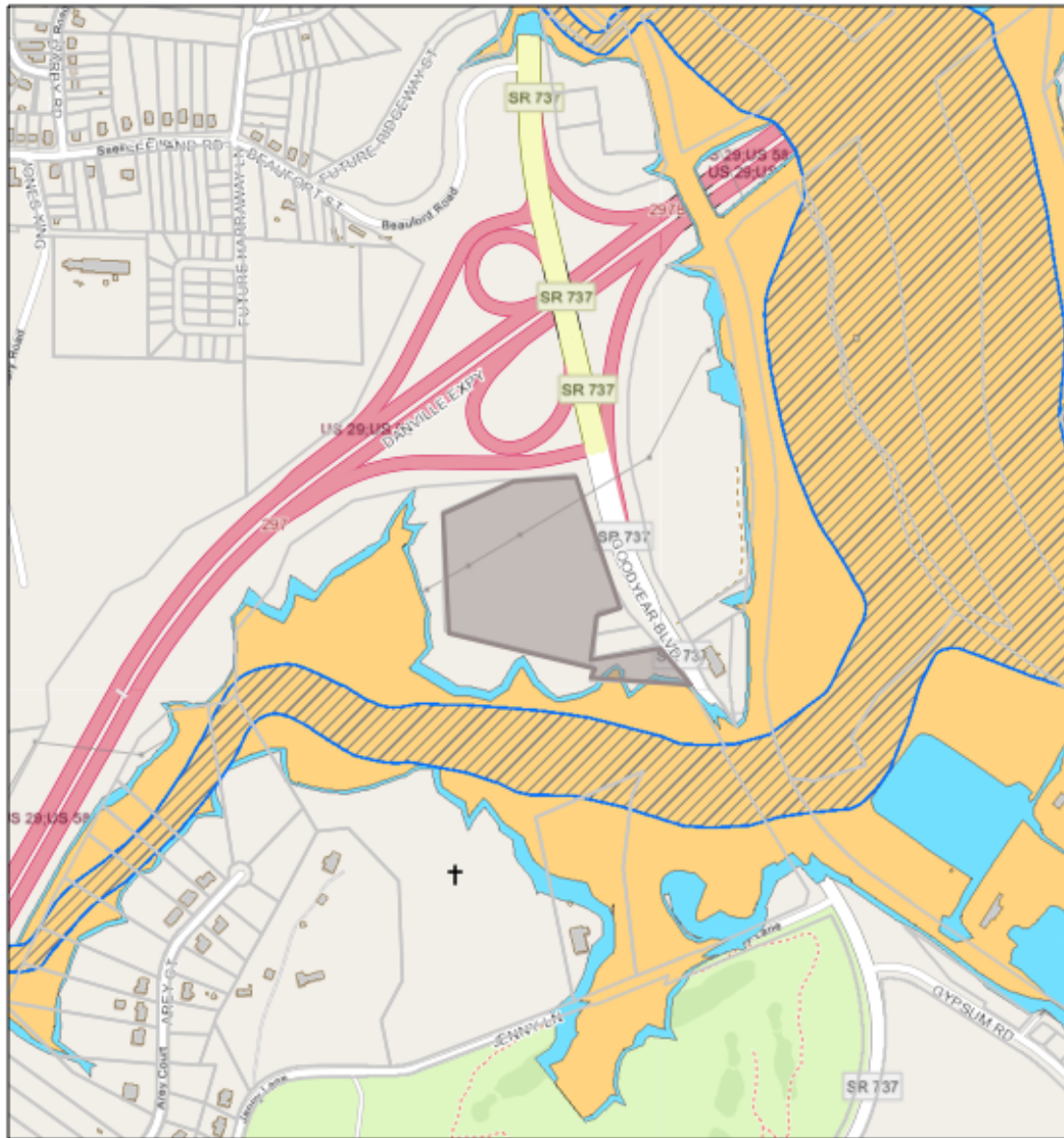
Existing Water Line Location Map



Existing Sewer Lines Location Map



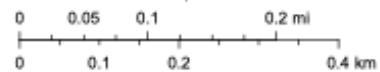
Flood Zone Map



August 28, 2024

1:9,028

- Street Names
- House Numbers
- Buildings
- Flood Zones
- Floodway (AE)
- 1% Annual Chance w/ BFEs (AE)
- 1% Annual Chance w/o BFEs (A)
- 0.2% Annual Chance



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7. MASTER PLAN OF DEVELOPMENT

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

The Conceptual Site Plan shows a multifamily dwelling and the required open space as per Article 3-G, M-R Residential District.

The purpose of this application submittal package is to request a Zoning Change and Special Use Permit from the existing HRC-Retail Commercial District to M-R Multifamily Residential District in accordance with Chapter 41, Article 3. G., C-8, C-20, C-21 and D.2. The Applicant hereby proffers approximately 7.^{.5}~~4~~ acres of the overall 22.^{.50}~~41~~ acres for elderly housing and assisted living residential dwellings at 24 units or more per acre. The remaining 15 acres are to be developed into mid-rise apartment units at a density of 16 units per acre in accordance with Article 3.G. A survey and Conceptual Site & Floor Plan have been submitted for the proposed elderly housing and mid-rise apartment units as part of this Comprehensive Land Use Change and Special Use Permit application submittals.

Therefore, in accordance with Chapter 41, Article 3-G., M-R Multifamily Residential District, the subject property is comprised of 22.^{.50}~~41~~ acres of vacant land. The Conceptual Site Plans show the development of 7.^{.50}~~41~~ acres of one-story buildings compatible with surrounding residential subdivisions consisting of 180 dwellings for elderly housing in the form of independent and assisted living with a maximum density of just under twenty-four (24) units per acre in accordance with Article 3.G, and D.2.

Additionally, on the remaining fifteen (15) acres, the Conceptual Site Plans show ^{eight (8)}~~six (6)~~ buildings in the form of mid-rise apartments consisting of 240 units in accordance with Chapter 41, Article 3-G, A. Under the M-R District the average density of sixteen (16) units per acre establishes this

district as one recognizing garden-styled and mid-rise apartment units (including condominiums) as the dominant land use. Buildings shall not exceed five stories in height. Therefore, the Conceptual Site Plans meet or exceed all the standards outlined in Article 3-G of the Zoning Ordinance.

Furthermore, the M-R, Multifamily Residential District is intended to provide for multifamily residences at locations compatible with the Comprehensive Plan's goals for housing for the elderly and other limited high density residential development and redevelopment in Danville, as well as promote housing for the elderly and well-planned higher density residential developments. Retirement residential projects, independent living communities and nursing homes and housing for persons requiring assisted living care are encouraged under this district.

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

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

As shown on the City of Danville GIS Zoning Map below, the subject property is contiguous to and surrounded on three sides by Parcel ID. 75939, a 64.43-acre vacant land property zoned TR Threshold Residential with a Future Land Use Designation as Residential, contiguously followed by Parcel ID 78286, a 6.28-acre parcel zoned TR Threshold Residential developed as DRUID HILLS CONGREGATION OF JEHOVAHS WITNESSES.

Further east, the GIS zoning map shows numerous vacant land parcels under same ownership as to the subject property, zoned TR Threshold Residential with a Future Land Use of Residential.

To the north of the subject property, it abuts to the ROW that is part of the southbound Goodyear Boulevard exit ramp off US 29/58. On the east, the subject property abuts to Goodyear Boulevard.

The City of Danville has indicated that the water & sewer main lines are located at, or within the subject property. Therefore, in accordance with the City of Danville Comprehensive Plan, Chapter 41 and Chapter 450 of the Virginia Administrative Code, the subject property will connect to City water.

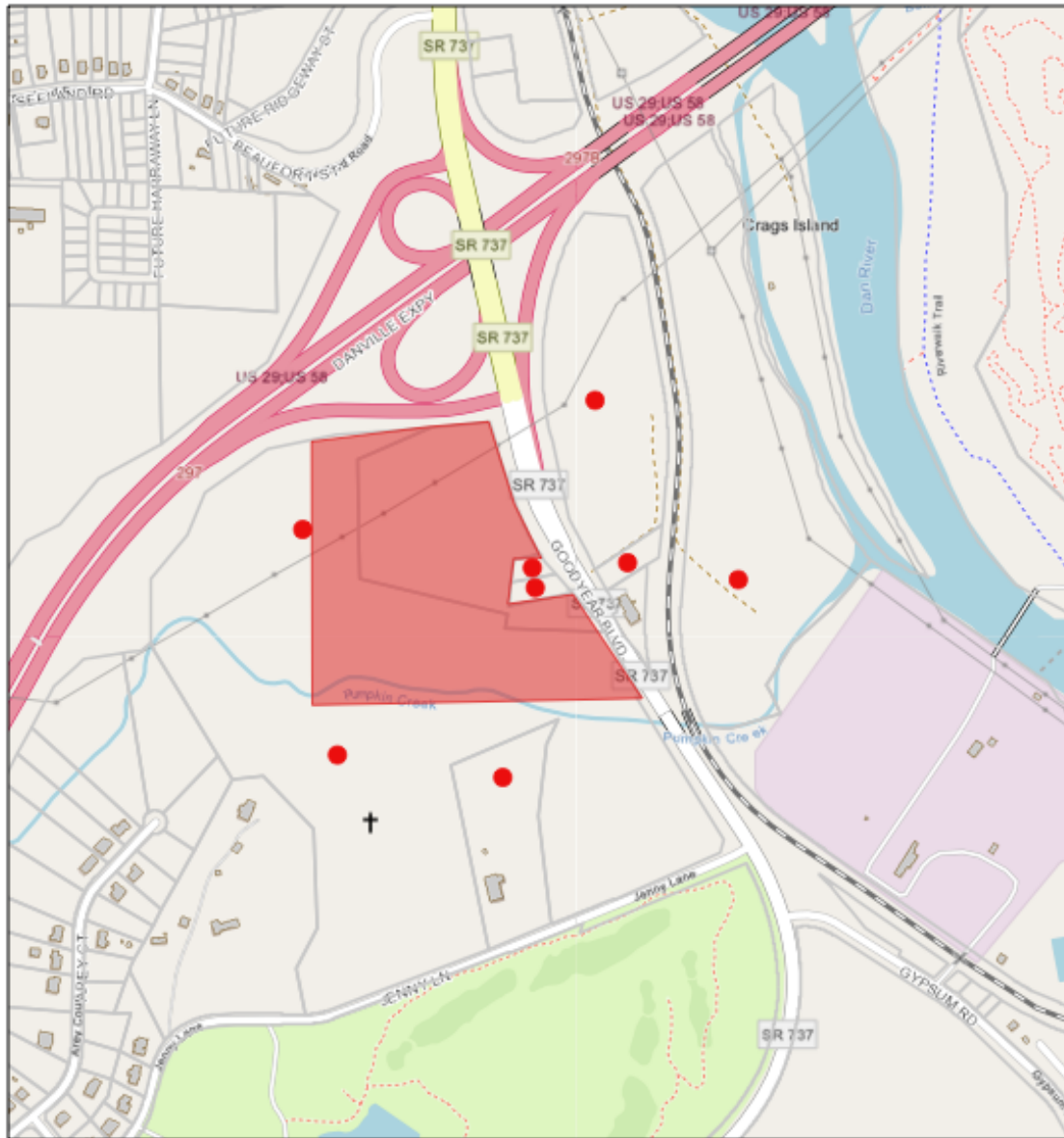
Currently, the Conceptual Site Plans initially show an Impervious Surface Ratio (ISR) of 0.271 with a proposed density of just under 24.0 units per acre for the elderly housing or assisted living facility and an Impervious Surface Ratio (ISR) of ^{0.110}~~0.128~~ with a proposed density of 16.0 units per acre for the mid-rise condo development portion of the subject property. Upon entitlement approvals and before the design of construction documents, the applicant, through its engineering firm, will coordinate with the City of Danville Engineering & Public Works Departments to design and meet the requirements for stormwater retention.

8. List & GIS Map of Surrounding Property Owners Notified

In accordance with Article 4. B. (11), please find below the list and City GIS Map of Surrounding Property Owners who “abut to the subject property and/or property immediately across the street from the subject property requested to be rezoned and, any abutting property or property immediately across the street from the property requested to be rezoned which lies in the City.” The Applicant has notified all property owners and provided them with the information regarding the elderly housing residential/mid-rise apartment residential project including, Conceptual Site Plans and renderings. Presently, the Applicant is engaged in the process of gathering their input and addressing any questions or concerns that may arise.

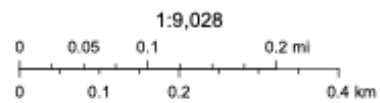
(Ord. No. 2004-02.04, Art. 4, À B, 2-17-04)

Surrounding Property Owners



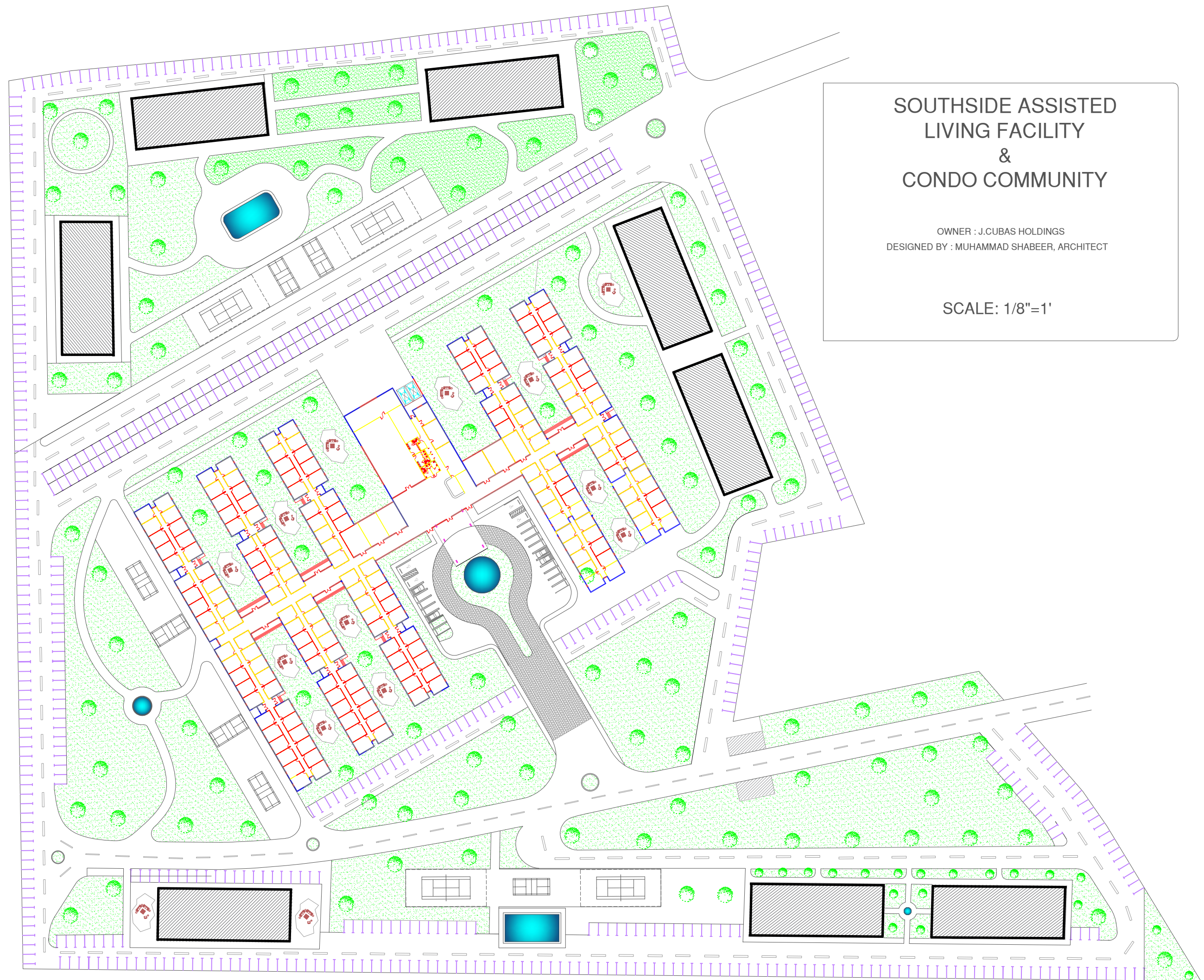
August 28, 2024

- Street Names
- House Numbers
- Buildings



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2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024



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.

DANVILLE EXPY
DANVILLE EXPY

THREE B
LEDI

GOODYEAR BLVD

MARSHALL R
HRC

JEFFRIES E
HRC

JEFFRIES E
HRC

JEFFRIES I
HRC

JAMES B
HRC

MARSHALL R
TR

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024



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.

MEDIUM
DENSITY
RESIDENTIAL

DANVILLE EXPY

COMMUNITY
COMMERCIAL

REGIONAL
COMMERCIAL

GOODYEAR BLVD

LIGHT
INDUSTRIAL

YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024



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PLANNING COMMISSION MINUTES

SEPTEMBER 9, 2024

MEMBERS PRESENT

Mr. Petrick
Mr. Dodson
Mr. Ranson
Mr. Jones
Mr. Bolton
Ms. Evans

MEMBERS ABSENT

STAFF

Renee Burton
Cynthia Lester
Clarke Whitfield
Shanika Williams

ITEMS FOR PUBLIC HEARING:

NEW BUSINESS

1. *Special Use Permit application PZ24-00358 filed by Tremell Jeffries to allow a commercial kitchen and restaurant in accordance with Article 3.J Section C Item 13. At 750 Main Street (Parcel 26402).*

Mr. Petrick opened the Public Hearing.

Mr. Jeffries stated. I am co-owner of J&J commercial kitchen and Off the Grid Café. We have been doing our due diligence and working with the current property owner and we feel that this space is real ideal for what we would like to do. In terms of operation, we were looking at 12pm to 8 pm Wednesday through Sunday. We had submitted material in relation to the square footage and wanted an update on the certificate of use of occupancy. We really look to cater to the city churches as well as provide soul food and other cultural dishes. Also, we hope to help cultivate new food entrepreneurs through our commercial kitchen and help feature their dishes throughout our event space.

Mr. Bolton stated. You are ok with the conditions 7AM – 9PM?

Mr. Jeffries stated. Yes.

Mr. Jones stated. Will you be doing the cooking?

Mr. Jeffries stated. No, Douglas Harris is one of our primary soul food cooks. He's a pastor in the area as well as a food establishment selling at different locations throughout the city. I also have partnered with Ardell Carmarti, she is owner of Explicit Taste which is centered around desserts and bakery portion of our menu. I will be helping with some dish items, but they will be the primary food chefs.

Mr. Jones stated. If some one rented that space would the kitchen be open to them at that moment.

Mr. Jeffries stated. Yes, the way the space is designed is that it is multipurpose in nature and so based upon the amenities we have to offer that will be a la carte. It will be set up based upon the event request form the client fills out and then it will be set up to their accommodations based upon the time and perimeter set for the event.

Ms. Evans stated. Where in the YWCA is this space located?

Mr. Jeffries stated. It is deemed section B per the lease. Traditionally it will be referred to as the old gym portion of YWCA, next to that would be the kitchen, storage area and restroom area.

Mr. Ranson stated. Is this going to primarily take out? I wonder about the capacity they say the capacity of the whole building is 100 and you don't know the capacity of your space.

Mr. Jeffries stated. The Wood Pile Investment Group has on file the certificate use of occupancy I believe is 100 to 125. Not sure if that was seated or standing, I was aware that we did have to apply for a new certificate and, addition restrooms were added since the last permit.

Ms. Burton stated. It is a 100 people for the entire structure depending on the space this particular operation utilizes, that's how we will be able to determine his individual occupancy. We don't have that number yet because they are still trying to get that taken care of.

Mr. Jeffries stated. The event space is just over 2500 square feet and the kitchen is around 200 sq feet. I guess you would say that the event space would be 2560 sq feet.

Mr. Ranson stated. As long as you are comfortable with not knowing what your occupancy is going to be.

Ms. Evans state. Is there plenty of parking?

Mr. Jeffries stated. Yes, there is parking on the back end of the building, street parking also a neighboring parking lot as well that the owner said that there wouldn't be any issue after the business was closed. If we needed to access that lot on some days.

Ms. Richardson stated. My house is behind this building. I am giving my support with the integrity of the neighborhood stays as it is and continue to go up. I also want to address street parking is a no go over there.

Mr. Petrick closed the Public Hearing.

Mr. Ranson stated. I am looking at the site plan doesn't seem to be any parking on the site

Mr. Petrick stated. This is the YWCA structure and there was adequate parking for their needs, and I am assuming it would be adequate for Mr. Jeffries needs.

Mr. Ranson stated. Where?

Mr. Petrick stated. Behind the property on the side of the property.

Mr. Jones stated. There are 12 parking spaces behind the building.

Mr. Ranson stated. I think you would need at least 25 parking spaces at least to accommodate 100 people.

Mr. Petrick stated. Does Planning have any issues with parking.

Ms. Burton stated. No, we do not. The property is zoned CBC so it would not require off street parking

Mr. Bolton made a motion to approve special use permit application PZ24-00358 with condition operating hours not to extend beyond 7AM to 9PM. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit application PZ24-00421 filed by Seven Diamonds LLC requesting a special use permit at 521 Bridge Street (Parcel 21485) to request waiver of maximum density in accordance with Article 3.L Section C Item 13.*

Mr. Petrick opened the Public Hearing.

Mr. Pilkington stated. I am an architect with Balzer and I'm here on behalf of the owners DB and Teju Patadia, they purchased the property to redevelop it into 21 apartments based on the layout of the current building.

Ms. Evans stated. How many bedrooms apartment will there be?

Mr. Pilkington stated. It will be a combination of 1 and 2 bedrooms. We do not have any 3 bedrooms.

Mr. Bolton stated. That building has parking behind it.

Mr. Pilkington stated. Yes, 15 parking spaces and it backs up to the large city public parking garage.

Mr. Petrick stated. There is not going to be an entrance from the front of the building, is that correct?

Mr. Pilkington stated. The primary entrance is from the rear from the parking lot. That's where the existing handicap entrance is. There is an entrance off of Bridge Street but it's not going to be the primary entrance.

Mr. Petrick closed the Public Hearing.

Mr. Bolton made a motion to approve special use permit application PZ24-00421 with condition it contains no more than 25 units. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

V. PLANNING DIRECTOR'S REPORT

VI. MINUTES

The August 12, 2024, minutes were approved by unanimous vote.

With no further business, the meeting adjourned at 3:25 p.m.

s/Cynthia Lester

APPROVED