DANVILLE CITY COUNCIL REGULAR MEETING AGENDA

MUNICIPAL BUILDING

December 3, 2024

7:00 PM

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

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

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

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

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

MEETING CALLED TO ORDER

ROLL CALL

INVOCATION - VICE MAYOR GARY P. MILLER

PLEDGE OF ALLEGIANCE TO THE FLAG

CONSENT AGENDA

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

PUBLIC HEARING

A. Consideration of Approval of Minutes for Regular Council Meeting held on November 7, 2024.
Council Letter Number CL - 1741.

Consideration of Approval of Minutes from Regular Council Meeting held on November 7, 2024.

B. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance by Anticipating the Proceeds from the Issuance of General Obligation Bonds.
Council Letter Number CL - 1654.

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance by Anticipating the Proceeds from the Issuance of Bonds and Appropriating Same for Anticipated Expenditures.
Final Adoption

APPOINTMENTS

A. Consideration of Recommendations to City Boards and Commissions.
Council Letter Number CL - 1752.

Consideration of Recommendations to the Following Boards and Commissions:

1. Building Code Board of Appeals
2. Employee Retirement System
3. Fair Housing Board
4. Planning Commission
5. Industrial Development Authority.

NEW BUSINESS

A. Consideration of a Rezoning Application filed by J. Cubas Holdings, LLC to Rezone a total of 22.50 Acres that Includes Parcel 76199 and a portion of Parcel 75939 (Goodyear Blvd).
Council Letter Number CL - 1699.

1. Public Hearing

2. An Ordinance Rezoning to M-R Multi-Family Residential from HR-C Highway Retail Commercial and T-R Threshold Residential Parcel ID 76199 and a Portion of Parcel ID 75939 (Goodyear Boulevard), Respectively.

B. Consideration of Special Use Permit Application filed by J. Cubas Holdings, LLC to Allow Assisted Living Residences at Parcel 76199 and a Portion of Parcel 75939 (Goodyear Blvd).
Council Letter Number CL - 1700.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00491, J. Cubas Holdings LLC, Requesting a Special Use Permit to Allow Assisted Living Residences at Parcel 76199 and a 10.66 Acre Portion of Parcel ID 75939 (Goodyear Boulevard) in Accordance with Article 3.G. Section C Item 8.

C. Consideration of a Special Use Permit Application filed by J. Cubas Holdings, LLC to Grant a Waiver of Maximum Density at Parcel 76199 and a Portion of Parcel 75939 (Goodyear Blvd).
Council Letter Number CL - 1733.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24-00602, J. Cubas Holdings LLC, Requesting a Special Use Permit to Allow a Waiver of Maximum Density at Parcel 76199 and a 10.66 Acre Portion of Parcel ID 75939 (Goodyear Boulevard) in Accordance with Article 3.G. Section C Item 8.

D. Consideration of Rezoning Application filed by SPM Empowerment and Skills Inc. to Rezone Parcels 02809 and 02854.
Council Letter Number CL - 1713.

1. Public Hearing

2. An Ordinance Rezoning from OT-R Old Town Residential to A-R Attached Residential Parcel IDS 02809 and 02854 (North Main Street).

E. Consideration of Rezoning Application filed by Sandra Salas Tamayo to Rezone 2608 Westover Drive.
Council Letter Number CL - 1714.

1. Public Hearing

2. A Resolution Maintaining Parcel ID 71942 in the S-R Suburban Residential Zoning District; *OR*

3. An Ordinance Rezoning from S-R Suburban Residential to A-R Attached Residential Parcel ID 71942 (2608 Westover Drive).

F. Consideration of a Special Use Permit Application filed by William Elam to Allow Waiver of Minimum Lot Size at 124 Hurt Street.
Council Letter Number CL - 1715.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00523, filed by William Elam, Requesting a Special Use Permit to Allow a Waiver of Minimum Lot Size at Parcel 50850 (124 Hurt Street) in Accordance with Article 3.E. Section C Item 21.

G. Consideration of a Special Use Permit Application filed by Evesting LLC to allow Attached Residential Dwellings 434 Kemper Road.
Council Letter Number CL - 1716.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00534, filed by Evesting LLC, Requesting a Special Use Permit to Allow an Attached Residential Dwelling at Parcel 24535 (434 Kemper Road) in Accordance with Article 3.E. Section C Item 1.

H. Consideration of a Special Use Permit Application filed by Phoenix House LLC to Allow a Group Home at 158 Montague Street.
Council Letter Number CL - 1717.

1. Public Hearing

2. A Resolution Denying Special Use Permit Application PZ24- 00554, filed by Phoenix House LLC, Requesting a Special Use Permit to Operate a Group Home in Accordance with Article 3.E Section C. Item 9. of the Danville Zoning Ordinance at Parcel ID 24813 (158 Montague Street); *OR*

3. An Ordinance Granting Special Use Permit Application PZ24- 00554, filed by Phoenix House LLC, Requesting a Special Use Permit to Allow a Group Home at Parcel 24813 (158 Montague Street) in Accordance with Article 3.E. Section C Item 9.

I. Consideration of a Special Use Permit Application filed by Jonathan Sharolli to Allow Attached Residential Dwellings at 224 Winslow Street.
Council Letter Number CL - 1718.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00518, filed by Jonathan Sharolli, Requesting a Special Use Permit to Allow an Attached Residential Dwelling at Parcel 24572 (224 Winslow Street) in Accordance with Article 3.E. Section C Item 1.

J. Consideration of a Special Use Permit Application filed by Katillia Johnson to Allow a Child Daycare Center at 130 Clarkson Street.
Council Letter Number CL - 1719.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00553, filed by Katillia Johnson, Requesting a Special Use Permit to Allow a Child Day Care Center at Parcel 56540 (130 Clarkson Street) in Accordance with Article 3.E. Section C Item 7.

K. Consideration of a Special Use Permit Application filed by David Dujardin to Allow Attached Residential Dwellings at 161 Holbrook Avenue.
Council Letter Number CL - 1720.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00566, filed by David Dujardin, Requesting a Special Use Permit to Allow an Attached Residential Dwelling at Parcel 21610 (161 Holbrook Avenue) in Accordance with Article 3.E. Section C Item 1.

L. Consideration of a Code Amendment Request filed by BWWDD, LLC to Amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended.

Council Letter Number CL - 1721.

1. Public Hearing

2. An Ordinance Amending Chapter 41 Entitled, “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986, as Amended, More Specifically, to Amend Article 3.N. Section C, to Create Item 27.

M. Consideration of a Special Use Permit Application filed by BWWDD, LLC to Allow a Mini-Storage Warehouse, with no Exterior Storage 143 Crown Drive.
Council Letter Number CL - 1722.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00565, filed by BWWDD LLC, Requesting a Special Use Permit to Allow a Mini-Storage Warehouse, with no Exterior Storage at Parcel 72436 (143 Crown Drive) in Accordance with Article 3.N. Section C Item 27.

N. Consideration of a Special Use Permit Application filed by Good Living Group LLC to Allow a Hotel/Motel at 136 West Main Street.
Council Letter Number CL - 1723.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00567, filed by Good Living Group LLC, Requesting a Special Use Permit to Allow a Hotel/Motel at Parcel 23512 (136 West Main Street) in Accordance with Article 3.I. Section C Item 24.

O. Consideration of a Special Use Permit Application filed by Danville Public Schools to Allow a Waiver of Minimum Yard Requirements for Parking at 155 Mountain View Avenue.
Council Letter Number CL - 1724.

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00527, filed by Danville Public Schools, Requesting a Special Use Permit to Allow a Waiver of Minimum Yard Requirements at Parcel 26346 (155 Mountain View Avenue) in Accordance with Article 3.I. Section C Item 19.

P. Consideration of Adoption of the City of Danville Comprehensive Plan “PLANDanville, A Comprehensive Plan for a Unified Future”.
Council Letter Number CL - 1726.

1. Public Hearing

2. An Ordinance Receiving the Recommendation of the Planning Commission and Adopting a new Comprehensive Plan for the City of Danville, “PLANDanville: A Comprehensive Plan for a Unified Future.”

Q. Consideration of the City Manager's Amended Employment Agreement.
Council Letter Number CL - 1740.

A Resolution of the City Council of the City of Danville, Virginia Approving the City Manager’s Amended Employment Agreement.

R. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for USDA Grant Funds for Food Services at W. W. Moore, Jr. Detention Home.

Council Letter Number CL - 1680.

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance for a Federal Grant in the Amount of Approximately $70,489 to Aid the Food Service Operations at W. W. Moore, Jr. Detention Home and Appropriating Same.
First Reading

S. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for Virginia Juvenile Community Crime Control Act Funding Appropriation.
Council Letter Number CL - 1682.

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice in the Amount of $86,999 and a Local Share of $39,830, for a Total Appropriation of $126,829, to Provide for the Electronic Monitoring and Outreach Detention Programs, Online Intervention Programs, and Pro- Social Skills Programs for the City of Danville at the W. W. Moore Jr. Detention Home and Appropriating Same.
First Reading

T. Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide Funds for Renovations at Dan River Falls.
Council Letter Number CL - 1734.

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide Funding from Unassigned General Fund Balance and Operating Funds for Renovations at the Dan River Falls Building for City Offices in the Amount of $5,600,000 and Appropriating Same.
First Reading

COMMUNICATIONS FROM VISITORS

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

COMMUNICATIONS

A. City Manager

B. Deputy City Manager

C. City Attorney

D. City Clerk

E. Roll Call

ADJOURNMENT

Council Letter
City of Danville, Virginia

CL - 1741 **CONSENT AGENDA A.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Approval of Meeting Minutes

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of Approval of Minutes from Regular Council Meeting held on November 7, 2024.

Attachments

1. Meeting Minutes

November 7, 2024

The Regular November meeting of the Danville City Council was held on November 7, 2024, at 7:00 p.m. in the Council Chambers located on the Fourth Floor of the Municipal Building. The following Council Members were present: James B. Buckner, Bryant Hood, Mayor Alonzo L. Jones, Barry P. Mayo, Vice Mayor Gary P. Miller, Sherman M. Saunders, J. Lee Vogler, Jr., and Madison J.R. Whittle (8). L.G. "Larry" Campbell, Jr. was absent (1). *Mr. Whittle entered the meeting at 7:02 p.m.*

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

Mayor Jones presided.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

ANNOUNCEMENTS AND SPECIAL PRESENTATIONS

Proclamation: Shop Small, Shop Local Business Month
Presented to: Diana Schwartz, River District Association

Diana Schwartz thanked Council for the recognition to bring awareness of the importance of supporting the local small business community, particularly as the holiday season begins. Ms. Schwartz issued a challenge for everyone to start their Christmas shopping by shopping small local businesses this holiday season. Amy Pruitt, owner of Happy Little Fox Toy Shop at 321 Lynn Street, noted she specializes in eco-friendly toys sourced from all over the world, including sensory and unique toys not found anywhere else. Susan Moss, co-owner of Moss Mountain Outfitters at 326 Main Street, Suite 102 stated they carry lots of comfort wear, outdoor wear and equipment for everyone's outdoor needs. Catherine Carter, owner of the Dog-Eared Book Store at 525 Main Street, stated they sell a variety of new, used, and children's books, as well as events. Alfreita Bennett noted she provides real estate and property management services for her clients. Council thanked them all for attending tonight.

Presentation: Danville-Pittsylvania Community Services Annual Report
Presented by: Lori Eanes-Brooks, Danville-Pittsylvania Community Services Board

Ms. Eanes-Brooks presented the DPCS Annual Report covering activities of the agency between July 4, 2023, and June 30, 2024, showcasing the remarkable progress and achievements of those connected to DPCS. Ms. Eanes-Brooks noted the yearly report contains stories about bringing wellness to the community, and on page four, outlined the eight dimensions of wellness. Ms. Eanes-Brooks reviewed several of the personal client stories highlighting how those eight dimensions of wellness helped families, and thanked Danville City Council and the Pittsylvania Board of Supervisors for their vision on creating DPCS. Adrian Watlington and Jim Bebeau thanked Council for their support and Council Members thanked them for their amazing work.

MEETING MINUTES

Upon **Motion** by Council Member Buckner and **second** by Council Member Mayo, the Minutes from the Regular Council Meeting held on October 1, 2024, were approved as presented. Draft copies of the minutes had been distributed prior to the meeting.

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NEW BUSINESS

CONSIDERATION OF A SPECIAL USE PERMIT APPLICATION FILED BY LIGHTSHIFT ENERGY TO ALLOW A PUBLIC UTILITIES FACILITY AT 900 MOUNT CROSS ROAD

Mayor Jones opened the floor for a Public Hearing regarding a Special Use Permit. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 24, 2024, and October 31, 2024.

Mayor Jones recognized Ricky Elder, 1201 Wilson Blvd., Arlington, VA, who noted he was the director of development for the company; they were long-term owner/operators of battery energy storage projects. Mr. Elder noted they already have one facility in the City and were there for a second project. Mr. Elder thanked Council for their consideration of this application and was available for any questions Council may have.

No one further desired to be heard and the public hearing was closed.

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

ORDINANCE NO. 2024-11.01

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00482, FILED BY LIGHTSHIFT ENERGY, REQUESTING A SPECIAL USE PERMIT TO ALLOW A PUBLIC UTILITIES FACILITY AT PARCEL 72885 (900 MT CROSS ROAD) IN ACCORDANCE WITH ARTICLE 3.M, SECTION C., ITEM 13.

The Motion was **seconded** by Vice Mayor Miller.

Council Member Whittle asked how this was going to help the meter payer in Danville and will they sell to PJM. Mr. Elder stated that the facility was designed to be a peak shaver, it will be charged at various points in time throughout the year and discharged in such a way that it will lower the overall peak demand on the Danville Utilities infrastructure grid. The peak demand savings will flow back to the customer; they were working only with Danville Utilities on this project so they will be the beneficiary of the peak shaving. Vice Mayor Miller discussed how peak rates were charged and peak shaving helps to supply power during those peak periods to help lower utility rates. Council Member Vogler asked Jason Grey, Director of Utilities, what this meant for individuals' bills, and Mr. Grey explained these battery projects prevent the City from being committed to the grid for any kind of energy demand. The demand portion cost goes up 10% to 15% every year, that was what the City was trying to curtail by using peak shavers. Council Member Whittle asked if the City leased the batteries on Industrial Boulevard and Mr. Grey stated the City has a capacity rate, a rate to use them during peak shaving times. Lightshift owns the battery facility and keeps up any maintenance the batteries.

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

VOTE:	8-0-1
AYE:	Buckner, Hood, Jones, Mayo, Miller, Saunders, Vogler, and Whittle (8)
NAY:	Campbell (1)

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CONSIDERATION OF A REQUEST FOR TAX EXEMPT STATUS BY PRESENT HELP MINISTRIES

Mayor Jones opened the floor for a Public Hearing regarding a Request for Tax Exempt Status. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 31, 2024.

Mayor Jones recognized Alfreita Bennett, applicant, who stated that several properties were donated and some were purchased to help members of the community. They were a 501(c)(3) and asked that they be exempt from real estate taxes.

No one further desired to be heard, the public hearing was closed.

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

ORDINANCE NO. 2024-11.02

AN ORDINANCE TO DESIGNATE PRESENT HELP MINISTRIES AS BEING EXEMPT FROM LOCAL REAL AND PERSONAL PROPERTY TAXATION.

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

Council Member Saunders thanked Ms. Bennett for the services she provided for the community. Council Member Vogler invited Ms. Bennett to speak about the work that she does. Ms. Bennett noted it was hard and steady work, all of their members were volunteers, seven days a week, 24 hours a day, and no one was paid. They have homes for the homeless, battered women and children, total care residents, and sexual assault and abuse victims. The ministry covers Halifax County, Pittsylvania County, Danville and the overflow from Caswell County. Everyone can stay up to 60 days as long as they abide by the rules. They were looking to build permanent housing including rental housing for people who can afford those accommodations; they also help those children who have been permanently expelled from school. Council Members thanked her for all the work they do.

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

VOTE:	8-0-1
AYE:	Buckner, Hood, Jones, Mayo, Miller, Saunders, Vogler, and Whittle (8)
NAY:	Campbell (1)

CONSIDERATION OF AUTHORIZING THE ISSUANCE OF BONDS TO THE CITY OF DANVILLE, VIRGINIA

Mayor Jones opened the floor for a Public Hearing regarding the Issuance of Bonds. Notice of the Public Hearing was published in the *Danville Register & Bee* on October 22, 2024, and October 29, 2024. No one present desired to be heard and the Public Hearing was closed.

Upon **Motion** by Council Member Buckner and **second** by Council Member Mayo, an Ordinance entitled:

ORDINANCE NO. 2024-11.03

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AN ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS OF THE CITY OF DANVILLE, VIRGINIA, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF $16,000,000 TO FINANCE THE ACQUISITION, CONSTRUCTION, AND EQUIPPING OF VARIOUS CAPITAL PROJECTS.

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

CONSIDERATION OF A PROPOSED BATTERY STORAGE SYSTEM ON MOUNT CROSS ROAD

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

RESOLUTION NO. 2024-11.01

A RESOLUTION AUTHORIZING AND APPROVING THE CITY OF DANVILLE, VIRGINIA TO ENTER INTO AN AGREEMENT FOR 12 MEGAWATTS OF BATTERY ENERGY STORAGE CAPACITY TO BE CONSTRUCTED WITHIN THE DANVILLE UTILITIES SERVICE TERRITORY.

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

VOTE:	8-0-1
AYE:	Buckner, Hood, Jones, Mayo, Miller, Saunders, Vogler, and Whittle (8)
NAY:	Campbell (1)

Director of Utilities, Jason Grey, explained that Utilities was able to secure a $750,000 grant and $750,000 loan for this project, and recognized the Tobacco Commission for their support of this project.

CONSIDERATION OF AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE FOR VIRGINIA DEPARTMENT OF HEALTH LEAD SERVICE LINE INVENTORY GRANTS

Upon **Motion** by Council Member Vogler and **second** by Council Member Buckner an Ordinance entitled:

ORDINANCE NO. 2024-11.04

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FOR TWO (2) VIRGINIA DEPARTMENT OF HEALTH GRANTS IN THE AMOUNT OF $250,000 EACH TO ASSIST WITH THE CITY'S LEAD SERVICE LINE INVENTORY EFFORTS AS DIRECTED BY THE ENVIRONMENTAL PROTECTION AGENCY FOR TOTAL FUNDING OF $500,000 AND APPROPRIATING THE SAME.

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

COMMUNICATIONS FROM VISITORS

Mayor Jones recognized Tamara Malone, parent and legal guardian of Tate Malone, who asked where individuals with disabilities and special needs can go once they outgrow pediatric services. There were no facilities in Danville that were equipped to handle these individuals. Healthcare

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facilities also needed to be updated with proper equipment. Mayor Jones asked that Ms. Malone take a card for the City Manager's Office and contact them.

Mayor Jones recognized Reverend Brud Perry who addressed Council about putting a stoplight off 58 in the Dan Hills community. Rev Perry spoke about accidents that have happened on both 58E and 58W near Jones Chapel Church, and presented a petition signed by eighty-four residents for a stoplight. Council Member Saunders stated that he appreciated Rev. Perry coming and expressing concern for the neighborhood, and asked the City Manager to look into this to see what can be done about putting a stoplight up. Council Member Buckner asked the City Manager to explain the process, and Mr. Larking stated that typically it had to be studied, and once a study was completed it will be determined how to best make it safe for all types of vehicles.

Mayor Jones recognized Lauren Cressale, who informed Council that the Three Sisters Marathon was being planned in Danville for September 2025. This will include a marathon, a half-marathon, and 5K event. The kickoff will be September 5, 2025 with the 5K Fun Run that will start and finish at Caesar's casino; Saturday, September 6, 2025 at 7:00 a.m. will start that elite runners marathon. Ms. Cressale noted the group recently obtained certification as a Boston Marathon qualifier. They were expecting quite an economic impact as people come in from all across the United States for this event. Steve Scott stated they asked residents for input on the name, and one day while running, he noticed the three smokestacks at the former Dan River Mills location. He went online and read the story about the smokestacks, asked the other members about the name and it stuck. Anyone interested in signing up can do so December 1, 2024 on the website. Mr. Larking thanked City Council for sponsorships that were given to Visit SoSi for events like this one.

COMMUNICATIONS

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

Vice Mayor Miller noted the marathon coming to Danville was awesome and in the news today they reported on Caesars' opening on December 12, 2024, with four restaurants, spas, shows and entertainment. Dr. Miller congratulated all the winners of the election, this was a tough year to run for Council, but Council went out and did their job; it was a great election.

Council Member Saunders also congratulated those who were elected as well as the candidates that also ran for Council, and told those who ran that he hoped they will do it again. Mr. Saunders thanked the voters who voted for him, all the candidates that ran, and the citizens of the City, Council, the City Manager, Deputy City Manager, all city employees, and the Mayor for the excellent job that they were doing in the City.

Council Member Vogler thanked all those in chambers tonight and those watching at home. Mr. Vogler thanked everyone who voted, especially the 8,980 who put their faith in him and his campaign; he was grateful and thankful to each and every one of them. Special thanks to his family and everyone who helped with the campaign; especially his mom who went above and beyond. Mr. Vogler recognized Casey Cunningham and her new appointment to the DPS school board, the other candidates who were elected to the School Board, and thanked all the candidates that participated in the Council race.

Council Member Whittle thanked the 7,311 individuals who he came across during the campaign, thanked everyone who came out and helped, and thanked Public Works for their help.

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Council Member Buckner congratulated the elected Council members, and the school board members. Mr. Buckner recognized the SoSi brand ambassadors in the audience, and reminded citizens of the Brightview Brew Fest Saturday at the Community Market from 11 am to 5:30 pm.

Council Member Hood congratulated all those who ran in the Council race, and for school board. Mr. Hood reminded citizens the Veteran's Day parade will be held this Sunday, November 10 at 2:30 pm., spoke about a program helping to get youth involved with veterans, and thanked all veterans here tonight.

Council Member Mayo congratulated all winners of the elections, and thanked family and friends who have helped along the campaign trail; it was good to be back and handling the business of the city. Mr. Mayo reminded citizens of the upcoming Job and Resource Fair being held November 14 from 10:00 am to 4:00 pm at the Community Market; there will be 100 vendors, and 1,506 jobs in the door for anyone who was looking for a job.

Mayor Jones noted Dr. Jerry Wallace was leaving DCC, and they salute him for all the great work he has done. With the holidays coming up, if any organization was looking for someone to donate to, the Danville Police Department was collecting new toys for their annual toy drive. To those from RDA and the marathon team, Mayor Jones thanked them for what they were doing to invest back into the Danville community, and thanked everyone who ran for City Council and School Board positions with visions of improving the City and helping citizens.

The meeting was adjourned at 8:44 pm.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY CLERK

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Council Letter
City of Danville, Virginia

CL - 1654 **CONSENT AGENDA B.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Amending the Fiscal Year 2025 Budget Appropriation Ordinance by Anticipating the Proceeds from the Issuance of General Obligation Bonds.

From: Henrietta Weaver, Budget Director

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance by Anticipating the Proceeds from the Issuance of Bonds and Appropriating Same for Anticipated Expenditures.
Final Adoption

SUMMARY

The City Council has authorized the issuance of General Obligation Bonds to fund various projects as specified in the Fiscal Year 2025 Capital & Special Projects Plan.

BACKGROUND

The City's Fiscal Year 2025 Capital & Special Projects Plan includes funding in the amount of $16,000,000 for General Fund projects. The attached ordinance is a flexible ordinance providing for posting of issuance costs and refinancing of previous bonds to be determined upon the issuance of the bonds.

RECOMMENDATION

It is recommended that the City Council adopt the attached ordinance amending the Fiscal Year 2025 Budget Appropriation Ordinance for Capital and Special Projects.

Attachments

1. Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024 -_____- _____

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE BY ANTICIPATING THE PROCEEDS FROM THE ISSUANCE OF BONDS AND APPROPRIATING SAME FOR ANTICIPATED EXPENDITURES.

WHEREAS, the City Council has authorized the issuance of general obligation bonds to finance various capital projects; and

WHEREAS, City Council desires to appropriate the proceeds to fund the various projects, including, without limitation, parks and recreation facilities and equipment, public safety equipment, public street improvements, improvements to public buildings, distribution and treatment infrastructure improvements for the water system, substations and distribution infrastructure improvements for the electric system, and estimated bond issuance costs.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the Fiscal Year 2025 Budget Appropriation Ordinance be, and it is hereby, amended by appropriating funds from the sale bonds as follows:

ANTICIPATED REVENUES

Description	Account No.	Amount
Capital Projects Fund:		
CCTV Expansion	61436000-43025	75,000
Police Service Pistol Replacement	61965000-43025	226,650
Fire Apparatus and Equipment Replacement	60184000-43025	255,000
Personal Protective Equipment (PPE)	61865000-43025	840,000
ECC Communication Systems	61936000-43025	64,630
New Fire Facilities	61941000-43025	190,000
General Street Improvements	60000067-43025	200,000
Storm Damage Construction	60022000-43025	200,000
General Maintenance of Buildings	60027000-43025	250,000
River District Street Improvements	61281000-43025	500,000
City Owned Parking Lots	61512000-43025	100,000

Description	Account No.	Amount
Exterior Painting of City Buildings	61513000-43025	100,000
Municipal Building/Courthouse Renovations	61676000-43025	53,746
Elevator Upgrade	61702000-43025	300,000
Emergency Generators	61703000-43025	250,000
HVAC Replacement	61704000-43025	520,000
Roof Replacement	61705000-43025	300,000
Intersection Improvements at South Main St and Stokes St	61871000-43025	100,000
Fuel Site Maintenance and Upgrade	61953000-43025	200,000
Traffic Signal Replacement	61964000-43025	450,000
American Legion Stadium	60810000-43025	200,000
Facility Improvements	60901000-43025	230,000
Park Improvements	60902000-43025	394,974
		6,000,000
Water Fund:		
Water Line Reconstruction	60053000-43025	2,000,000
		2,000,000
Electric Fund:		
Substation Upgrades & Rebuilds	61029000-43025	3,000,000
New Design Substation Upgrade	61565000-43025	2,500,000
Electric System Reliability and Improvements	61789000-43025	2,500,000
		8,000,000
	TOTAL	**$16,000,000**

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
Capital Projects Fund:		
CCTV Expansion	61436999-50	75,000
Police Service Pistol Replacement	61965999-50	226,650
Fire Apparatus and Equipment Replacement	60184999-50	255,000
Personal Protective Equipment (PPE)	61865999-50	840,000
ECC Communication Systems	61936999-50	64,630
New Fire Facilities	61941999-50	190,000
General Street Improvements	60000067-6999	200,000
Storm Damage Construction	60022999-50	200,000
General Maintenance of Buildings	60027999-50	250,000
River District Street Improvements	61281999-50	500,000
City Owned Parking Lots	61512999-50	100,000
Exterior Painting of City Buildings	61513999-50	100,000
Municipal Building/Courthouse Renovations	61676999-50	53,746
Elevator Upgrade	61702999-50	300,000
Emergency Generators	61703999-50	250,000

Description	Account No.	Amount
HVAC Replacement	61704999-50	520,000
Roof Replacement	61705999-50	300,000
Intersection Improvements at South Main St and Stokes St	61871999-50	100,000
Fuel Site Maintenance and Upgrade	61953999-50	200,000
Traffic Signal Replacement	61964999-50	450,000
American Legion Stadium	60810999-50	200,000
Facility Improvements	60901999-50	230,000
Park Improvements	60902999-50	394,974
		6,000,000
Water Fund:		
Water Line Reconstruction	60053000-43025	2,000,000
		2,000,000
Electric Fund:		
Substation Upgrades & Rebuilds	61029000-43025	3,000,000
New Design Substation Upgrade	61565000-43025	2,500,000
Electric System Reliability and Improvements	61789000-43025	2,500,000
		8,000,000
	TOTAL	**$16,000,000**

BE IT FURTHER ORDAINED that this is a flexible appropriation as related to refinancing of existing bonds and issuance costs, both to be determined when the bonds are issued.

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2025 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

_____
City Attorney

Council Letter
City of Danville, Virginia

CL - 1752 **APPOINTMENTS A.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Appointment Recommendations.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

Consideration of Recommendations to the Following Boards and Commissions:

1. Building Code Board of Appeals
2. Employee Retirement System
3. Fair Housing Board
4. Planning Commission
5. Industrial Development Authority.

Attachments

None

Council Letter
City of Danville, Virginia

CL - 1699 **NEW BUSINESS A.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Rezoning Application filed by J. Cubas Holdings LLC.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Rezoning to M-R Multi-Family Residential from HR-C Highway Retail Commercial and T-R Threshold Residential Parcel ID 76199 and a Portion of Parcel ID 75939 (Goodyear Boulevard), 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.

On October 7, 2024, the City Planning Commission voted 7 - 0 to recommend approval of Rezoning Application PZ24-00490 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 with the following conditions:

1. A plat must be recorded that consolidates 10.66 acres of Parcel ID 75939 with Parcel ID 76199.
2. A Traffic Impact Analysis is required and improvements completed per recommendations by the report and the City of Danville.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance 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 that consolidates 10.66 acres of Parcel ID 75939 with Parcel ID 76199.
2. A Traffic Impact Analysis is required and improvements completed per recommendations by the report and the City of Danville.

Attachments

1. Ordinance
2. Goodyear Blvd Rezoning Application
3. Application Submittal - Part 1
4. Application Submittal - Part 2
5. Application Submittal - Part 3
6. Site Plans - Parcel 91824
7. Highlighted Site Plan - Parcel 91824
8. Parcel 76199 Aerials Map
9. Parcel 76199 Owners Zoning Map
10. Parcel 76199 Land Use Map
11. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE REZONING TO M-R MULTI-FAMILY RESIDENTIAL FROM HR-C HIGHWAY RETAIL COMMERCIAL AND T-R THRESHOLD RESIDENTIAL PARCEL ID 76199 AND A PORTION OF PARCEL ID 75939 (GOODYEAR BOULEVARD), RESPECTIVELY.

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, J. Cubas Holdings LLC, has requested to rezone from HR-C Highway Retail Commercial district and T-R Threshold Residential district to M-R Multi-family Residential district, Parcel ID 76199 and a 10.66 acre portion of Parcel ID 75939 (Goodyear Boulevard), respectively, of the City of Danville, Virginia Zoning District Map.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Zoning Administrator recommending approval of Rezoning Application PZ24-00490 filed by J. Cubas Holdings LLC, requesting to rezone from HR-C Highway Retail Commercial district and T-R Threshold Residential district to M-R Multi-family Residential district, Parcel ID 76199 and a 10.66 acre portion of Parcel ID 75939 (Goodyear Boulevard), respectively, of the City of Danville, Virginia Zoning District Map, is hereby received with the following conditions:

1. A plat must be recorded that consolidates 10.66 acres of Parcel ID 75939 with Parcel ID 76199.
2. A Traffic Impact Analysis is required and improvements completed per recommendations by the report and the City of Danville; and

BE IT FURTHER ORDAINED that, in consideration of said report and the public hearing this day held by Council, Rezoning Application PZ24-00490, filed by J. Cubas Holdings

LLC, requesting to rezone from HR-C Highway Retail Commercial district and T-R Threshold Residential district to M-R Multi-family Residential district of the City of Danville, Virginia Zoning District Map, and is hereby approved with the following conditions:

1. A plat must be recorded that consolidates 10.66 acres of Parcel ID 75939 with Parcel ID 76199.
2. A Traffic Impact Analysis is required and improvements completed per recommendations by the report and the City of Danville; and

BE IT FINALLY ORDAINED that Parcel ID 76199 and a 10.66 acre portion of Parcel ID 75939 of the City of Danville, Virginia District Map is hereby amended to reflect the same.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

City 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

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, ROBERT T. MARSHALL JR. AND PATRICIA MARSHALL Telephone: 434-489-1444

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

1/29/24 — Applicant Signature — date

1/29/2024 — Property Owner Signature (If not applicant) — date

1/28/24 — Property Owner. Date

Property Owner. Date

Comprehensive Land Use Change
&
Special Use Permit

HRC Highway Retail commercial
To
M-R Multifamily Residential

<u>Subject Property</u>
Parcel GPIN: 76199
Danville, Virginia

Applicant
J. Cubas Holdings, LLC
Joe Cubas, Manager

August 29, 2024

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Exhibits

Conceptual Site Plans
Existing Surveys
Aerial View of Subject Property
City of Danville Zoning Map
City of Danville Existing Utilities Map
City of Danville Flood Zone Map
Renderings

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

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, ROBERT T. MARSHALL JR. AND PATRICIA MARSHALL Telephone: 434-489-1444

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

1/29/24 — Applicant Signature date

1/29/2024 — Property Owner Signature (If not applicant) date

1/28/24 — Property Owner. Date

Property Owner. 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 assited living care.

Applicant Signature date 1/29/24

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

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

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

Authentisign ID: 00847370-1A9A-EE11-BEA1-B042BDD8973C

REALTOR®

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]**: [X] 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.

Hauser Realty Group, 1325 West Main St Danville VA 24541-1317 Phone: 434-792-3000 Fax: 434.792.2757 Marshall Goodyear
Mike Searer
Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

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

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

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

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

Authentisign
Robert T Marshall, Jr 01/23/2024
Seller
Printed Name: **ROBERT T MARSHALL, JR**
Title (if applicable):
Date:

Authentisign
Danny W Marshall 01/23/24

Selling Company's Name and Address

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

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

Listing Company's Name and Address

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

Authentisign ID: 86BDBF6A-B6DC-EE11-85FB-6045BDDAA143

REALTOR®

VIRGINIA REALTORS®
AMENDMENT TO COMMERCIAL PURCHASE AGREEMENT
AMENDMENT # 1

EQUAL HOUSING OPPORTUNITY

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 origionally executed.

PURCHASER:

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

_____ / _____
DATE SIGNATURE

_____ / _____
DATE SIGNATURE

_____ / _____
DATE SIGNATURE

SELLER:

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

03/07/2024 / Authentisign Robert T Marshall, Jr
DATE SIGNATURE
ROBERT T MARSHALL, JR

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

_____ / _____
DATE SIGNATURE

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Hauser Realty Group, 1225 West Main St Danville VA 24541-1317 Phone: 434-792-3000 Fax: 434.792.2757 Marshall Goodyear
Mike Scearce
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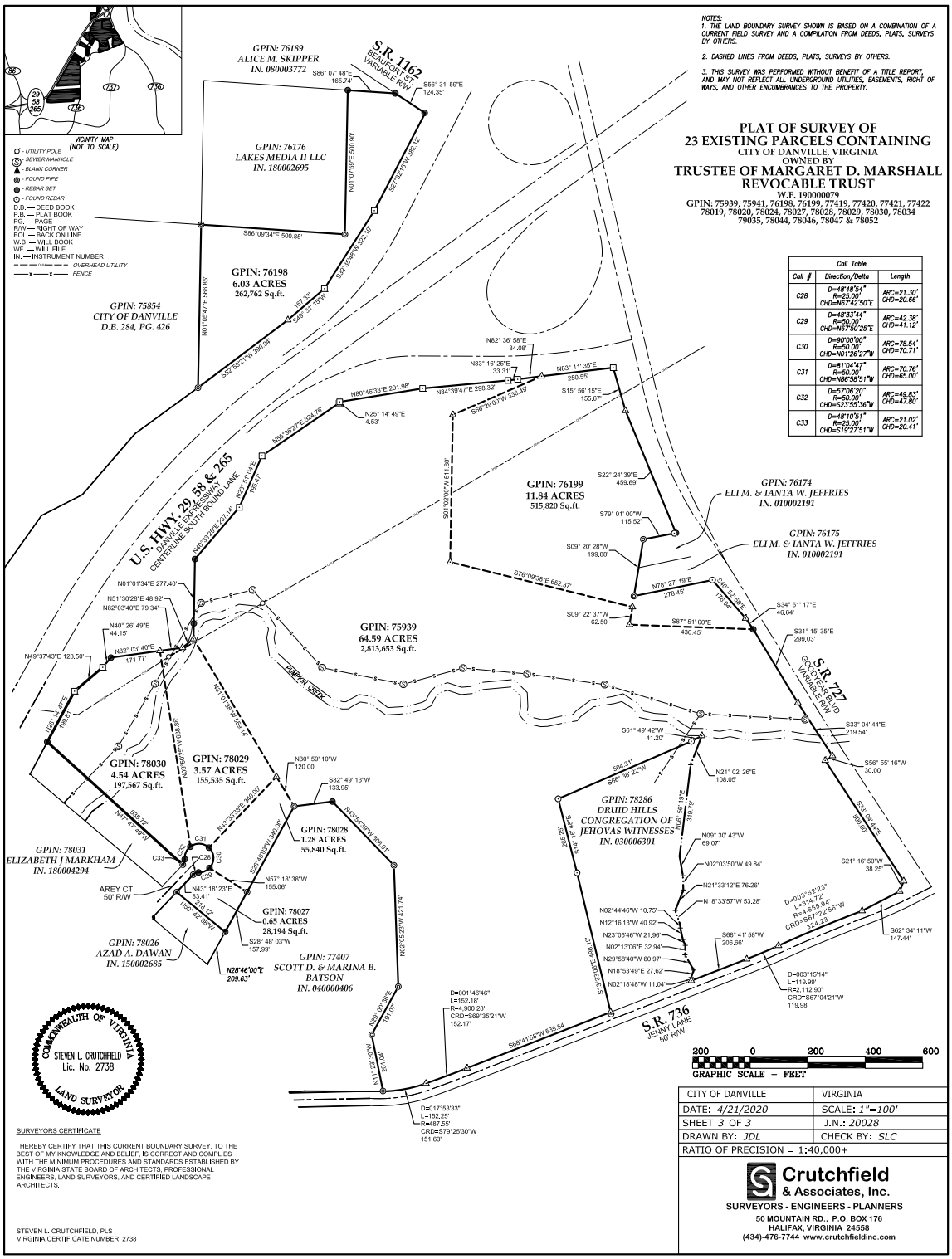
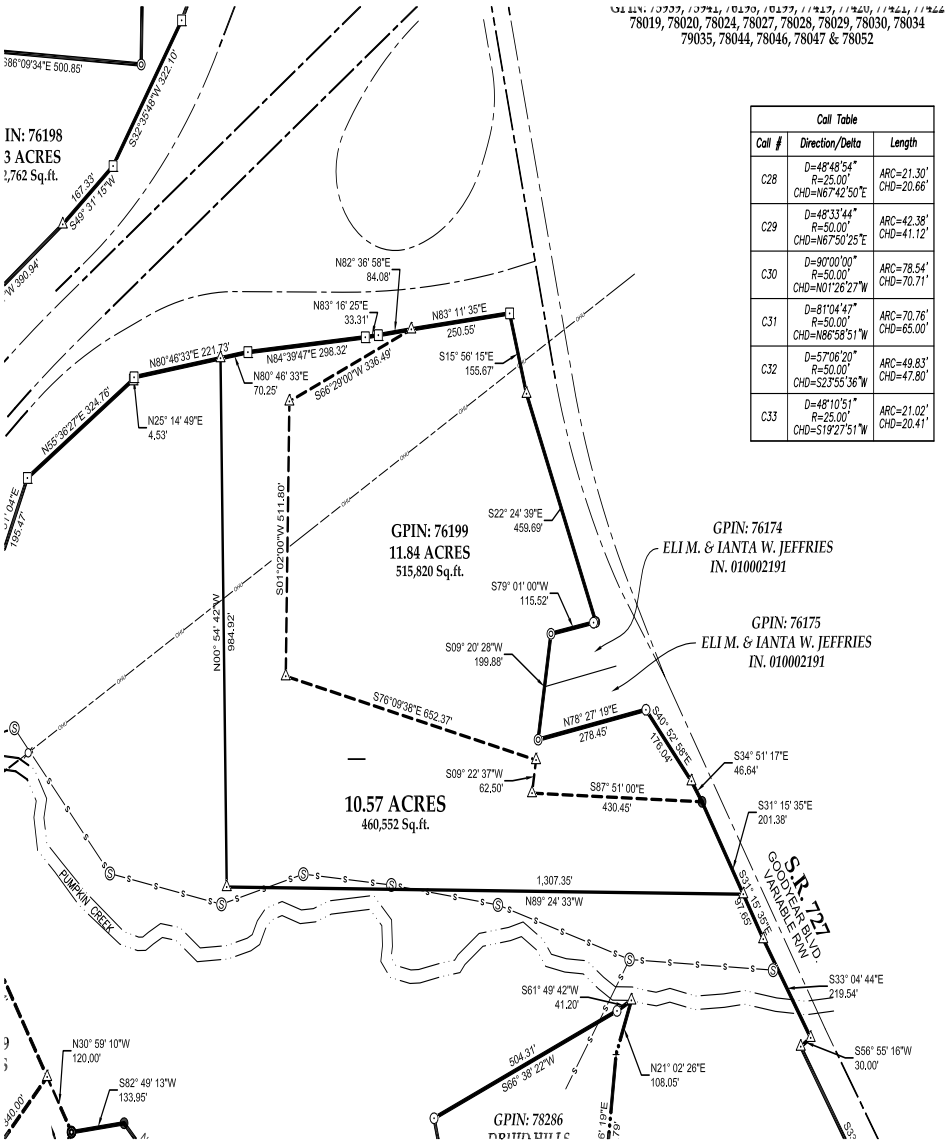


Call Table		
Call #	Direction/Delta	Length
C28	D=48°48'54" R=25.00' CHD=N67°42'50"E	ARC=21.30' CHD=20.66'
C29	D=48°33'44" R=50.00' CHD=N67°50'25"E	ARC=42.38' CHD=41.12'
C30	D=90°00'00" R=50.00' CHD=N01°26'27"W	ARC=78.54' CHD=70.71'
C31	D=81°04'47" R=50.00' CHD=N86°58'51"W	ARC=70.76' CHD=65.00'
C32	D=57°06'20" R=50.00' CHD=S23°55'36"W	ARC=49.83' CHD=47.80'
C33	D=48°10'51" R=25.00' CHD=S19°27'51"W	ARC=21.02' CHD=20.41'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79035, 78044, 78046, 78047 & 78052
Call Table
Call # | Direction/Delta | Length
C28 | D=48°48'54" R=25.00' CHD=N67°42'50"E | ARC=21.30' CHD=20.66'
C29 | D=48°33'44" R=50.00' CHD=N67°50'25"E | ARC=42.38' CHD=41.12'
C30 | D=90°00'00" R=50.00' CHD=N01°26'27"W | ARC=78.54' CHD=70.71'
C31 | D=81°04'47" R=50.00' CHD=N86°58'51"W | ARC=70.76' CHD=65.00'
C32 | D=57°06'20" R=50.00' CHD=S23°55'36"W | ARC=49.83' CHD=47.80'
C33 | D=48°10'51" R=25.00' CHD=S19°27'51"W | ARC=21.02' CHD=20.41'
GPIN: 76199
11.84 ACRES
515,820 Sq.ft.
10.57 ACRES
460,552 Sq.ft.
GPIN: 76174
ELI M. & IANTA W. JEFFRIES
IN. 010002191
GPIN: 76175
ELI M. & IANTA W. JEFFRIES
IN. 010002191
GPIN: 78286
S.R. 727
GOODYEAR BLVD.
VARIABLE R/W
PUMPKIN CREEK
N82° 36' 58"E 84.08'
N83° 16' 25"E 33.31'
N83° 11' 35"E 250.55'
S15° 56' 15"E 155.67'
N80°46'33"E 221.73'
N84°39'47"E 298.32'
N80° 46' 33"E 70.25'
S66°29'00"W 336.49'
N25° 14' 49"E 4.53'
N65°36'27"E 324.76'
S22° 24' 39"E 459.69'
S01°32'00"W 511.80'
S79° 01' 00"W 115.52'
S09° 20' 28"W 199.88'
N00° 54' 42"W 994.92'
S76°09'38"E 652.37'
N78° 27' 19"E 278.45'
S40° 52' 58"E 176.04'
S34° 51' 17"E 46.64'
S09° 22' 37"W 62.50'
S87° 51' 00"E 430.45'
S31° 15' 35"E 201.38'
1,307.35'
N89° 24' 33"W
S31° 15' 35"E 57.65'
S33° 04' 44"E 219.54'
S61° 49' 42"W 41.20'
504.31'
S65° 36' 22"W
N21° 02' 26"E 108.05'
S56° 55' 16"W 30.00'
N30° 59' 10"W 120.00'
S82° 49' 13"W 133.95'
S32°39'48"W 322.10'
S40° 31' 15"W 167.33'
S86°09'34"E 500.85'

Authentisign ID: 88499566-5F3D-EF11-86D4-6045BDEF834A

REALTOR®

VIRGINIA REALTORS®
AMENDMENT TO COMMERCIAL PURCHASE AGREEMENT
AMENDMENT # 2

EQUAL HOUSING OPPORTUNITY

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 origionally executed.

PURCHASER:

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

DATE / SIGNATURE

DATE / SIGNATURE

DATE / SIGNATURE

SELLER:

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

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

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

DATE / SIGNATURE

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

OWNER'S CONSENT

On this date, 1-22-2024, 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

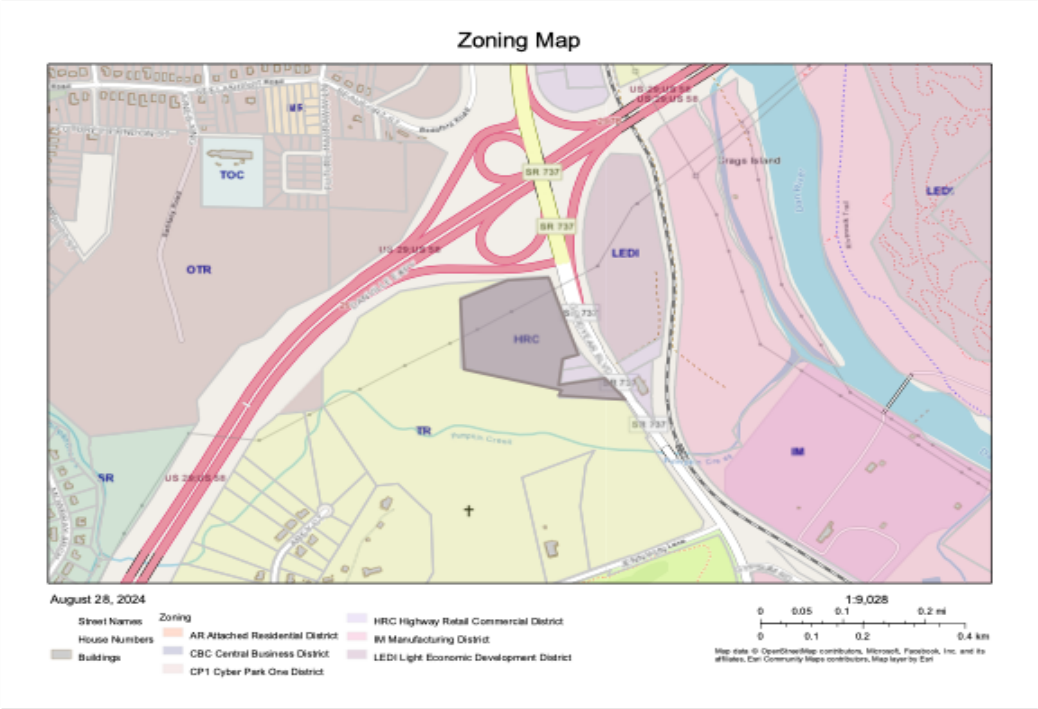
Patricia Marshall, Owner

Date: 1/24/2024

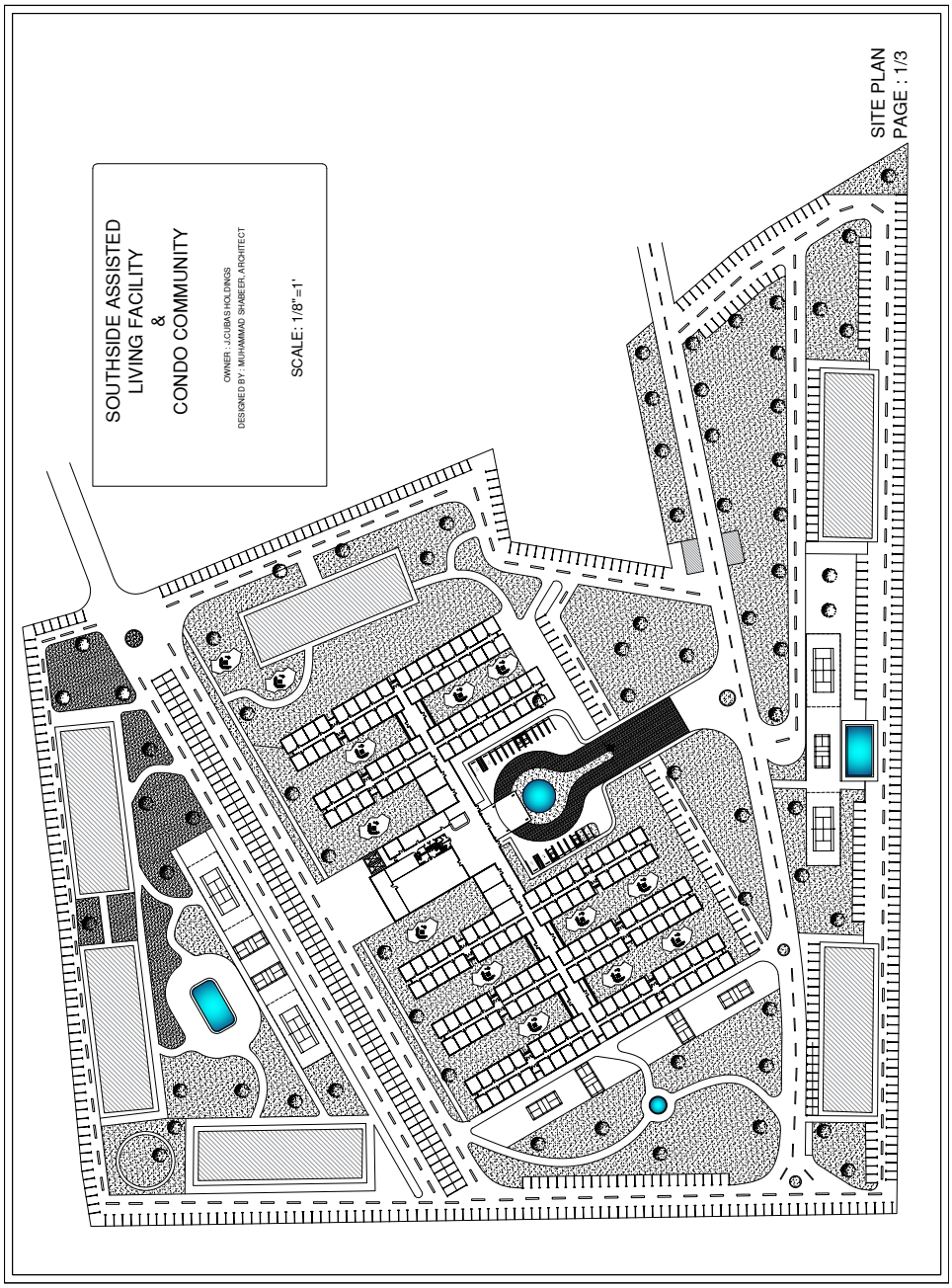
BACKGROUND

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.~~57~~ .66 acres for a grand total of 22.~~41~~ .50 acres.

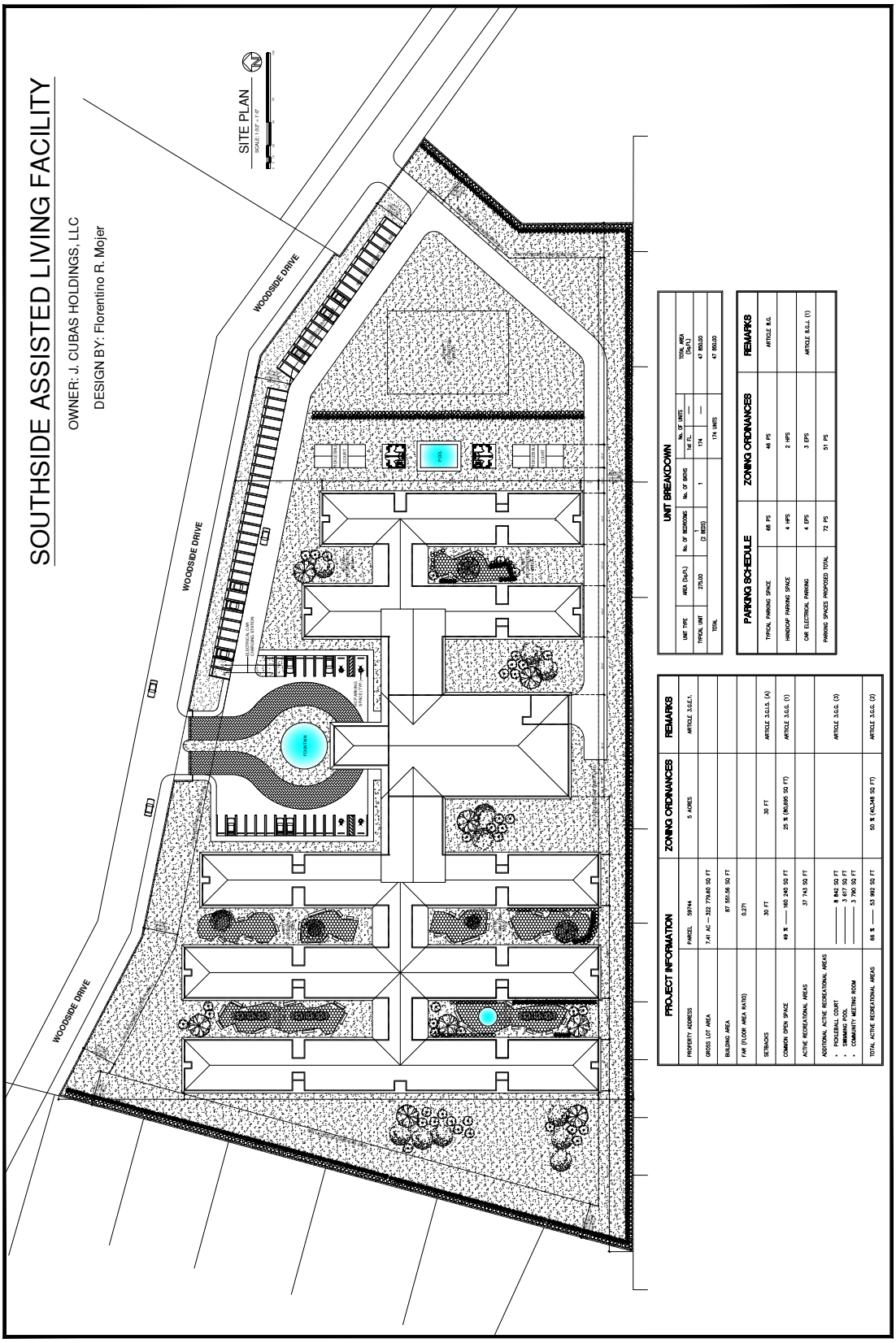
The parcel is presently zoned HRC Highway Retail Commercial with a land use of Residential and located at the intersection of Goodyear Boulevard and Hwy 29/58.



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.~~41~~ .50 acres of the overall 22.~~41~~ .50 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.



PLEASE DISREGARD PAGE 16



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.

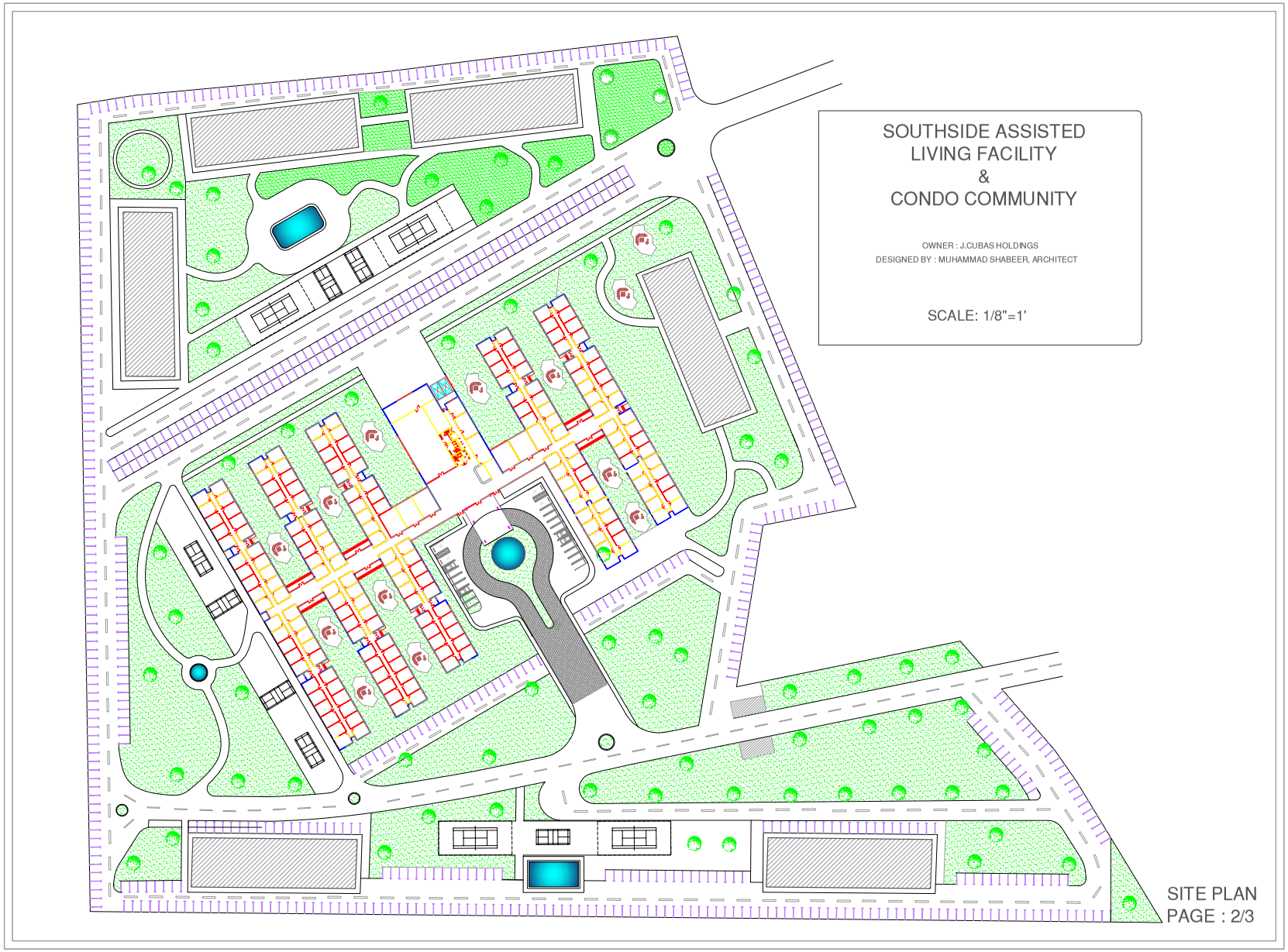
Some of those goals and objectives are to maintain sustainable growth & land use in an effort to promote a balanced mix of residential, commercial, and industrial uses which will accommodate the needs of existing businesses and residents and encourage well-planned development/redevelopment opportunities 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 7.~~41~~ .50 *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. <u>Consistency with the City of Danville Code, Ordinances & Virginia Administrative Code</u>

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.~~41~~ .50 acres of the overall 22.~~41~~ .50 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.


SOUTHSIDE ASSISTED
LIVING FACILITY
&
CONDO COMMUNITY
OWNER : J.CUBAS HOLDINGS
DESIGNED BY : MUHAMMAD SHABEER, ARCHITECT
SCALE: 1/8"=1'
SITE PLAN
PAGE : 2/3

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.~~41~~ .50 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 7.~~41~~ .50 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 ~~244,032~~ 245,025 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	.50 7.~~41~~ ac.	5 ac	Article 3.G.E.1	Overall Acreage .50 22.~~41~~ ac
Total Acreage-Condos	15.0 ac	5.ac	Article 3.G.E.1	
Overall Total Acres	.50 22.~~41~~ ac			
Overall Gross Lot Area	~~976,180~~ sf 980,100 SF			
Gross Lot Area-Proffered ALF	~~322,780~~ sf. 326,700 SF			980,100 SF Overall Lot Area ~~976,180~~ 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)	
Proferred- ALF	177,793 sf	~~55%~~ 54%		
Condos	295,958 sf	~~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
Proferred-ALF	103,576 sf	58%		
Condos	130,635 sf	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~~ sf 72,000 SF			
FAR (Floor Area Ration)-Condos	~~0.128~~ 0.110			
Density-Proferred ALF	24 Units / Ac		Article 3. G. A, D.2	
Density-Condos	16 Units /Ac		Article 3. G A. D.3	
Units-Proferred ALF	180 Units			
Units- Condo	240 Units			
Total Number of Units	420 Units			
Number of Floors-Proferred 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-Proferred ALF	58	46	Article 8. G	
Handicap Parking Spaces-ALF	4	2		
EV Parking Spaces-ALF	4	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	13	12.8	Article 8. J. 1.	
Proposed Parking Spaces -Condos	640	240	Article 8. G	Plus (76) total spaces dedicated for ALF
Overalll Parking Spaces - ALF & Condos	706			

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.

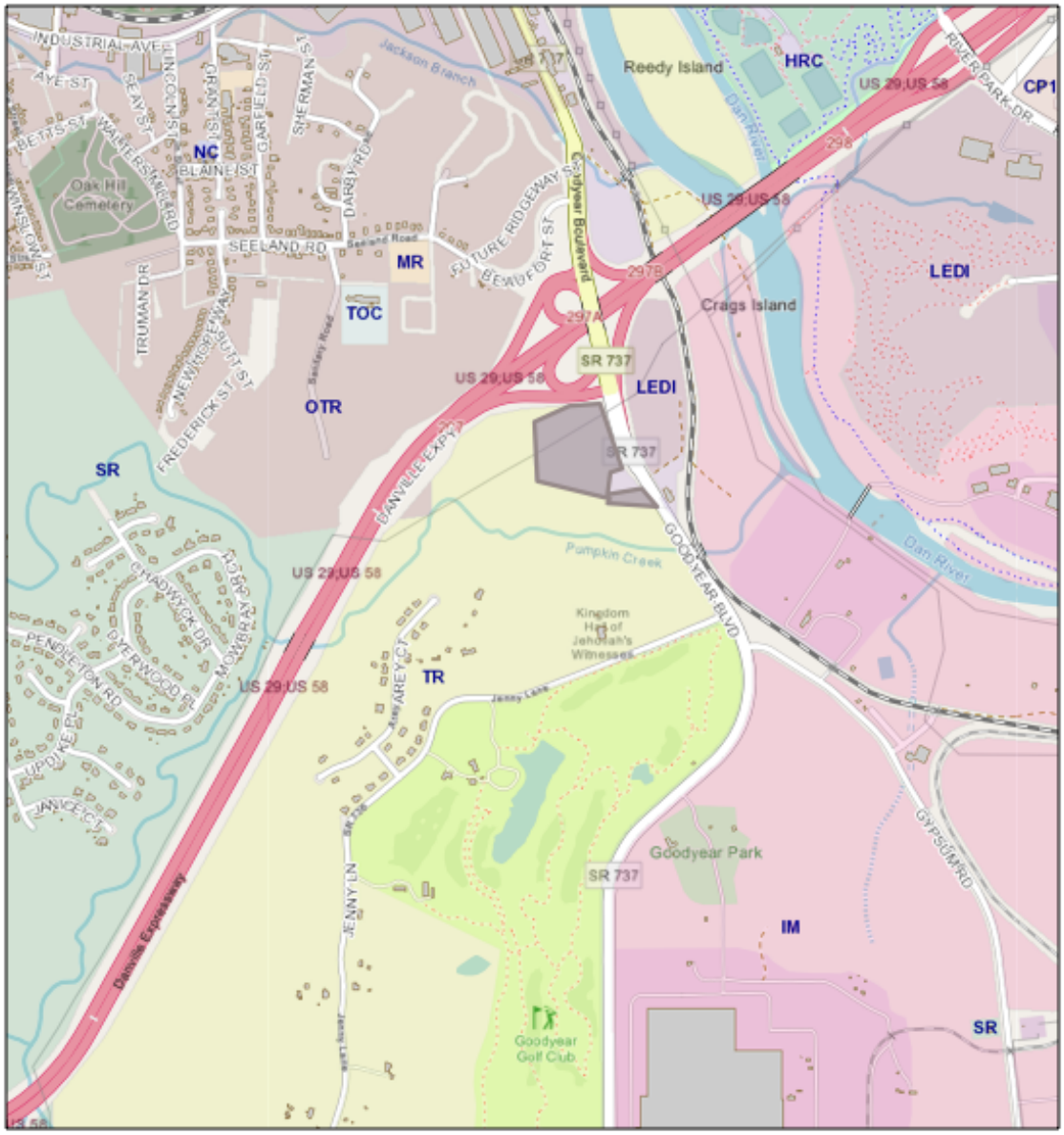
M-R Multi-family Residential Developments As shown on the City of Danville GIS Maps below, the development of the subject property will take access from the east end of Goodyear Boulevard, a "Major Collector Road" as identified by VDOT's road classification system. Goodyear Boulevard is a two-lane road 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 perpective, 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

0 0.13 0.25 0.5 mi

0 0.2 0.4 0.8 km

Street Names

House Numbers

Buildings

Zoning

AR Attached Residential District

CBC Central Business District

CP1 Cyber Park One District

HRC Highway Retail Commercial District

IM Manufacturing District

LEDI Light Economic Development District

MHPR Mobile Home Park District

MR Multi-family Residential District

NC Neighborhood Retail Commercial District

NTR Neo-tradtional Residential District

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

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 potion 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).

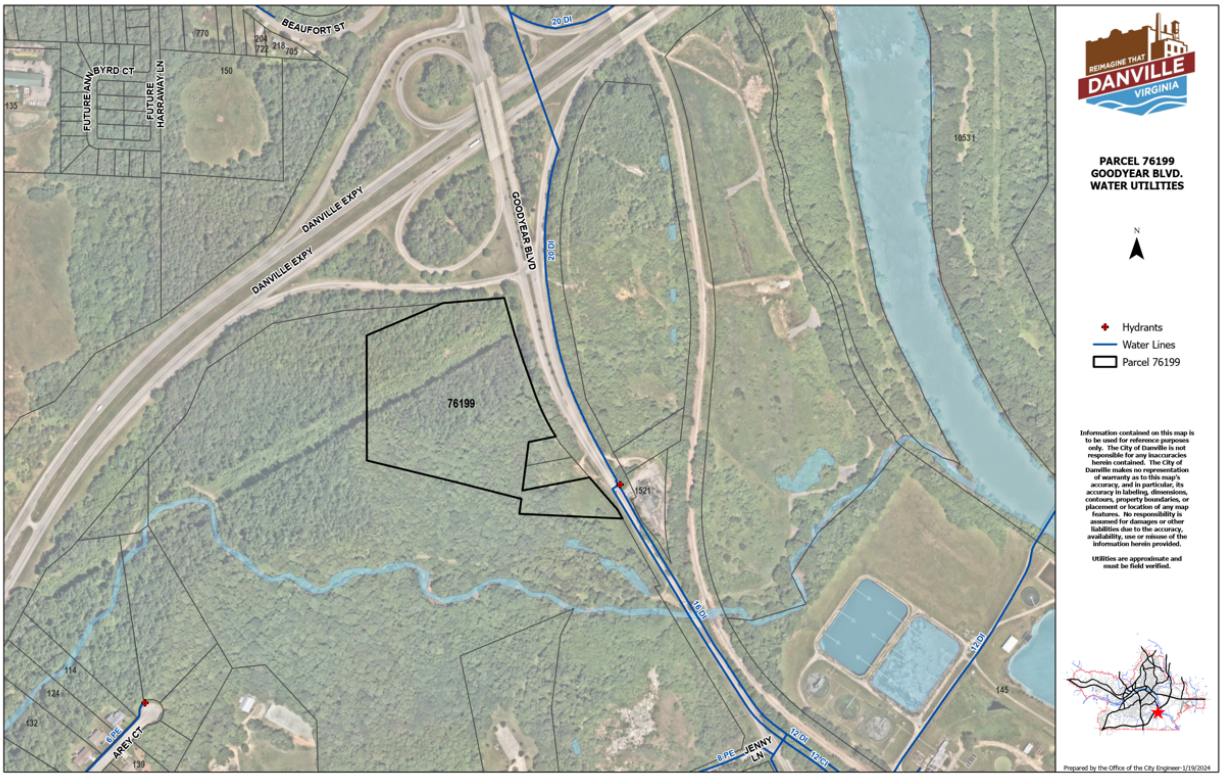
In summary, a total of 66 parking spaces have been provided for the elderly housing / assisted living facility development of the subject property while an additional 640 parking spaces have been provided for the mid-rise condo development for a grand total of 706 parking spaces.

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.

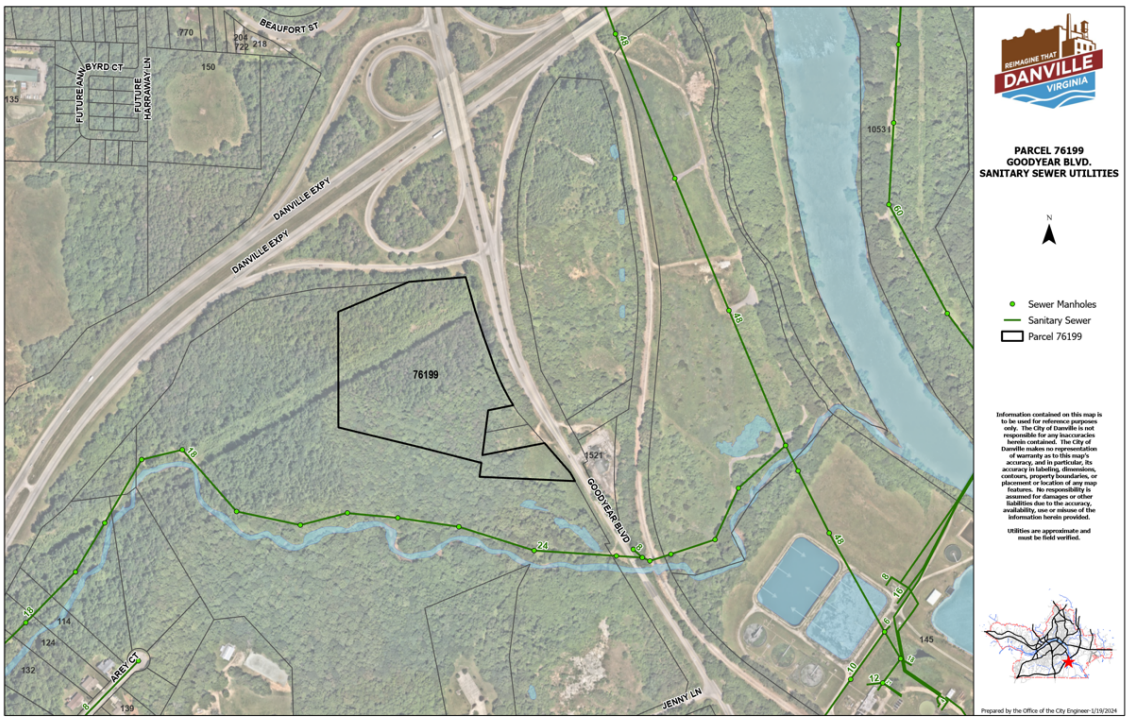
6. Adequate Public Facilities

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.

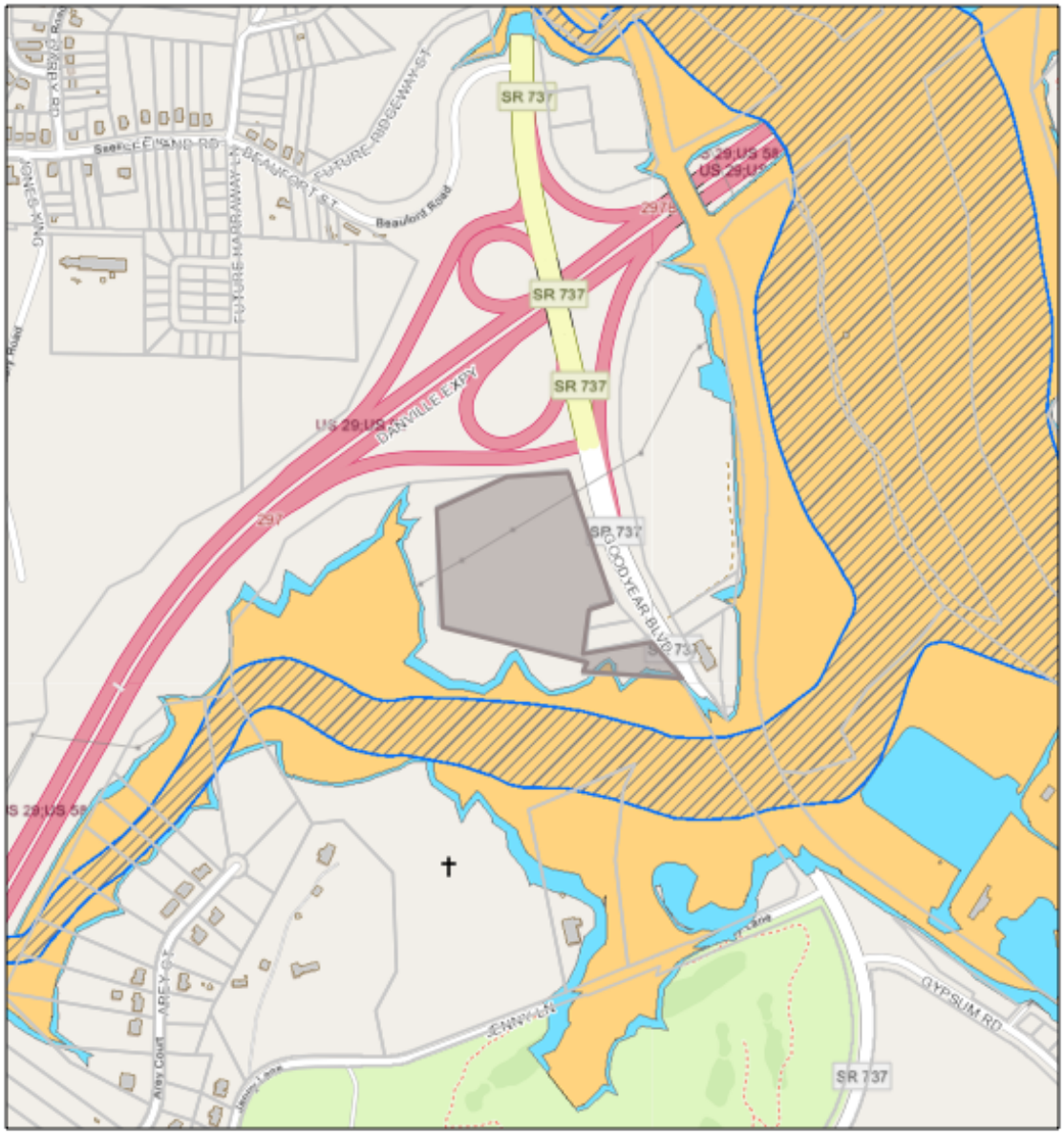
Existing Water Line Location Map



Existing Sewer Lines Location Map



Flood Zone Map



August 28, 2024

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

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

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

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.~~4~~ .5 acres of the overall 22.~~41~~ .50 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.~~41~~ .50 acres of vacant land. The Conceptual Site Plans show the development of 7.~~41~~ .50 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 ~~six (6)~~ eight (8) 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.

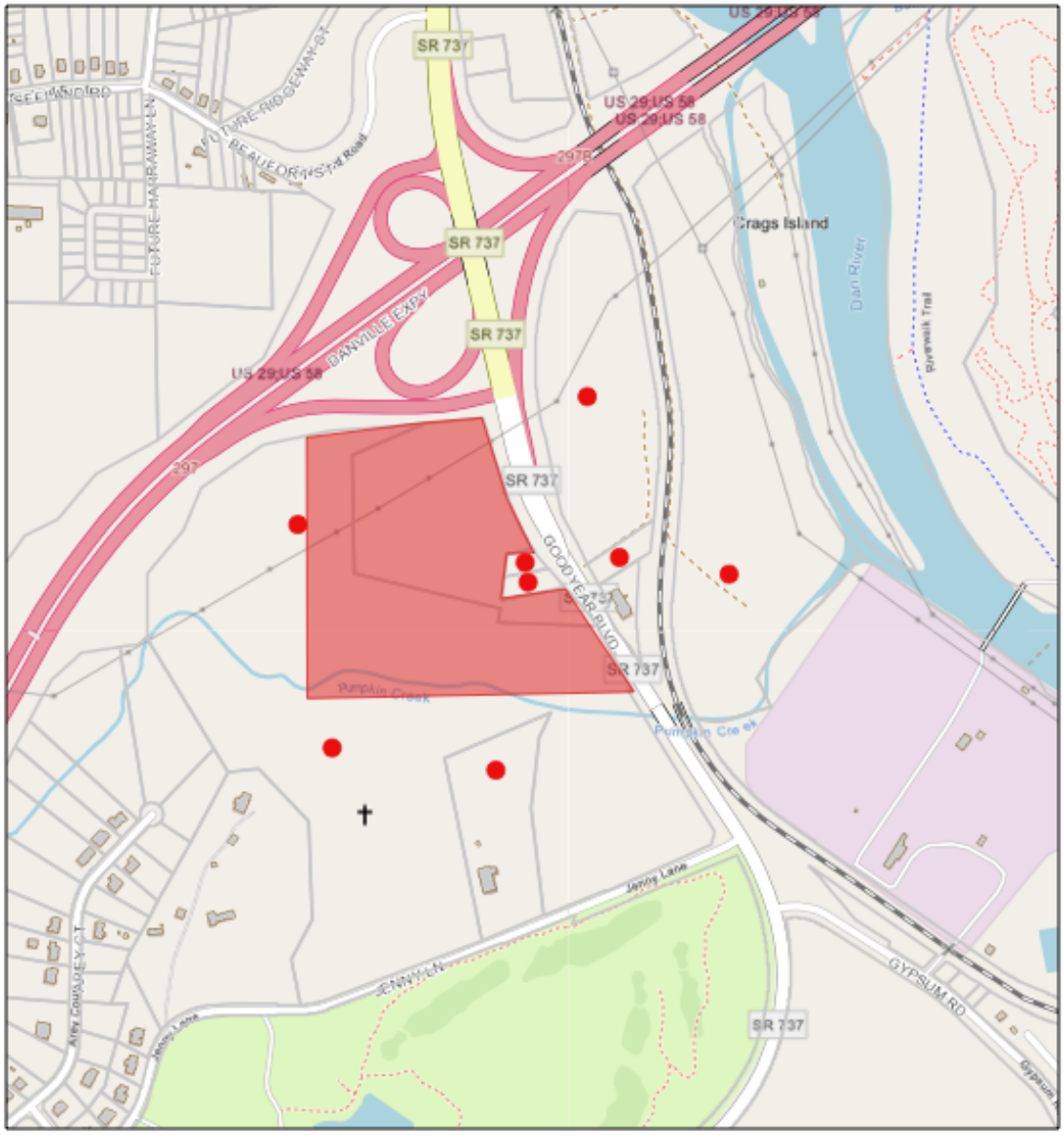
Currently, the Conceptual Site Plans initially show an Impervious Surface Ration (ISR) of 0.271 with a proposed density of just under 24.0 units per acre for the elderly housing or assisted living facility and an Impervious Surface Ratio (ISR) of ~~0.128~~ 0.110 with a proposed density of 16.0 units 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. <u>List & GIS Map of Surrounding Property Owners Notified</u>

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, Åò B, 2-17-04)

Surrounding Property Owners



August 28, 2024

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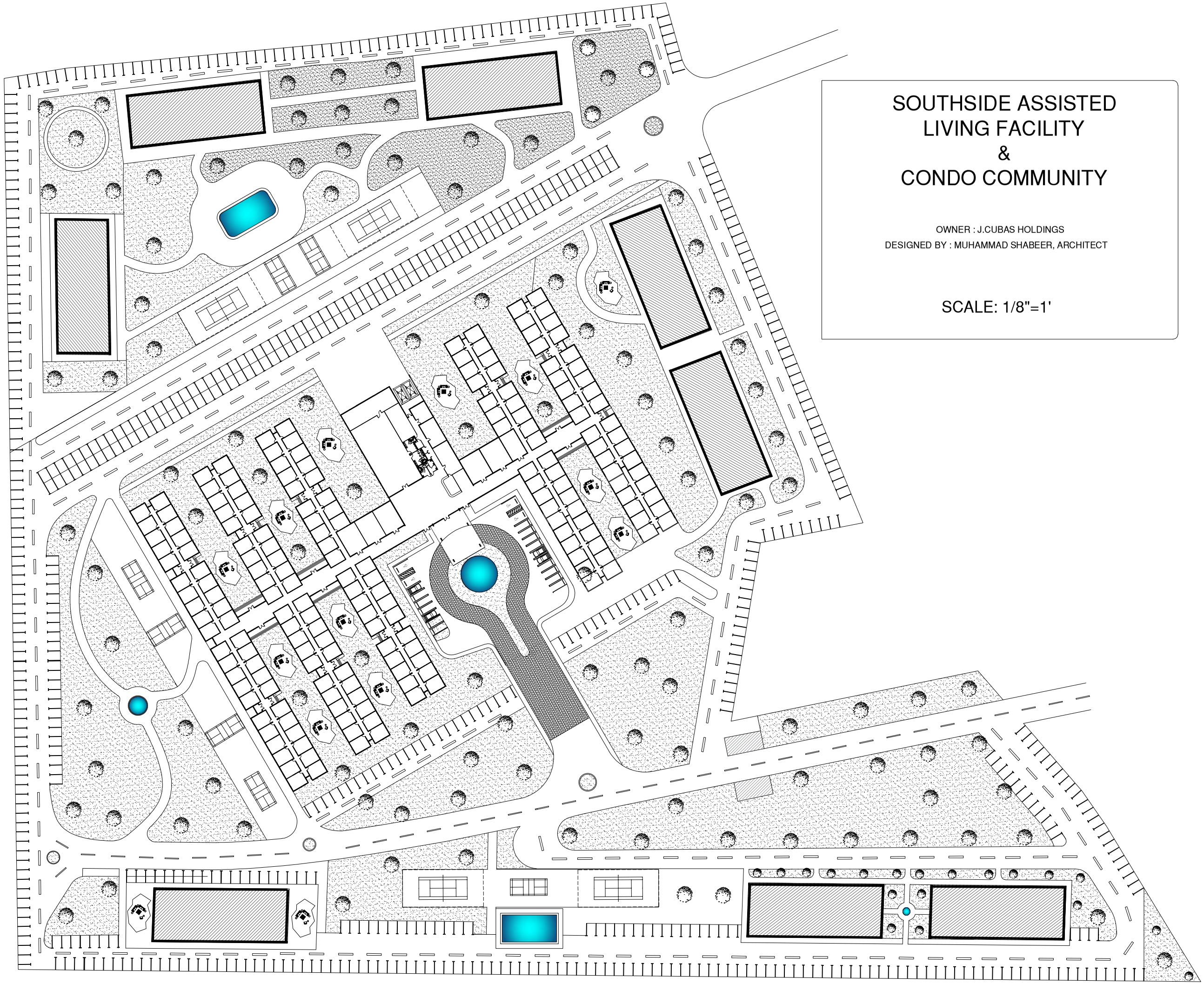
Street Names

House Numbers

Buildings

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri



SOUTHSIDE ASSISTED LIVING FACILITY & CONDO COMMUNITY

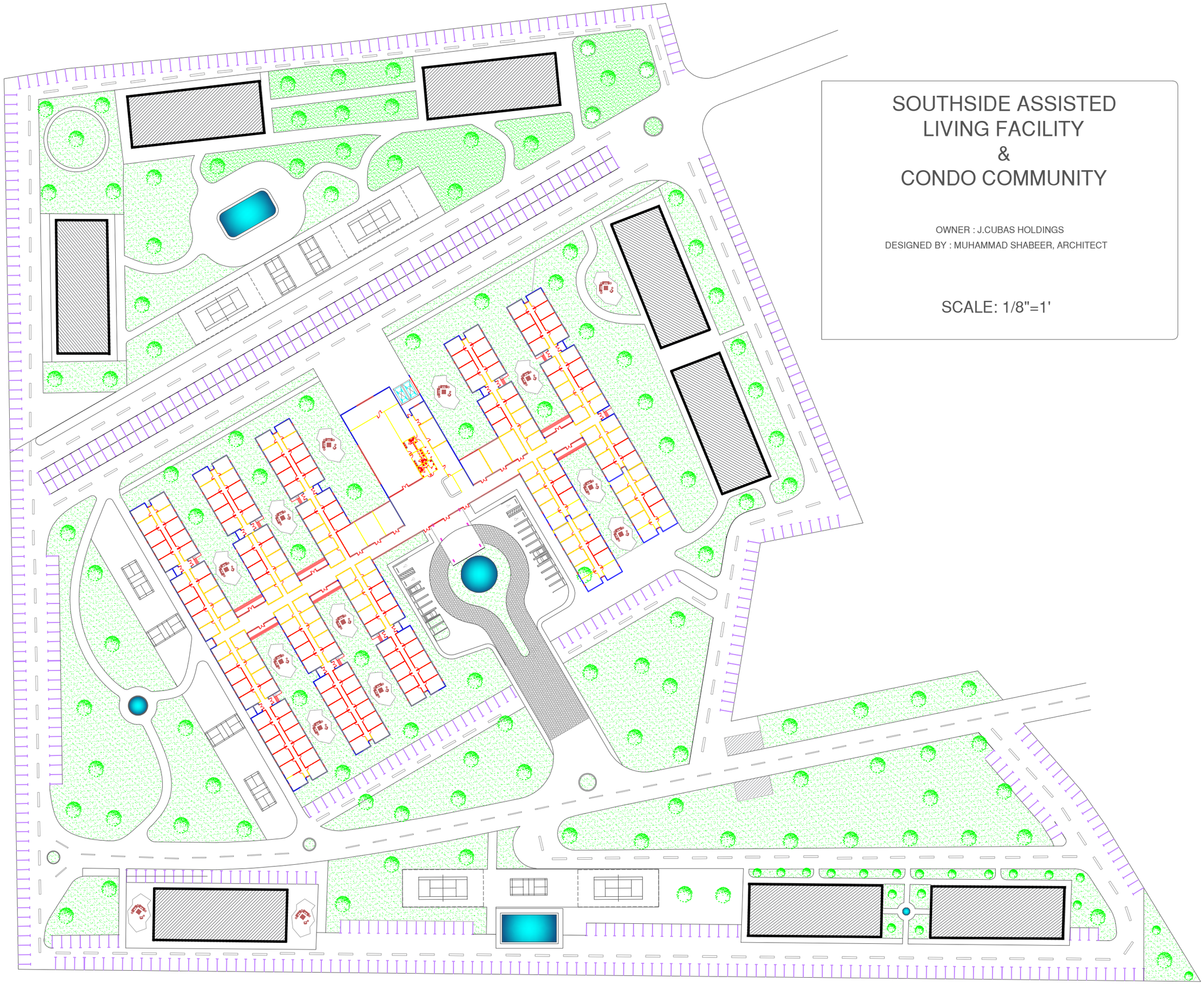
OWNER : J.CUBAS HOLDINGS

DESIGNED BY : MUHAMMAD SHABEER, ARCHITECT

SCALE: 1/8"=1'

SITE PLAN

PAGE : 1/3



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OWNER : J.CUBAS HOLDINGS

DESIGNED BY : MUHAMMAD SHABEER, ARCHITECT

SCALE: 1/8"=1'

SITE PLAN

PAGE : 2/3

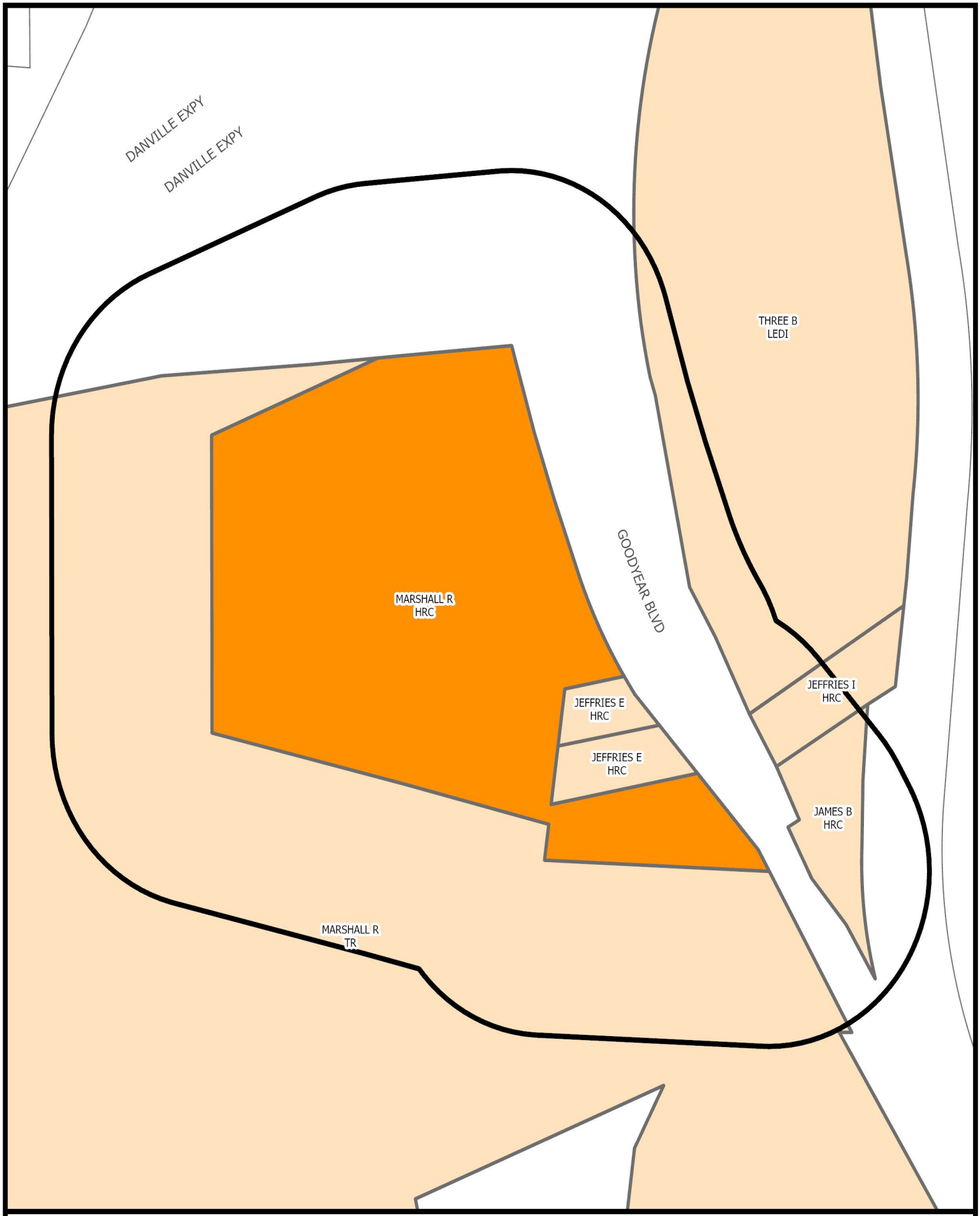
2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024

N

DANVILLE VIRGINIA

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

N

DANVILLE VIRGINIA

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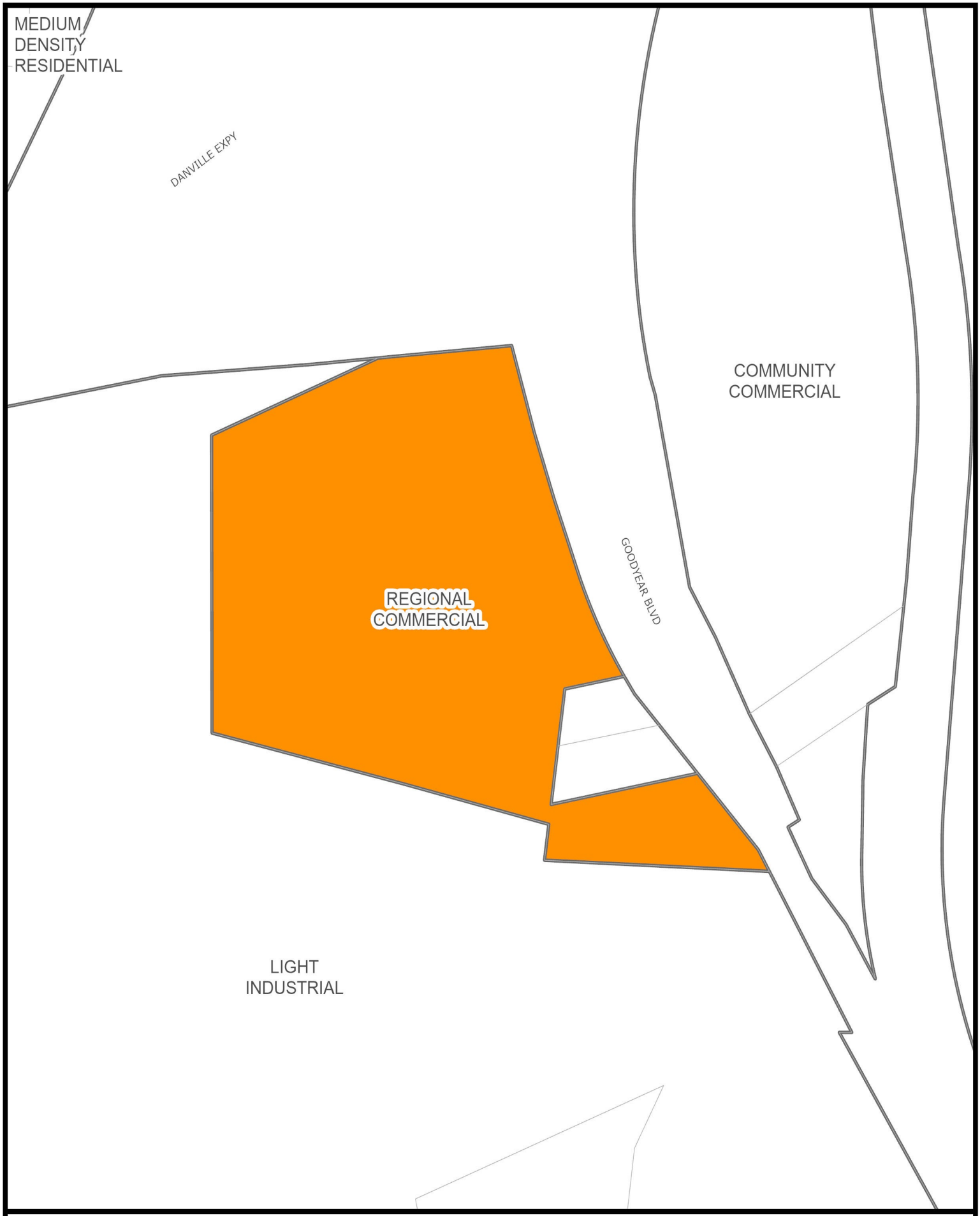

YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024

N

DANVILLE VIRGINIA

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

CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: OCTOBER 7, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING REQUEST APPLICATION PZ24-00490

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.

RECOMMENDATION
The Planning Commission, at their October 7, 2024, meeting voted 7 - 0 to recommend approval of Rezoning Request Application PZ24-00490 with the following conditions:

1. A plat must be recorded that consolidates 10.66 acres of Parcel ID 75939 with Parcel ID 76199.
2. A Traffic Impact Analysis is required and improvements completed per recommendations by the report and the City of Danville.

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1700 **NEW BUSINESS B.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Special Use Permit Application filed by J. Cubas Holdings, LLC to Allow Assisted Living Residences.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00491, J. Cubas Holdings LLC, Requesting a Special Use Permit to Allow Assisted Living Residences at Parcel 76199 and a 10.66 Acre Portion of Parcel ID 75939 (Goodyear Boulevard) in Accordance with Article 3.G. Section C Item 8.

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, Mulitfamily 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. The request for a waiver of maximum density is requested through application PZ24-00602.
The City of Danville has identified a need for housing for the elderly and assisted living units. The Danter Housing Study identified an existing deficit of 224 assisted living beds and 62 memory care beds. 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

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow housing for elderly and assisted living in accordance with Article 3.G Section C Item 8 at Parcel ID 76199 and a 10.66 acre portion of Parcel ID 75939.

Attachments

1. Ordinance
2. Special Use Permit Application
3. Application Submittal - Part 1
4. Application Submittal - Part 2
5. Application Submittal - Part 3
6. Site Plans - Parcel 91824
7. Highlighted Site Plan - Parcel 91824
8. Parcel 76199 Aerials Map
9. Parcel 76199 Owners Zoning Map
10. Parcel 76199 Land Use Map
11. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00491, J. CUBAS HOLDINGS LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW ASSISTED LIVING RESIDENCES AT PARCEL 76199 AND A 10.66 ACRE PORTION OF PARCEL ID 75939 (GOODYEAR BOULEVARD) IN ACCORDANCE WITH ARTICLE 3.G. SECTION C ITEM 8.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00491, filed by J. Cubas Holdings LLC, requesting a Special Use Permit to allow assisted living residences at Parcel ID 76199 and a 10.66 acre portion of Parcel ID 75939 (Goodyear Boulevard) in accordance with Article 3.G. Section C Item 8, be and the same is hereby received; and

BE IT FINALLY ORDAINED THAT, in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00491, filed by J. Cubas Holdings LLC, requesting a Special Use Permit to allow assisted living residences at Parcel ID 76199 and a 10.66 acre portion of Parcel ID 75939 (Goodyear Boulevard) in accordance with Article 3.G. Section C Item 8, is hereby granted and approved.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

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 assited living care.

Applicant Signature date 1/29/24

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

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

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

Comprehensive Land Use Change
&
Special Use Permit

HRC Highway Retail commercial
To
M-R Multifamily Residential

<u>Subject Property</u>
Parcel GPIN: 76199
Danville, Virginia

Applicant
J. Cubas Holdings, LLC
Joe Cubas, Manager

August 29, 2024

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Exhibits

Conceptual Site Plans
Existing Surveys
Aerial View of Subject Property
City of Danville Zoning Map
City of Danville Existing Utilities Map
City of Danville Flood Zone Map
Renderings

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

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, ROBERT T. MARSHALL JR. AND PATRICIA MARSHALL Telephone: 434-489-1444

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

1/29/24 — Applicant Signature date

1/29/2024 — Property Owner Signature (If not applicant) date

1/28/24 — Property Owner. Date

Property Owner. Date

City of Danville
Community Development
Planning Division

CITY PLANNING COMMISSION

SPECIAL USE PERMIT APPLICATION

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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.
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PLANNING DIVISION PROVIDED INFORMATION

Application #: _____ PC Meeting Date: _____

Date Received: _____ Received By: _____

Parcel ID: _____ Address: _____

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

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

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

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

Authentisign ID: 00847370-1A9A-EE11-BEA1-B048D0B973C

REALTOR®

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]**: [X] 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.

Hauser Realty Group, 1325 West Main St Danville VA 24541-1317 Phone: 434-792-3000 Fax: 434.792.2757 Marshall Goodyear
Mike Searer
Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

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

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

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

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

Authentisign
Robert T Marshall, Jr 01/23/2024
Seller
Printed Name: **ROBERT T MARSHALL, JR**
Title (if applicable):
Date:

Authentisign
Danny W Marshall 01/23/24

Selling Company's Name and Address

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

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

Listing Company's Name and Address

HAUSER REALTY GROUP
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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Authentisign ID: 86BDBF6A-B6DC-EE11-85FB-6045BDDAA143

REALTOR®

VIRGINIA REALTORS®
AMENDMENT TO COMMERCIAL PURCHASE AGREEMENT
AMENDMENT # 1

EQUAL HOUSING OPPORTUNITY

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 origionally executed.

PURCHASER:

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

_____ / _____
DATE SIGNATURE

_____ / _____
DATE SIGNATURE

_____ / _____
DATE SIGNATURE

SELLER:

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

03/07/2024 / Authentisign Robert T Marshall, Jr
DATE SIGNATURE
ROBERT T MARSHALL, JR

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

_____ / _____
DATE SIGNATURE

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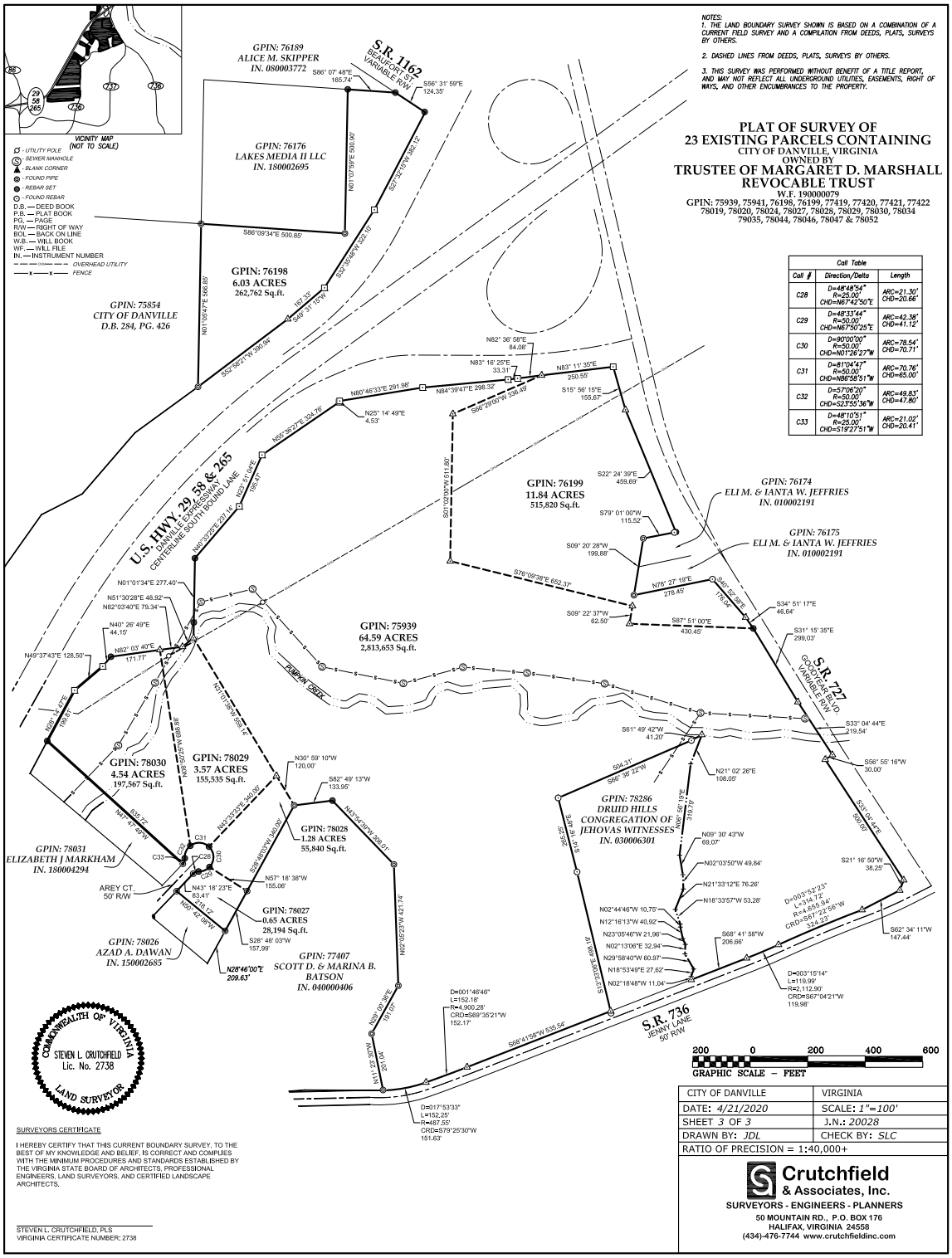
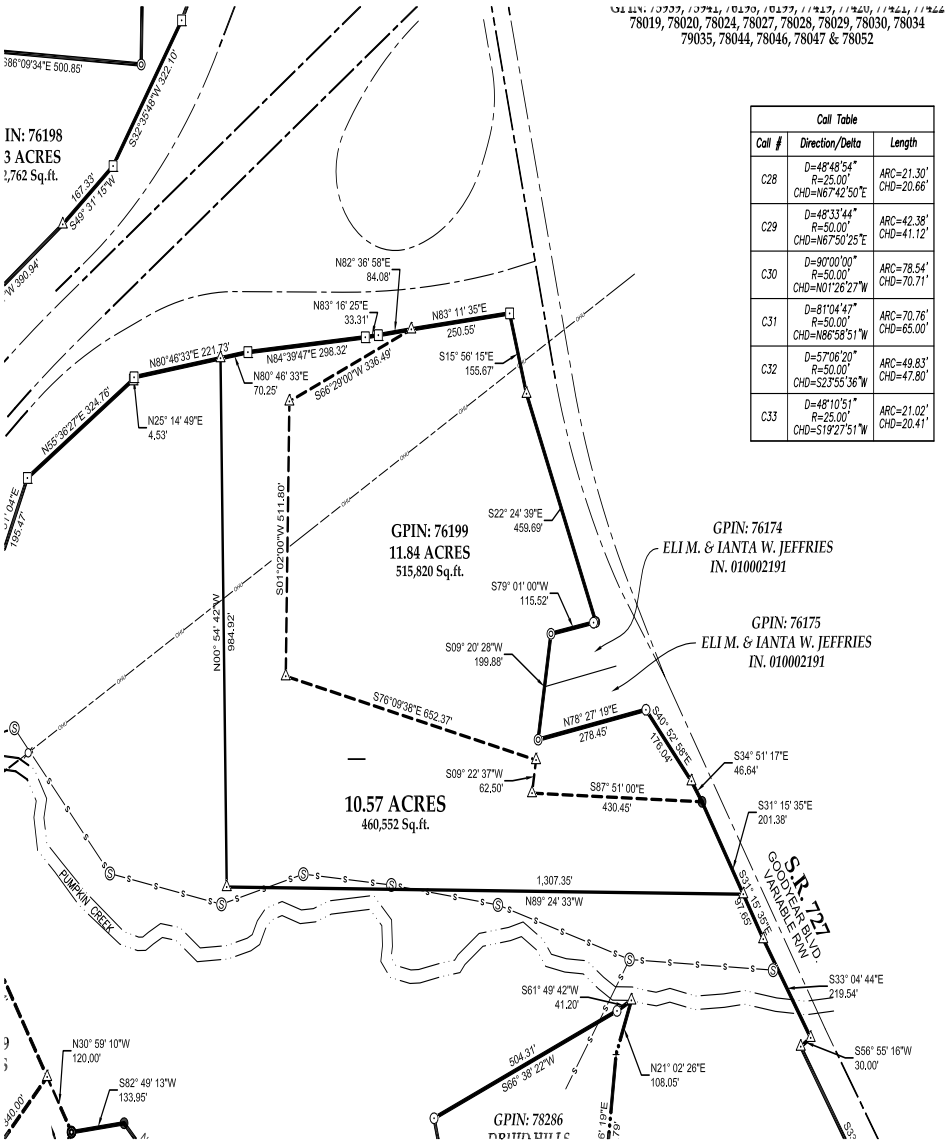
Hauser Realty Group, 1225 West Main St Danville VA 24541-1317 Phone: 434-792-3000 Fax: 434.792.2757 Marshall Goodyear
Mike Scearce
Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com


NOTES:
1. THE LAND BOUNDARY SURVEY SHOWN IS BASED ON A COMBINATION OF A CURRENT FIELD SURVEY AND A COMPILATION FROM DEEDS, PLATS, SURVEYS BY OTHERS.
2. DASHED LINES FROM DEEDS, PLATS, SURVEYS BY OTHERS.
3. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE REPORT, AND MAY NOT REFLECT ALL UNDERGROUND UTILITIES, EASEMENTS, RIGHT OF WAYS, AND OTHER ENCUMBRANCES TO THE PROPERTY.
PLAT OF SURVEY OF
23 EXISTING PARCELS CONTAINING
CITY OF DANVILLE, VIRGINIA
OWNED BY
TRUSTEE OF MARGARET D. MARSHALL REVOCABLE TRUST
W.F. 190000079
GPIN: 75939, 75941, 76198, 76199, 77419, 77420, 77421, 77422 78019, 78020, 78024, 78027, 78028, 78029, 78030, 78034 79035, 78044, 78046, 78047 & 78052
VICINITY MAP (NOT TO SCALE)
- UTILITY POLE
- SEWER MANHOLE
- BLANK CORNER
- FOUND PIPE
- REBAR SET
- FOUND REBAR
D.B. — DEED BOOK
P.B. — PLAT BOOK
PG. — PAGE
R/W — RIGHT OF WAY
BOL — BACK ON LINE
W.B. — WILL BOOK
WF. — WILL FILE
IN. — INSTRUMENT NUMBER
OVERHEAD UTILITY
FENCE
GPIN: 76189
ALICE M. SKIPPER
IN. 080003772
GPIN: 76176
LAKES MEDIA II LLC
IN. 180002695
GPIN: 76198
6.03 ACRES
262,762 Sq.ft.
GPIN: 75854
CITY OF DANVILLE
D.B. 284, PG. 426
S.R. 1162
BEAUFORT ST
VARIABLE R/W
U.S. HWY. 29, 58 & 265
DANVILLE EXPRESSWAY
CENTERLINE SOUTHBOUND LANE
GPIN: 76199
11.84 ACRES
515,820 Sq.ft.
GPIN: 76174
ELI M. & IANTA W. JEFFRIES
IN. 010002191
GPIN: 76175
ELI M. & IANTA W. JEFFRIES
IN. 010002191
GPIN: 75939
64.59 ACRES
2,813,653 Sq.ft.
PUMPKIN CREEK
GPIN: 78030
4.54 ACRES
197,567 Sq.ft.
GPIN: 78029
3.57 ACRES
155,535 Sq.ft.
GPIN: 78028
1.28 ACRES
55,840 Sq.ft.
GPIN: 78027
0.65 ACRES
28,194 Sq.ft.
GPIN: 78031
ELIZABETH J MARKHAM
IN. 180004294
AREY CT.
50' R/W
GPIN: 78026
AZAD A. DAWAN
IN. 150002685
GPIN: 77407
SCOTT D. & MARINA B. BATSON
IN. 040000406
GPIN: 78286
DRUID HILLS CONGREGATION OF JEHOVAS WITNESSES
IN. 030006301
S.R. 727
GOODYEAR BLVD.
VARIABLE R/W
S.R. 736
JENNY LANE
50' R/W
Call Table
Call # | Direction/Delta | Length
C28 | D=48°48'54" R=25.00' CHD=N67°42'50"E | ARC=21.30' CHD=20.66'
C29 | D=48°33'44" R=50.00' CHD=N67°50'25"E | ARC=42.38' CHD=41.12'
C30 | D=90°00'00" R=50.00' CHD=N01°26'27"W | ARC=78.54' CHD=70.71'
C31 | D=81°04'47" R=50.00' CHD=N86°58'51"W | ARC=70.76' CHD=65.00'
C32 | D=57°06'20" R=50.00' CHD=S23°55'36"W | ARC=49.83' CHD=47.80'
C33 | D=48°10'51" R=25.00' CHD=S19°27'51"W | ARC=21.02' CHD=20.41'
GRAPHIC SCALE – FEET
200 0 200 400 600
COMMONWEALTH OF VIRGINIA
STEVEN L. CRUTCHFIELD
Lic. No. 2738
LAND SURVEYOR
SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS CURRENT BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS.
STEVEN L. CRUTCHFIELD, PLS
VIRGINIA CERTIFICATE NUMBER: 2738
CITY OF DANVILLE | VIRGINIA
DATE: 4/21/2020 | SCALE: 1"=100'
SHEET 3 OF 3 | J.N.: 20028
DRAWN BY: JDL | CHECK BY: SLC
RATIO OF PRECISION = 1:40,000+
Crutchfield & Associates, Inc.
SURVEYORS - ENGINEERS - PLANNERS
50 MOUNTAIN RD., P.O. BOX 176
HALIFAX, VIRGINIA 24558
(434)-476-7744 www.crutchfieldinc.com



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C31	D=81°04'47" R=50.00' CHD=N86°58'51"W	ARC=70.76' CHD=65.00'
C32	D=57°06'20" R=50.00' CHD=S23°55'36"W	ARC=49.83' CHD=47.80'
C33	D=48°10'51" R=25.00' CHD=S19°27'51"W	ARC=21.02' CHD=20.41'

Authentisign ID: 88499566-5F3D-EF11-86D4-6045BDEF834A

REALTOR®

VIRGINIA REALTORS®
AMENDMENT TO COMMERCIAL PURCHASE AGREEMENT
AMENDMENT # 2

EQUAL HOUSING OPPORTUNITY

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 origionally executed.

PURCHASER:

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

DATE / SIGNATURE

DATE / SIGNATURE

DATE / SIGNATURE

SELLER:

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

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

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

DATE / SIGNATURE

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

Hauser Realty Group, 1225 West Main St Danville VA 24541-1317 Phone: 434-792-3000 Fax: 434.792.2757 Marshall Goodyear
Mike Searce
Produced with Lone Wolf Transactions (zipForm Edition) 717 N Harwood St, Suite 2200, Dallas, TX 75201 www.lwolf.com

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

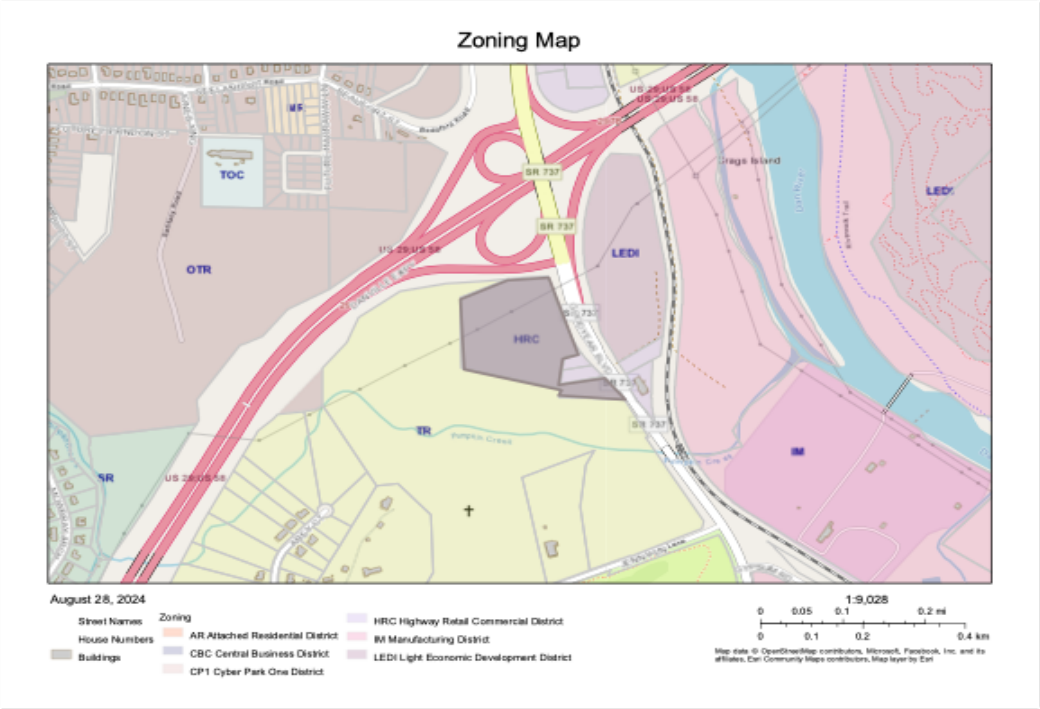
Patricia Marshall, Owner

Date: 1/24/2024

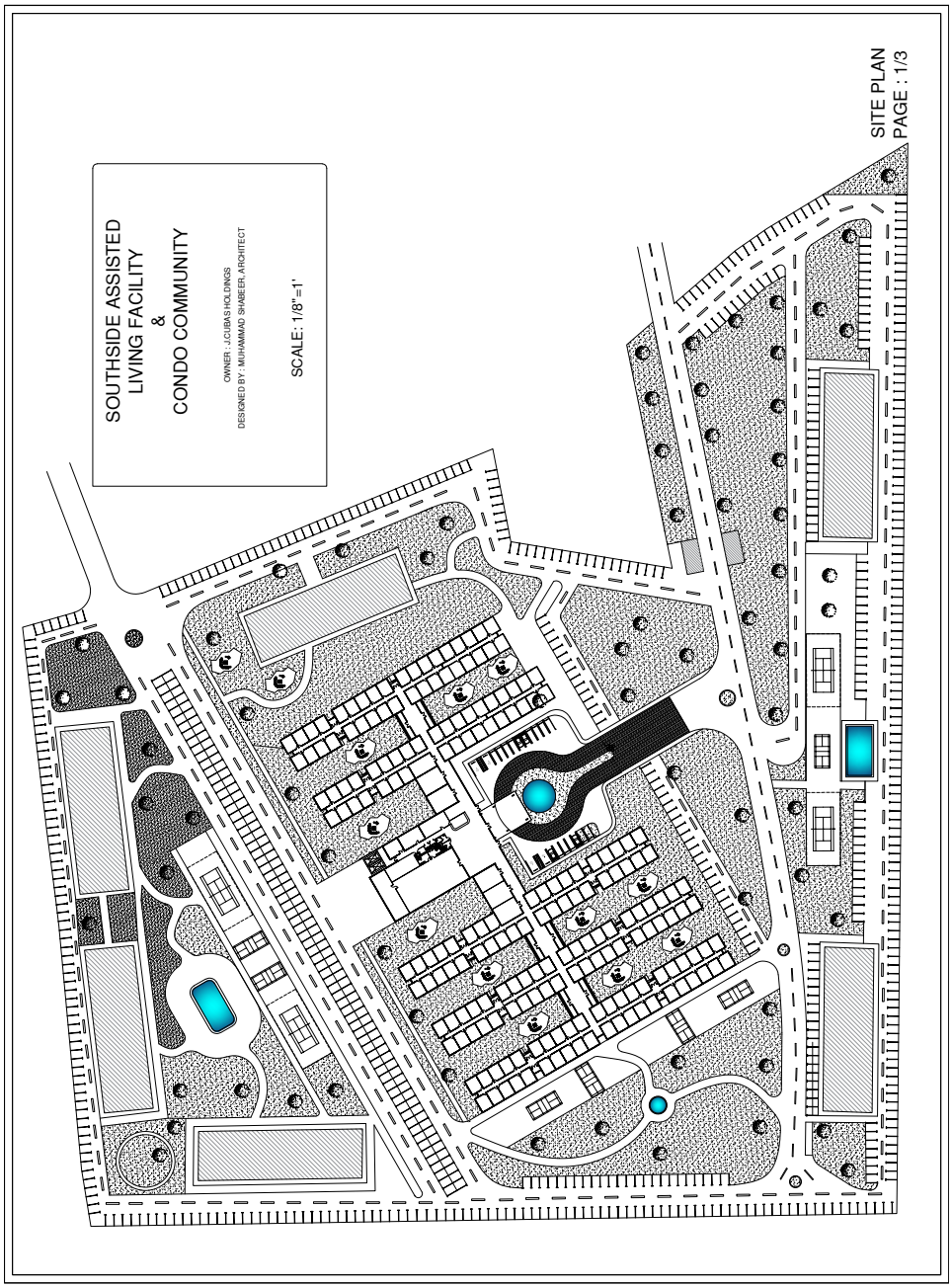
BACKGROUND

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.~~57~~ .66 acres for a grand total of 22.~~41~~ .50 acres.

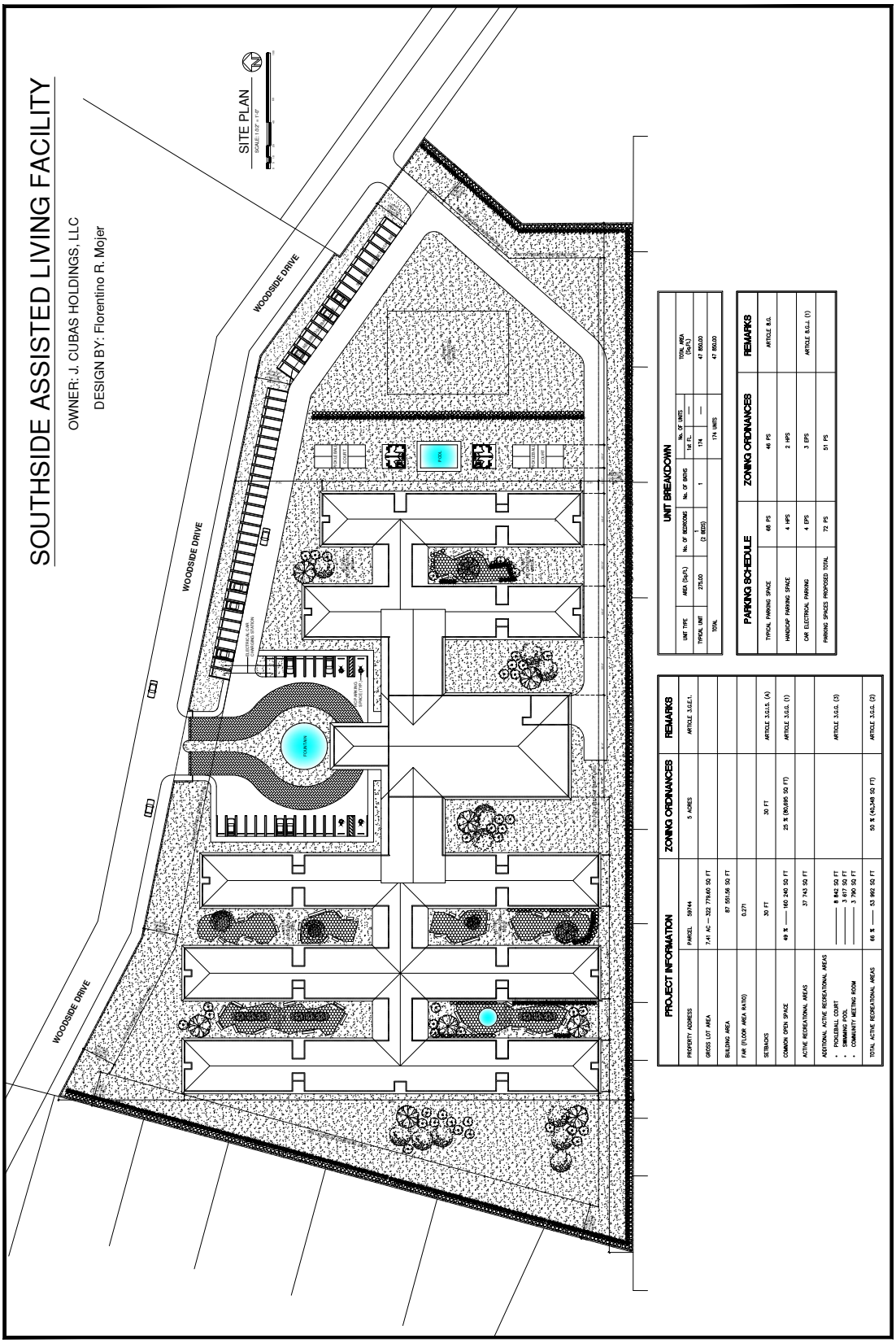
The parcel is presently zoned HRC Highway Retail Commercial with a land use of Residential and located at the intersection of Goodyear Boulevard and Hwy 29/58.



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.~~41~~ .50 acres of the overall 22.~~41~~ .50 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.



PLEASE DISREGARD PAGE 16



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.

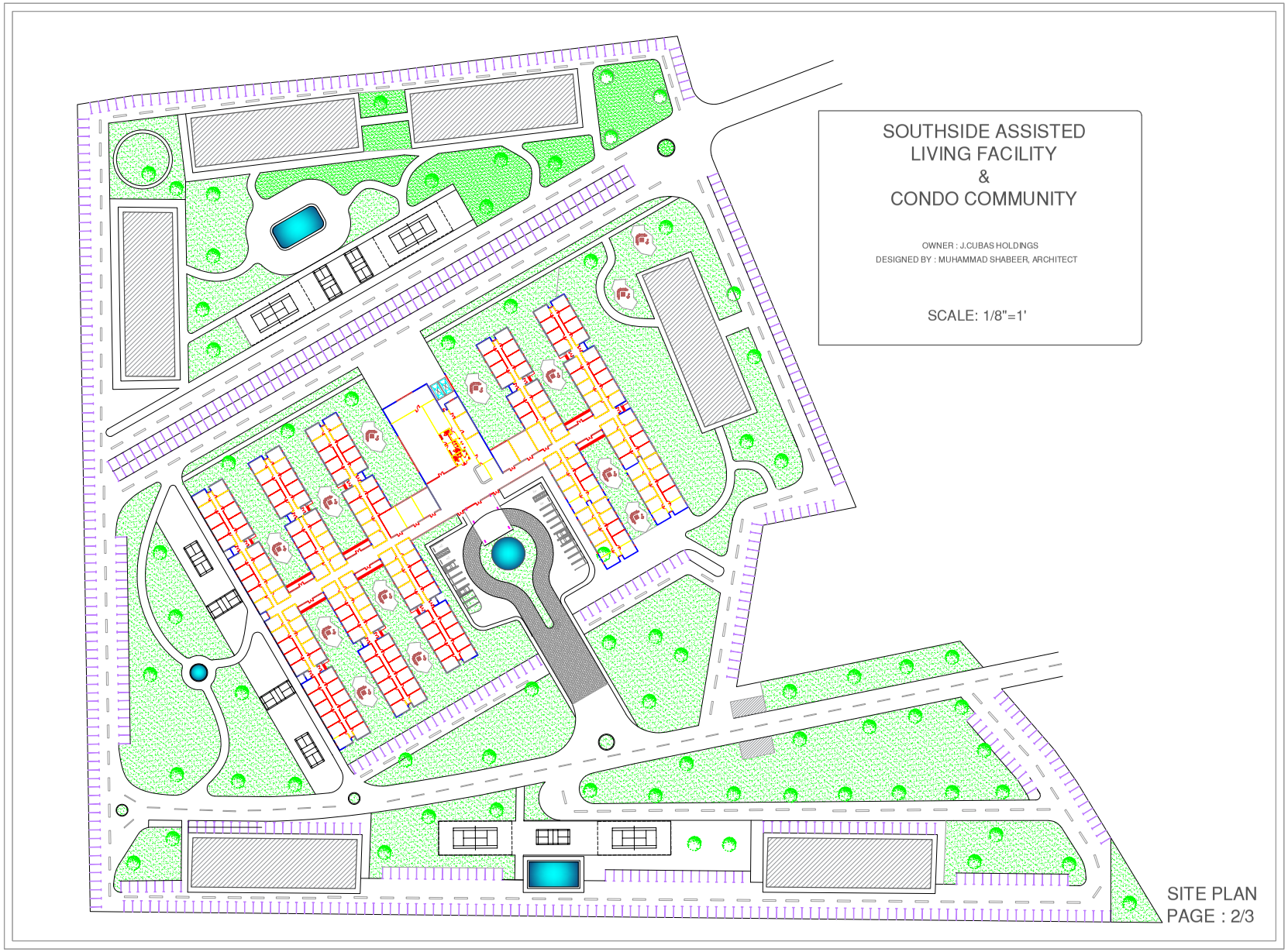
Some of those goals and objectives are to maintain sustainable growth & land use in an effort to promote a balanced mix of residential, commercial, and industrial uses which will accommodate the needs of existing businesses and residents and encourage well-planned development/redevelopment opportunities 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 7.~~41~~ .50 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. <u>Consistency with the City of Danville Code, Ordinances & Virginia Administrative Code</u>

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.~~41~~ .50 acres of the overall 22.~~41~~ .50 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.


SOUTHSIDE ASSISTED
LIVING FACILITY
&
CONDO COMMUNITY
OWNER : J.CUBAS HOLDINGS
DESIGNED BY : MUHAMMAD SHABEER, ARCHITECT
SCALE: 1/8"=1'
SITE PLAN
PAGE : 2/3

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.~~41~~ .50 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 7.~~41~~ .50 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 ~~244,032~~ 245,025 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	15.0 ac	5.ac	Article 3.G.E.1	
Overall Total Acres	22.~~41~~ .50 ac			
Overall Gross Lot Area	~~976,180~~ sf 980,100 SF			
Gross Lot Area-Proffered ALF	~~322,780~~ sf. 326,700 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)	
Proferred- ALF	177,793 sf	~~55%~~ 54%		
Condos	295,958 sf	~~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
Proferred-ALF	103,576 sf	58%		
Condos	130,635 sf	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~~ sf 72,000 SF			
FAR (Floor Area Ration)-Condos	~~0.128~~ 0.110			
Density-Proferred ALF	24 Units / Ac		Article 3. G. A, D.2	
Density-Condos	16 Units /Ac		Article 3. G A. D.3	
Units-Proferred ALF	180 Units			
Units- Condo	240 Units			
Total Number of Units	420 Units			
Number of Floors-Proferred 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-Proferred ALF	58	46	Article 8. G	
Handicap Parking Spaces-ALF	4	2		
EV Parking Spaces-ALF	4	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	13	12.8	Article 8. J. 1.	
Proposed Parking Spaces -Condos	640	240	Article 8. G	Plus (76) total spaces dedicated for ALF
Overalll Parking Spaces - ALF & Condos	706			

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.

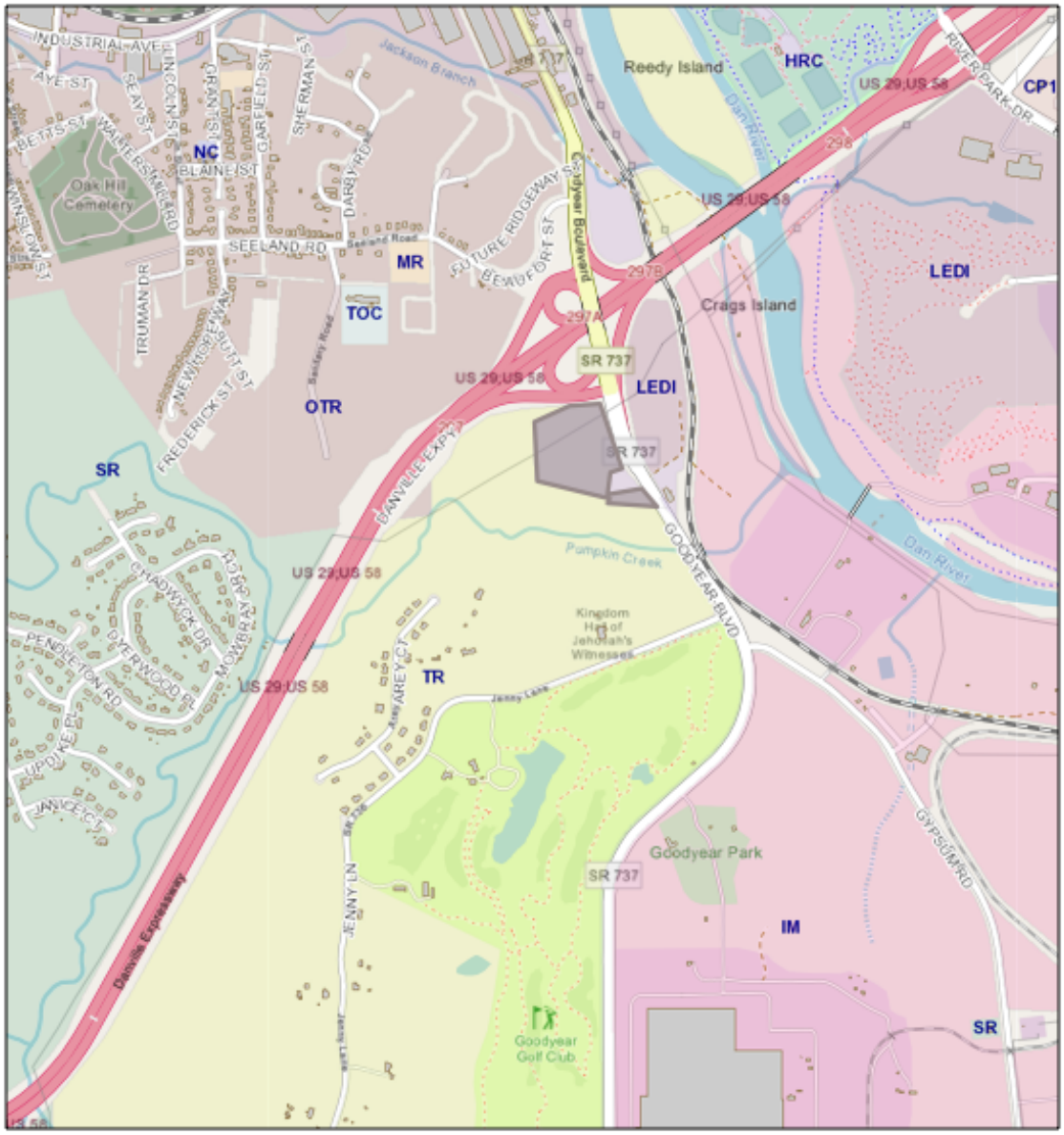
M-R Multi-family Residential Developments As shown on the City of Danville GIS Maps below, the development of the subject property will take access from the east end of Goodyear Boulevard, a "Major Collector Road" as identified by VDOT's road classification system. Goodyear Boulevard is a two-lane road 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 perpective, 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

0 0.13 0.25 0.5 mi

0 0.2 0.4 0.8 km

Street Names

House Numbers

Buildings

Zoning

AR Attached Residential District

CBC Central Business District

CP1 Cyber Park One District

HRC Highway Retail Commercial District

IM Manufacturing District

LEDI Light Economic Development District

MHPR Mobile Home Park District

MR Multi-family Residential District

NC Neighborhood Retail Commercial District

NTR Neo-tradtional 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 potion 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).

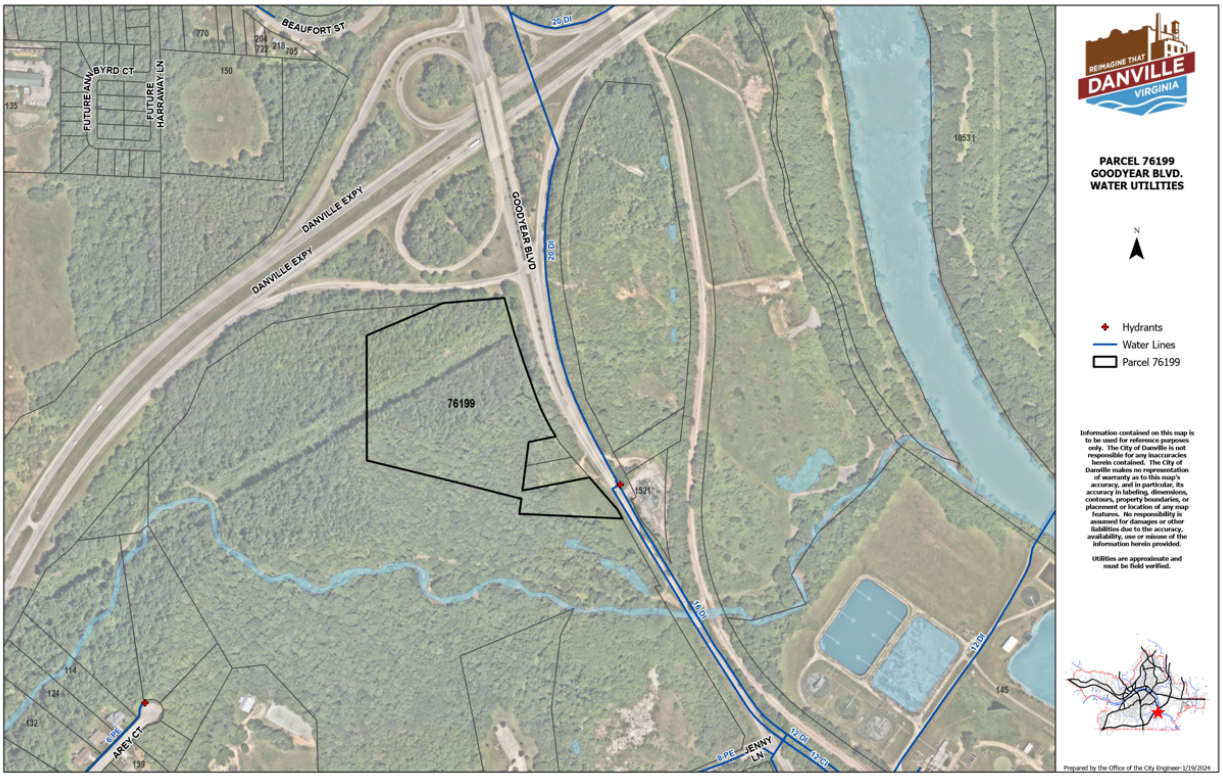
In summary, a total of 66 parking spaces have been provided for the elderly housing / assisted living facility development of the subject property while an additional 640 parking spaces have been provided for the mid-rise condo development for a grand total of 706 parking spaces.

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.

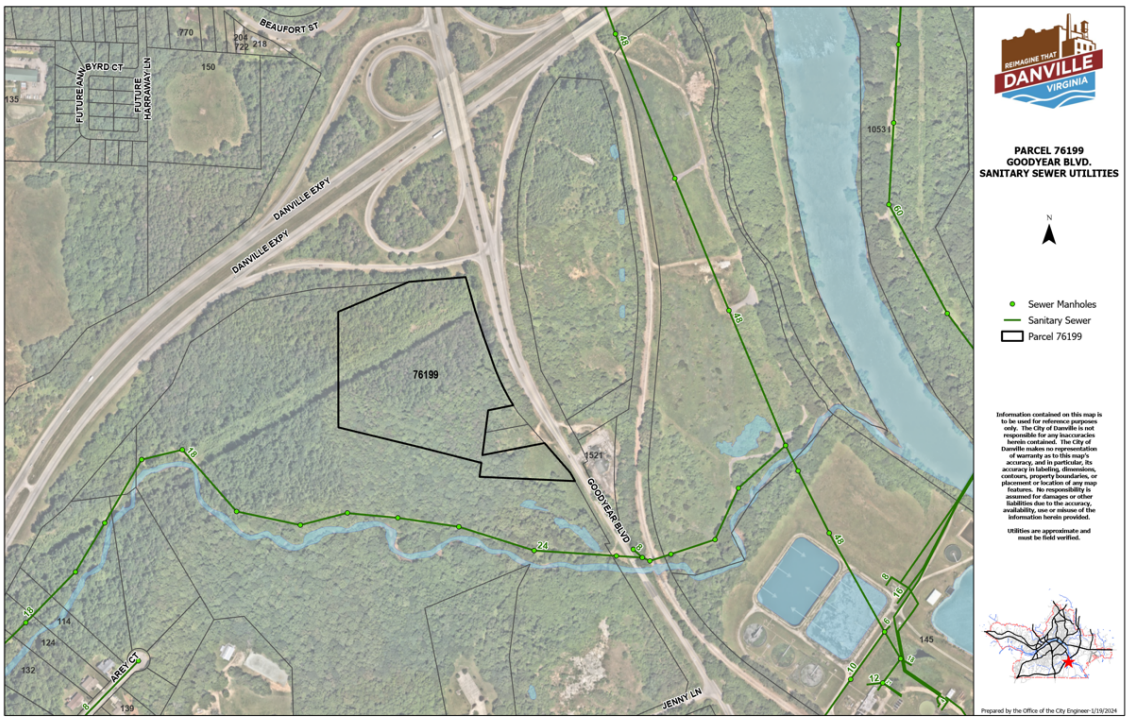
6. Adequate Public Facilities

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.

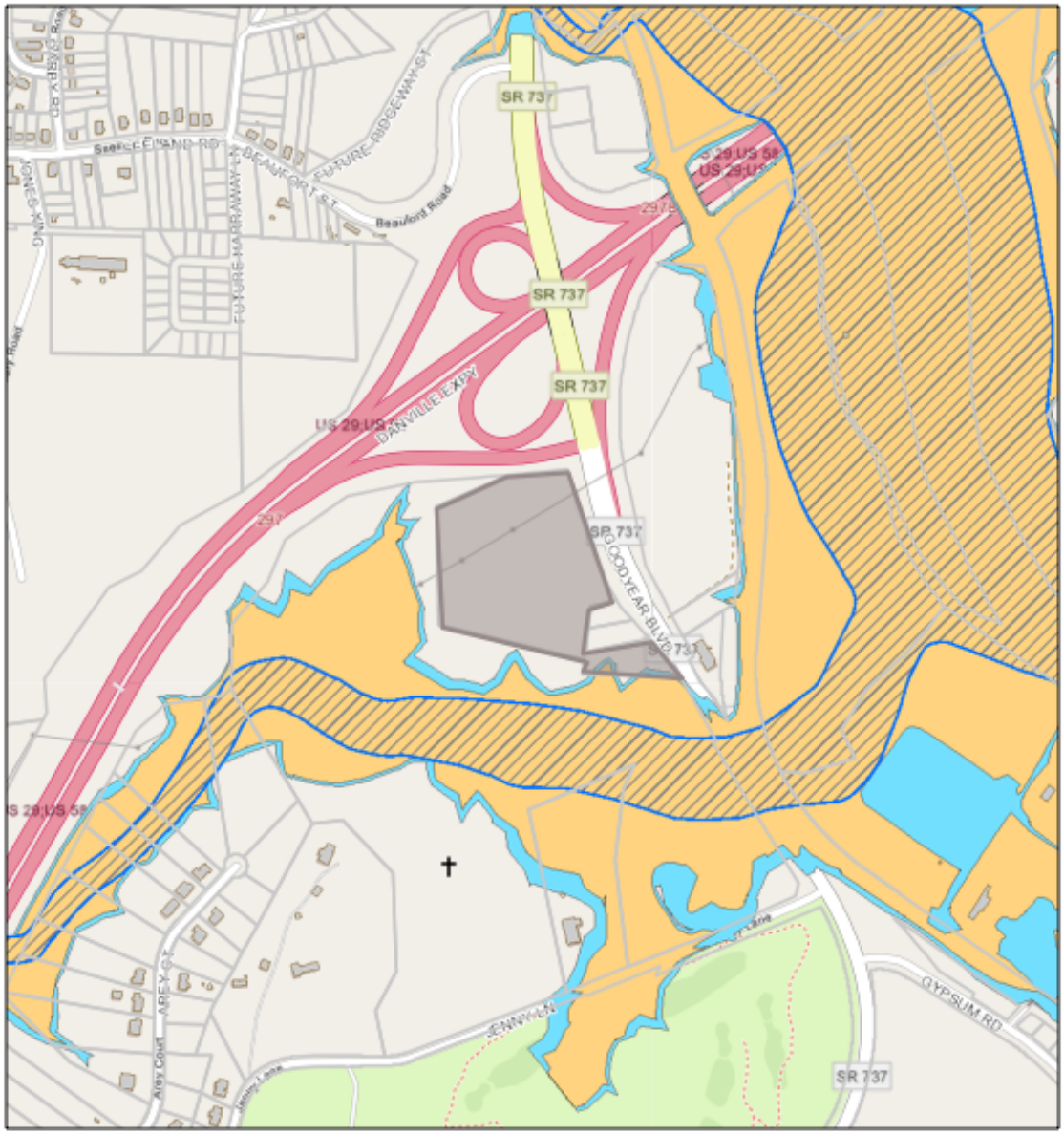
Existing Water Line Location Map



Existing Sewer Lines Location Map



Flood Zone Map



August 28, 2024

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

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

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

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.~~4~~ .5 acres of the overall 22.~~41~~ .50 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.~~41~~ .50 acres of vacant land. The Conceptual Site Plans show the development of 7.~~41~~ .50 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 ~~six (6)~~ eight (8) 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.

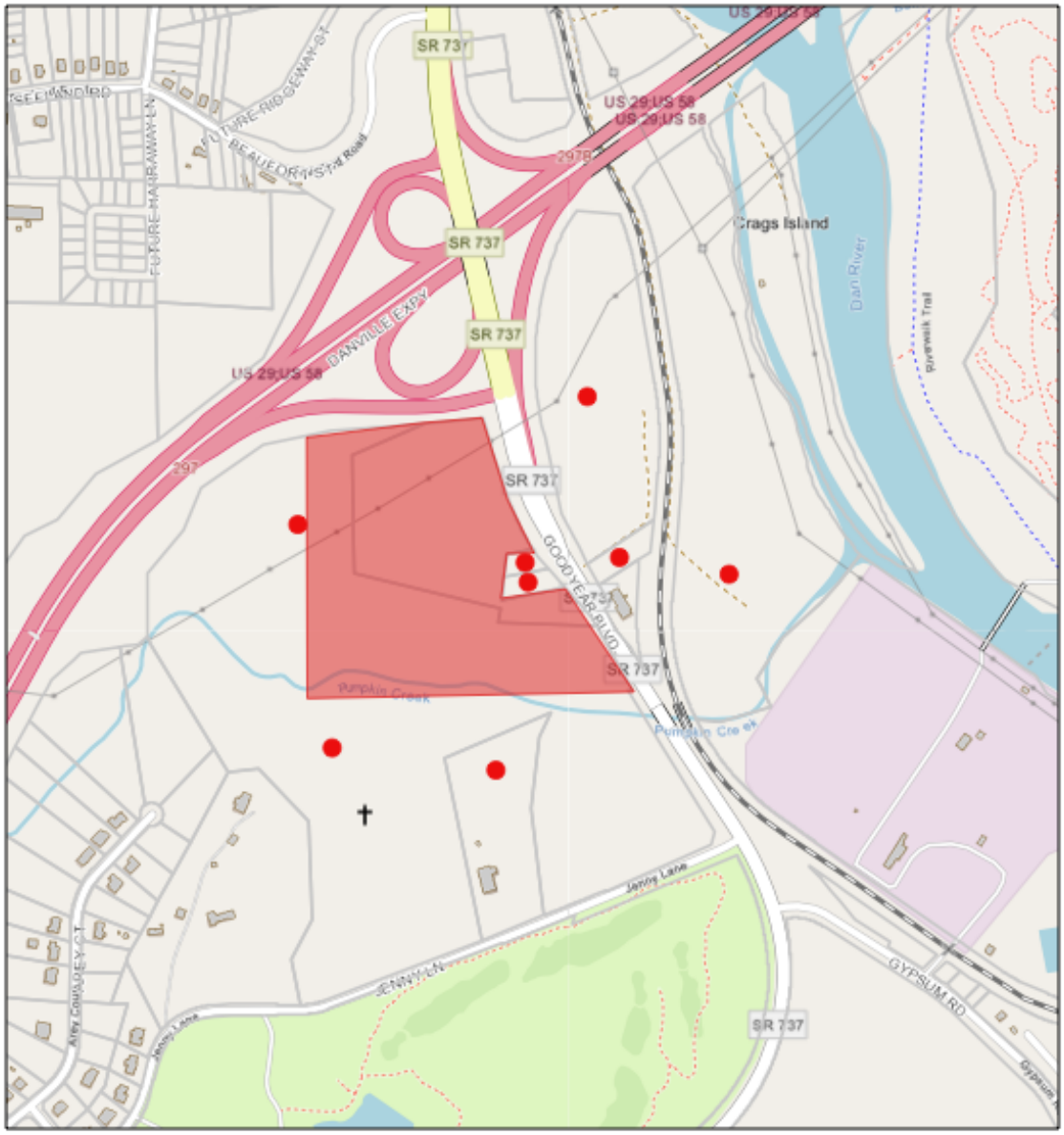
The City of Danville has indicated that the water & sewer main lines are located at, or within the subject property. Therefore, in accordance with the City of Danville Comprehensive Plan, Chapter 41 and Chapter 450 of the Virginia Administrative Code, the subject property will connect to City water.

Currently, the Conceptual Site Plans initially show an Impervious Surface Ration (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 ~~0.128~~ 0.110 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. <u>List & GIS Map of Surrounding Property Owners Notified</u>

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, Åò B, 2-17-04)

Surrounding Property Owners



August 28, 2024

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0 0.05 0.1 0.2 mi

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Street Names

House Numbers

Buildings

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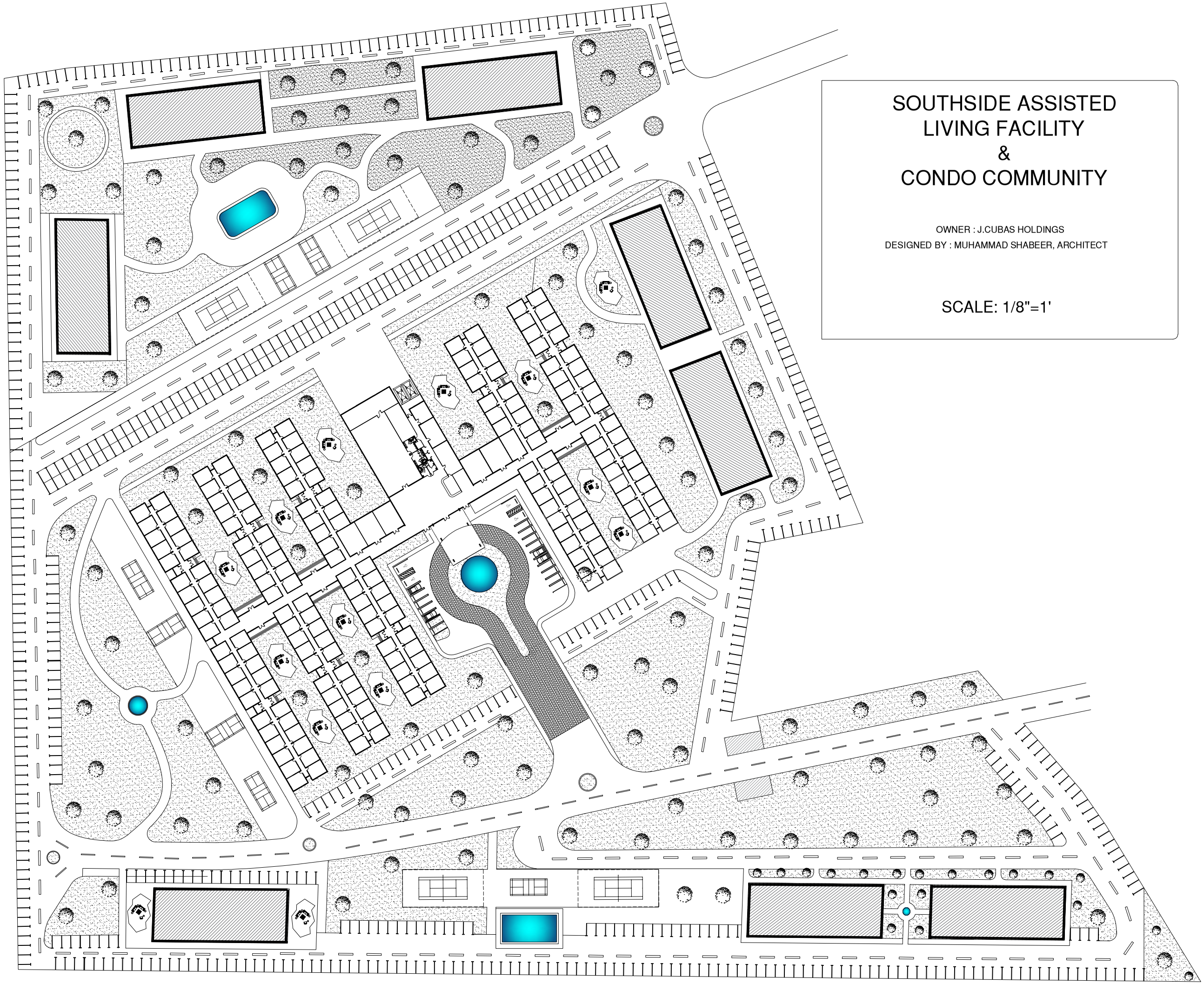


SOUTHSIDE ASSISTED LIVING FACILITY & CONDO COMMUNITY

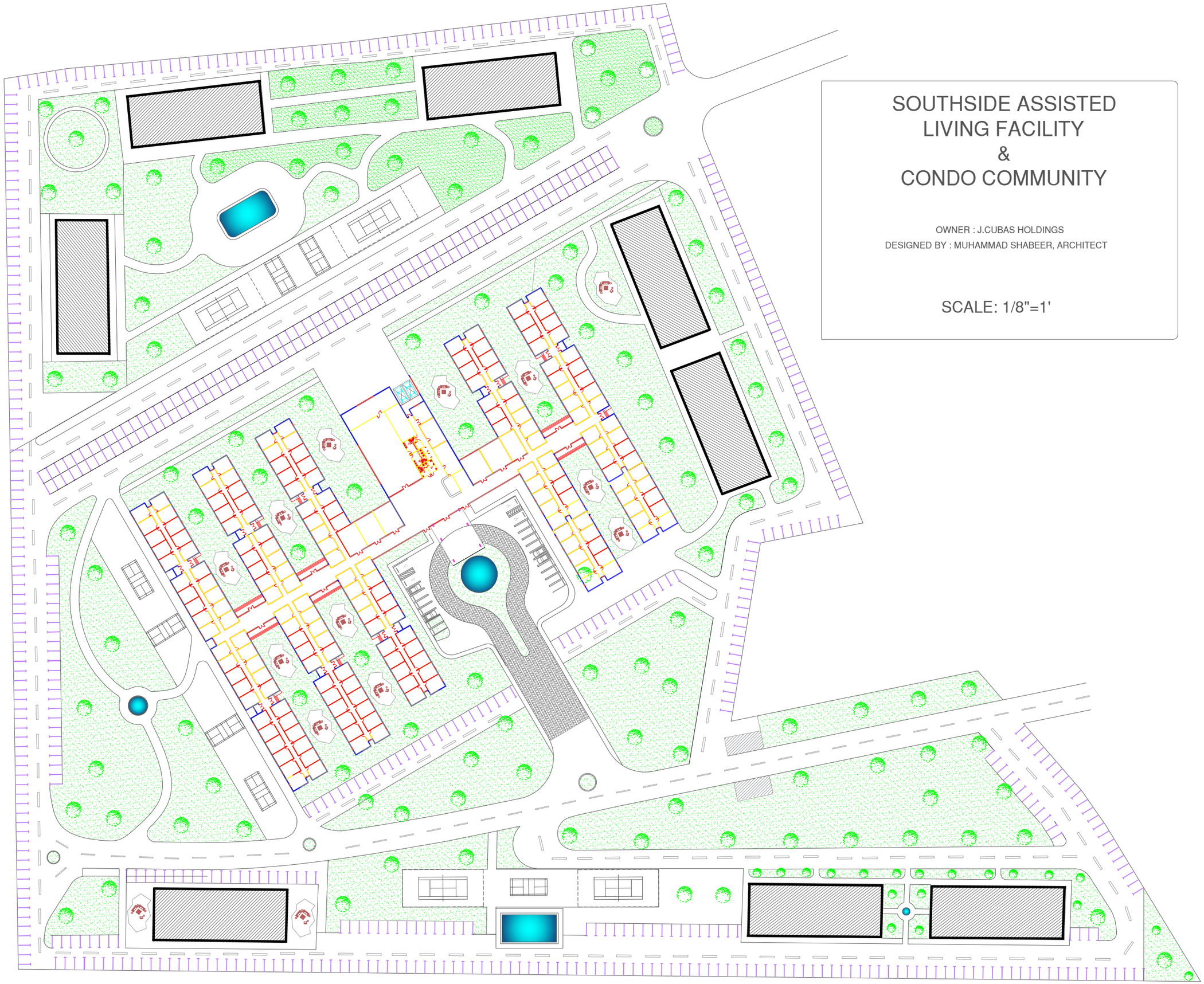
OWNER : J.CUBAS HOLDINGS

DESIGNED BY : MUHAMMAD SHABEER, ARCHITECT

SCALE: 1/8"=1'

SITE PLAN

PAGE : 1/3



SOUTHSIDE ASSISTED LIVING FACILITY & CONDO COMMUNITY

OWNER : J.CUBAS HOLDINGS

DESIGNED BY : MUHAMMAD SHABEER, ARCHITECT

SCALE: 1/8"=1'

SITE PLAN

PAGE : 2/3

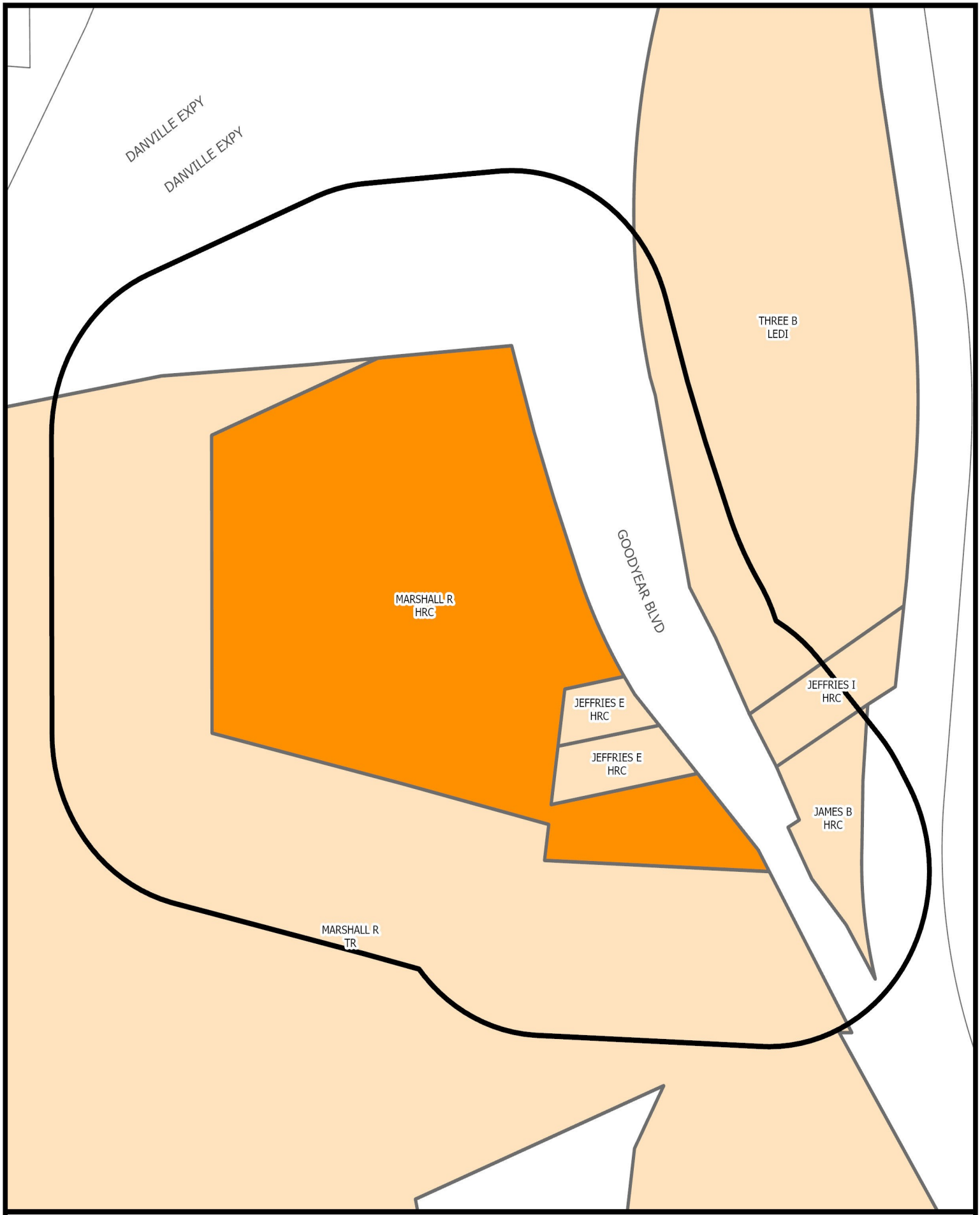
2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024

N

DANVILLE VIRGINIA

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

N

DANVILLE VIRGINIA

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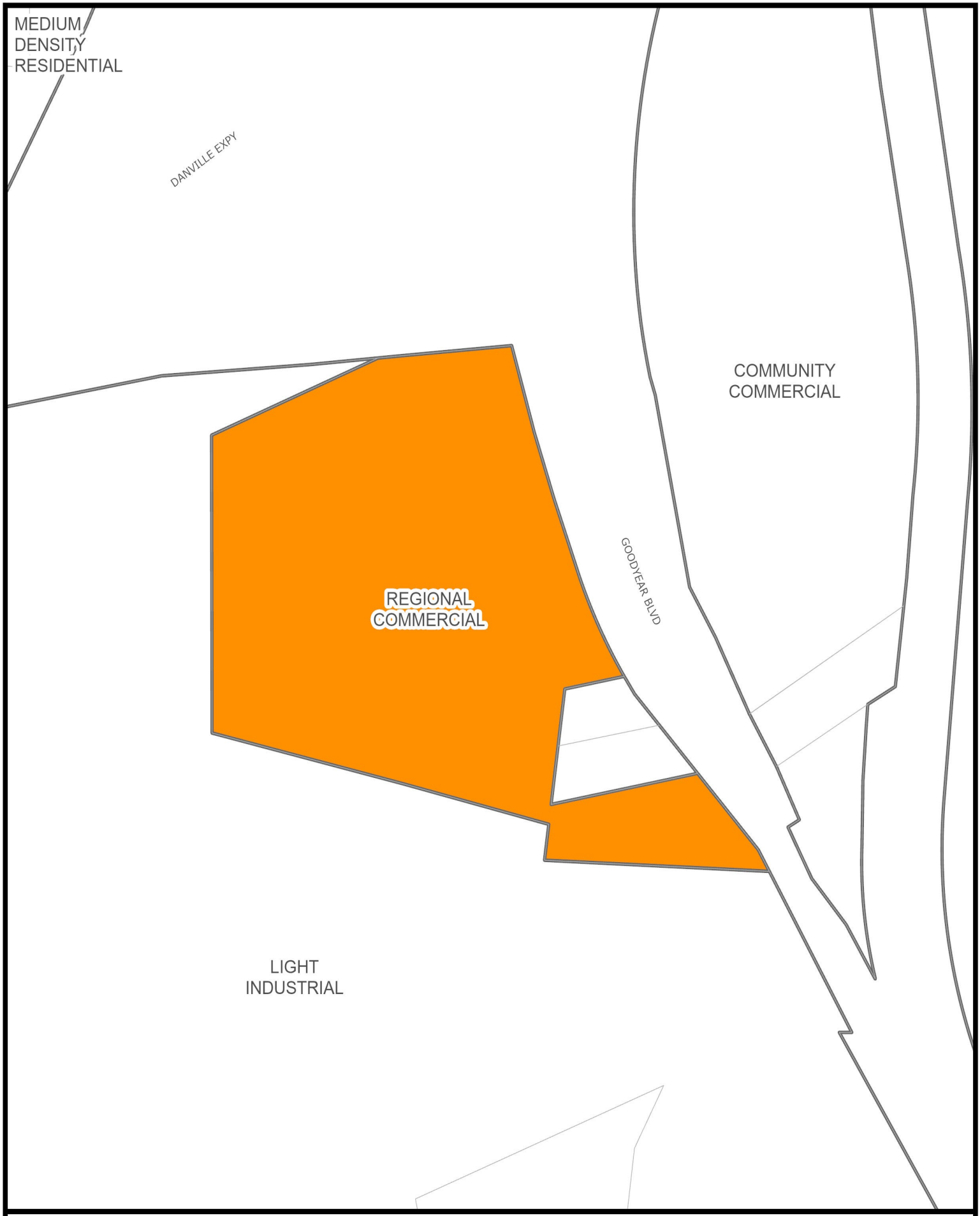

YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
9/10/2024

N

DANVILLE VIRGINIA

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CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: OCTOBER 7, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00491

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 at Parcel 76199 and a portion of Parcel 75939 (Goodyear Blvd).

RECOMMENDATION
The Planning Commission, at their October 7, 2024, meeting voted 7 - 0 to recommend approval of Special Use Permit Application PZ24-00491.

Steve Petrick RB
Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1733 **NEW BUSINESS C.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Special Use Permit Application filed by J. Cubas Holdings, LLC to Grant a Waiver of Maximum Density

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24-00602, J. Cubas Holdings LLC, Requesting a Special Use Permit to Allow a Waiver of Maximum Density at Parcel 76199 and a 10.66 Acre Portion of Parcel ID 75939 (Goodyear Boulevard) in Accordance with Article 3.G. Section C Item 8.

BACKGROUND

The applicant, J. Cubas Holdings, LLC is requesting to allow a waiver of maximum density for the development of an assisted living facility in accordance with Article 3.G Section C Item 21. The subject property is 22.50 acres and includes Parcel 76199 and a 10.66 acre portion of Parcel 75939 zoned M-R, Mulitfamily 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. Planning Staff believes that the current application has not provided enough information to grant this increase in density. Planning Staff recommends that item be postponed for a new submittal related to traffic impacts and reduced parking or that conditions be placed on an approval to meet the requirements.

On October 7, 2024, the City Planning Commission voted 7 - 0 to recommend approval of Special Use

Permit PZ24-00602 to all a waiver of maximum density in accordance with Article 3.G. Section C Item 21 at Parcel 76199 and a 10.66 acre portion of Parcel 75939 with the following conditions:

1. Complete a traffic impact analysis to create a transportation plan to support the needs of the elderly and assisted living facility.
2. Complete a parking study to determine the most efficient parking design for the combined use of the assisted living facility and condominium units.

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow a waiver of maximum density in accordance with Article 3.G. Section C Item 21 at Parcel 76199 and a 10.66 acre portion of Parcel 75939 with the following conditions:

1. Complete a traffic impact analysis to create a transportation plan to support the needs of the elderly and assisted living facility.
2. Complete a parking study to determine the most efficient parking design for the combined use of the assisted living facility and condominium units.

Attachments

1. Ordinance
2. Application Submittal - Part 1
3. Application Submittal - Part 2
4. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00602, J. CUBAS HOLDINGS LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MAXIMUM DENSITY AT PARCEL 76199 AND A 10.66 ACRE PORTION OF PARCEL ID 75939 (GOODYEAR BOULEVARD) IN ACCORDANCE WITH ARTICLE 3.G. SECTION C ITEM 8.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00602, filed by J. Cubas Holdings LLC, requesting a Special Use Permit to allow a waiver of maximum density at Parcel ID 76199 and a 10.66 acre portion of Parcel ID 75939 (Goodyear Boulevard) in accordance with Article 3.G. Section C Item 8, be and the same is hereby received with the following conditions:

1. Complete a traffic impact analysis to create a transportation plan to support the needs of the elderly and assisted living facility.
2. Complete a parking study to determine the most efficient parking design for the combined use of the assisted living facility and condominium units; and

BE IT FINALLY ORDAINED THAT, in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00602, filed by J. Cubas Holdings LLC, requesting a Special Use Permit to allow a waiver of maximum density at Parcel ID 76199 and a 10.66 acre portion of Parcel ID 75939 (Goodyear Boulevard) in accordance with Article 3.G. Section C Item 8, is hereby granted and approved with the following conditions:

1. Complete a traffic impact analysis to create a transportation plan to support the needs of the elderly and assisted living facility.

2. Complete a parking study to determine the most efficient parking design for the combined use of the assisted living facility and condominium units.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Comprehensive Land Use Change
&
Special Use Permit

HRC Highway Retail commercial
To
M-R Multifamily Residential

<u>Subject Property</u>
Parcel GPIN: 76199
Danville, Virginia

Applicant
J. Cubas Holdings, LLC
Joe Cubas, Manager

August 29, 2024

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Conceptual Site Plans
Existing Surveys
Aerial View of Subject Property
City of Danville Zoning Map
City of Danville Existing Utilities Map
City of Danville Flood Zone Map
Renderings

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

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, ROBERT T. MARSHALL JR. AND PATRICIA MARSHALL Telephone: 434-489-1444

Mailing Address: C/O MICHAEL SCEARCE 1226 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

1/29/24 — Applicant Signature date

Patricia T Marshall 1/29/2024 — Property Owner Signature (If not applicant) date

Robert T Marshall Jr 1/28/24 — Property Owner. Date

Property Owner. 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 assited living care.

Applicant Signature date 1/29/24

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

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

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

Authentisign ID: 00847370-1A9A-EE11-BEA1-B048D0B973C

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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]**: [X] 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.

Hauser Realty Group, 1225 West Main St Danville VA 24541-1317 Phone: 434-792-3000 Fax: 434.792.2757 Marshall Goodyear
Mike Searer
Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com

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

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

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

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

Authentisign
Robert T Marshall, Jr 01/23/2024
Seller
Printed Name: **ROBERT T MARSHALL, JR**
Title (if applicable):
Date:

Authentisign
Danny W Marshall 01/23/24

Selling Company's Name and Address

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

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

Listing Company's Name and Address

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

Authentisign ID: 86BDBF6A-B6DC-EE11-85FB-6045BDDAA143

REALTOR®

VIRGINIA REALTORS®
AMENDMENT TO COMMERCIAL PURCHASE AGREEMENT
AMENDMENT # 1

EQUAL HOUSING OPPORTUNITY

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 origionally executed.

PURCHASER:

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

_____ / _____
DATE SIGNATURE

_____ / _____
DATE SIGNATURE

_____ / _____
DATE SIGNATURE

SELLER:

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

03/07/2024 / Authentisign Robert T Marshall, Jr
DATE SIGNATURE
ROBERT T MARSHALL, JR

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

_____ / _____
DATE SIGNATURE

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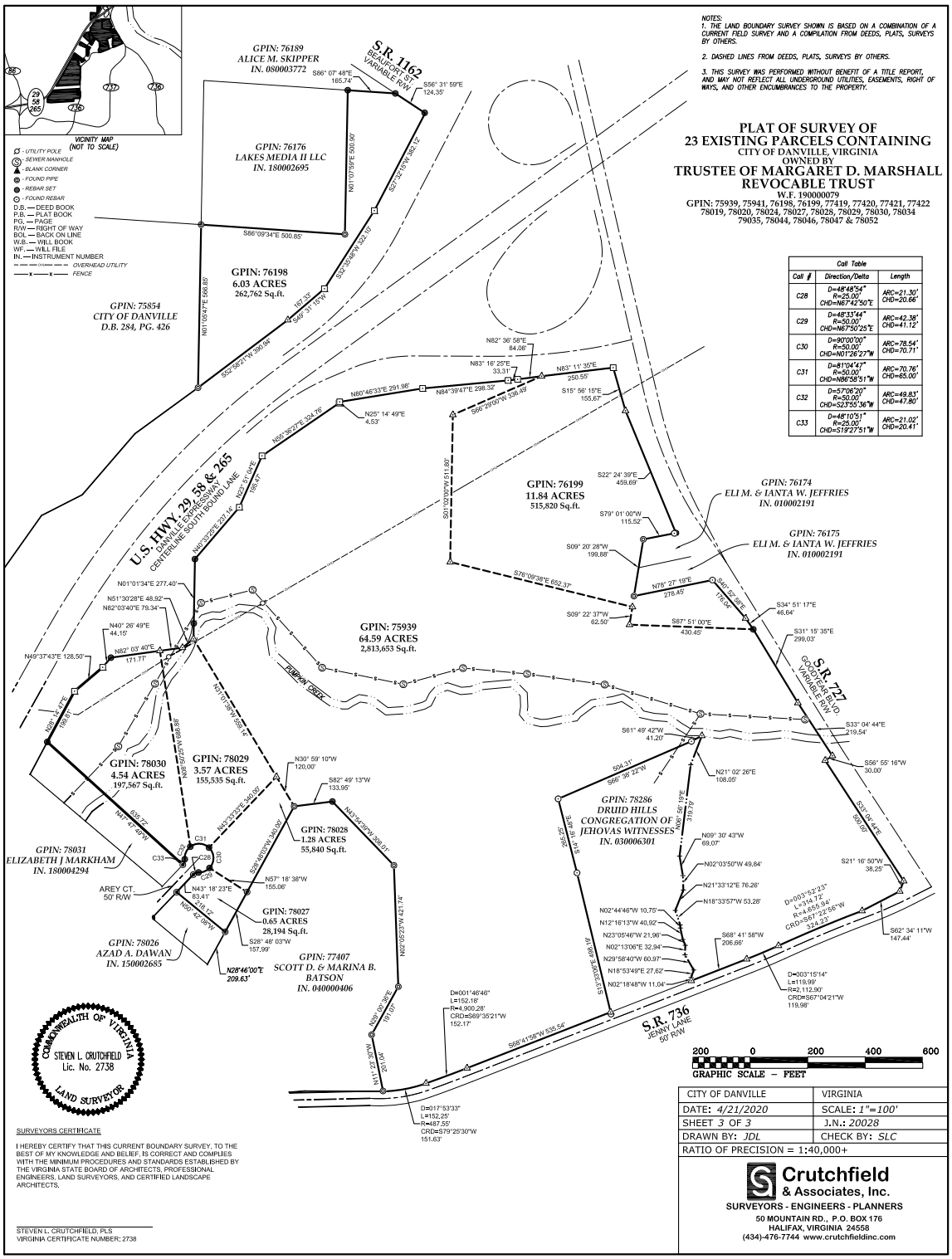
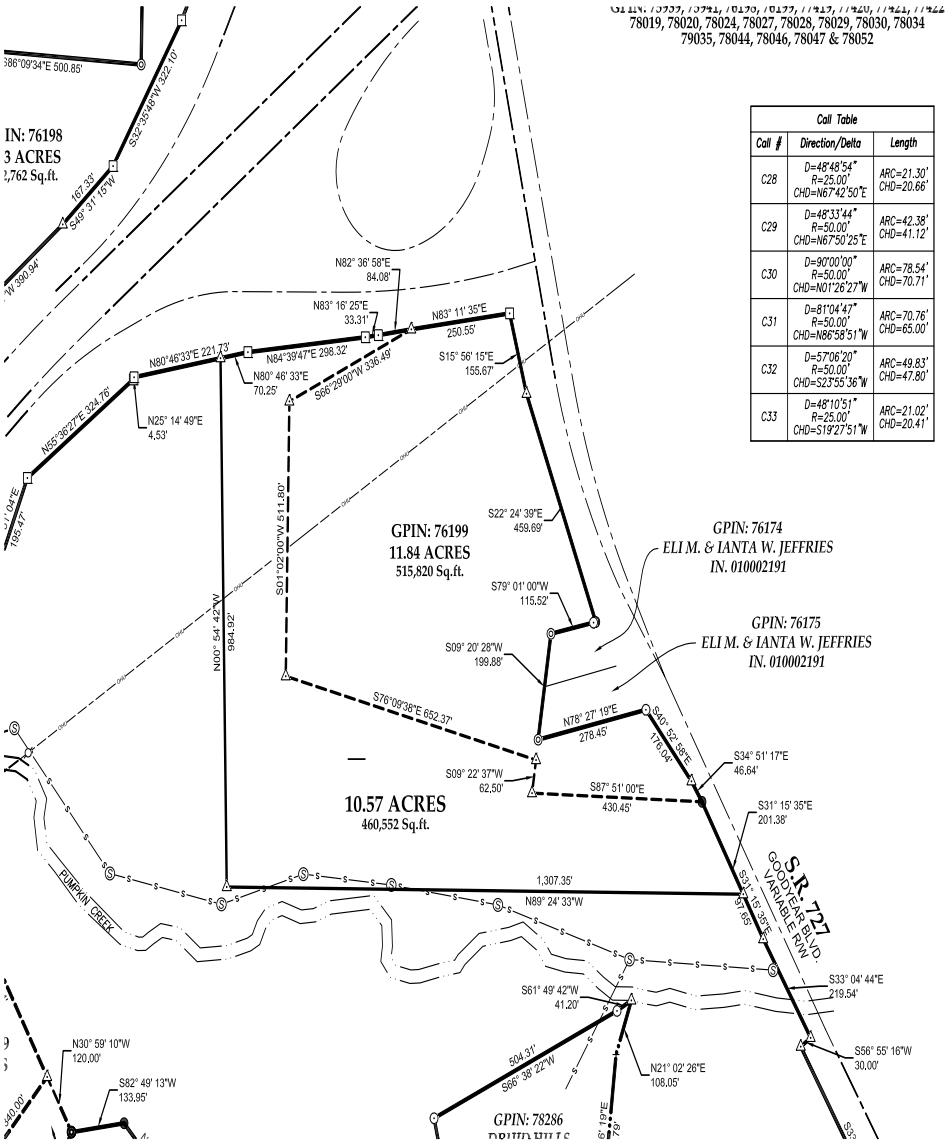
Hauser Realty Group, 1225 West Main St Danville VA 24541-1317 Phone: 434-792-3000 Fax: 434.792.2757 Marshall Goodyear
Mike Scearce
Produced with zipForm® by zipLogix 18070 Fifteen Mile Road, Fraser, Michigan 48026 www.zipLogix.com


NOTES:
1. THE LAND BOUNDARY SURVEY SHOWN IS BASED ON A COMBINATION OF A CURRENT FIELD SURVEY AND A COMPILATION FROM DEEDS, PLATS, SURVEYS BY OTHERS.
2. DASHED LINES FROM DEEDS, PLATS, SURVEYS BY OTHERS.
3. THIS SURVEY WAS PERFORMED WITHOUT BENEFIT OF A TITLE REPORT, AND MAY NOT REFLECT ALL UNDERGROUND UTILITIES, EASEMENTS, RIGHT OF WAYS, AND OTHER ENCUMBRANCES TO THE PROPERTY.
PLAT OF SURVEY OF
23 EXISTING PARCELS CONTAINING
CITY OF DANVILLE, VIRGINIA
OWNED BY
TRUSTEE OF MARGARET D. MARSHALL REVOCABLE TRUST
W.F. 190000079
GPIN: 75939, 75941, 76198, 76199, 77419, 77420, 77421, 77422 78019, 78020, 78024, 78027, 78028, 78029, 78030, 78034 79035, 78044, 78046, 78047 & 78052
VICINITY MAP (NOT TO SCALE)
- UTILITY POLE
- SEWER MANHOLE
- BLANK CORNER
- FOUND PIPE
- REBAR SET
- FOUND REBAR
D.B. — DEED BOOK
P.B. — PLAT BOOK
PG. — PAGE
R/W — RIGHT OF WAY
BOL — BACK ON LINE
W.B. — WILL BOOK
WF. — WILL FILE
IN. — INSTRUMENT NUMBER
OVERHEAD UTILITY
FENCE
GPIN: 76189
ALICE M. SKIPPER
IN. 080003772
GPIN: 76176
LAKES MEDIA II LLC
IN. 180002695
GPIN: 76198
6.03 ACRES
262,762 Sq.ft.
GPIN: 75854
CITY OF DANVILLE
D.B. 284, PG. 426
S.R. 1162
BEAUFORT ST
VARIABLE R/W
U.S. HWY. 29, 58 & 265
DANVILLE EXPRESSWAY
CENTERLINE SOUTHBOUND LANE
GPIN: 76199
11.84 ACRES
515,820 Sq.ft.
GPIN: 76174
ELI M. & IANTA W. JEFFRIES
IN. 010002191
GPIN: 76175
ELI M. & IANTA W. JEFFRIES
IN. 010002191
GPIN: 75939
64.59 ACRES
2,813,653 Sq.ft.
PUMPKIN CREEK
S.R. 727
GOODYEAR BLVD.
VARIABLE R/W
GPIN: 78030
4.54 ACRES
197,567 Sq.ft.
GPIN: 78029
3.57 ACRES
155,535 Sq.ft.
GPIN: 78028
1.28 ACRES
55,840 Sq.ft.
GPIN: 78027
0.65 ACRES
28,194 Sq.ft.
GPIN: 78031
ELIZABETH J MARKHAM
IN. 180004294
AREY CT.
50' R/W
GPIN: 78026
AZAD A. DAWAN
IN. 150002685
GPIN: 77407
SCOTT D. & MARINA B. BATSON
IN. 040000406
GPIN: 78286
DRUID HILLS CONGREGATION OF JEHOVAS WITNESSES
IN. 030006301
S.R. 736
JENNY LANE
50' R/W
Call Table
Call # | Direction/Delta | Length
C28 | D=48°48'54" R=25.00' CHD=N67°42'50"E | ARC=21.30' CHD=20.66'
C29 | D=48°33'44" R=50.00' CHD=N67°50'25"E | ARC=42.38' CHD=41.12'
C30 | D=90°00'00" R=50.00' CHD=N01°26'27"W | ARC=78.54' CHD=70.71'
C31 | D=81°04'47" R=50.00' CHD=N86°58'51"W | ARC=70.76' CHD=65.00'
C32 | D=57°06'20" R=50.00' CHD=S23°55'36"W | ARC=49.83' CHD=47.80'
C33 | D=48°10'51" R=25.00' CHD=S19°27'51"W | ARC=21.02' CHD=20.41'
GRAPHIC SCALE – FEET
200 0 200 400 600
COMMONWEALTH OF VIRGINIA
STEVEN L. CRUTCHFIELD
Lic. No. 2738
LAND SURVEYOR
SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT THIS CURRENT BOUNDARY SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS.
STEVEN L. CRUTCHFIELD, PLS
VIRGINIA CERTIFICATE NUMBER: 2738
CITY OF DANVILLE | VIRGINIA
DATE: 4/21/2020 | SCALE: 1"=100'
SHEET 3 OF 3 | J.N.: 20028
DRAWN BY: JDL | CHECK BY: SLC
RATIO OF PRECISION = 1:40,000+
Crutchfield & Associates, Inc.
SURVEYORS - ENGINEERS - PLANNERS
50 MOUNTAIN RD., P.O. BOX 176
HALIFAX, VIRGINIA 24558
(434)-476-7744 www.crutchfieldinc.com


78019, 78020, 78024, 78027, 78028, 78029, 78030, 78034
79035, 78044, 78046, 78047 & 78052
Call Table
Call # | Direction/Delta | Length
C28 | D=48°48'54" R=25.00' CHD=N67°42'50"E | ARC=21.30' CHD=20.66'
C29 | D=48°33'44" R=50.00' CHD=N67°50'25"E | ARC=42.38' CHD=41.12'
C30 | D=90°00'00" R=50.00' CHD=N01°26'27"W | ARC=78.54' CHD=70.71'
C31 | D=81°04'47" R=50.00' CHD=N86°58'51"W | ARC=70.76' CHD=65.00'
C32 | D=57°06'20" R=50.00' CHD=S23°55'36"W | ARC=49.83' CHD=47.80'
C33 | D=48°10'51" R=25.00' CHD=S19°27'51"W | ARC=21.02' CHD=20.41'
GPIN: 76199
11.84 ACRES
515,820 Sq.ft.
10.57 ACRES
460,552 Sq.ft.
GPIN: 76174
ELI M. & IANTA W. JEFFRIES
IN. 010002191
GPIN: 76175
ELI M. & IANTA W. JEFFRIES
IN. 010002191
GPIN: 78286
S.R. 727
GOODYEAR BLVD.
VARIABLE R/W
PUMPKIN CREEK
N82° 36' 58"E 84.08'
N83° 16' 25"E 33.31'
N83° 11' 35"E 250.55'
S15° 56' 15"E 155.67'
N80°46'33"E 221.73'
N84°39'47"E 298.32'
N80° 46' 33"E 70.25'
S66°29'00"W 336.49'
N25° 14' 49"E 4.53'
N65°36'27"E 324.76'
S22° 24' 39"E 459.69'
S79° 01' 00"W 115.52'
S09° 20' 28"W 199.88'
S01°32'00"W 511.80'
N00° 54' 42"W 994.92'
S76°09'38"E 652.37'
N78° 27' 19"E 278.45'
S40° 52' 58"E 176.04'
S34° 51' 17"E 46.64'
S09° 22' 37"W 62.50'
S87° 51' 00"E 430.45'
S31° 15' 35"E 201.38'
1,307.35'
N89° 24' 33"W
S31° 15' 35"E 57.65'
S33° 04' 44"E 219.54'
S61° 49' 42"W 41.20'
504.31'
S65° 36' 22"W
N21° 02' 26"E 108.05'
S56° 55' 16"W 30.00'
N30° 59' 10"W 120.00'
S82° 49' 13"W 133.95'
S32°39'48"W 322.10'
S40° 31' 15"W 167.33'
S86°09'34"E 500.85'

Authentisign ID: 88499566-5F3D-EF11-86D4-6045BDEF834A

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VIRGINIA REALTORS®
AMENDMENT TO COMMERCIAL PURCHASE AGREEMENT
AMENDMENT # 2

EQUAL HOUSING OPPORTUNITY

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 origionally executed.

PURCHASER:

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

DATE / SIGNATURE

DATE / SIGNATURE

DATE / SIGNATURE

SELLER:

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

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

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

DATE / SIGNATURE

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Hauser Realty Group, 1225 West Main St Danville VA 24541-1317 Phone: 434-792-3000 Fax: 434.792.2757 Marshall Goodyear
Mike Searce
Produced with Lone Wolf Transactions (zipForm Edition) 717 N Harwood St, Suite 2200, Dallas, TX 75201 www.lwolf.com

OWNER'S CONSENT

On this date, 1-22-2024, 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

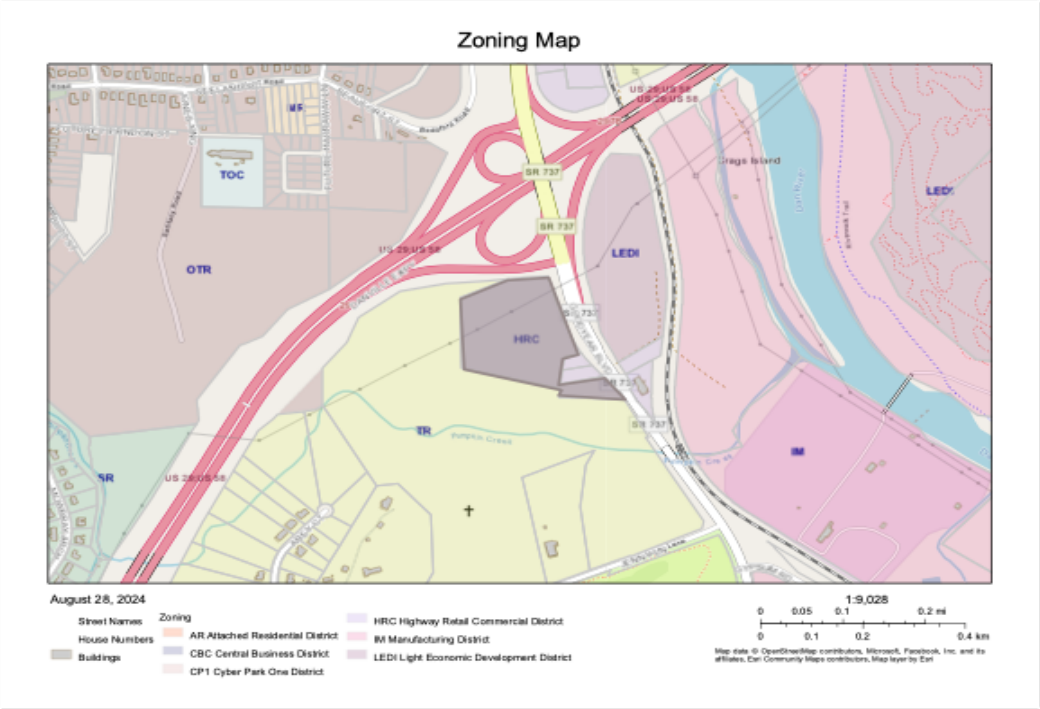
Patricia Marshall, Owner

Date: 1/24/2024

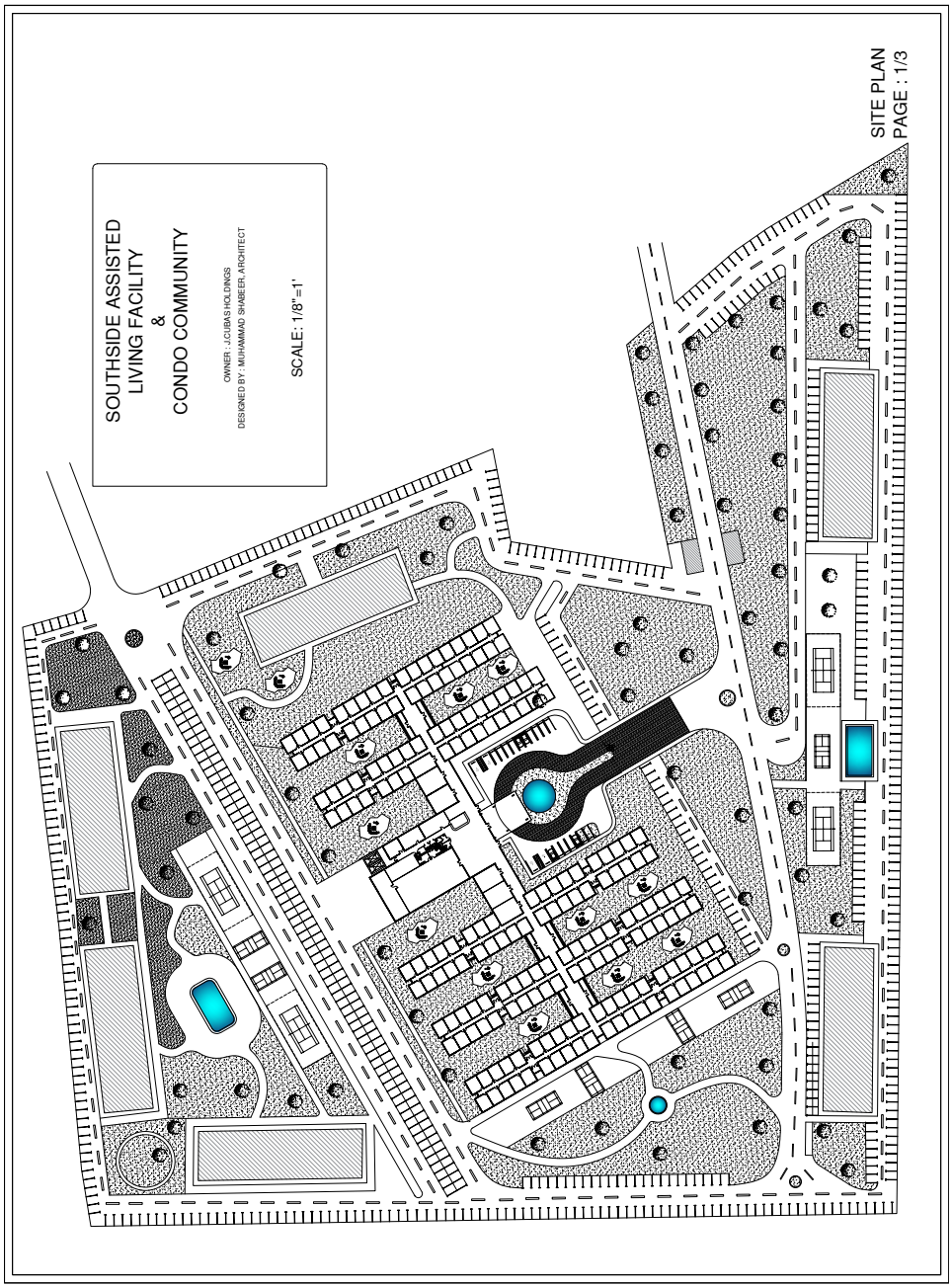
BACKGROUND

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.~~57~~ .66 acres for a grand total of 22.~~41~~ .50 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.~~41~~ .50 acres of the overall 22.~~41~~ .50 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.



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.

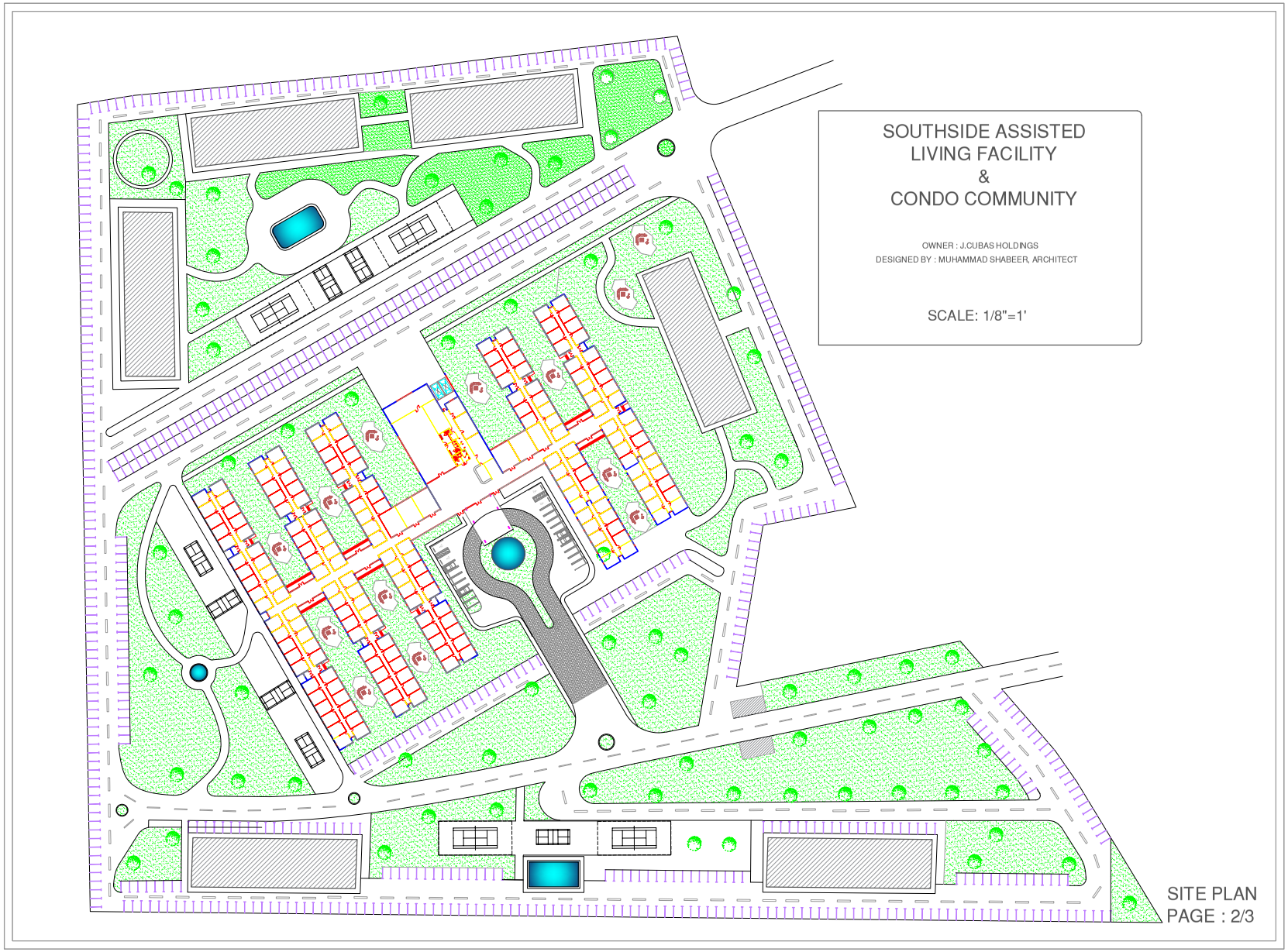
Some of those goals and objectives are to maintain sustainable growth & land use in an effort to promote a balanced mix of residential, commercial, and industrial uses which will accommodate the needs of existing businesses and residents and encourage well-planned development/redevelopment opportunities 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 7.~~41~~ .50 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. <u>Consistency with the City of Danville Code, Ordinances & Virginia Administrative Code</u>

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.~~41~~ .50 acres of the overall 22.~~41~~ .50 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.


SOUTHSIDE ASSISTED
LIVING FACILITY
&
CONDO COMMUNITY
OWNER : J.CUBAS HOLDINGS
DESIGNED BY : MUHAMMAD SHABEER, ARCHITECT
SCALE: 1/8"=1'
SITE PLAN
PAGE : 2/3

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.~~41~~ .50 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 7.~~41~~ .50 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 ~~244,032~~ 245,025 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	.50 7.~~41~~ ac.	5 ac	Article 3.G.E.1	Overall Acreage .50 22.~~41~~ ac
Total Acreage-Condos	15.0 ac	5.ac	Article 3.G.E.1	
Overall Total Acres	.50 22.~~41~~ ac			
Overall Gross Lot Area	~~976,180~~ sf 980,100 SF			
Gross Lot Area-Proffered ALF	~~322,780~~ sf. 326,700 SF			980,100 SF Overall Lot Area ~~976,180~~ 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)	
Proferred- ALF	177,793 sf	~~55%~~ 54%		
Condos	295,958 sf	~~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
Proferred-ALF	103,576 sf	58%		
Condos	130,635 sf	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~~ sf 72,000 SF			
FAR (Floor Area Ration)-Condos	~~0.128~~ 0.110			
Density-Proferred ALF	24 Units / Ac		Article 3. G. A, D.2	
Density-Condos	16 Units /Ac		Article 3. G A. D.3	
Units-Proferred ALF	180 Units			
Units- Condo	240 Units			
Total Number of Units	420 Units			
Number of Floors-Proferred 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-Proferred ALF	58	46	Article 8. G	
Handicap Parking Spaces-ALF	4	2		
EV Parking Spaces-ALF	4	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	13	12.8	Article 8. J. 1.	
Proposed Parking Spaces -Condos	640	240	Article 8. G	Plus (76) total spaces dedicated for ALF
Overalll Parking Spaces - ALF & Condos	706			

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.

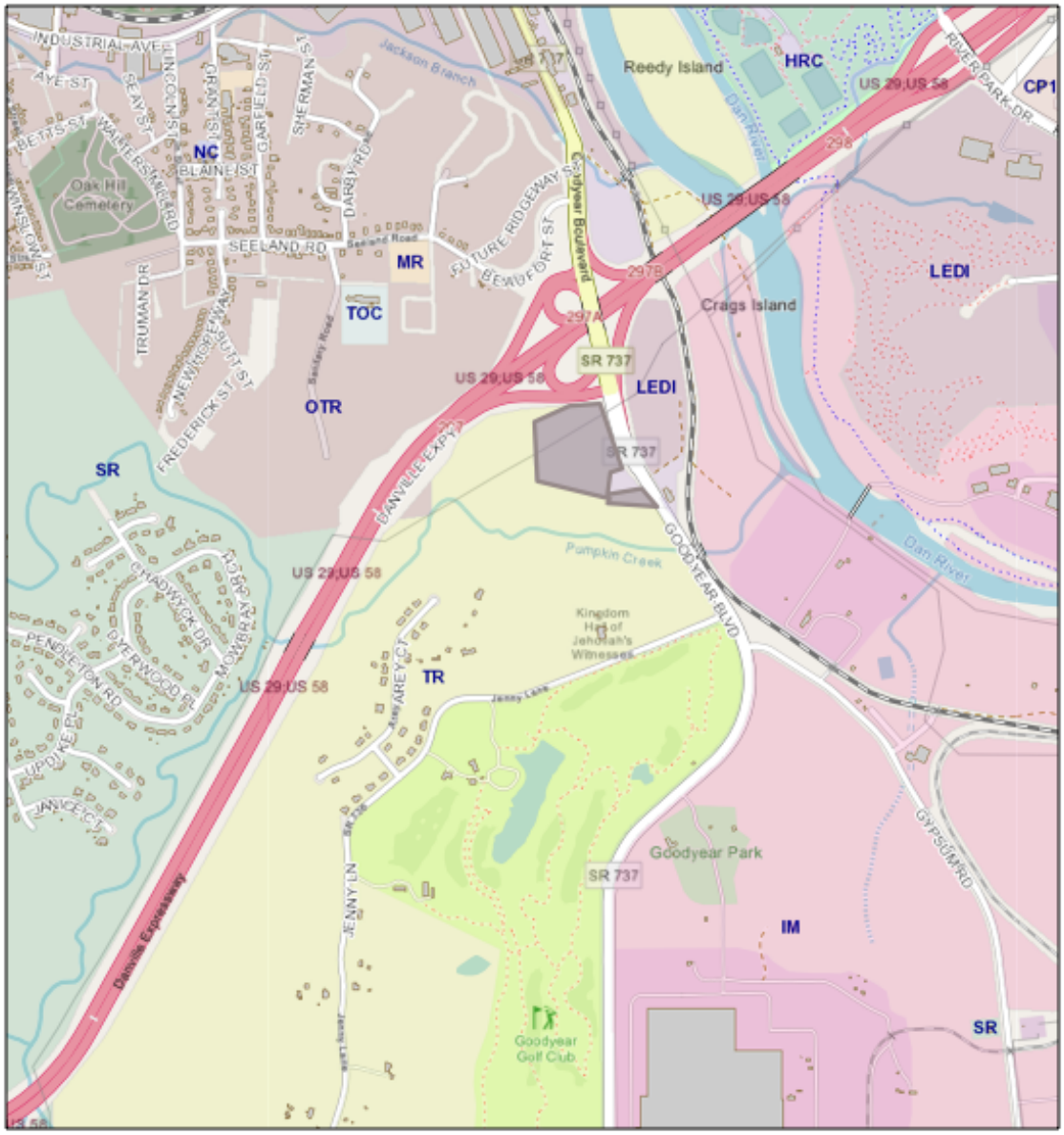
M-R Multi-family Residential Developments As shown on the City of Danville GIS Maps below, the development of the subject property will take access from the east end of Goodyear Boulevard, a "Major Collector Road" as identified by VDOT's road classification system. Goodyear Boulevard is a two-lane road 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 perpective, 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

0 0.13 0.25 0.5 mi

0 0.2 0.4 0.8 km

Street Names

House Numbers

Buildings

Zoning

AR Attached Residential District

CBC Central Business District

CP1 Cyber Park One District

HRC Highway Retail Commercial District

IM Manufacturing District

LEDI Light Economic Development District

MHPR Mobile Home Park District

MR Multi-family Residential District

NC Neighborhood Retail Commercial District

NTR Neo-tradtional 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 potion 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).

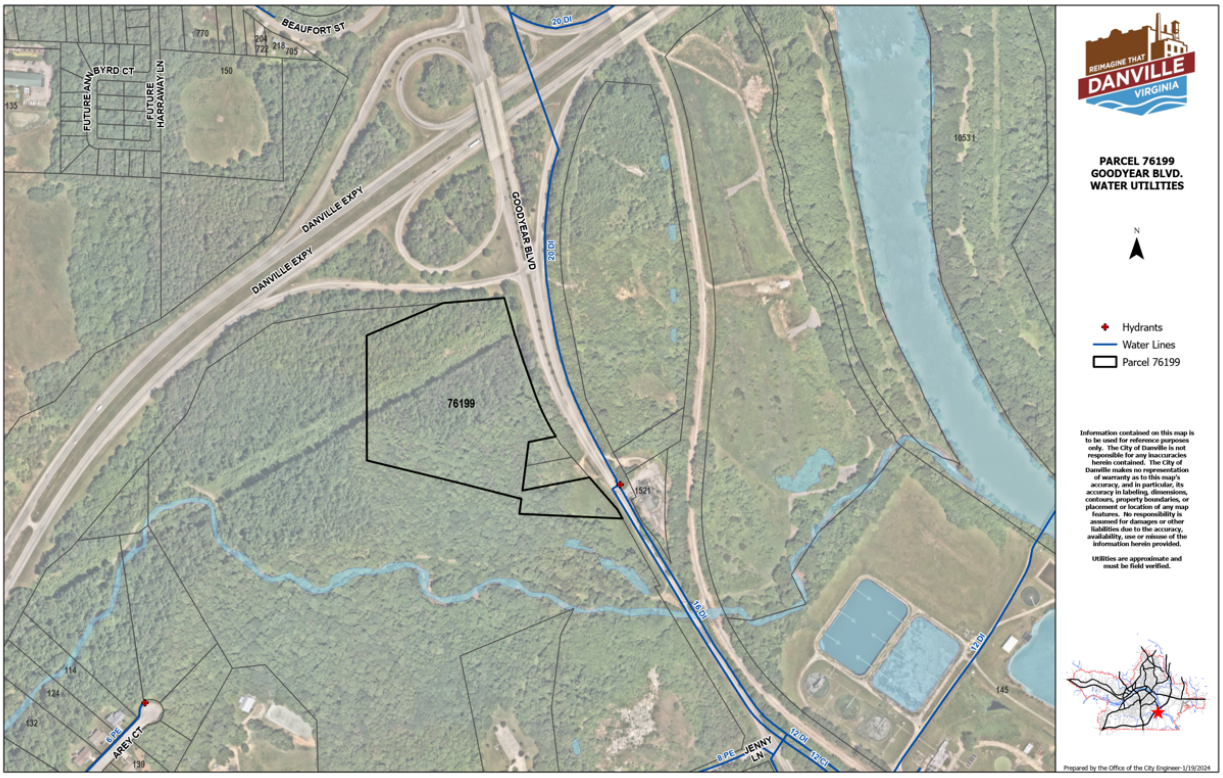
In summary, a total of 66 parking spaces have been provided for the elderly housing / assisted living facility development of the subject property while an additional 640 parking spaces have been provided for the mid-rise condo development for a grand total of 706 parking spaces.

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.

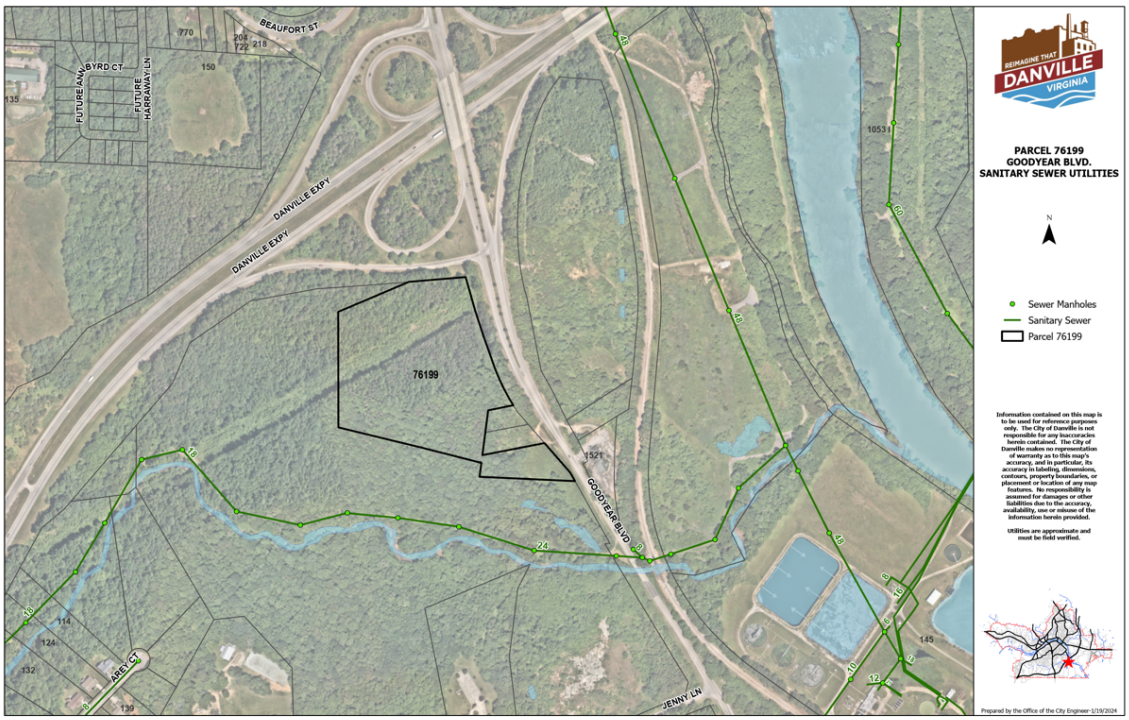
6. Adequate Public Facilities

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.

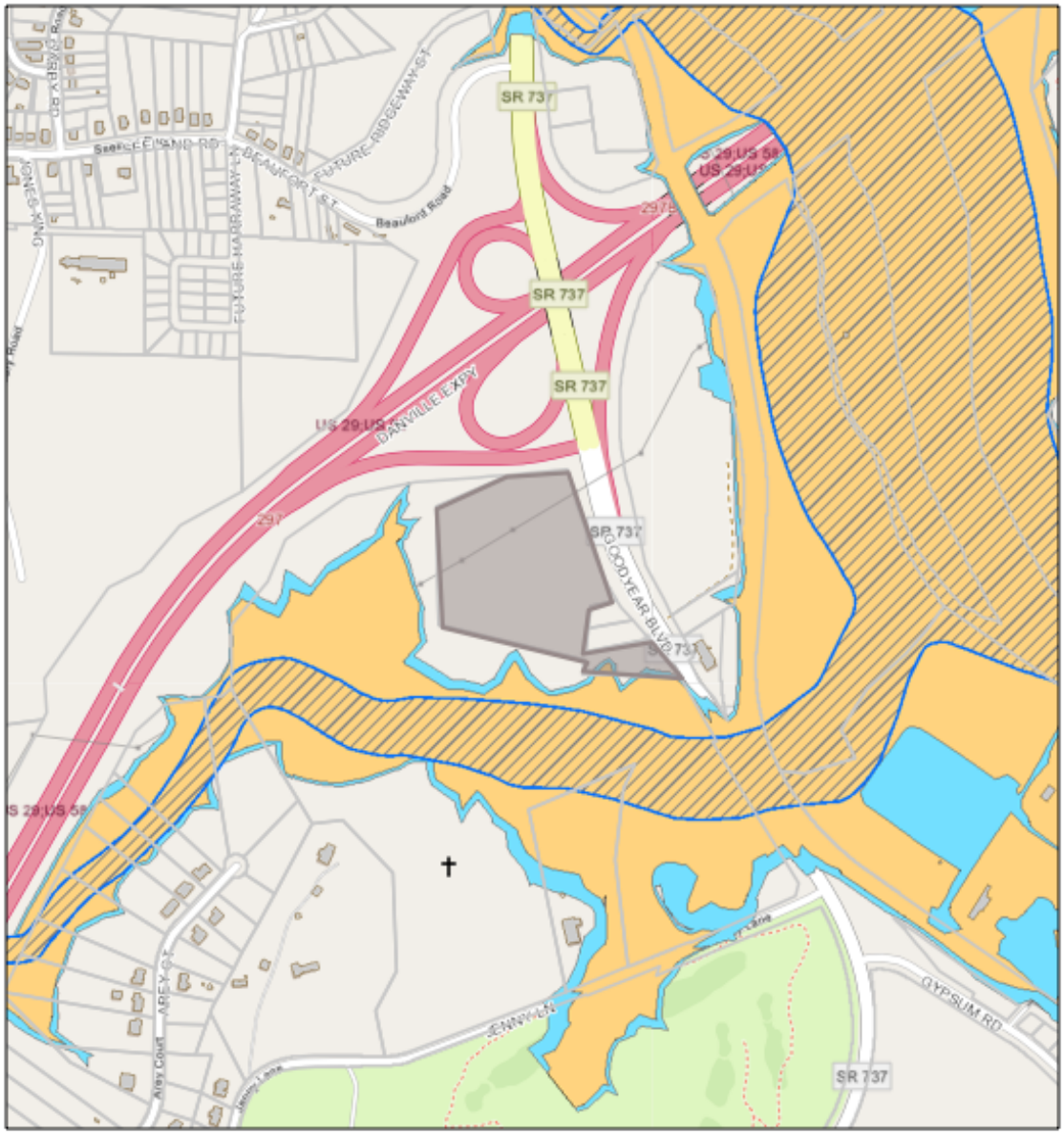
Existing Water Line Location Map



Existing Sewer Lines Location Map



Flood Zone Map



August 28, 2024

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

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

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

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.~~4~~ .5 acres of the overall 22.~~41~~ .50 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.~~41~~ .50 acres of vacant land. The Conceptual Site Plans show the development of 7.~~41~~ .50 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 ~~six (6)~~ eight (8) 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.

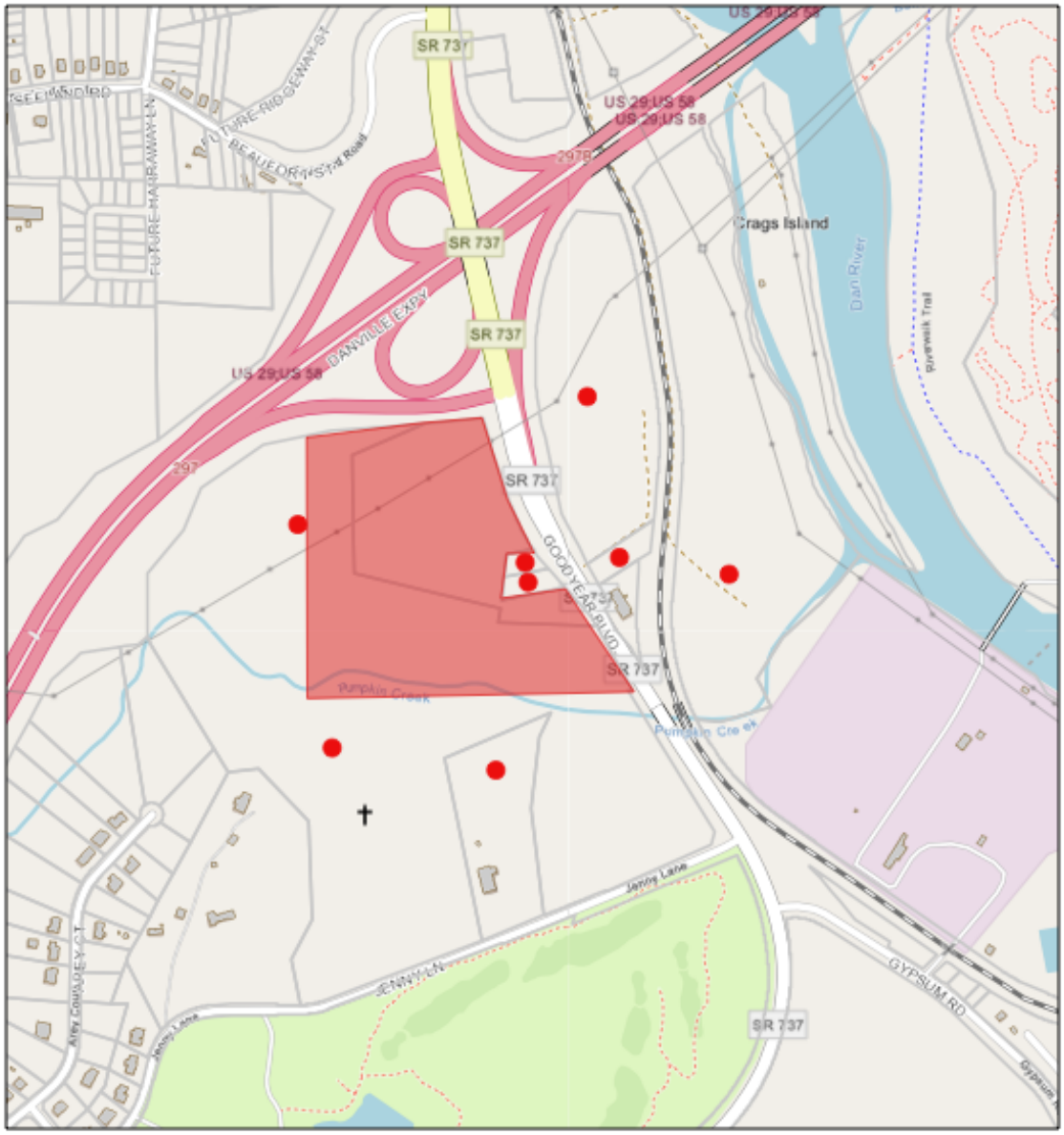
Currently, the Conceptual Site Plans initially show an Impervious Surface Ration (ISR) of 0.271 with a proposed density of just under 24.0 units per acre for the elderly housing or assisted living facility and an Impervious Surface Ratio (ISR) of ~~0.128~~ 0.110 with a proposed density of 16.0 units 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. <u>List & GIS Map of Surrounding Property Owners Notified</u>

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, Åò B, 2-17-04)

Surrounding Property Owners



August 28, 2024

1:9,028

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

Street Names

House Numbers

Buildings

Map data © OpenStreetMap contributors, Microsoft, Facebook, Inc. and its affiliates, Esri Community Maps contributors, Map layer by Esri

CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: OCTOBER 7, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00602

Special Use Permit application PZ24-00602 filed by J. Cubas Holdings, LLC to grant a waiver of maximum density in accordance with Article 3.G. Section C Item 21 t Parcel 76199 and a portion of Parcel 75939 (Goodyear Blvd).

RECOMMENDATION
The Planning Commission, at their October 7, 2024, meeting voted 7 - 0 to recommend approval of Special Use Permit Application PZ24-00602 with the following conditions:

1. Complete a traffic impact analysis to create a transportation plan to support the needs of the elderly and assisted living facility.
2. Complete a parking study to determine the most efficient parking design for the combined use of the assisted living facility and condominium units.

Steve Petrick RB
Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1713 **NEW BUSINESS D.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Rezoning Application filed by SPM Empowerment and Skills Inc.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Rezoning from OT-R Old Town Residential to A-R Attached Residential Parcel IDS 02809 and 02854 (North Main Street).

SUMMARY

Parcels 02809 and 02854 are vacant lots zoned OT-R, Old Town Residential and located at the corner of Sublett Alley and North Main Street. The combined acreage of the parcels is 1.02 acres. The applicant is proposing to consolidate the two (2) lots and construct a townhouse complex comprised of two (2) four-unit groupings and adjacent parking.

The applicant, SPM Empowerment and Skills, Inc, purchased the properties in the spring of 2024 with the intent to construct a small development of attached dwellings. The preliminary layout drafted by Solex Architecture shows eight (8) units with sixteen (16) parking spaces. Each unit will have three (3) bedrooms.

The subject parcels are surrounded by North Main Street to the east, Sublett Alley to the north and Abbott Street to the west. This is a high traffic area with four (4) multi-family units within 300 feet of the subject property.

The preliminary layout for construction meets the regulations set forth in the A-R, Attached Residential zoning district with the exception of the separation spacing between units. Article 3. F Section I Item 6a states "Building structures for single-family attached dwelling units shall be separated from one another by a minimum of 24 feet". The preliminary layout only shows twenty (20) foot separation between the structures. A new layout showing twenty-four (24) foot separation must be provided before a building permit can be issued.

The subject property is located in Planning Area 10 of our Comprehensive Plan. Planning Area 10 includes the Arnett Boulevard, North Main Street and Richmond Boulevard thoroughfares. The Comprehensive Plan does not identify this location as a sub area for development, but states that "traditional neighborhoods of the Planning Area should be protected and enhanced through redevelopment".

Sixty-seven (67) notices were sent to surrounding property owners. Five (5) notices were received. Two (2) were not opposed, three (3) were opposed.

On November 12, 2024, the City Planning Commission voted 5-0 to recommend approval of Rezoning Request PZ24-00546 to rezone from OT-R Old Town Residential to A-R Attached Residential at Parcel 02809 and Parcel 02854 (North Main Street).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to approve the request to rezone Parcel ID 02809 and Parcel ID 02854 (North Main Street) from OT-R, Old Town Residential to A-R Attached Residential.

Attachments

1. Ordinance
2. Application
3. Site Plan
4. N Main Aerials Map
5. N Main Owners Zoning Map
6. N Main Land Use Map
7. Comprehensive Plan Area 10
8. Planning Commission Recommendation

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE REZONING FROM OT-R OLD TOWN RESIDENTIAL TO A-R ATTACHED RESIDENTIAL PARCEL IDS 02809 AND 02854 (NORTH MAIN STREET).

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, SPM Empowerment and Skills Inc, has requested to rezone from OT-R Old Town Residential district to A-R Attached Residential district, Parcel IDs 02809 and 02854 (North Main Street), of the City of Danville, Virginia Zoning District Map.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Zoning Administrator recommending approval of Rezoning Application PZ24-00546 filed by SPM Empowerment and Skills Inc, requesting to rezone from the OT-R Old Town Residential district to A-R Attached Residential district, Parcel IDs 02809 and 02854 (North Main Street) of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER ORDAINED that, in consideration of said report and the public hearing this day held by Council, Rezoning Application PZ24-00546, filed by SPM Empowerment and Skills Inc, requesting to rezone from the OT-R Old Town Residential district to A-R Attached Residential district of the City of Danville, Virginia Zoning District Map, and is hereby approved; and

BE IT FINALLY ORDAINED that Parcel IDs 02809 and 02854 of the City of Danville, Virginia District Map is hereby amended to reflect the same.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

CITY OF DANVILLE
Community Development
Division of Planning and Zoning

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: OT-R Old Town Res. Proposed Zoning: A-R Attached Residential

APPLICANT PROVIDED INFORMATION

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

Property Address: 02809 & 02854 Gross Area/Net Area: 1.0249 ACRES

Property Location: N☐ S☒ E☐ W☐ Side of: SUBLETT ALLEY

Between: N. MAIN STREET and ABBOTT STREET

Proffered Conditions (if any, please attach): CONSTRUCTION OF 8 TOWNHOMES

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

Name: SPM EMPOWERMENT AND SKILLS Telephone: 336-917-8855

Mailing Address: 709 INDUSTRIAL AVENUE, DANVILLE, VA 24541

Email Address: STATESVILLEPAINTSVB@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.

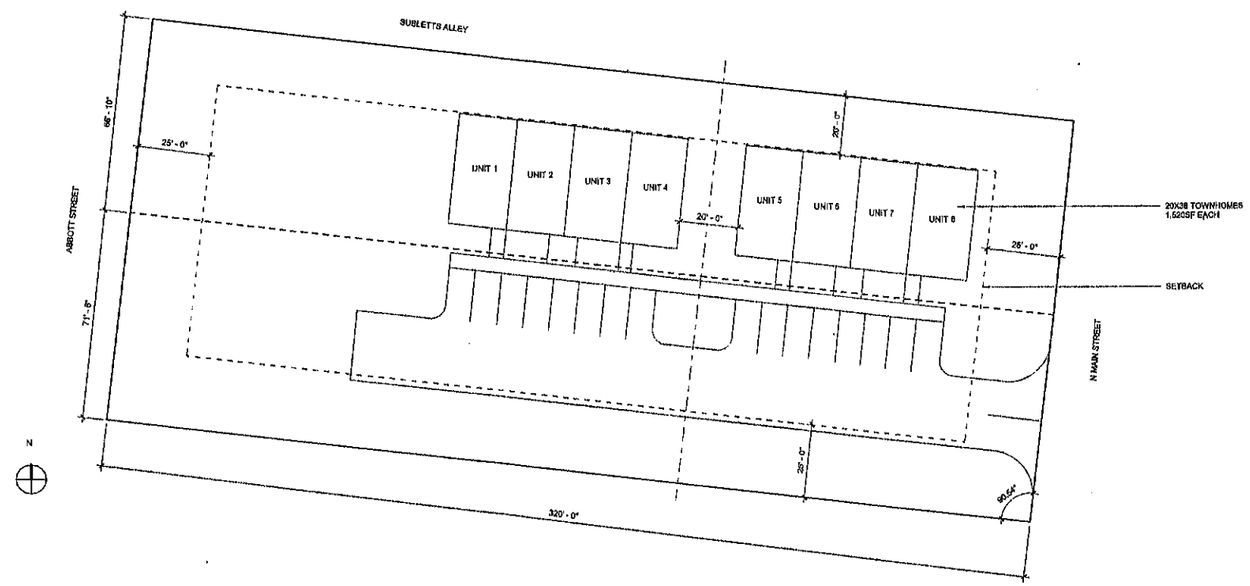
Name: _____ Telephone: _____

Mailing Address: _____

Email Address: _____

Applicant Signature date

Property Owner Signature date
(if not applicant)



PRELIMINARY SITE LAYOUT
Scale: 1" = 20'-0"

SOLEX ARCHITECTURE
SOLEX ARCHITECTURE INC.
641 MAIN STREET
DANVILLE, VIRGINIA 24541
434.586.0767 PHONE
434.791.5261 FAX

PRELIMINARY DOCUMENTS
NOT FOR CONSTRUCTION

SPM EMPOWERMENT AND SKILLS INC.
NORTH MAIN TOWNHOMES
SUBLETT ALLEY, DANVILLE, VIRGINIA
PRELIMINARY DESIGN

SHEET INFORMATION

REVISIONS NO.	DESCRIPTION	DATE

PROJECT NO.	20240013
DRAWN BY	JLB
CHECKED BY	JLB
DATE	2024.08.05
SCALE	1" = 20'-0"

SHEET NAME
PRELIMINARY SITE LAYOUT

SHEET NUMBER
A-100

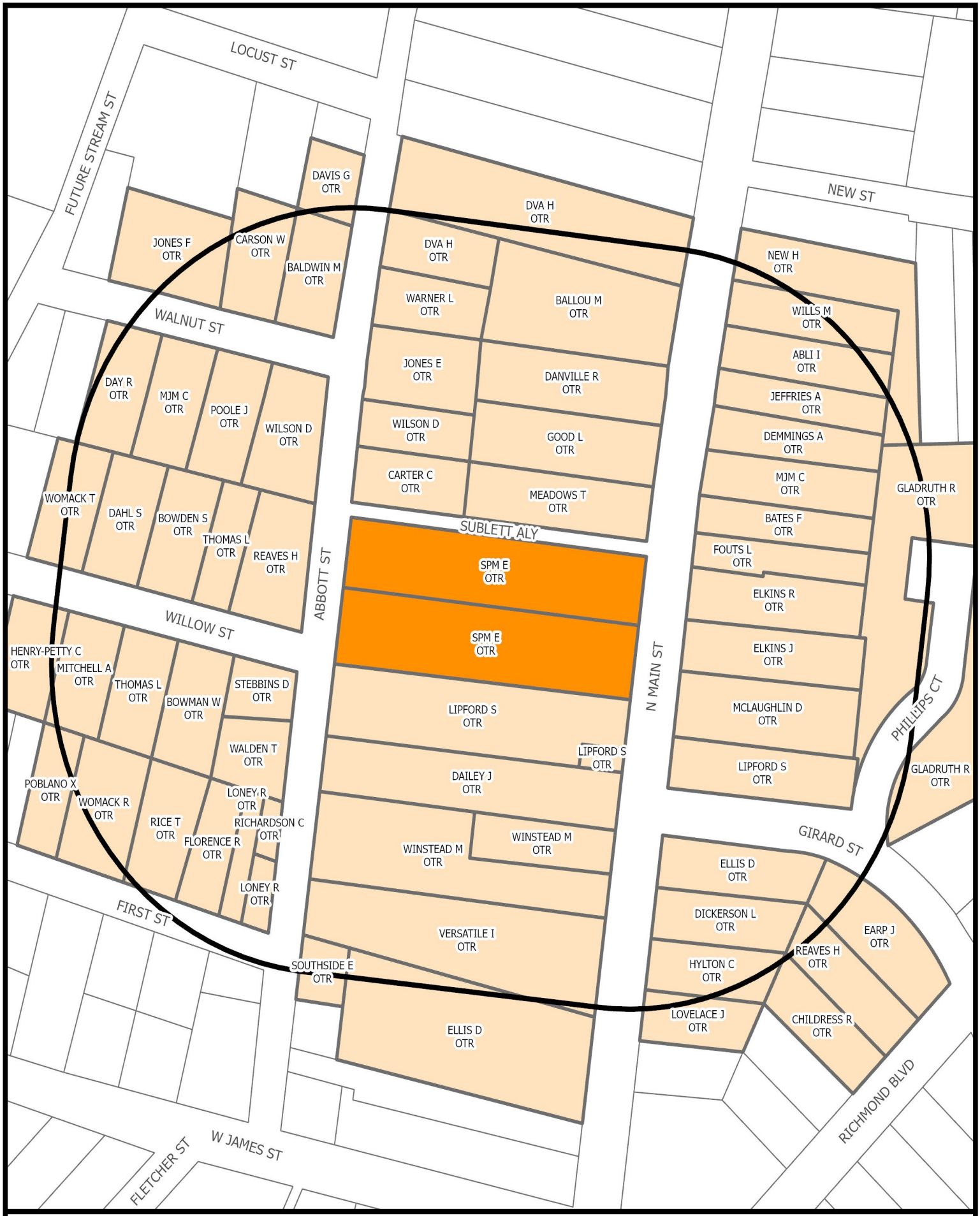
2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

N

DANVILLE VIRGINIA

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
10/8/2024

N

DANVILLE VIRGINIA

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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

N

DANVILLE VIRGINIA

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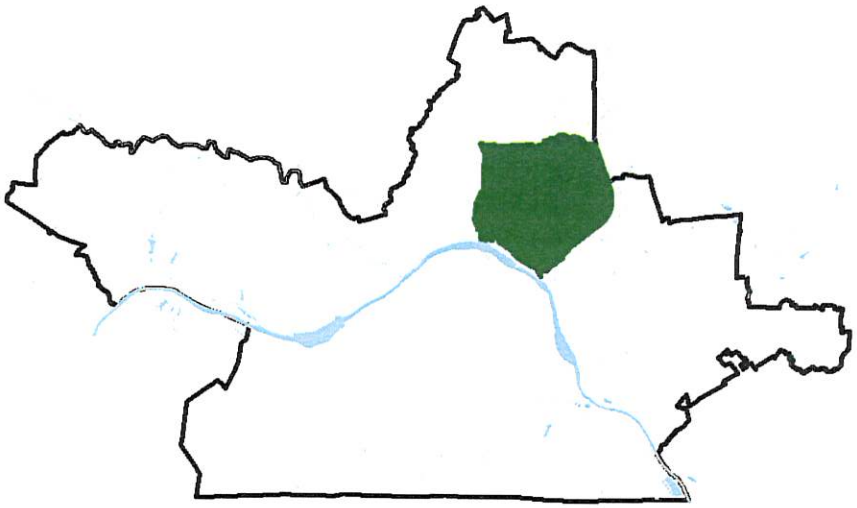
Planning Area 10: NORTH MAIN



Location: The North Main Planning Area is located in the northeastern portion of Danville. The Planning Area consists of over 1800 acres, which represents approximately 6% of the City's entire land area. It is bordered on the west by Arnett Boulevard, on the north by Fagan Street, on the east by the City's corporate boundary and Richmond Boulevard and on the south by Riverside Drive. Nine individual Sub Areas have been identified within the Planning Area.

Existing Land Use: The Planning Area is largely residential in nature, although it does include some neighborhood commercial uses along North Main Street as well as the North Danville Shopping Center. The Leemont Cemetery is also located within the Planning Area. There are undeveloped parcels in the northwestern quadrant of the Planning Area that will be opened up to new development as the Route 41 Extension connects the Franklin Turnpike to a newly constructed Route 29 interchange just east of the City boundary.

Public Utilities: Public Water and Sewer is available to all existing structures and residents whom are willing to connect to the system. Some of the more remote undeveloped parcels do not have direct access to public water and/or sewer.

Transportation: Planning Area 10 relies upon three thoroughfares, Arnett Boulevard, North Main Street, and Richmond Boulevard to provide access to its various neighborhoods and nonresidential neighborhoods. Internal access is provided by a local residential street system that functions adequately for both existing and planned land uses. Arnett Boulevard serves as the principal local collector road in Planning Area 10. However, cut-through traffic on Arnett threatens the safety of pedestrians and children playing in the neighborhood. The Comprehensive Plan recommends the implementation of traffic calming measures, to include increased speed limit signage and enforcement and re-striping of the pavement along Arnett Boulevard.

Corridors: Riverside Drive, North Main Street, and Richmond Boulevard (Rt. 360)

Revitalization Opportunities:

- The traditional neighborhoods of the Planning Area should be protected and enhanced through redevelopment.

Future Land Use:

- Sub areas 3 and 6 suitable locations for regional commercial or economic development as it adjoins the proposed Route 41 extension.

PLANNING AREA 10					
Sub Area	Zoning Classification	Developable Acreage	Potential Yield		Future Land-Use Recommendation
			Units	Sq Feet	
1	Old Town Residential	**12**	**155**		Medium Density Residential
2	Threshold Residential	55	21		Mixed Use
	Old Town Residential	93	274		
	Highway Retail Commercial	11		239,580	
	Sub Total:	**159**	**575**	**239,580**	
3	Light Economic Development	**19**		**1,276,621**	Mixed Use
4	Transitional Office District	3		31,595	Medium Density Residential
	Old Town Residential	10	29		
	Sub Total:	**13**	**29**		
5	Attached Residential	2	8		High Density Residential
	Multi-Family Residential	22	285		
	Sub Total:	**24**	**293**		
6	Old Town Residential	16	47		Light Industrial
	Light Economic Development	23		1,545,384	
	Sub Total:	**39**	**47**	**1,545,384**	
7	Threshold Residential	7	3		Medium Density Residential
	Old Town Residential	46	136		
	Multi-Family Residential	10	130		
	Attached Residential	2	8		
	Sub Total:	**65**	**276**		
8	Multi-Family Residential	**27**	**350**		High Density Residential
9	Old Town Residential	**9**	**27**		Medium Density Residential
PLANNING AREA:		**355**	**1,598**	**3,061,585**	

Planning Area 10: NORTH MAIN

CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PZ24-00546

REQUEST

Rezoning application PZ24-00546 filed by SPM Empowerment and Skills Inc. to rezone Parcels 02809 and 02854 from OT-R Old Town Residential to A-R Attached Residential.

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 5-0 to recommend approval of Rezoning Request PZ24-00546.

Steve Petrick RB
Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1714 **NEW BUSINESS E.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Rezoning Application filed by Sandra Salas Tamayo to Rezone 2608 Westover Drive.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. A Resolution Maintaining Parcel ID 71942 in the S-R Suburban Residential Zoning District; *OR*

3. An Ordinance Rezoning from S-R Suburban Residential to A-R Attached Residential Parcel ID 71942 (2608 Westover Drive).

SUMMARY

2608 Westover Drive is a single-family dwelling built in 1921 and zoned S-R Suburban Residential. The structure sits on approximately three (3) acres.

The applicant, Sandra Salas Tamayo, purchased the property in March of 2021. Under construction is a 31' x 32' addition to the existing structure. The applicant is requesting to use this addition as an attached second dwelling on the property. The Zoning Code requires a Special Use Permit for attached dwellings in the S-R, Suburban Residential District.

The subject property is located in Planning Area 1 within our Comprehensive Plan. Planning Area 1 is "home to the highest concentration of active agricultural uses and undeveloped land in the City". The Comprehensive Plan does not identify this location as a sub area for development, but states that an objective of the future land use should be to "maintain residential character of Westover Drive". Within a 300' foot buffer of the subject property there are 39 properties, none of which are multi-family. The character of this portion of Westover Drive is single family residential with a place of worship nearby.

Thirty-nine (39) notices were sent to surrounding property owners. 16 notices were received. Seven (7) were not opposed, nine (9) were opposed.

On November 12, 2024, the City Planning Commission voted 4-1 to recommend denial of Rezoning Request PZ24-00555 to rezone from S-R Suburban Residential to A-R Attached Residential at 2608 Westover Drive (Parcel ID 71942).

RECOMMENDATION

It is recommended that City Council adopt a Resolution to deny the request to rezone Parcel ID 71942 (2608 Westover Drive) from S-R, Suburban Residential to A-R Attached Residential.

Attachments

1. Resolution - To Deny
2. Ordinance to Rezone
3. Application
4. Pictures
5. 2608 Westover Dr Aerials Map
6. 2608 Westover Dr Owners Zoning Map
7. 2608 Westover Dr Land Use Map
8. Comprehensive Plan Area 1
9. Planning Commission Recommendation

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024-__._____

A RESOLUTION MAINTAIING PARCEL ID 71942 IN THE S-R SURBURBAN RESIDENTIAL ZONING DISTRICT.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Zoning Administrator recommending denial of Rezoning application PZ24-00555, to rezone Parcel ID 71942 (2608 Westover Drive) from S-R Suburban Residential to A-R Attached Residential, is hereby received; and

BE IT FURTHER RESOLVED that, in consideration of said report and the public hearing this day held by Council, Rezoning application PZ24-00555, to rezone Parcel ID 71942 (2608 Westover Drive) from S-R Suburban Residential to A-R Attached Residential is hereby denied; and

BE IT FINALLY RESOLVED that Parcel ID 71942 (2608 Westover Drive) hereby maintain S-R Suburban Residential zoning.

Approved:

_____

Mayor

Attest:

_____

City Clerk

Approved as to

Form and legal sufficiency:

_____

City Attorney

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE REZONING FROM S-R SUBURBAN RESIDENTIAL TO A-R ATTACHED RESIDENTIAL PARCEL ID 71942 (2608 WESTOVER DRIVE).

WHEREAS, in accordance with the Code of the City of Danville, Virginia, 1986, as amended, Sandra Salas Tamayo, has requested to rezone from S-R Suburban Residential district to A-R Attached Residential district, Parcel ID 71942 (2608 Westover Drive), of the City of Danville, Virginia Zoning District Map.

NOW THEREFORE BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Zoning Administrator recommending approval of Rezoning Application PZ24-00555 filed by Sandra Salas Tamayo, requesting to rezone from the S-R Suburban Residential district to A-R Attached Residential district, Parcel ID 71942 (2608 Westover Drive) of the City of Danville, Virginia Zoning District Map, is hereby received; and

BE IT FURTHER ORDAINED that, in consideration of said report and the public hearing this day held by Council, Rezoning Application PZ24-00555, filed by Sandra Salas Tamayo, requesting to rezone from the S-R Suburban Residential district to A-R Attached Residential district of the City of Danville, Virginia Zoning District Map, and is hereby approved; and

BE IT FINALLY ORDAINED that Parcel ID 71942 of the City of Danville, Virginia District Map is hereby amended to reflect the same.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

CITY OF DANVILLE
Community Development
Division of Planning and Zoning

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 #: P24-00555 PC Meeting Date: Nov. 12

Date Received: 10/8 Received By: Williams

Parcel ID: 71942 Zoning District: _____

Existing Zoning: S-R Proposed Zoning: A-R

APPLICANT PROVIDED INFORMATION

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

Property Address: 2608 westover Dr Gross Area/Net Area: _____

Property Location: N☐ S☐ E☐ W☑ Side of: Woodlan Baptist Church

Between: 2518 westover Dr and 2706 westover Dr

Proffered Conditions (if any, please attach): _____

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

Name: Sandra Salas Tamayo Telephone: 276 806 6571

Mailing Address: 110 Spring Ave

Email Address: Sandylu31@hotmail.com

APPLICANT (PLEASE TYPE OR PRINT):

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

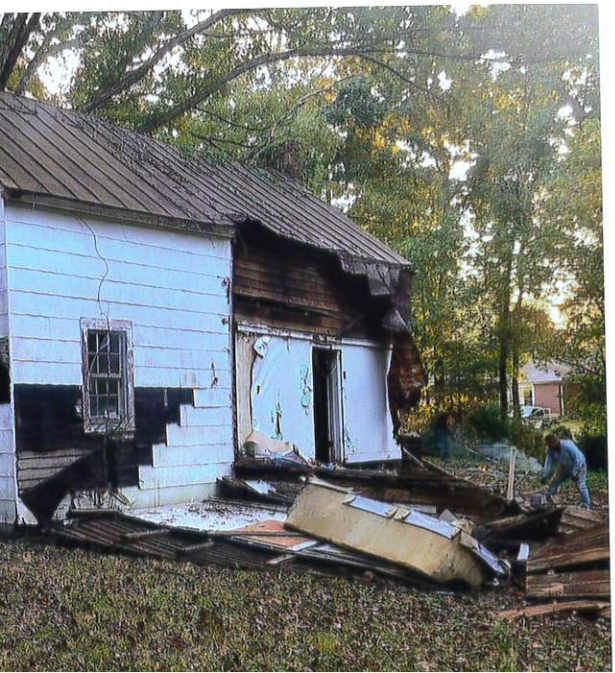
Name: _____ Telephone: _____

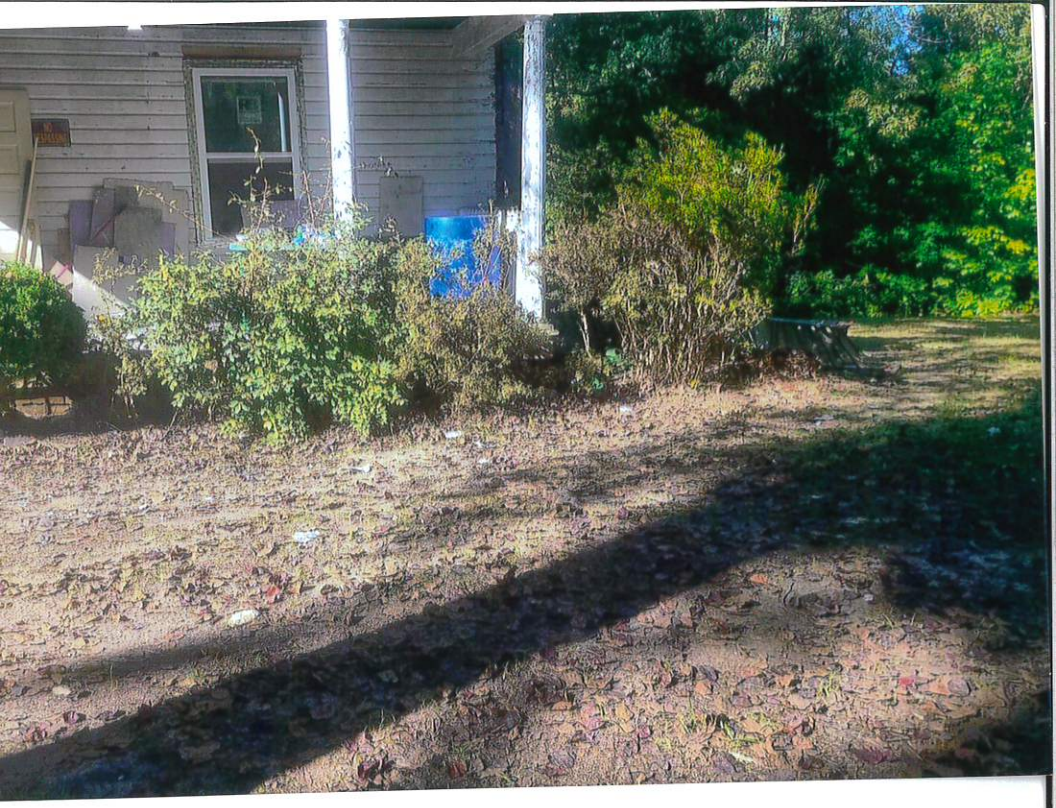
Mailing Address: _____

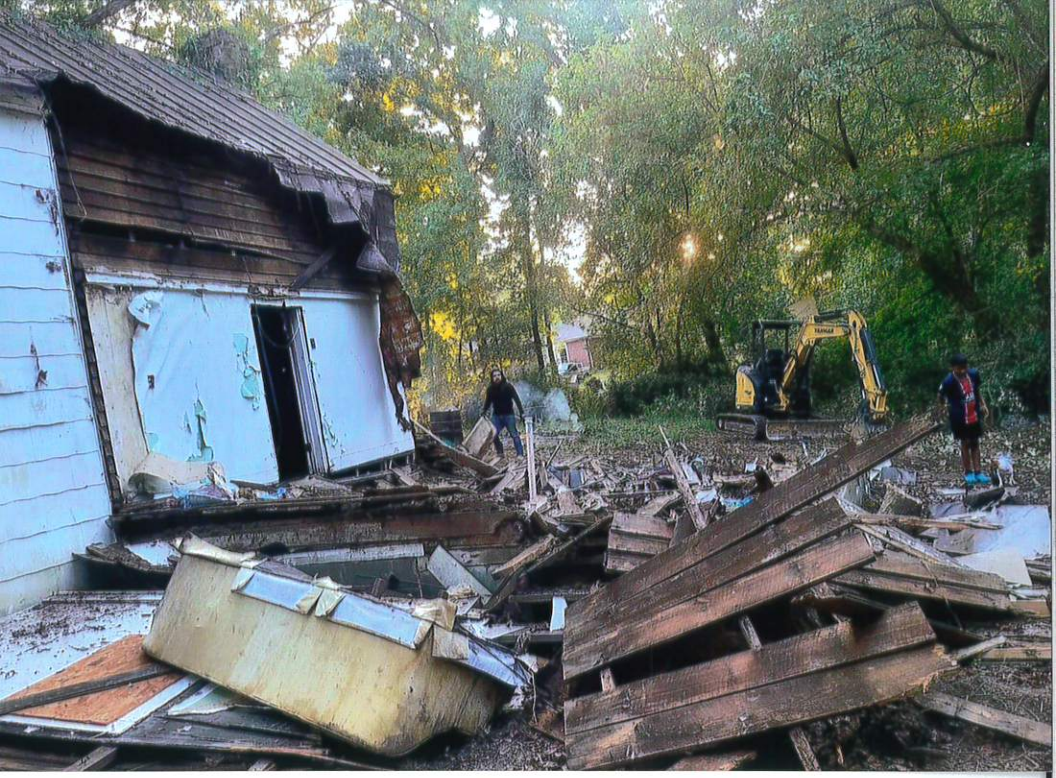
Email Address: _____

_____ Applicant Signature date

Sandra Salas Tamayo 10-08-2024 Property Owner Signature (if not applicant) date







2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/10/2024

N

DANVILLE VIRGINIA

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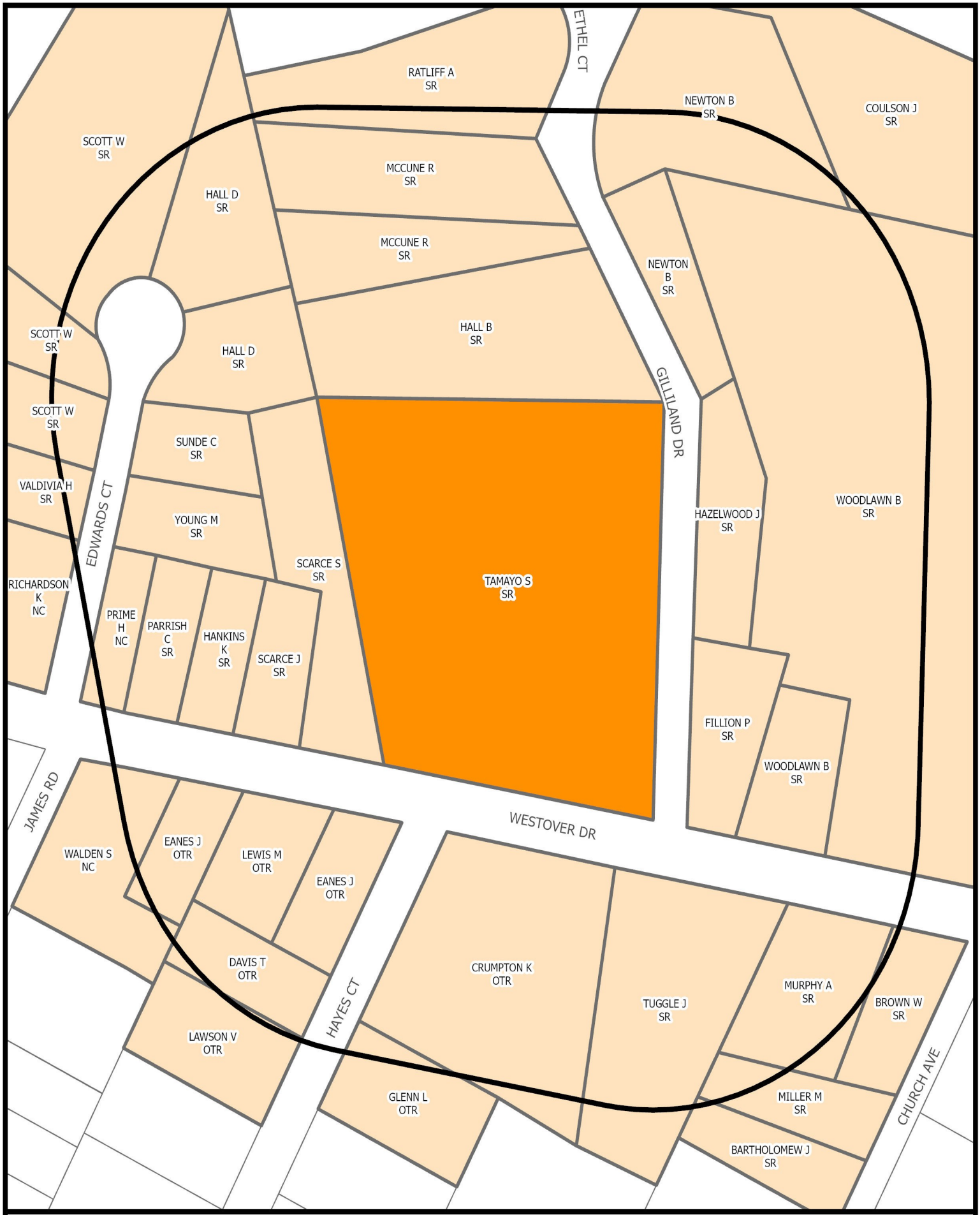

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/10/2024

N

DANVILLE VIRGINIA

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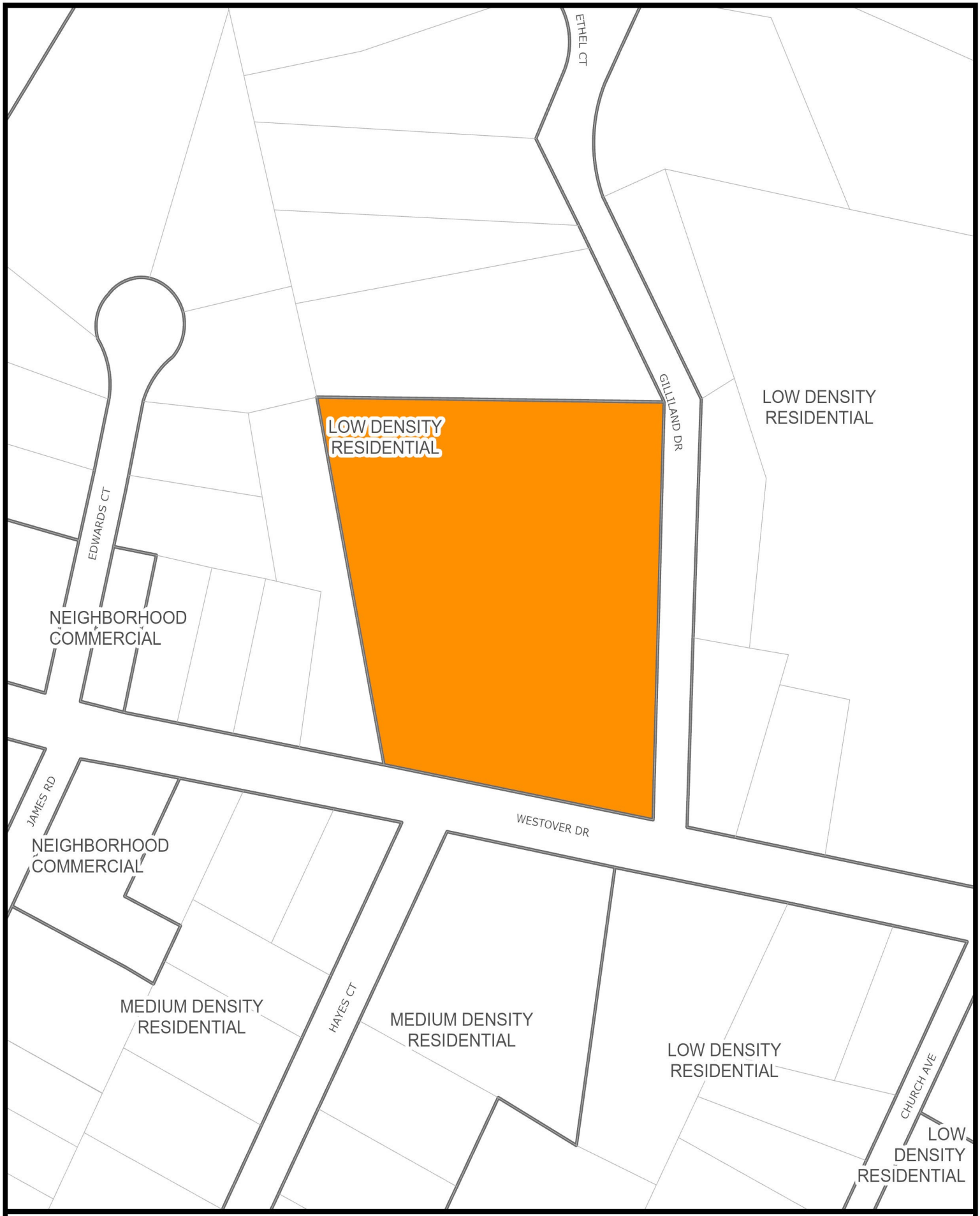

YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/10/2024

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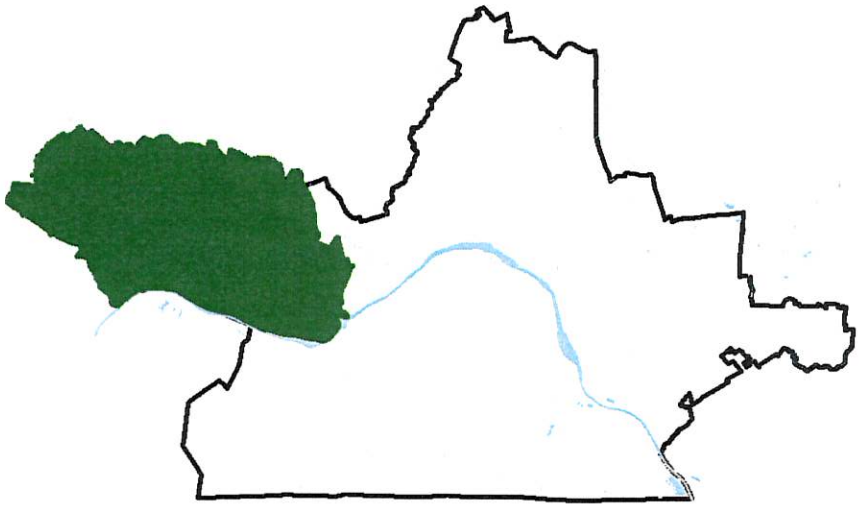
DANVILLE VIRGINIA

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.

Planning Area 1: WESTOVER



Location: Planning Area 1 is the largest Planning Area identified within the City. It is located in the northwestern portion of the City, encompassing over 5700 acres, or approximately one fifth of the City's entire land area. It is bordered on the west by the City's corporate boundary, on the north by the Sandy River, on the east by Sandy River and Piedmont Drive, and on the south by the Dan River. Nineteen sub areas have been identified within the Planning Area.

Existing Land Use: The Westover Planning Area is predominantly residential in nature, with a mix of scattered neighborhood service and public uses supporting the span of neighborhoods in the area. Some of the largest subdivisions located within the Planning Area include: Westover Hills, Surry Hills, Fox Hollow Farms, Sandy Shores, Oak Hills, Wyndover Woods, Birnham Woods, Westend Estates, Dan's Hill, and Windsor Heights. Planning Area 1 is home to the highest concentration of active agricultural uses and undeveloped land in the City.

Environment: The planning area is bordered by the Sandy River to the north and the Dan River to the south. Flood plains and steep slopes are also present as they relate to streams and ravines that lead to the two rivers.

Public Utilities: Public water and sewer is available through most of the planning area with the exception of outlying areas along the northern city boundary and along the Dan River. Extension of public water and sewer would be necessary for new development.

Corridors: Riverside Drive and Westover Drive

Future Land Use:

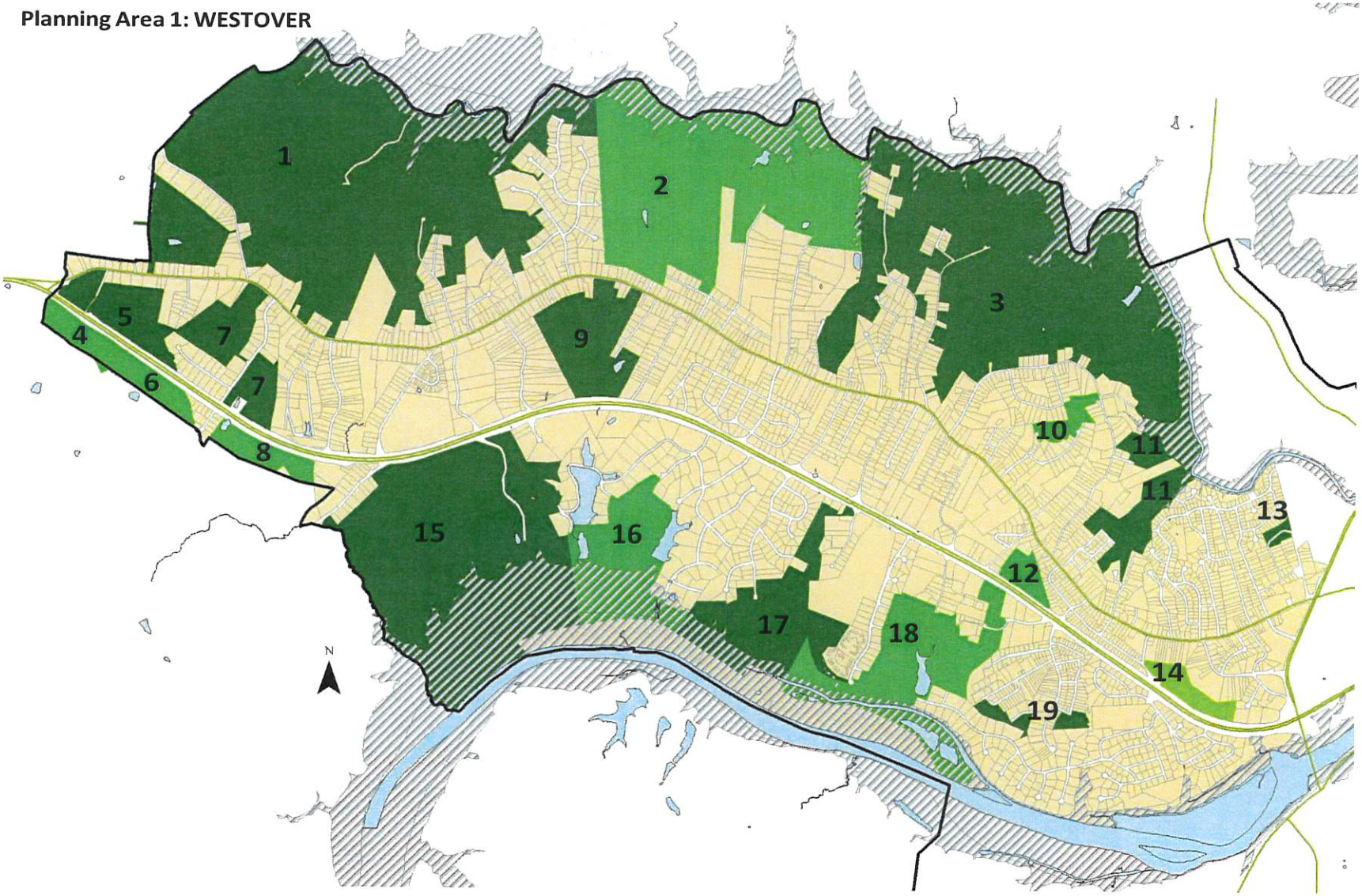
- Limit access points along Riverside Drive to maintain its role as an arterial road.
- Maintain residential character of Westover Drive.
- Prioritize infill residential and assisted living development close to major thoroughfares over "leap frog" suburban development in outlying areas of the planning area. Revisit large-scale residential development in fringe sub-areas only as housing demand grows.
- Neighborhood Commercial development at the intersection of Westover and Riverside Drive.
- To prepare for future growth (10-15 years forward), work with Pittsylvania County to secure right-of-way between Westover and Mt. Cross (north of city limits) for a through road that would alleviate traffic congestion along Westover and Riverside and open up northern parcels of land for more concentrated residential development.

PLANNING AREA 1

Sub Area	Zoning Classification	Developable Acreage	Potential Yield		Future Land Use Recommendation
			Units	Sq Feet	
1	Threshold Residential	342	129		Rural Residential
	Sandy River Residential	106	11		
	Suburban Residential	125	116		
	Sub Total:	**573**	**255**		
2	Sandy River	282	28		Rural Residential
	Suburban Residential	8	7		
	Sub Total:	**290**	**36**		
3	Threshold Residential	278	105		Rural Residential
	Sandy River Residential	37	4		
	Suburban Residential	143	133		
	Sub Total:	**458**	**242**		
4	Highway Retail Commercial	**24**		**230,134**	Mixed Use
5	Suburban Residential	16	17		Neighborhood Commercial
	Planned Shopping Center Commercial	31		297,256	
	Sub Total:	**47**	**17**	**297,256**	
6	Attached Residential	**18**	**75**		Mixed Use
7	Suburban Residential	**56**	**61**		Medium Density Residential
8	Suburban Residential	**22**	**24**		Mixed Use
9	Threshold Residential	50	19		Medium Density Residential
	Suburban Residential	25	27		
	Sub Total:	**75**	**46**		

Area	Classification	Acreage	Yield		Recommendation
			Units	Sq Feet	
10	Suburban Residential	6	7		Medium Density Residential
	Old Town Residential	7	21		
	Sub Total:	**13**	**27**		
11	Old Town Residential	**47**	**139**		Medium Density Residential
12	Transitional Office District	8		84,254	Community Commercial
	Highway Retail Commercial	6		57,533	
	Sub Total:	**14**	**0**	**141,787**	
13	Old Town Residential	**4**	**12**		Medium Density Residential
14	Attached Residential	**18**	**75**		Multifamily Residential
15	Threshold Residential	227	85		Rural Residential
	Suburban Residential	50	47		
	Sub Total:	**277**	**132**		
16	Suburban Residential	**52**	**48**		Low Density Residential
17	Suburban Residential	78	73		Low Density Residential
	Attached Residential	15	60		
	Sub Total:	**93**	**133**		
18	Suburban Residential	77	72		Medium Density Residential
	Old Town Residential	6	18		
	Highway Retail Commercial	8		76,711	
	Sub Total:	**91**	**89**	**76,711**	
19	Suburban Residential	6	7		Medium Density Residential
	Old Town Residential	5	15		
	Sub Total:	**11**	**21**		
	PLANNING AREA:	**2,182**	**1,433**	**745,889**	

Planning Area 1: WESTOVER



CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: REZONING APPLICATION PZ24-00555

REQUEST

Rezoning application PZ24-00555 filed by Sandra Salas Tamayo to rezone 2608 Westover Drive (Parcel 71942) from S-R Suburban Residential to A-R Attached Residential.

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 4-1 to recommend denial of Rezoning Request PZ24-00555.

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1715 **NEW BUSINESS F.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Special Use Permit Application filed by William Elam to Allow Waiver of Minimum Lot Size.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00523, filed by William Elam, Requesting a Special Use Permit to Allow a Waiver of Minimum Lot Size at Parcel 50850 (124 Hurt Street) in Accordance with Article 3.E. Section C Item 21.

SUMMARY

The applicant, William Elam, is requesting a waiver of minimum lot size at 124 Hurt Street in accordance with Article 3.E Section C Item 21 to allow the property to be subdivided into two parcels. The subject property is a corner lot with Hurt Street to the south, Skyline Avenue to the east, and Westview Drive to the north and is 11,687 square feet in size. The subdivision will allow the applicant to construct a new single family dwelling.

The minimum lot area in the OT-R Old Town Residential zoning district is 6,500 square feet. Subdividing the lot will result in a conforming lot with an existing single family residence (fronting Hurt Street), and a residual vacant parcel of approximately 5,100 square feet. Per the Zoning Code, the residual lot would allow for a structure of approximately 1,500 square feet.

Forty-five (45) notices were sent to surrounding property owners. Thirteen notices were received. Four (4) were not opposed, seven (7) were opposed.

On November 12, 2024, the City Planning Commission voted 5-0 to recommend approval of Special Use Permit PZ24-00523 to allow a waiver of minimum lot size in accordance with Article 3.E Section C Item 21 at 124 Hurt Street (Parcel 50850).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow a waiver of minimum lot size in accordance with Article 3.E Section C Item 21 at Parcel ID 50850 (124 Hurt Street).

Attachments

1. Ordinance
2. Special Use Permit 124 Hurt Street
3. 124 Hurt St

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4. 124 Hurt St Aerials Map
5. 124 Hurt St Owners Zoning Map
6. 124 Hurt St Land Use Map
7. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00523, FILED BY WILLIAM ELAM, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MINIMUM LOT SIZE AT PARCEL 50850 (124 HURT STREET) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 21.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00523, filed by William Elam, requesting a Special Use Permit to allow a waiver of minimum lot size at Parcel ID 50850 (124 Hurt Street) in accordance with Article 3.E. Section C Item 21, be and the same is hereby received; and

BE IT FINALLY ORDAINED THAT, in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00523, filed by William Elam, requesting a Special Use Permit to allow a waiver of minimum lot size at Parcel ID 50850 (124 Hurt Street) in accordance with Article 3.E. Section C Item 21, is hereby granted and approved.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

CITY OF DANVILLE
Community Development
Division of Planning and Zoning

SPEACIAL 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 #: PZ24-00523 PC Meeting Date: Nov. 12

Date Received: 9/20/24 Received By: Williams

Parcel ID: 50850 Address: 124 Hurt St

Existing Zoning OT-R Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#) 124 HURT ST.

Applicant: William C. Elam

Applicant's Address: 425 Skyline Ave.

Applicant's Phone Number: 434-728-0706

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

Applicant's Signature William C. Elam Date 9-20-24

November 1, 2024

Street Names

Parcel Numbers

House Numbers

1:564

0 20 40 80 ft

0 5 10 20 m

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2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

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DANVILLE VIRGINIA

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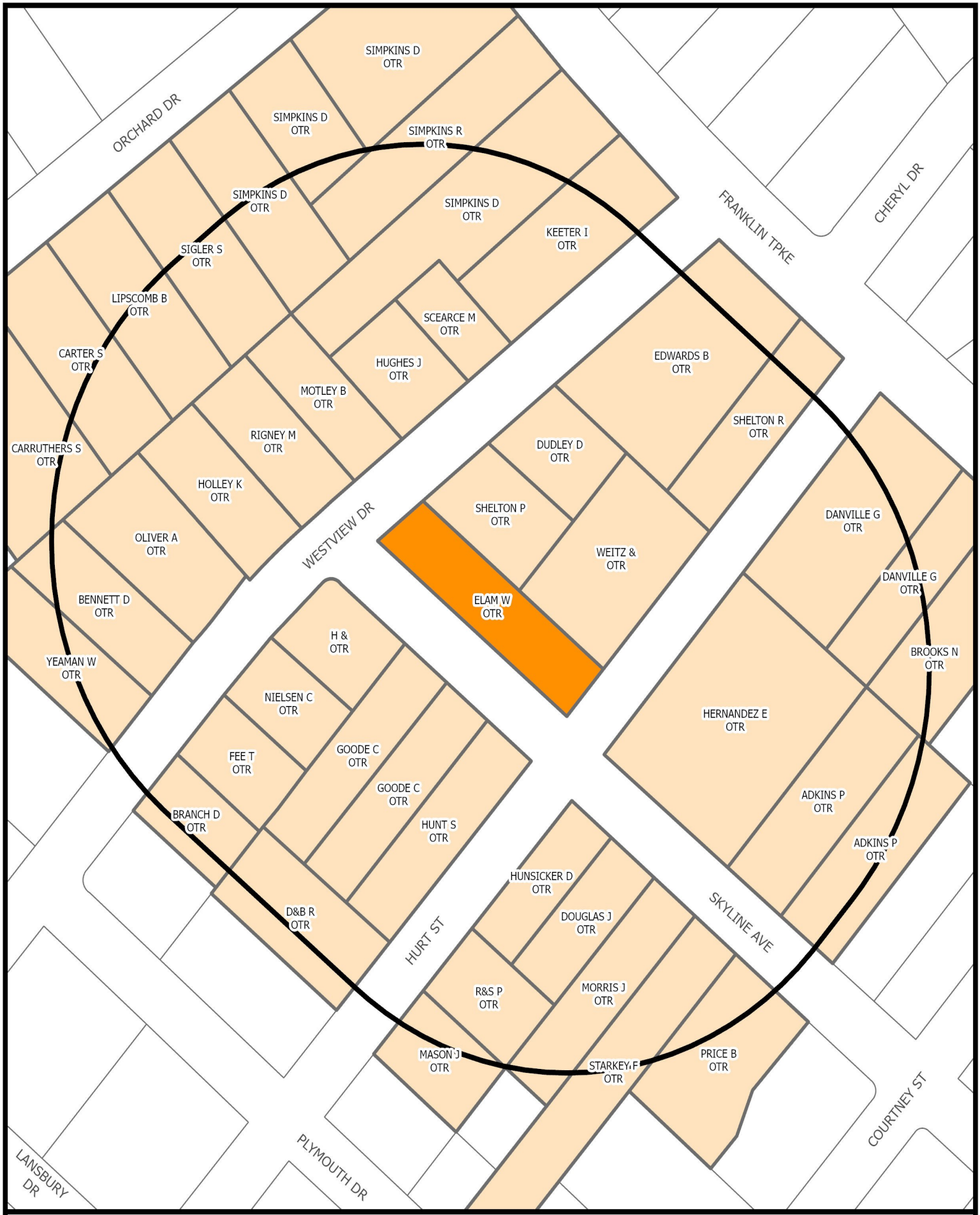

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

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DANVILLE VIRGINIA

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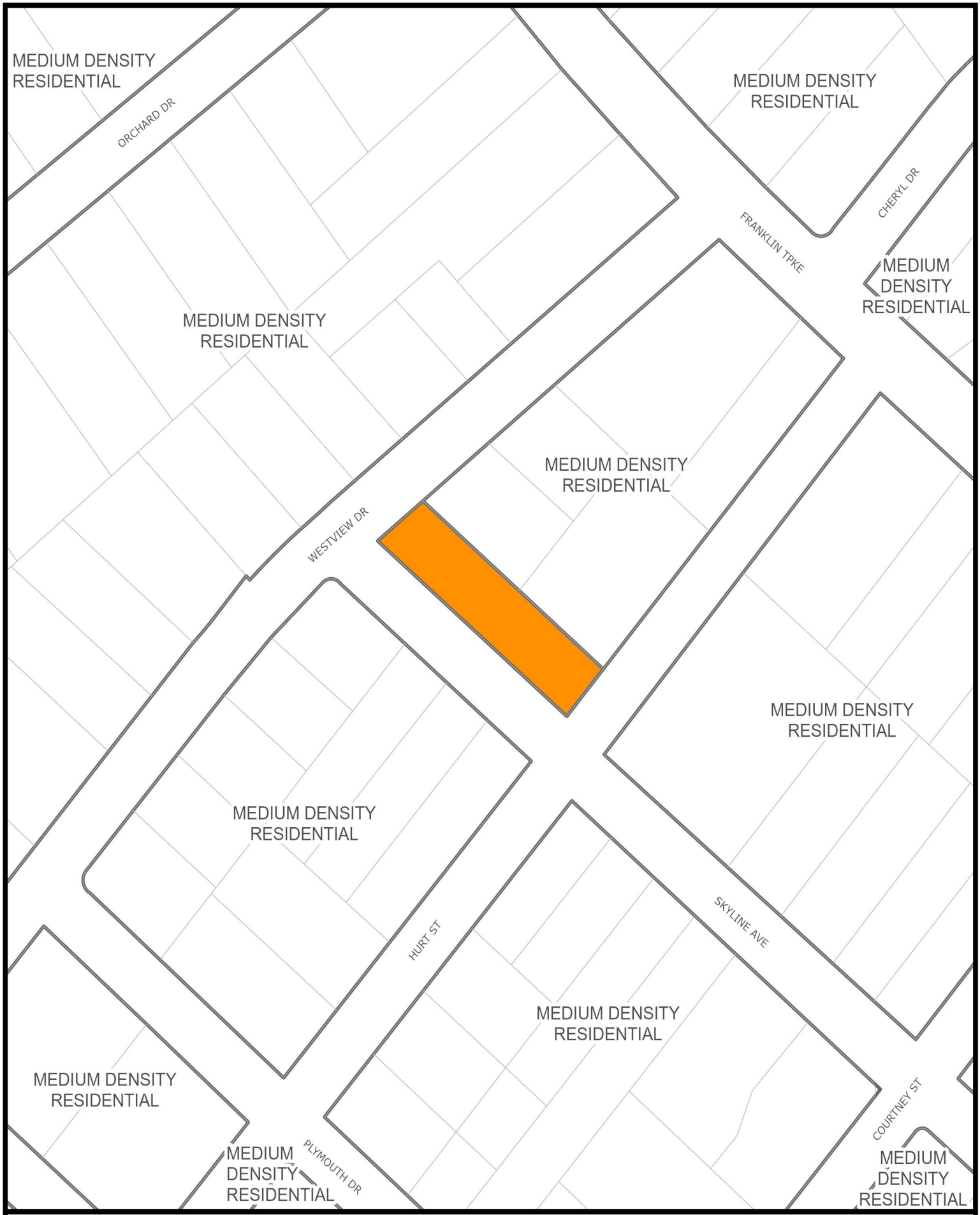

YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

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DANVILLE VIRGINIA

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CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00523

REQUEST

Special Use Permit application PZ24-00523 filed by William Elam to allow waiver of minimum lot size in accordance with Article 3.E Section C Item 21 at 124 Hurt Street (Parcel 50850).

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 5-0 to recommend approval of Special Use Permit Request PZ24-00523.

Steve Petrick RB
Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1716 **NEW BUSINESS G.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Special Use Permit Application filed by Evesting LLC.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00534, filed by Evesting LLC, Requesting a Special Use Permit to Allow an Attached Residential Dwelling at Parcel 24535 (434 Kemper Road) in Accordance with Article 3.E. Section C Item 1.

SUMMARY

The applicant, Evesting LLC, purchased 434 Kemper Road, once a condemned property, in August 2024. Since that time, the applicant has received the required permits and is actively upgrading the electrical and plumbing, and stabilizing the structure.

434 Kemper Road is zoned OT-R, Old Town Residential and contains a structure with a finished main level and an unfinished lower level. Each level is 1,149 square feet. The applicant is requesting to alter the floor plan of the existing single family home to create an upper and lower two (2) unit attached dwelling. The upper level will be a three bedroom, one bath apartment, and the lower level will be a two bedroom, one bath apartment. The units will have separate exterior access and parking in the front yard.

The subject property is located in Planning Area 4 within our Comprehensive Plan. Planning Area 4 is "located in the southernmost portion of the City". The Comprehensive Plan identifies this location as a sub area for development for threshold residential and light economic development. Within the 300-foot buffer around 434 Kemper Road are multi-family and commercial uses, with only a few single-family dwellings. The character of this portion of Kemper Road is commercial and multi-family.

Forty-six (46) notices were sent to surrounding property owners. Eight notices were received, all were unopposed.

On November 12, 2024, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit PZ24-00534 to allow an attached residential dwelling in accordance with Article 3.E Section C Item 1 at 434 Kemper Road (Parcel 24535).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow an attached residential dwelling in accordance with Article 3.E Section C Item 1 at Parcel ID 24535 (434 Kemper Road).

Attachments

1. Ordinance
2. Special Use Permit 434 Kemper Road
3. 434 Kemper Road - Duplex Proposal
4. 434 Kemper Road Aerials Map
5. 434 Kemper Road Owners Zoning Map
6. 434 Kemper Road Land Use Map
7. Comprehensive Plan Area 4
8. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00534, FILED BY EVESTING LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW AN ATTACHED RESIDENTIAL DWELLING AT PARCEL 24535 (434 KEMPER ROAD) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 1.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00534, filed by Evesting LLC, requesting a Special Use Permit to allow an attached residential dwelling at Parcel ID 24535 (434 Kemper Road) in accordance with Article 3.E. Section C Item 1, be and the same is hereby received; and

BE IT FINALLY ORDAINED THAT, in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00534, filed by Evesting LLC, requesting a Special Use Permit to allow an attached residential dwelling at Parcel ID 24535 (434 Kemper Road) in accordance with Article 3.E. Section C Item 1, is hereby granted and approved.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

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 #:	PZ24-00534	PC Meeting Date:	Nov. 12
Date Received:	9/25	Received By:	Williss
Parcel ID:	24535	Address:	434 Kemper
Existing Zoning:	OT-R	Future Land Use:	multi-family / duplex

APPLICANT PROVIDED INFORMATION

Property Location:	434 Kemper Rd
Applicant:	Evesting LLC / Erik Chambers
Applicant's Address:	Wimbish Pl Danville, Va 24541
Applicant's Phone Number:	434.429.0480
Applicant's Email:	echambers@evestingllc.com

Describe Proposed Request: Convert two level 2,298 sqft house into a duplex.

Upper level will be a 3 bedroom, one bathroom apartment with washer/dryer hookup1,149 sqft

Lower level will be a 2 bedroom,one bathroom apartment with washer/dryer hookup 1,149 sqft

Each unit will have a separate Elecrtical Service and HVAC systems

The uppper and lower apartments will have 5/8 fire rated sheetrock and minaral wool installed

between the two levels for required fire separation. Link smoke detectors will be installed.

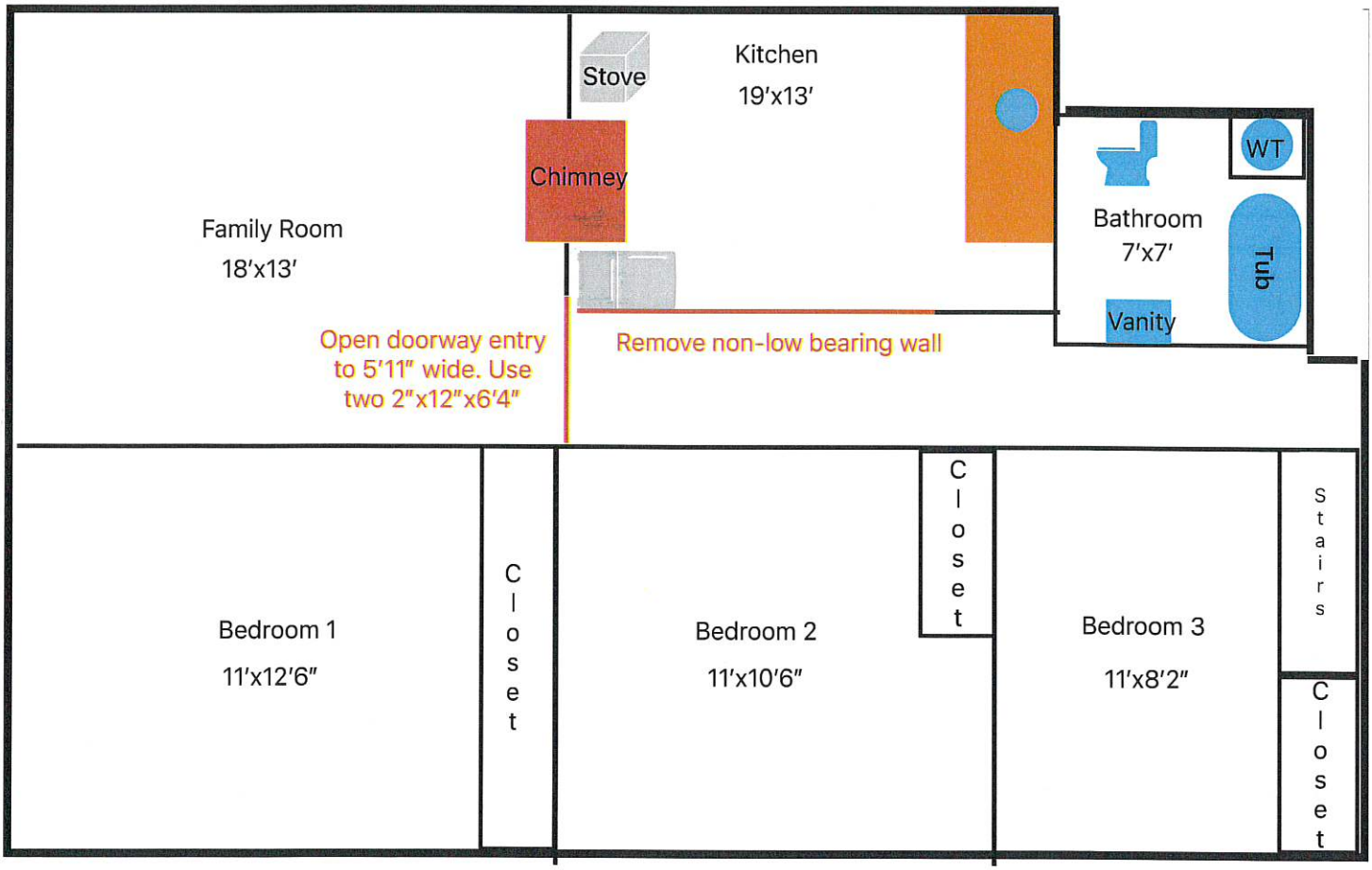
Parking in front yard will be added and outdoor stairs and walkway for lower level apartment.

	9/25/2024		9/25/2024
Applicant's Signature	Date	Property Owner's Signature (if not applicant)	Date

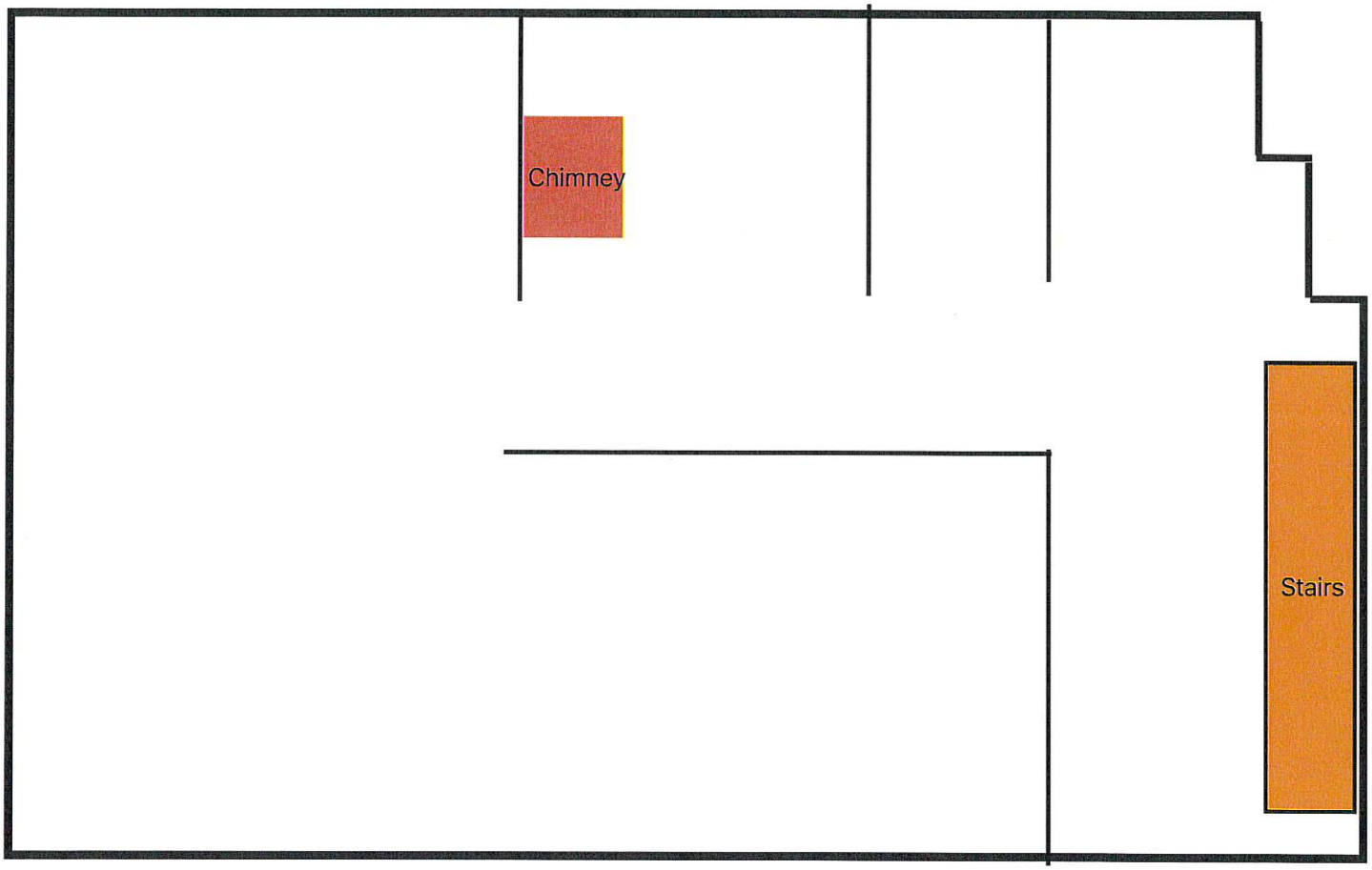
PLEASE ATTACH THE FOLLOWING

1. A preliminary site plan in accordance with the Site Plan Regulations.
2. 2. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
3. 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.

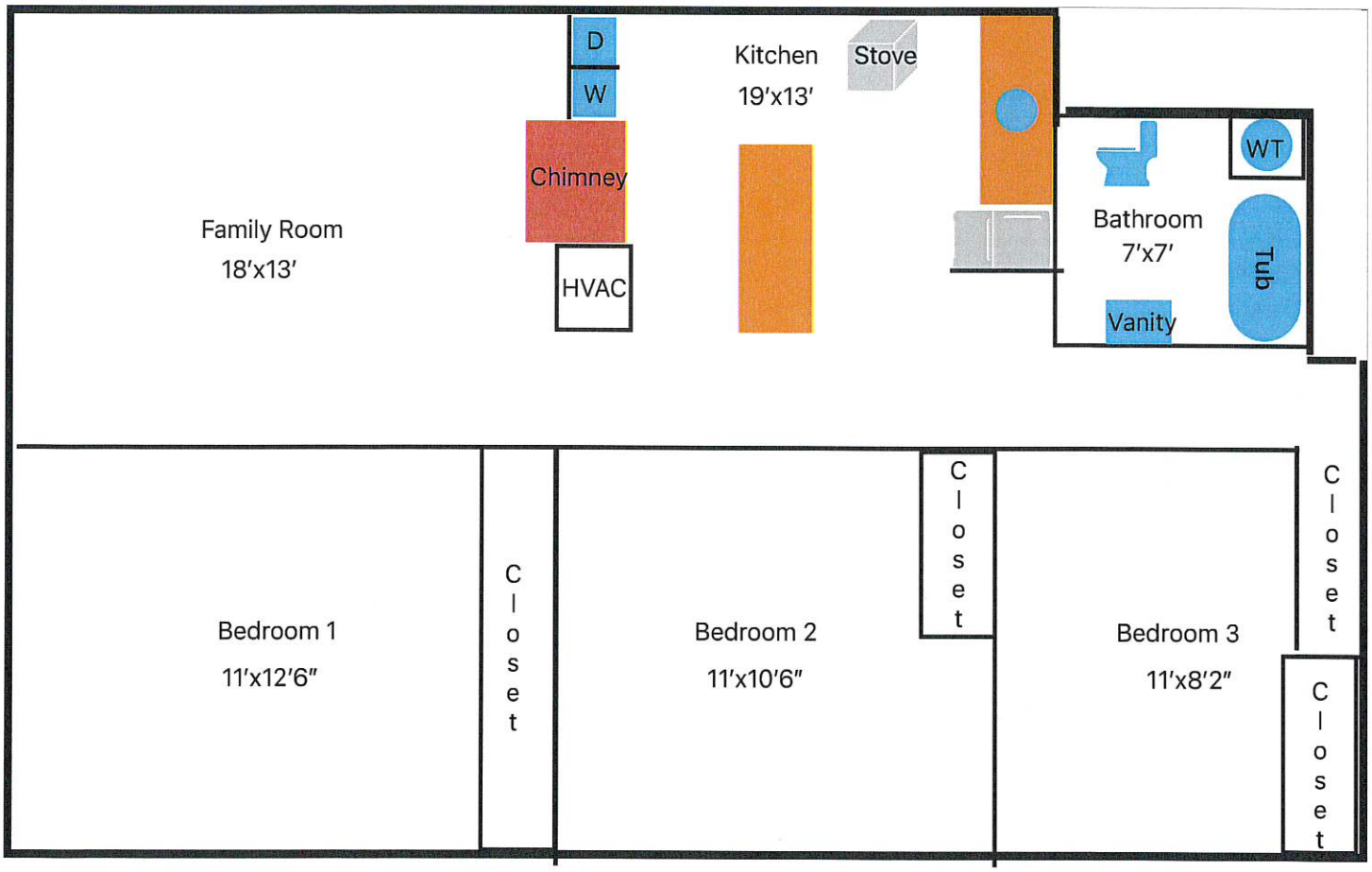
434 Kemper Rd Upper Level
Original



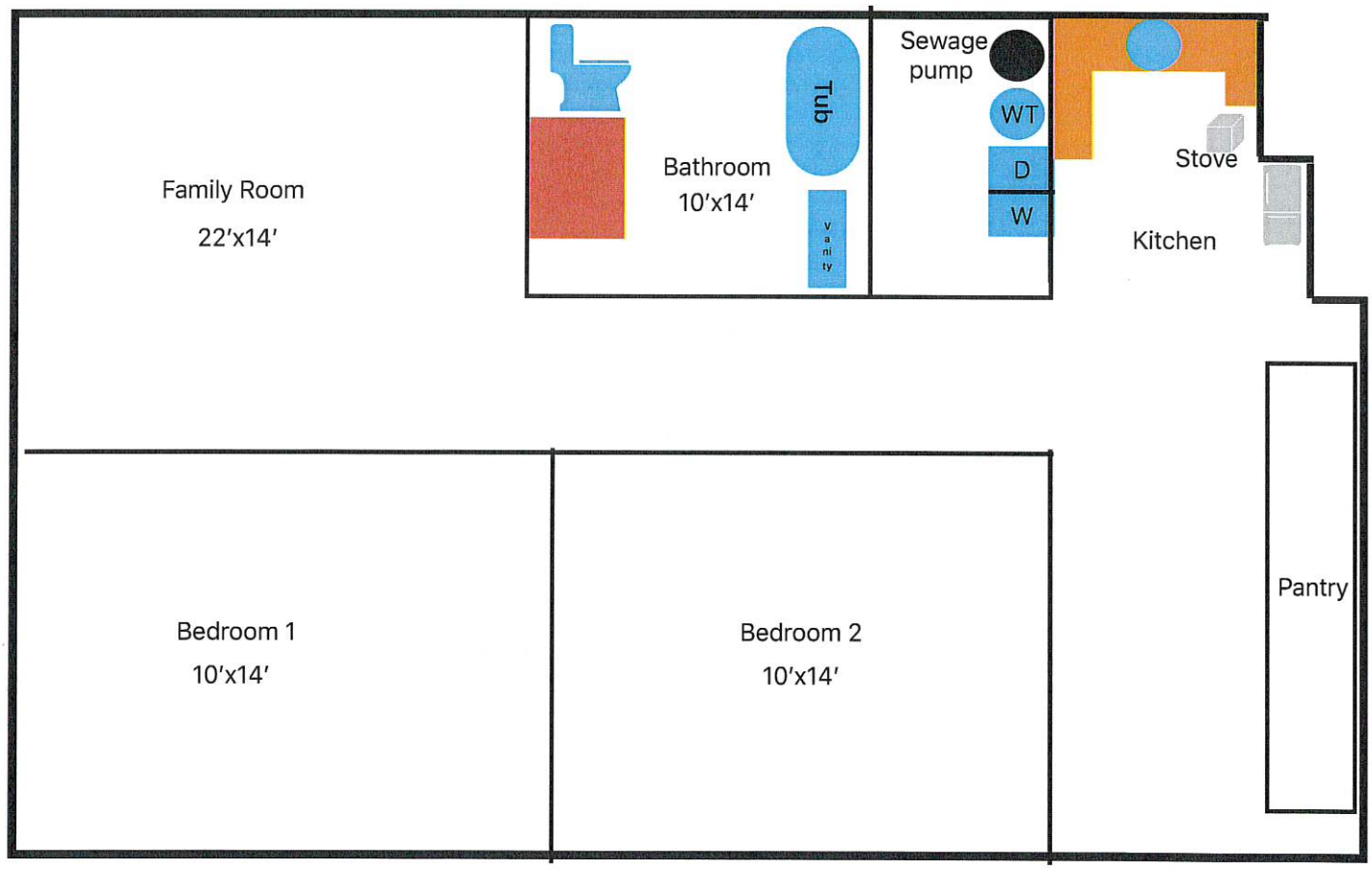
434 Kemper Rd Lower Level
Original



434 Kemper Rd Upper Level
Proposed



434 Kemper Rd Lower Level
Proposed



434 KEMPER RD

Special Use Request: Convert SFH to Duplex

Erik D. Chambers
Evesting LLC
echambers@evestingllc.com
434.429.0480
evestingllc.com

Who is Erik D. Chambers?

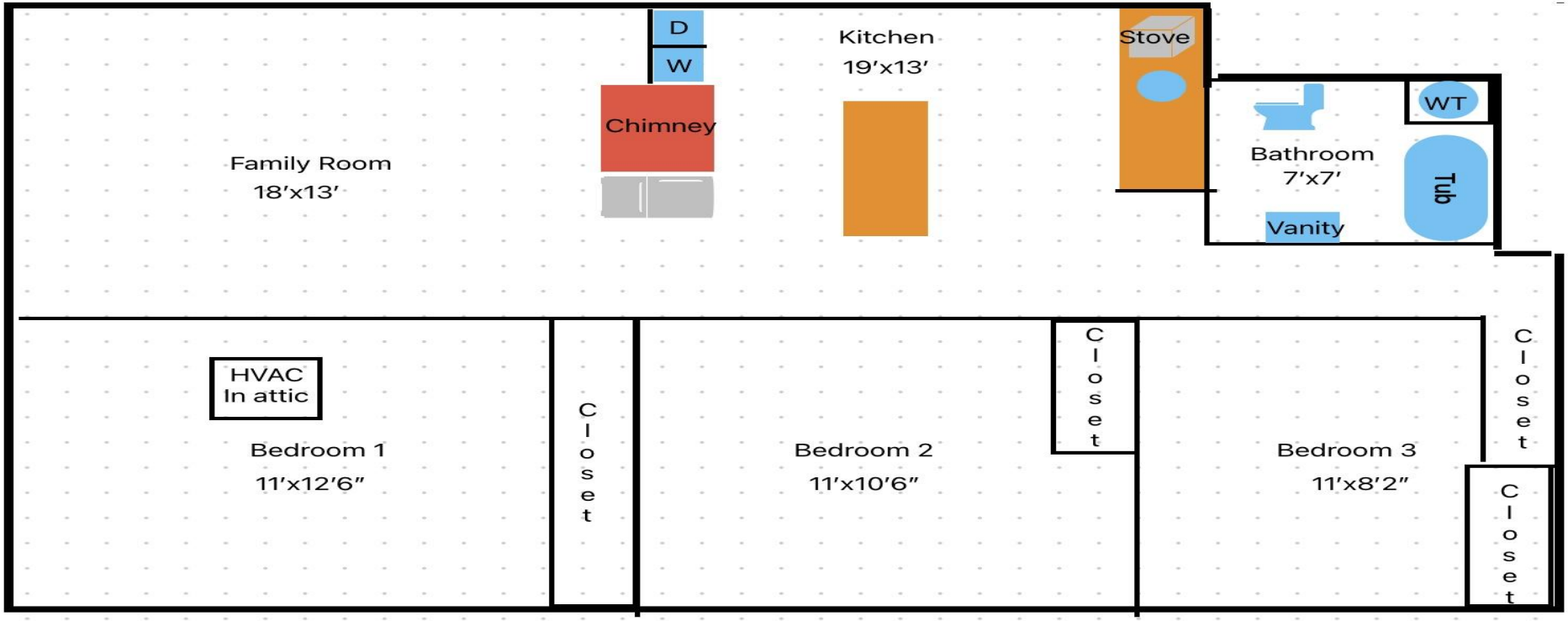
- I am a Danville native, born and raised in the lovely City of Danville.
- I served nine years in the US Army.
- I currently serve the City of Danville for 21 years. First as an Electrical Engineering Technician and currently in year 19 as the Communications Systems Manager.
- Evesting LLC has been investing in Danville since 2019, with one mission: “To provide quality and affordable housing. No matter the neighborhood or your social standing; everyone deserves a clean, safe and energy efficient living space.”
- This mission is near and dear to my heart from growing up in some of the forgotten neighborhoods and being homeless for a period of time as a child with my mother and baby sister.
- The Kemper Rd area is where I grew up, it is an honor to have the opportunity and resources to help improve the neighborhood.

434 Kemper Rd Renovation Plans

Reason For Convert To Duplex:

Danville is in need of quality affordable housing. During my research and experience in the Real Estate rental market a two level house with 2,298 sq ft total, 1,149 sq ft each level would better serve two families as a duplex rather than a large single family home.

434 Kemper Rd Upper Level Proposed

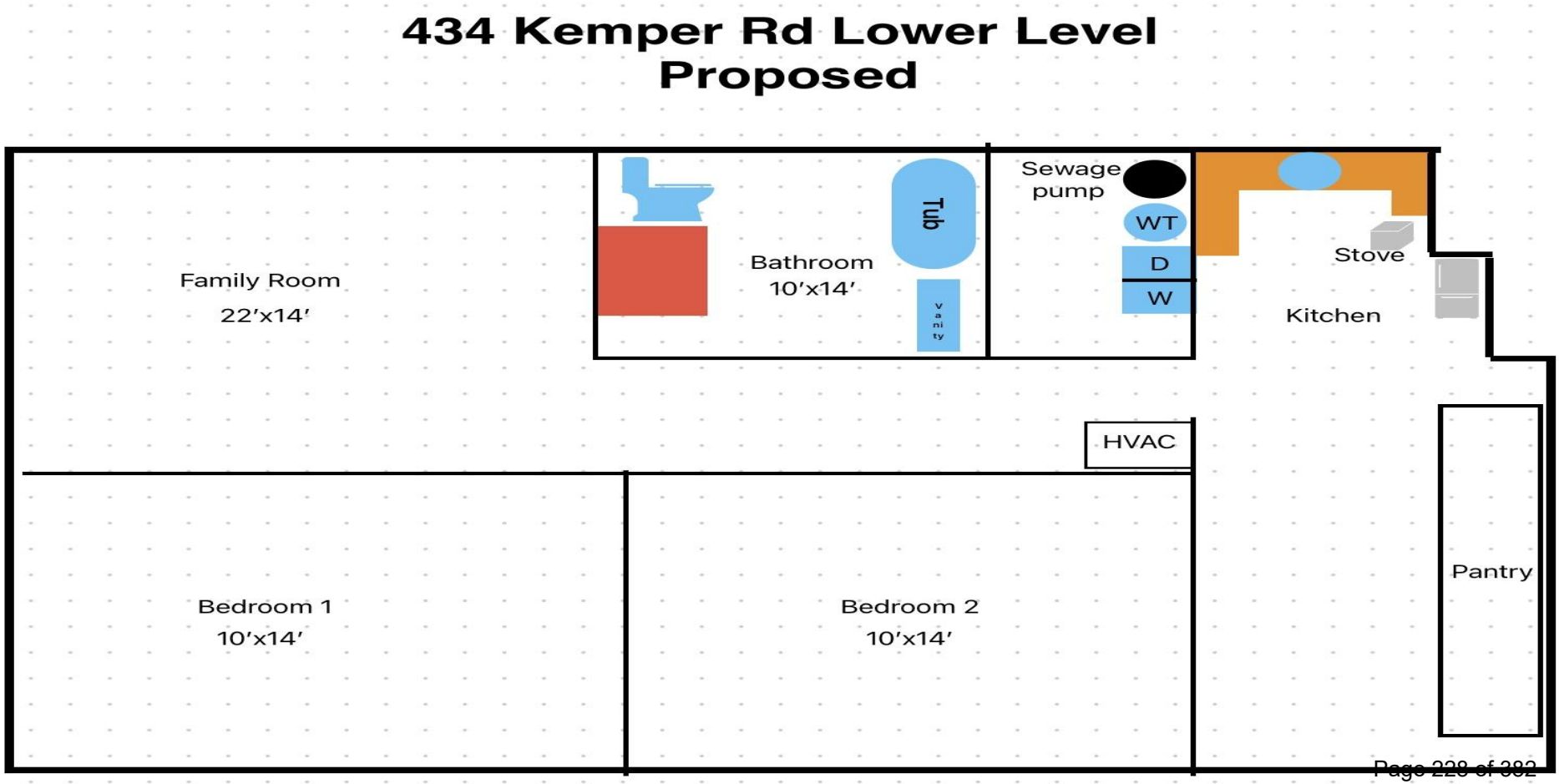


Unit A:

Unit A will be the upstairs 3 bedroom, one bath 1,149 sq ft unit.

- New central heat and air HVAC system.
- A new 200 amp electrical system and ¾ water line.
- Unit A will have separate utilities service and HVAC system.
- Washer and dryer hookup.
- Refrigerator, dishwasher, stove and over the range microwave included.
- New replacement windows.
- Private front porch.
- Shared 20’x20’ driveway.
- Plenty of street parking available on Bonner Ave.
- Shared outdoor common area.
- Shared new sewage system.
- Lawn maintenance provided.

434 Kemper Rd Unit B



Unit B:

Unit B will be the upstairs 2 bedroom, one bath 1,149 sq ft unit.

- New central heat and air HVAC system.
- A new 200 amp electrical system and ¾” water line.
- Unit B will have separate utilities service and HVAC system.
- Washer and dryer hookup.
- Refrigerator, dishwasher, stove and over the range microwave included.
- New replacement windows.
- Private side porch.
- Shared 20’x20’ driveway.
- Plenty of street parking available on Bonner Ave.
- Shared outdoor common area.
- Shared new sewage system.
- Lawn maintenance provided.

Life Safety Protection:

Unit A and B will be separated between the two levels with Rockwool Safe & Sound insulation. It is Non-combustible, fire-resistant up to 2150 degrees fahrenheit, excellent sound absorbency and has sound deadening properties. ⅝” Gold Bond Fire-Shield Drywall panels will be used on the ceilings in Unit B (lower level) for fire-rated construction per building code.

Smoke alarms will be installed in each unit per building codes.

Parking & Walkways:

- ➔ A sheared 20'x20' driveway will be added to the front right of the house on the same side as neighboring duplex.
- ➔ Concrete stairs and walkway will be added for access to lower level Unit B. The stairs will be 5' wide on the hill leading to the door for Unit B.
- ➔ Plenty of street parking on the left side of the property on Bonner Ave. (Evesting LLC also owns the property at 715 Bonner Ave to allow more street parking if needed).

Parking Layout:

Parking Layout Street Parking:

Unit B Stairs and Walkway Layout:

Existing Duplex Next to 434 Kemper Rd:

2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

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DANVILLE VIRGINIA

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
10/8/2024

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DANVILLE VIRGINIA

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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

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DANVILLE VIRGINIA

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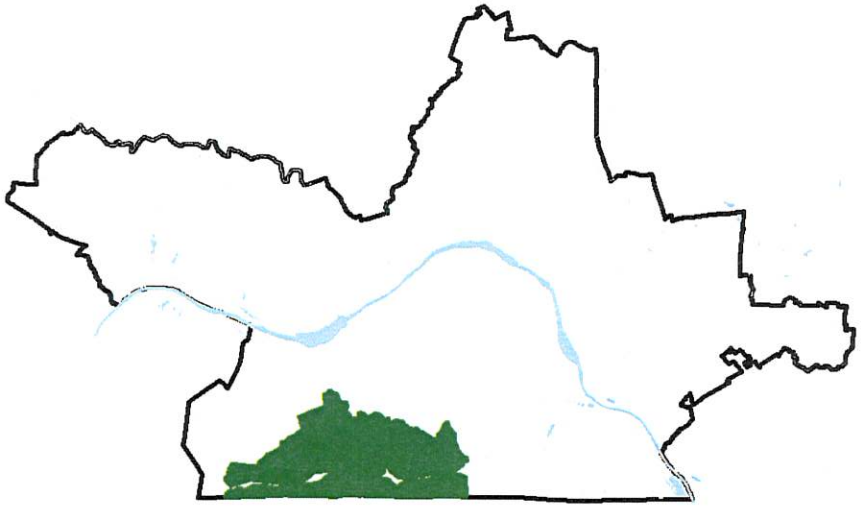
Planning Area 4: SOUTH DANVILLE



Location: Planning Area 4 is located in the southernmost portion of the City. It includes a total of nearly 2000 acres, which represents approximately 7% of the City's total area. It is bordered on the west by Rutledge Creek and West Main Street, on the north by the same creek, on the east by South Main Street and College Park Drive Extension and on the south by the Virginia/North Carolina state line. Eight individual Sub Areas have been identified within the Planning Area.

Existing Land Use: The South Danville Planning Area is characterized by a large concentration of undeveloped land on which limited agricultural activities take place. The vast majority of active uses in the Planning Area are devoted to low density single family dwellings. The former Corning Inc. site has been reoccupied in the southwest corner of the city by a tire molding operation. This was the only major industrial land use in the Planning Area.

Environment: Pumpkin Creek bisects the Planning Area and Rutledge Creek forms its northern border.

Public Utilities: Public utility availability is fair in the majority of the Planning Area. Public service extensions would be necessary to support the recommended development in each of the Sub Areas.

Transportation: Access serves as an additional development constraint for many of the identified Sub Areas. Although the Danville Bypass transverses the Planning Area, it is a limited access highway with interchange access only. The nearest interchanges are located at the South Main and West Main interchanges. Two minor collector roads (Elizabeth Street and Holland Road) are relied upon for primary access for much of the internal land in Planning Area 4.

Despite access issues VDOT ROW includes areas for two additional interchanges at Elizabeth Street and connecting to Locket Drive. This available ROW creates opportunities for development at these potential interchanges.

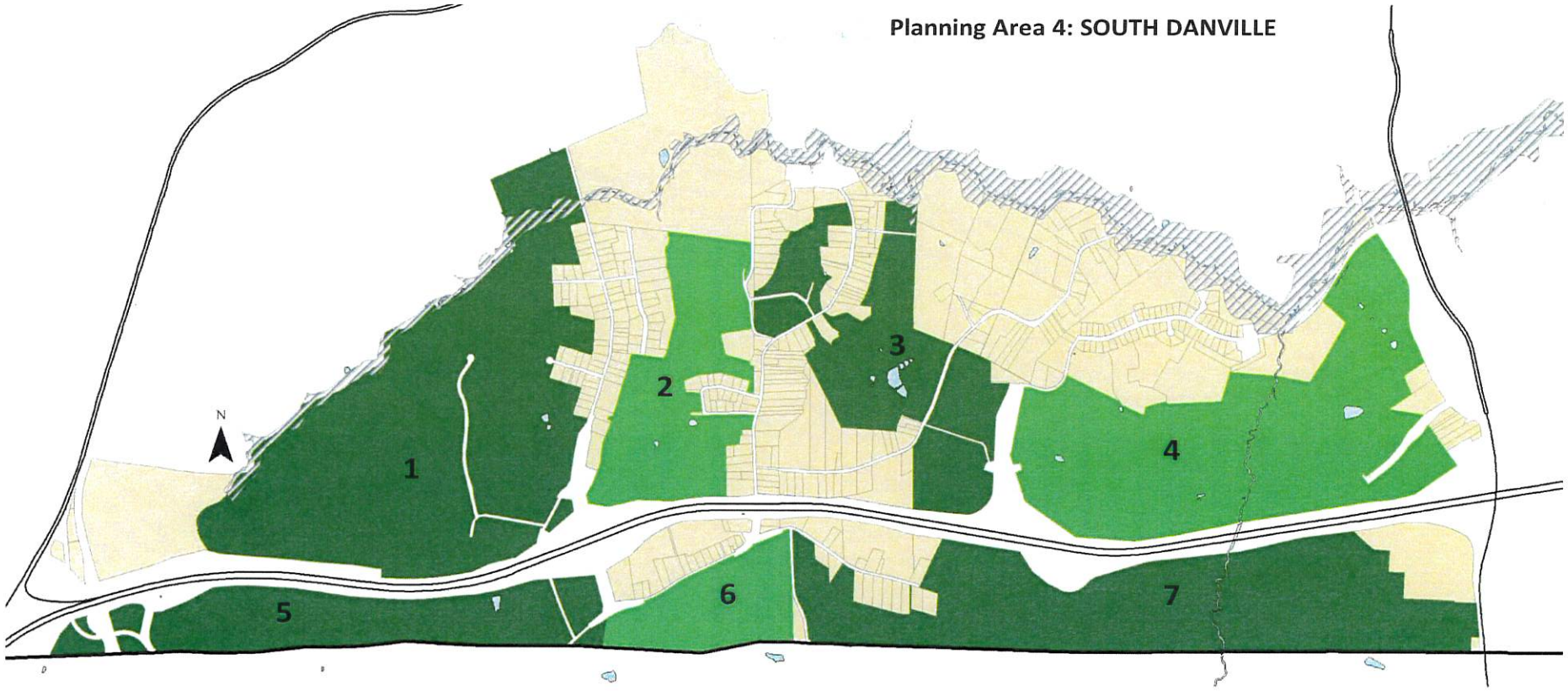
Corridors: Both the South Main Street and West Main Street corridors would be impacted indirectly by future development in the South Danville Planning Area.

Future Land Use:

- Maintain low-density residential use. Revisit large-scale residential development in fringe sub-areas only as housing demand grows.
- Low density residential south of the bypass, with the exception of Light Industrial at the interchanges.

PLANNING AREA 4

Sub Area	Zoning Classification	Developable Acreage	Potential Yield		Future Land-Use Recommendation
			Units	Sq Feet	
1	Threshold Residential	126	47		Rural Residential
	Suburban Residential	141	153		
	Old Town Residential	4	12		
	Manufacturing District	22		123,651	
	Sub Total:	**293**	**213**	**123,651**	
2	Threshold Residential	70	26		Rural Residential
	Old Town Residential	25	74		
	Sub Total:	**95**	**100**		
3	Threshold Residential	44	17		Rural Residential
	Suburban Residential	19	21		
	Old Town Residential	44	130		
	Highway Retail Commercial	16		153,423	
	Sub Total:	**123**	**167**	**153,423**	
4	Threshold Residential	194	73		Rural Residential
	Light Economic Development	39		262,064	
	Sub Total:	**233**	**73**	**262,064**	
5	Threshold Residential	36	72		Heavy Industrial
	Suburban Residential	9	45		
	Manufacturing District	57		1,241,460	
	Sub Total:	**102**	**117**	**1,241,460**	
6	Suburban Residential	41	82		Rural Residential
	Old Town Residential	9	45		
	Sub Total:	**50**	**127**		
7	Threshold Residential	58	116		Light Industrial
	Suburban Residential	19	95		
	Light Economic Development	119		799,632	
	Sub Total:	**196**	**211**	**799,632**	
	PLANNING AREA:	**1,092**	**1,008**	**2,580,230**	


Planning Area 4: SOUTH DANVILLE
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CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00534

REQUEST

Special Use Permit application PZ24-00534 filed by Evesting LLC to allow attached residential dwellings in accordance with Article 3.E Section C Item 1 at 434 Kemper Road (Parcel 24535).

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ24-00534.

Steve Petrick RB
Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1717 **NEW BUSINESS H.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Special Use Permit Application filed by Phoenix House LLC.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. A Resolution Denying Special Use Permit Application PZ24- 00554, filed by Phoenix House LLC, Requesting a Special Use Permit to Operate a Group Home in Accordance with Article 3.E Section C. Item 9. of the Danville Zoning Ordinance at Parcel ID 24813 (158 Montague Street); *OR*

3. An Ordinance Granting Special Use Permit Application PZ24- 00554, filed by Phoenix House LLC, Requesting a Special Use Permit to Allow a Group Home at Parcel 24813 (158 Montague Street) in Accordance with Article 3.E. Section C Item 9.

SUMMARY

The applicant, Phoenix House, LLC, is requesting a Special Use Permit to operate a group home at 158 Montague Street. 158 Montague Street is a single family dwelling zoned OT-R, Old Town Residential. There are six short-term rentals permitted within 300 feet of the subject property.

Montague Street is a densely populated area of single family dwellings and short-term rentals. The street is narrow and often congested with cars parked along both sides, making traffic flow difficult.

A Certificate of Occupancy inspection was completed, and the occupancy has been established at 7 persons. This suggests the structure is large enough to accommodate the four (4) persons in care and two (2) caregivers, as suggested by the application.

Sixty-eight (68) notices were sent to surrounding property owners. Thirty (30) notices were received. One (1) was not opposed, twenty-nine (29) were opposed.

Staff, in consultation and agreement with the applicant, formulated the following conditions and presented them to the Planning Commission:

1. The operation is licensed by the Department of Behavioral Health and Developmental Services (DBHDS);
2. There shall be no more than four (4) clients under care at 158 Montague Street;
3. All clients shall be under the age of eighteen (18);
4. A staff and/or counselor must be present to provide supervision of clients 24 hours a day; and
5. There shall be no more than two (2) vehicles on site for staff and the transportation of clients.

On November 12, 2024, the City Planning Commission voted 3-3 to recommend approval of Special Use Permit PZ24-00554 to allow a group home in accordance with Article 3.E Section C Item 9 at 158 Montague Street (Parcel 24813) with the following conditions:

1. The operation is licensed by the Department of Behavioral Health and Developmental Services (DBHDS).
2. There shall be no more than four (4) clients under care at 158 Montague Street.
3. All clients shall be under the age of eighteen (18).
4. A staff and/or counselor must be present to provide supervision of clients 24 hours a day.
5. There shall be no more than two (2) vehicles on site for staff and the transportation of clients.

Therefore, the motion failed.

RECOMMENDATION

It is recommended that City Council adopt a Resolution denying PZ24-00554 requesting a Special Use Permit to allow a group home in accordance with Article 3.E. Section C Item 9 at Parcel 24813 (158 Montague Street).

Attachments

1. Resolution - To Deny
2. Ordinance - Granting Special Use Permit
3. Special Use Permit Application - 158 Montague Street
4. 158 Montague St Aerials Map
5. 158 Montague St Owners Zoning Map
6. 158 Montague St Land Use Map
7. 158 Montague St Short Term Rental
8. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

RESOLUTION NO. 2024-__._____

A RESOLUTION DENYING SPECIAL USE PERMIT APPLICATION PZ24-00554, FILED BY PHOENIX HOUSE LLC, REQUESTING A SPECIAL USE PERMIT TO OPERATE A GROUP HOME IN ACCORDANCE WITH ARTICLE 3.E SECTION C. ITEM 9. OF THE DANVILLE ZONING ORDINANCE AT PARCEL ID 24813 (158 MONTAGUE STREET).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Danville, Virginia, that the report of the Zoning Administrator recommending denial of Special Use Permit application PZ24-00554, filed by Phoenix House, LLC, requesting a Special Use Permit to operate a group home in accordance with Article 3.E Section C. Item 9. of the Danville Zoning Ordinance at Parcel ID 24813 (158 Montague Street), is hereby received; and

AND BE IT FINALLY RESOLVED THAT, in consideration of said report and the public hearing this day held by Council, Special Use Permit application PZ24-00554, filed by Phoenix House, LLC, requesting a Special Use Permit to operate a group home in accordance with Article 3.E. Section C. Item 9. of the Danville Zoning Ordinance at Parcel 24813 (158 Montague Street), is hereby denied.

Approved:

_____

Mayor

Attest:

_____

City Clerk

Approved as to

Form and Legal Sufficiency

_____

City Attorney

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00554, FILED BY PHOENIX HOUSE LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A GROUP HOME AT PARCEL 24813 (158 MONTAGUE STREET) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 9.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00554, filed by Phoenix House LLC, requesting a Special Use Permit to allow a group home at Parcel ID 24813 (158 Montague Street) in accordance with Article 3.E. Section C Item 9, be and the same is hereby received with the following conditions:

1. The operation is licensed by the Department of Behavioral Health and Developmental Services (DBHDS).
2. There shall be no more than four (4) clients under care at 158 Montague Street.
3. All clients shall be under the age of eighteen (18).
4. A staff and/or counselor must be present to provide supervision of clients 24 hours a day.
5. There shall be no more than two (2) vehicles on site for staff and the transportation of clients; and

BE IT FINALLY ORDAINED THAT, in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00554, filed by Phoenix House LLC, requesting a Special Use Permit to allow a group home at Parcel ID 24813 (158 Montague Street) in accordance with Article 3.E. Section C Item 9, is hereby granted and approved with the following conditions:

1. The operation is licensed by the Department of Behavioral Health and Developmental Services (DBHDS).
2. There shall be no more than four (4) clients under care at 158 Montague Street.
3. All clients shall be under the age of eighteen (18).
4. A staff and/or counselor must be present to provide supervision of clients 24 hours a day.
5. There shall be no more than two (2) vehicles on site for staff and the transportation of clients.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

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 #: PZ24-00554 PC Meeting Date: Nov 12, 2024

Date Received: 10-8-24 Received By: Lisa Jones

Parcel ID: 24813 Address: 158 Montague Street

Existing Zoning OTR Future Land Use: _____

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#) 158 MONTAGUE ST, DANVILLE, VA 24541

Applicant: Phoenix House LLC, MARK HOWARD

Applicant's Address: 233 West MAIN ST, DANVILLE, VA 24541

Applicant's Phone Number: 540-287-3460

Applicant's E-mail: HOWARD605@aol.com

Applicant's Signature 10/8/2024 Date

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.

EXPLANATION OF REQUEST:

1. PROPOSED USE FOR THE SPECIAL USE PERMIT:

Please provide a site plan with the following information:

- Proposed use of the land: size and location of structures with dimensions to lot lines.
- Vehicular circulation system with points of ingress and egress.
- Existing on-site buildings, separation dimensions and paved areas.
- Location and dimensions of all parking and loading areas, including the number of off-street parking and loading spaces provided.
- Net acreage.
- Gross and net square footage of building (s) (proposed and existing).
- Required landscaping and buffer areas.

Please provide a brief description of the proposed development:

_____

_____

_____

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

1. NAME: MICHAEL HOWARD TELEPHONE: 434-713-4849

MAILING ADDRESS: 233 W. MAIN ST DANVILLE, VA 24541

SIGNATURE: Michael Howard DATE: 10/8/24

SIGNATURE: _____ DATE: _____

EMAIL ADDRESS: _____

APPLICANT (PLEASE TYPE OR PRINT):

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

NAME: MARK HOWARD TELEPHONE: 540-287-3460

MAILING ADDRESS: 233 W. MAIN ST DANVILLE, VA 24541

EMAIL ADDRESS: HOWARD605@aol.com

SIGNATURE: _____ DATE: 10/8/24

Application Request for Special Use Permit

Request:

Phoenix House, LLC is requesting a Special Use Permit to establish a licensed Group Home at 158 Montague Street, Danville, VA 24541.

The property owner is Michael Lowell Howard and will lease the property to Phoenix House, LLC. Mark Lowell Howard will assume the Chief Executive Officer role and operational oversight of the program.

Background:

The proposed group home would serve no more than four residents between the ages of 12-17 with developmental and other disabilities. The program will be licensed by DBHDS (Department of Behavioral Health and Developmental Services). As part of the licensing requirements the home will maintain 24 hour supervision of the individuals served. The program will employ nine staff including the Chief Executive Officer. Staffing patterns will provide for two staff members working the residents at any given time.

Residents receive a wide range of services to meet their physical, emotional, and developmental needs. The primary goal of the home is to integrate those with disabilities into their larger community by providing a homelike environment, recreational activities, and community-based skill building opportunities.

Site Plan: See Exhibit A (no physical adjustments or changes are planned).

The Comprehensive Plan: The proposed group home is aligned with the current 2030 Comprehensive Plan. Specifically the proposed group home addresses Housing and Neighborhood goals in providing for additional non-institutional housing opportunities for those with disabilities while integrating those with disabilities into our larger community.

The Applicable Zoning District: The proposed group home would be a residence for four individuals with professional supports consistent with current zoning.

The Surrounding Properties: The proposed group home would have minimal impact on the current properties as it would be a licensed group home through DBHDS which maintains regulatory standards and expectations. Given the size and scope of the program there would be minimal impact to the surrounding properties.

Current and Future Neighborhood Conditions: The proposed group home would have no foreseeable impact on the neighborhood conditions.

Pedestrian and Vehicular Traffic Patterns, On-site and Off-site: The proposed group home would have no foreseeable impact on pedestrian or vehicular traffic patterns outside of any other typical residential use.

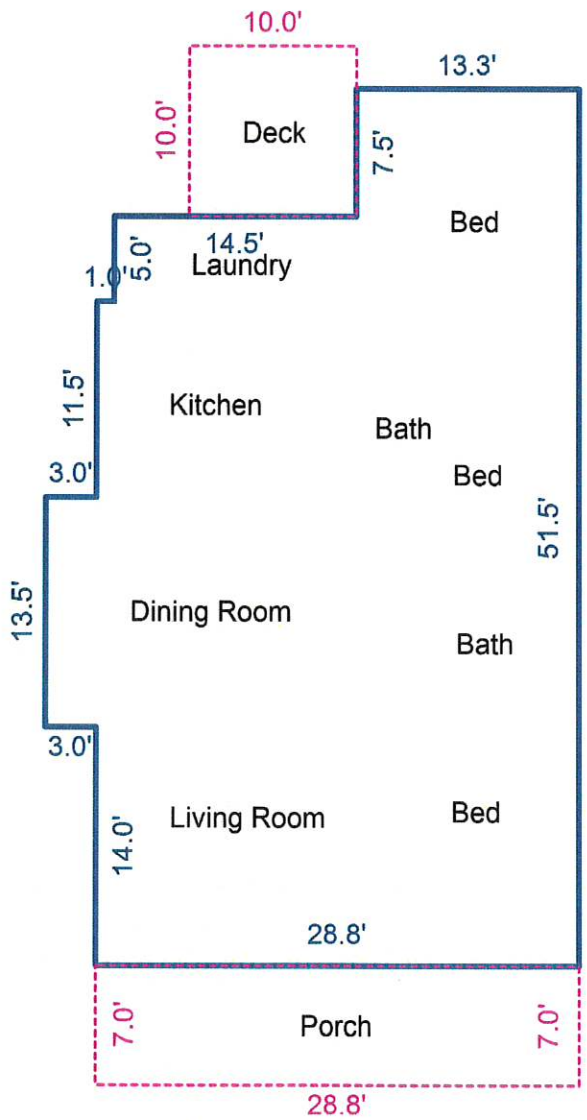
Adequate Public Facilities: The proposed group home would have no foreseeable impact on current public facilities outside of any other typical residential use.

SITE PLAN

Borrower or Owner	Michael Howard						
Property Address	158 Montague Street						
City	Danville	County	n/a, City of Danville	State	VA	Zip Code	24541
Client	Movement Mortgage						

SKETCH ADDENDUM

Borrower or Owner: Michael Howard
Property Address: 158 Montague Street
City: Danville | County: n/a, City of Danville | State: VA | Zip Code: 24541
Client: Movement Mortgage



Main Level

Sketch by ApexSketch

AREA CALCULATIONS SUMMARY

Code	Description	Factor	Net Size	Perimeter	Net Totals
GLA1	First Floor	1.0	1404.2	166.7	1404.2
P/P	Porch	1.0	201.8	71.7	
	Wood Deck	1.0	100.0	40.0	301.8
	Net LIVABLE	cnt	1	(rounded)	1,404

AREA CALCULATIONS BREAKDOWN

Name	Base x	Height x	Width =	Area
First Floor		13.5 x	3.0 =	40.5
		44.0 x	27.8 =	1224.7
		13.3 x	7.5 =	100.0
		39.0 x	1.0 =	39.0
4 total items			(rounded)	1,404

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IRS DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 09-13-2024

Employer Identification Number:
99-4915066

Form: SS-4

Number of this notice: CP 575 G

PHOENIX HOUSE LLC
MARK L HOWARD SOLE MBR
233 W MAIN ST
DANVILLE, VA 24541

For assistance you may call us at:
1-800-829-4933

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 99-4915066. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at www.irs.gov. If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

IMPORTANT REMINDERS:

* Keep a copy of this notice in your permanent records. This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you. You may give a copy of this document to anyone asking for proof of your EIN.

* Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.

* Refer to this EIN on your tax-related correspondence and documents.

* Provide future officers of your organization with a copy of this notice.

Your name control associated with this EIN is PHOE. You will need to provide this information along with your EIN, if you file your returns electronically.

Safeguard your EIN by referring to Publication 4557, Safeguarding Taxpayer Data: A Guide for Your Business.

You can get any of the forms or publications mentioned in this letter by visiting our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions about your EIN, you can contact us at the phone number or address listed at the top of this notice. If you write, please tear off the stub at the bottom of this notice and include it with your letter.

Thank you for your cooperation.

Keep this part for your records. CP 575 G (Rev. 7-2007)

Return this part with any correspondence so we may identify your account. Please correct any errors in your name or address.

CP 575 G

9999999999

Your Telephone Number
( ) -

Best Time to Call

DATE OF THIS NOTICE: 09-13-2024
EMPLOYER IDENTIFICATION NUMBER: 99-4915066
FORM: SS-4 NOBOD

INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

PHOENIX HOUSE LLC
MARK L HOWARD SOLE MBR
233 W MAIN ST
DANVILLE, VA 24541

Business Registration

Confirmation Number: B240948070880

Your Registration Update with the Virginia Department of Taxation is now complete.

Please use the following Account Numbers when submitting tax returns, making payments or when making inquiries about your account:

Pass-Through Entities 38-994915066F-001

Please carefully review the following information, which is being provided to assist you in understandin your responsibilities going forward. We suggest you save this file on your computer at this time or prin off and keep it with your tax records as this information cannot be recreated.

Pass-Through Entities

Feedback

Commonwealth of Virginia
Department of Taxation

IReg Registration Complete – Pass-Through Entity

Your registration is successful and complete!

Please save and / or print a copy of this document for your tax records. This information is only available one time.

Tax Type	Virginia Account Number	Filing Frequency	Beginning Liability Date
Pass-Through Entity	38-994915066F-001	Calendar	09/2024

Account Number

Your 15 character Virginia Account Number (displayed above) is important and required every time you file a return, make a payment or contact the Virginia Department of Taxation (VirginiaTax).

Filing Requirements and Obligations

The next sections help explain your tax obligations as a pass-through entity and to Virginia Tax.

Forms, Frequency and Due Dates

Based on your registration, your filing frequency is **Calendar** and you must file / pay using the following forms and schedules. Additional information is available on the Pass-Through Entity Tax page.

- **Form 502** – annual form (and related schedules) to report pass-through entity income taxes
  NOTE: This tax return is required even if there is no tax to report for the filing period.
  - Due on / before the **15th day of the 4th month** following the close of the taxable year.
  - Nonprofits – due on / before the **15th day of the 6th month** following the close of the taxable year.
- **Form 502W** – form to make a withholding payment prior to filing the 502 – due on / before **April 15**
  NOTE: This payment is required for pass-through entities that withhold tax from their nonresident owners income.

An automatic 6 month filing extension is allowed, provided that the return is filed within 6 months from the due date of the return. This filing extension does not apply to paying; your payment must still be made on / before the due date.

How to File and Pay

You are **required** to electronically file / pay your Pass-Through Entity Tax using one or more of the following online options.

- **Form 502 and schedules** - use either of the options based on your filing needs / eligibility.
  - Pass-Through Entity e-File - paid software option to file federal / state returns using the IRS e-File program
  - 500EZ eForm - free option to file a state only return that is based on specific eligibility
- **Forms 502W** – use free eForms option

If you are unable to file/pay electronically at this time, you may request a temporary waiver to use the paper method.

Filing Requirements and Obligations (continued)

Penalty and Interest

You are required to file/pay your annual tax return on or before the due date, even when no tax is due for the filing period. Failure to file on time (or at all) will result in Virginia Tax sending you a penalty notice for failure to file, even if no tax is due.

Depending on the situation, additional different penalties may apply. Review the Form 502 instructions for full details. For late filing and payment, interest is assessed at the rate established in Schedule 6621 of the Internal Revenue Code, plus 2%.

Record Keeping

Keep the following information with your tax records and store it according to the length of time described below.

- Account Number = Always
- Copies of returns / schedules / payments filed with Virginia Tax = 3 Years
- Online system / electronic confirmations = 3 Years

Report Changes

Keep your information current and report changes in a timely manner using our Business Online Account option. Access the **Update Your Business Profile** feature to report your changes.

- Update Addresses and Contacts
- Update Responsible Officer Details
- Register for Additional Taxes
- Add a New Business Location
- Close a Business or Business Location

Contact Us

For assistance or for questions regarding your registration, please call 804.367.8037.

For specific tax type questions and related phone numbers, visit our Contact Us page.

Visit our website www.tax.virginia.gov for your Virginia tax needs.

2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/10/2024

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DANVILLE VIRGINIA

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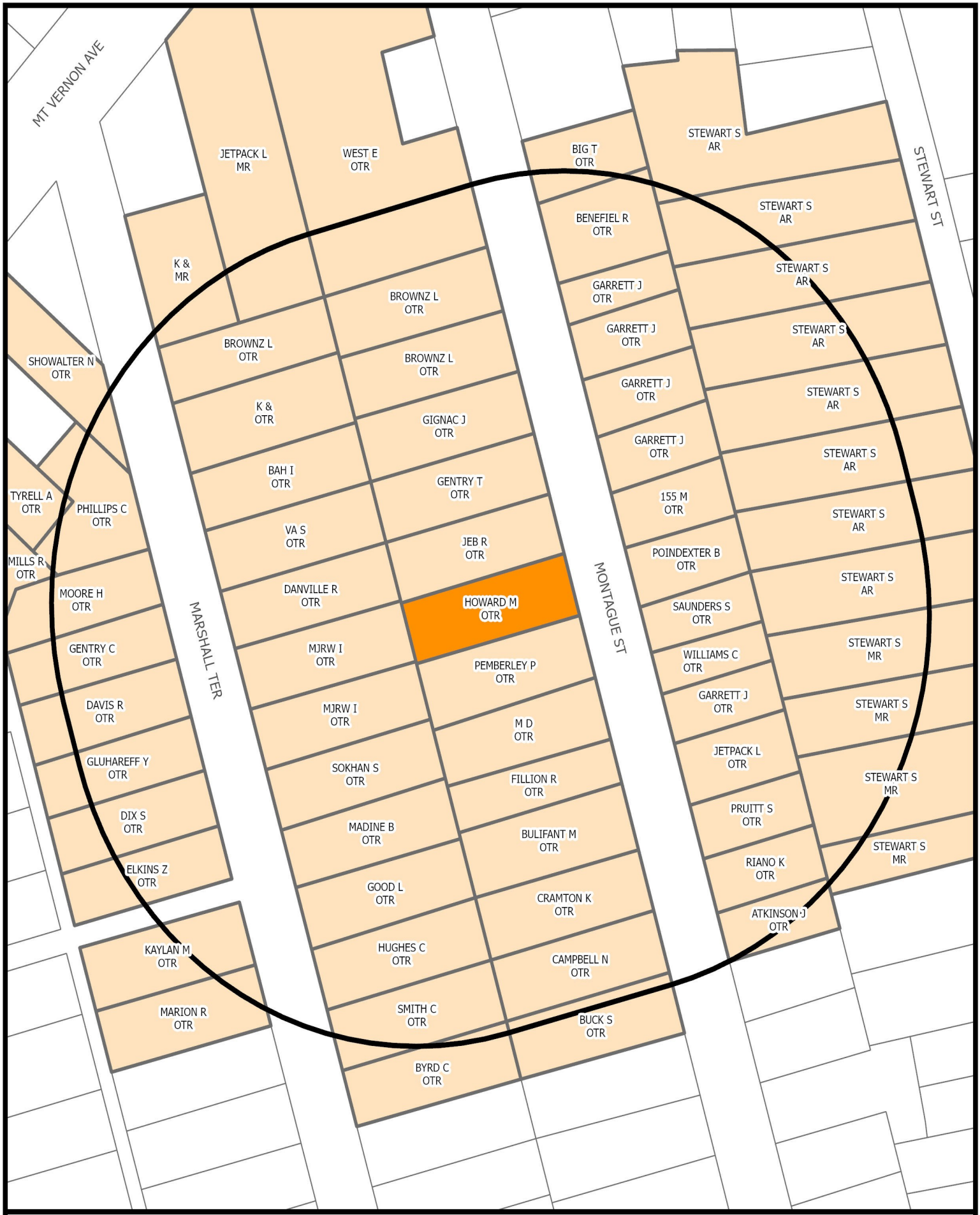

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/10/2024

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DANVILLE VIRGINIA

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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/21/2024

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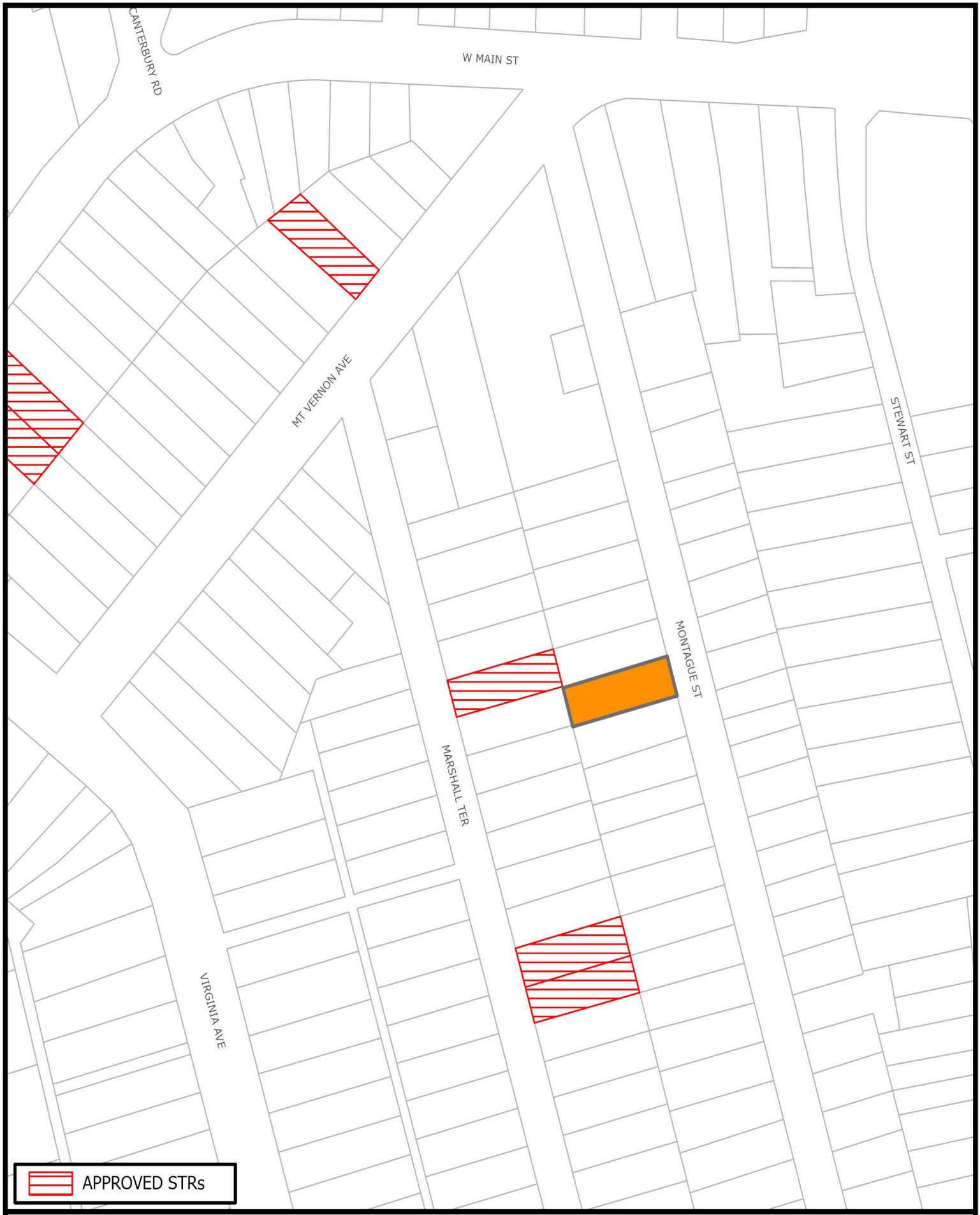

SUBJECT PROPERTY WITH 300 FT BUFFER

Prepared by:
Planning Division
11/4/2024

N

DANVILLE VIRGINIA

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CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00554

REQUEST

Special Use Permit application PZ24-00554 filed by Phoenix House LLC to allow a group home in accordance with Article 3.E Section C Item 9 at 158 Montague Street (Parcel 24813).

RECOMMENDATION

The Planning Commission, at their November 12, 2024, meeting voted 3-3 to recommend approval of Special Use Permit Request PZ24-00554 with the following conditions:

1. The operation is licensed by the Department of Behavioral Health and Developmental Services (DBHDS).
2. There shall be no more than four (4) clients under care at 158 Montague Street.
3. All clients shall be under the age of eighteen (18).
4. A staff and/or counselor must be present to provide supervision of clients 24 hours a day.
5. There shall be no more than two (2) vehicles on site for staff and the transportation of clients.

Therefore, the motion failed.

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1718 **NEW BUSINESS I.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Special Use Permit Application filed by Jonathan Sharolli.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00518, filed by Jonathan Sharolli, Requesting a Special Use Permit to Allow an Attached Residential Dwelling at Parcel 24572 (224 Winslow Street) in Accordance with Article 3.E. Section C Item 1.

SUMMARY

The applicant, Jonathan Sharolli, has requested a Special Use Permit to allow an attached dwelling at 224 Winslow Street. 224 Winslow Street was once in use as a duplex and has remained vacant and unkept for many years. The subject property is located in the Almagro community. Winslow Street has multiple legal non-conforming duplexes in the vicinity.

The Almagro community has recently participated in the development of a Neighborhood Action Plan with PLAN Danville. The meetings for the development of this plan highlighted the community's interest in improving the existing homes in the neighborhood to increase their value and the resident's quality of life. Mr. Sharolli's request will require rehabilitation of the existing structure to meet all Building and Fire Codes. Staff believes that allowing a Special Use Permit for an attached dwelling is in line with the feedback received from the community.

Sixty (60) notices were sent to surrounding property owners. Four (4) notices were received back; two were not opposed, two were opposed.

On November 12, 2024, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit PZ24-00518 to allow an attached residential dwelling in accordance with Article 3.E Section C Item 1 at 224 Winslow Street (Parcel 24572).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow an attached residential dwelling in accordance with Article 3.E. Section C Item 1 at Parcel ID 24572 (224 Winslow Street).

Attachments

1. Ordinance
2. Special Use Permit Application - 224 Winslow Street
3. 224 Winslow Street Aerials Map
4. 224 Winslow Street - Owners Zoning Map

---

5. 224 Winslow Street - Land Use Map
6. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00518, FILED BY JONATHAN SHAROLLI, REQUESTING A SPECIAL USE PERMIT TO ALLOW AN ATTACHED RESIDENTIAL DWELLING AT PARCEL 24572 (224 WINSLOW STREET) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 1.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00518, filed by Jonathan Sharolli, requesting a Special Use Permit to allow an attached residential dwelling at Parcel ID 24572 (224 Winslow Street) in accordance with Article 3.E. Section C Item 1, be and the same is hereby received; and

BE IT FINALLY ORDAINED THAT, in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00518, filed by Jonathan Sharolli, requesting a Special Use Permit to allow an attached residential dwelling at Parcel ID 24572 (224 Winslow Street) in accordance with Article 3.E. Section C Item 1, is hereby granted and approved.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

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 #: PZ24-00518 PC Meeting Date: November 12, 2024

Date Received: 9-18-24 Received By: Lisa Jones

Parcel ID: 24572 Address: 224 Winslow Street

Existing Zoning OTR Future Land Use: Duplex

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#) 224 Winslow St Danville, VA

Applicant: Jonathan Sharolli

Applicant's Address: 253 Davis Rd Chatham, VA 24531

Applicant's Phone Number: (571) 437-3167

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

Applicant's Signature _____ 9/18/24 Date

2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

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DANVILLE VIRGINIA

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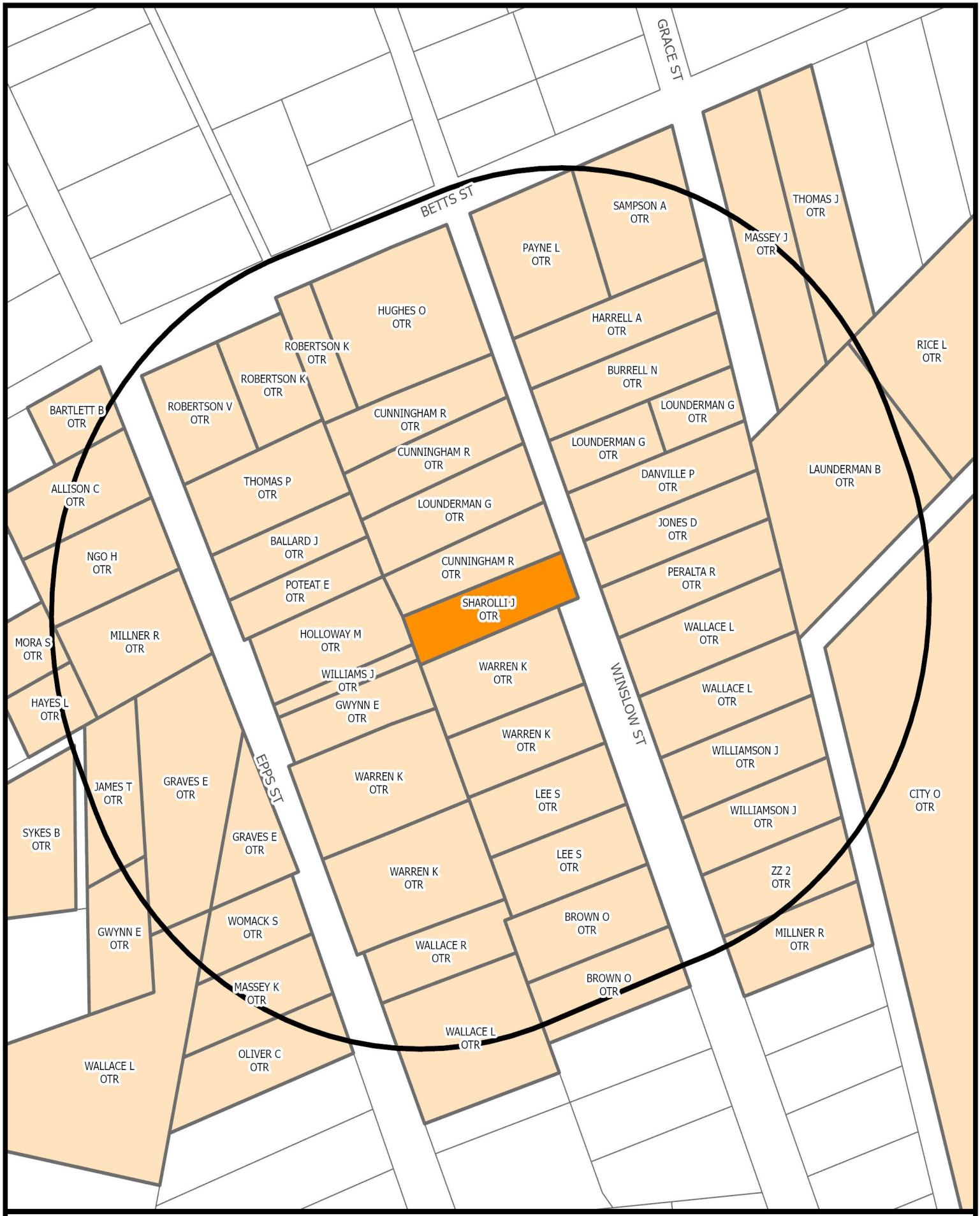

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

N

DANVILLE VIRGINIA

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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

N

DANVILLE VIRGINIA

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CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00518

REQUEST

Special Use Permit application PZ24-00518 filed by Jonathan Sharolli to allow attached residential dwellings in accordance with Article 3.E Section C Item 1 at 224 Winslow Street (Parcel 24572).

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ24-00518.

Steve Petrick RB
Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1719 **NEW BUSINESS J.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Special Use Permit Application to Allow a Child Daycare Center at 130 Clarkson Street.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00553, filed by Katillia Johnson, Requesting a Special Use Permit to Allow a Child Day Care Center at Parcel 56540 (130 Clarkson Street) in Accordance with Article 3.E. Section C Item 7.

SUMMARY

130 Clarkson Street once operated as Tot Spot, a child day care center, and is zoned OT-R, Old Town Residential. The property has been vacant for more than two (2) years and lost its vested rights to continue operation as a child day care. The applicant, Katillia Johnson, is requesting a Special Use Permit to allow a child day center to operate in accordance with Article 3.E. Section C Item 7.

Our records indicate that the subject property received a Special Exception Permit to operate a child day care center in 1990. The child day care operated as Tot Spot from April 1,1992, to April 10, 2019. The Building Inspections Division is working with Ms. Johnson to ensure the structure is in compliance with the existing Certificate of Occupancy (50 persons) and all existing regulations for a child day care center.

130 Clarkson Street is a block building with a paved parking lot that does not have markings for parking spaces or drive aisles. Markings will need to be completed prior to operation.

There has been a need identified within the area for child day care centers. The operation of a day care at 130 Clarkson Street will assist to fulfill this need in a structure designed for this operation. The subject property is also conveniently located near the Franklin Turnpike intersection, a main thoroughfare, to allow ease of access and minimal disruption to the surrounding neighborhood.

Forty-five (45) notices were sent to surrounding property owners. Fourteen (14) notices were received. Ten (10) were not opposed, four (4) were opposed.

On November 12, 2024, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit PZ24-00553 to allow a child daycare center in accordance with Article 3.E Section C Item 7 at 130 Clarkson Street (Parcel 56540).

RECOMMENDATION

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

daycare center in accordance with Article 3.E Section C Item 7 at Parcel ID 56540 (130 Clarkson Street).

Attachments

1. Ordinance
2. Special Use Permit Application - 130 Clarkson Street
3. 130 Clarkson St- Certificate of Occupancy
4. Ordinance - 1990 - 130 Clarkson Street
5. 130 Clarkson Street Aerials Map
6. 130 Clarkson Street Owners Zoning Map
7. 130 Clarkson Street Land Use Map
8. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00553, FILED BY KATILLIA JOHNSON, REQUESTING A SPECIAL USE PERMIT TO ALLOW A CHILD DAY CARE CENTER AT PARCEL 56540 (130 CLARKSON STREET) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 7.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00553, filed by Katillia Johnson, requesting a Special Use Permit to allow a child day care center at Parcel ID 56540 (130 Clarkson Street) in accordance with Article 3.E. Section C Item 7, be and the same is hereby received; and

BE IT FINALLY ORDAINED THAT, in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00553, filed by Katillia Johnson, requesting a Special Use Permit to allow a child day care center at Parcel ID 56540 (130 Clarkson Street) in accordance with Article 3.E. Section C Item 7, is hereby granted and approved.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Application deadline: Oct 15
Planning Commission date: Nov. 12

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 #: PZ24-00553 PC Meeting Date: NOV 12, 2024

Date Received: 10-7-24 Received By: Lisa Jones

Parcel ID: 56540 Address: 130 Clarkson Street

Existing Zoning DTR Future Land Use: Daycare

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#) 130 Clarkson Street Danville, VA 24540

Applicant: Katillia Johnson

Applicant's Address: 238 West end Ave Danville VA 24541

Applicant's Phone Number: 434 7709084

Applicant's E-mail: Katillia.Johnson@gmail.com

Applicant's Signature 10-7-24 Date

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.

Certificate of Use and Occupancy

CITY OF DANVILLE, VIRGINIA
Department of Community Development
Inspections Division

This Certificate issued pursuant to the requirements of Section 116 of the 2015 Virginia Uniform Statewide Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the City and the Virginia Uniform Statewide Building Code regulating building construction or use.

For the following location:
130 CLARKSON ST, DANVILLE, VA 24540

For occupancy as:
Day care

Use Group:
E- Educational

Type of Construction:
5B= Wood framing with NO rating

Building Owner and Address: FRENCH JOHNNY RAY & ELLEN C
130 CLARKSON ST
DANVILLE, VA 24540

Occupancy Load: 50 Persons

CODE	PERMIT#	INSPECTOR	FINAL APPROVED
Property Maintenance Inspector	PRCOUO201900269	Dennis J Bisson Jr.	2/11/2019
Fire Inspector	PRCOUO201900269	Jay Thornton	2/11/2019

NOTE: Legal use of this structure may also require a Certificate of Zoning Compliance

Conditions and/or Modifications: This Certificate of Occupancy is issued in accordance with section 116.4 of The Virginia Construction Code for continued Educational Use. Age limit not restricted in accordance with previous documents.

FIRE ALARM SYSTEM INSTALLED
FIRE SPRINKLER SYSTEM NOT INSTALLED

Building Official

Date 2/11/19

POST IN A CONSPICUOUS PLACE

PRESENTED: August 7, 1990

ADOPTED: August 7, 1990

ORDINANCE NO. 90- 8 . 5

AN ORDINANCE APPROVING THE RECOMMENDATION OF THE CITY PLANNING COMMISSION AND GRANTING A SPECIAL EXCEPTION PERMIT TO CONTINUE OPERATING THE JACK-N-JILL DAY CARE AT 130 CLARKSON STREET AND TO EXPAND THE FACILITY INTO THE FIRST FLOOR OF THE BUILDING LOCATED AT 132 CLARKSON STREET, BOTH LOCATED ON THE NORTHWEST SIDE OF CLARKSON STREET BETWEEN PLYMOUTH DRIVE AND SKYLINE AVENUE, OTHERWISE KNOWN AS PARCELS NO. 5 AND 6 OF SECTION 6 ON SHEET 150 OF THE CITY OF DANVILLE, VIRGINIA ZONING DISTRICT MAP (TAX PARCEL 150, SECTION 6, IDENTIFICATION NOS. 7 AND 8).

BE IT ORDAINED by the Council of the City of Danville, Virginia that the report of the City Planning Commission recommending that a Special Exception Permit be granted to continue the operation of the Jack-N-Jill Day Care at 130 Clarkson Street and to expand the facility into the first floor of the building located at 132 Clarkson Street, both located on the northwest side of Clarkson Street between Plymouth Drive and Skyline Avenue, otherwise known as Parcels 5 and 6 of Section 6 on Sheet 150 of the City of Danville, Virginia Zoning District Map (Tax parcel 150, Section 6, Identification Nos. 7 and 8) be, and the same is hereby, received;

AND BE IT FURTHER ORDAINED that in consideration of said report and the public hearing this day held by the Council, a Special Exception Permit be, and the same is

hereby, granted to continue the operation of the Jack-N-Jill Day Care at 130 Clarkson Street and to expand the facility into the first floor of the building located at 132 Clarkson Street, both located on the northwest side of Clarkson Street between Plymouth Drive and Skyline Avenue, otherwise known as Parcels 5 and 6 of Section 6 on Sheet 150 of the City of Danville, Virginia Zoning District Map (Tax Parcel 150, Section 6, Identification Nos. 7 and 8), subject to the following conditions:

(1) The child care facility shall be limited to a maximum of fifty-five (55) preschool children and thirty (30) school age children.

(2) The hours of operation shall be restricted to between 6:00 A. M. and 7:00 P. M.

(3) The existing six-foot wood fence and vegetative screening around the playground shall be maintained.

(4) Off-street parking for the first floor facilities at 132 Clarkson Street shall be provided at the ratio of one (1) space per two hundred (200) net square feet.

(5) The wooden fence which currently exists on a portion of the perimeter of the property at 130 and 132 Clarkson Street will be extended an additional sixty (60) feet along the property line separating that property from the Adkins property on Lot 10 and a six-foot high chain link fence will be installed around the remaining perimeter of the child care center with a set back in the front consistent with current local ordinances.

APPROVED:

MAYOR

ATTEST:

CLERK

Approved as to
Form and Legal Sufficiency:

City Attorney

2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

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DANVILLE VIRGINIA

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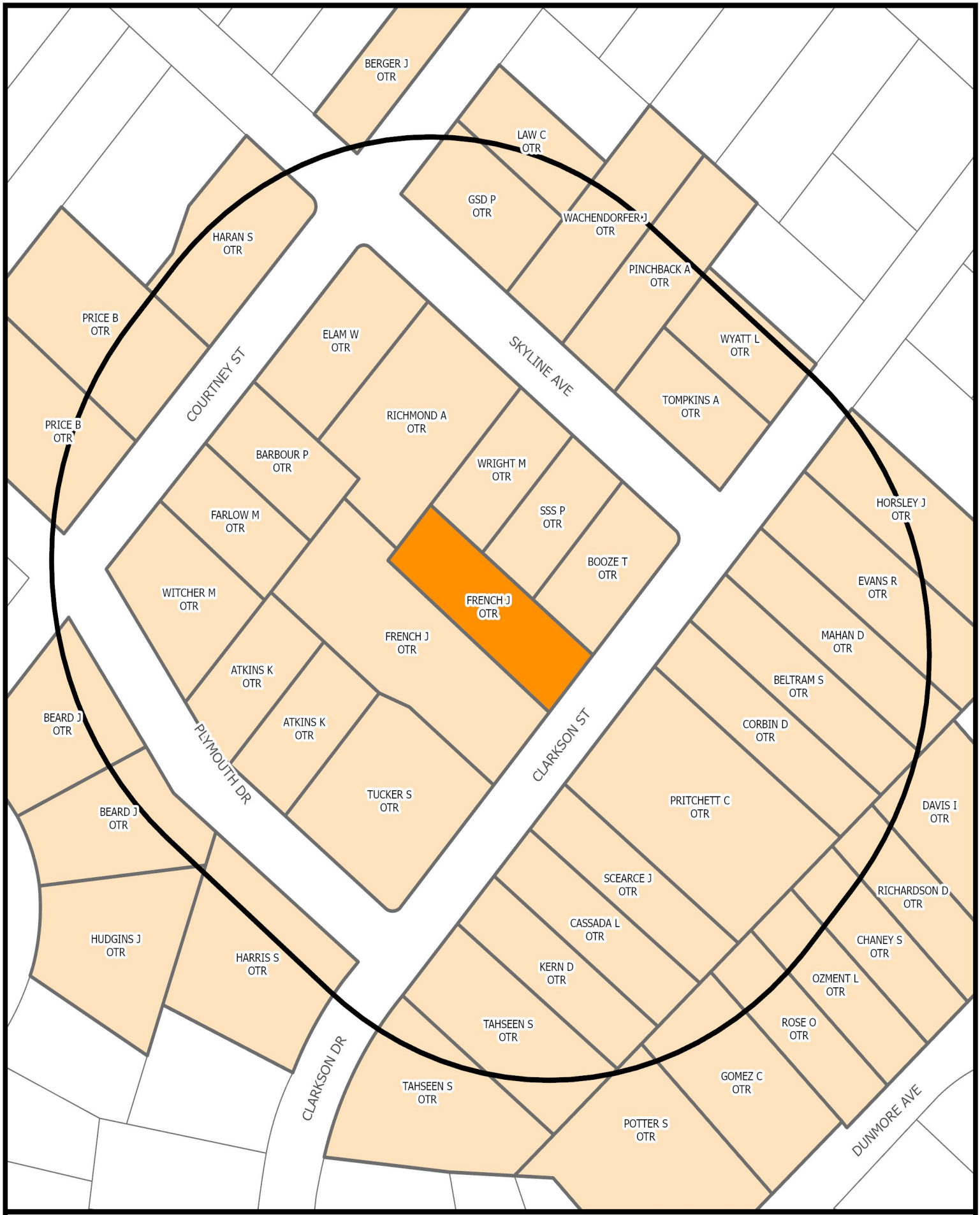

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

N

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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

N

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CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00553

REQUEST

Special Use Permit application PZ24-00553 filed by Katillia Johnson to allow a child daycare center in accordance with Article 3.E Section C Item 7 at 130 Clarkson Street (Parcel 56540).

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ24-00553.

Steve Petrick RB
Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1720 **NEW BUSINESS K.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Special Use Permit Application to Allow Attached Residential Dwellings at 161 Holbrook Avenue.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00566, filed by David Dujardin, Requesting a Special Use Permit to Allow an Attached Residential Dwelling at Parcel 21610 (161 Holbrook Avenue) in Accordance with Article 3.E. Section C Item 1.

SUMMARY

161 Holbrook Avenue is zoned OT-R, Old Town Residential, a single family zoning district located in the Old West End Historic District. The applicant, David Dujardin, purchased the property in August 2024 with the understanding that the third floor apartment could be rented as an income unit. After research, it is unclear to the Planning Division whether the third floor apartment has maintained its legal non-conforming status. To ensure that the legal nonconforming status of the unit does not come into question again, the applicant has applied for a Special Use Permit for an attached dwelling to ensure that the third floor unit remains compliant.

To continue to maintain its legal non-conforming status, the apartment must not be vacant for more than two (2) consecutive years. Generally, this is evident through the use of utilities. At 161 Holbrook Avenue there is no separate meter for the third floor unit. The meter was removed by the owner in 2012 and notes on the utility records state that it is a single family dwelling. The property transferred in 2019 when the new owner received a letter from the Planning Division that the third floor unit was legal non-conforming. There are no notes on the letter to indicate what research was completed to come to this conclusion and the staff person is no longer employed with the City of Danville. Therefore, staff cannot verify that the use has continued.

In the vicinity of 161 Holbrook Avenue are several duplexes and apartment buildings with both conforming and legal nonconforming status. Approval of a Special Use Permit for an attached dwelling at 161 Holbrook Avenue would not change the exterior of the structure and would be in character with the surrounding community.
Sixty-three (63) notices were sent to surrounding property owners. Four (4) notices were received. Two (2) were not opposed, two (2) were opposed.

On November 12, 2024, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit PZ24-00566 to allow an attached residential dwelling in accordance with Article 3.E Section C Item 1 at 161 Holbrook Avenue (Parcel 21610).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow an attached dwelling in accordance with Article 3.E. Section C Item 1 at Parcel ID 21610 (161 Holbrook Avenue).

Attachments

1. Ordinance
2. Special Use Permit Application - 161 Holbrook Avenue
3. 161 Holbrook Letter - Apartment - Legal Status 2019
4. 161 Holbrook Avenue Aerials Map
5. 161 Holbrook Avenue Owners Zoning Map
6. 161 Holbrook Avenue Land Use Map
7. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00566, FILED BY DAVID DUJARDIN, REQUESTING A SPECIAL USE PERMIT TO ALLOW AN ATTACHED RESIDENTIAL DWELLING AT PARCEL 21610 (161 HOLBROOK AVENUE) IN ACCORDANCE WITH ARTICLE 3.E. SECTION C ITEM 1.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00566, filed by David Dujardin, requesting a Special Use Permit to allow an attached residential dwelling at Parcel ID 21610 (161 Holbrook Avenue) in accordance with Article 3.E. Section C Item 1, be and the same is hereby received; and

BE IT FINALLY ORDAINED THAT in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00566, filed by David Dujardin, requesting a Special Use Permit to allow an attached residential dwelling at Parcel ID 21610 (161 Holbrook Avenue) in accordance with Article 3.E. Section C Item 1, is hereby granted and approved.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

CITY OF DANVILLE
Community Development
Division of Planning and Zoning

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.*

Application #:	PZ 24-005666	PC Meeting Date:	NOV 12, 2024
Date Received:	10-15-24	Received By:	Shanika Williams
Parcel ID:	21610	Address:	161 Holbrook Ave.
Existing Zoning:	OTR	Future Land Use:	

Property Location:	161 HOLBROOK AVE. DANVILLE, VA 24541
Applicant:	DAVID DUJARDIN AND WENDY DUJARDIN
Applicant's Address:	161 HOLBROOK AVE. DANVILLE, VA 24541
Applicant's Phone Number:	(615) 598-7354
Applicant's Email:	DAVID.DUJARDIN@LIVE.COM

Describe Proposed Request: WE ASK THE CITY OF DANVILLE TO REINSTATE THE NON-CONFORMING USE PERMIT FOR THE EXISTING ACCESSORY DWELLING UNIT LOCATED ON THE 3RD FLOOR. THE ADU HAS BEEN OCCUPIED BY TENANTS WHO RENTED OR DELIVERED SERVICES CONTINUOUSLY OVER THE PAST 5 YEARS. THE NON-CONFORMING STATUS SHOULD NOT HAVE BEEN REMOVED PER DOCUMENTS RECEIVED BY PREVIOUS OWNER IN 2019.

Applicant's Signature | Date 10-14-2024 | Property Owner's Signature (if not applicant) | Date

1. A preliminary site plan in accordance with the Site Plan Regulations.
2. 2. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
3. 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.

City of Danville
Community Development
Planning Division

April 25, 2019

David Corp
161 Holbrook Ave.
Danville, VA 24541

RE: LEGAL NONCONFORMING STATUS OF 161 HOLBROOK AVE

Mr. Corp,

Thank you for checking about the legal status of the third floor apartment at 161 Holbrook Ave. As discussed previously in 2012, this apartment is considered to be legal nonconforming. This means that it is not normally permitted in this zoning district. However, it has been in continued existence since this zoning regulation was put into place. As long as evidence indicates an active intention to continue use (such as renting the apartment or attempting to rent) of the apartment, it shall remain legal nonconforming. If such use discontinues for at least two (2) years, it will lose that status.

City utility records indicate that the apartment has continued to be in use since 2012, when you last confirmed the legal status. If you have any other questions, please contact me at 434-799-5260, ext. 2503 or johnsbw@danvilleva.gov.

Hope you are enjoying the spring weather,

Bryce Johnson
Senior Planner

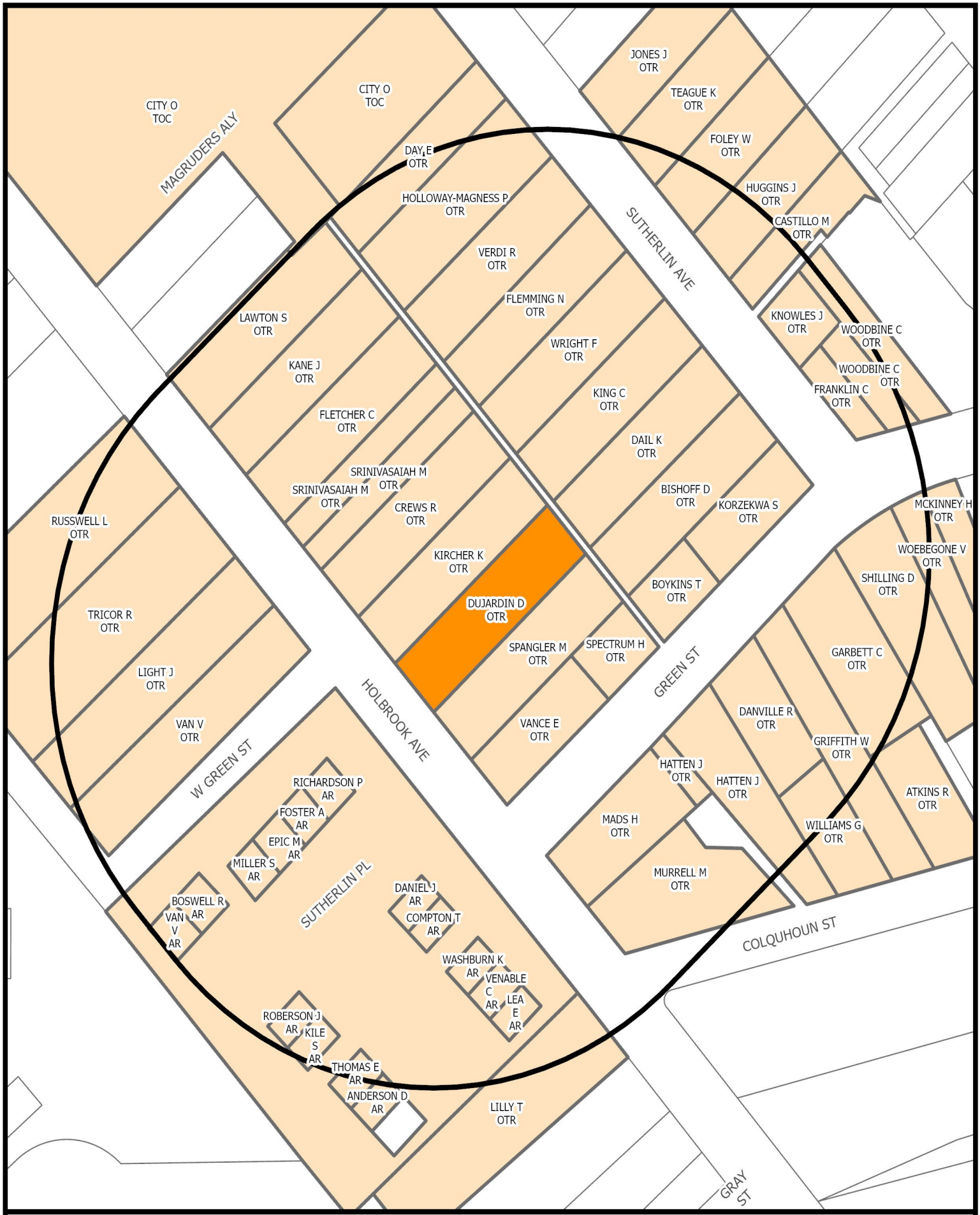
2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/21/2024

N

DANVILLE VIRGINIA

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
10/21/2024

N

DANVILLE VIRGINIA

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

YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/21/2024

N

DANVILLE VIRGINIA

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

CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00566

REQUEST

Special Use Permit application PZ24-00566 filed by David Dujardin to allow attached residential dwellings in accordance with Article 3.E Section C Item 1 at 161 Holbrook Avenue (Parcel 21610).

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 6-0 to recommend approval of Special Use Permit Request PZ24-00566.

Steve Petrick RB
Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1721 **NEW BUSINESS L.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Code Amendment Request filed by BWWDD, LLC to Amend Chapter 41.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Amending Chapter 41 Entitled, “Zoning Ordinance” of the Code of the City of Danville, Virginia, 1986, as Amended, More Specifically, to Amend Article 3.N. Section C, to Create Item 27.

SUMMARY

BWWDD, LLC has requested to amend Chapter 41 entitled “Zoning Ordinance” of the City of Danville, 1986 as amended. The request is to amend Article 3.N Section C to create Item 27 "Uses permitted by right and by special use permit in the HR-C District." Article 3.N. Section C is Uses Permitted by Special Use Permit in the PS-C, Planned Shopping Center Commercial zoning classification.

Permitted Uses and Uses Permitted by Special Use Permit are not the same in the HR-C, Highway Retail Commercial and PS-C, Planned Shopping Center Commercial Districts. The proposed Code Amendment would allow an applicant to request a Special Use Permit to allow a specific use that is allowed in the HR-C, but not in the PS-C. For example, taxidermist, urban agriculture and mini-storage warehouse are not uses permitted by right or by Special Use Permit in the PS-C district. However, they are listed in the HR-C district. This proposed Code Amendment would allow a future applicant with property in the PS-C to apply for a Special Use Permit that would allow them to operate a taxidermist, urban agriculture or mini-storage warehouse without having to change the zoning classification to allow this use.

This Code Amendment would be beneficial to applicants that have property that meets all other criteria of the PS-C zoning district, but may have something unique about their property that would make it a good candidate for an additional use not generally permitted. The application is then reviewed on its merits at a specific location with a specific use and on a case by case basis.

On November 12, 2024, the City Planning Commission voted 6-0 to recommend approval of Code Amendment PZ24-00564 to amend Article 3.N Section C to add item 27 "Uses permitted by right and by special use permit in the HR-C District".

RECOMMENDATION

It is recommended that City Council adopt an Ordinance to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended, specifically, Article 3.N Section C to add item 27 "Uses permitted by right and by special use permit in the HR-C District".

Attachments

1. Ordinance
2. Code Change Amendment Request - BWWDD,LLC 10-15-2024
3. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024 ____.____

AN ORDINANCE AMENDING CHAPTER 41 ENTITLED, "ZONING ORDINANCE" OF THE CODE OF THE CITY OF DANVILLE, VIRGINIA, 1986, AS AMENDED, MORE SPECIFICALLY, TO AMEND ARTICLE 3.N. SECTION C, TO CREATE ITEM 27.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the report of the City Planning Commission recommending approval of an amendment to Chapter 41 entitled, "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986, as amended, specifically, to amend Article 3.N. Section C to create Item 27 be, and the same is hereby, received; and

BE IT FINALLY ORDAINED, by the Council in consideration of said report and the public hearing this day held by Council, specifically, to amend Article 3.N. Section H, of Chapter 41 entitled, "Zoning Ordinance", of the Code of the City of Danville, Virginia, 1986, as amended, be and the same is hereby, amended and reordained to read as follows:

ARTICLE 3.N. PS-C, PLANNED SHOPPING CENTER COMMERCIAL

C. - USES PERMITTED BY SPECIAL USE PERMIT

27. Uses permitted by right and by special use permit in the HR-C District.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Docusign Envelope ID: FEB9B28E-98BD-41E9-B2CE-F2FA5F2B9C42

CODE CHANGE AMENDMENT

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: DATE FILED:

RECEIVED FROM:

SECTION AFFECTED:

PLANNING COMMISSION DATE/ACTION:

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section:

Chapter 41, Article3.O, Section C, Item #15
"Uses Permitted by right and by special use permit in the HR-C District"

Purpose for proposed amendment:

See attached narrative for request details.

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

1. NAME (PLEASE PRINT OR TYPE): GDC Properties I, LLC

ADDRESS: 223 Riverview Drive, #A
Danville, VA 24541

Docusign Envelope ID: FEB9B28E-98BD-41E9-B2CE-F2FA5F2B9C42

EMAIL: ttorborg@tdanielgroup.com

TELEPHONE: (434) 791-8200
SIGNATURE:

2. NAME (PLEASE PRINT OR TYPE): Teresa A. Torborg, Vice President of The Daniel Group, Inc., as the Manager of GDC Properties I, LLC

ADDRESS: 223 Riverview Drive
Suite A
Danville, VA 24541

TELEPHONE: 434-791-8200
SIGNATURE: Teresa Torborg
B11D6C41DA8344D...

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

NAME (PLEASE PRINT OR TYPE): BWWDD, LLC c/o Benjamin Blackburn

ADDRESS: 2903 N. Augusta Street Staunton, VA 24401

EMAIL: benblackburn@triangleinvestmentsva.com

TELEPHONE: 1.336.577.3533
SIGNATURE:

Agent:

Balzer and Associates, Inc.
c/o Ben Crew

1208 Corporate Circle
Roanoke, VA 24018
540.772.9580

Bcrew@Balzer.cc

CODE CHANGE AMENDMENT

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

INFORMATION TO BE PROVIDED BY THE PLANNING DIVISION

CASE NUMBER: DATE FILED:

RECEIVED FROM:

SECTION AFFECTED:

PLANNING COMMISSION DATE/ACTION:

CITY COUNCIL DATE/ACTION: _____

INFORMATION TO BE PROVIDED BY THE APPLICANT

Zoning Code Section:

Chapter 41, Article3.O, Section C, Item #15
"Uses Permitted by right and by special use permit in the HR-C District"

Purpose for proposed amendment:

See attached narrative for request details.

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

1. NAME (PLEASE PRINT OR TYPE): GDC Properties I, LLC

ADDRESS:

EMAIL:

TELEPHONE:
SIGNATURE:

2. NAME (PLEASE PRINT OR TYPE): _____

ADDRESS:

TELEPHONE:
SIGNATURE:

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

NAME (PLEASE PRINT OR TYPE): BWWDD, LLC c/o Benjamin Blackburn

ADDRESS: 2903 N. Augusta Street Staunton, VA 24401

EMAIL: benblackburn@triangleinvestmentsva.com

TELEPHONE: 1.336.577.3533
SIGNATURE:

Agent:

Balzer and Associates, Inc.
c/o Ben Crew

1208 Corporate Circle
Roanoke, VA 24018
540.772.9580

Bcrew@Balzer.cc

BALZER & ASSOCIATES
PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS

1208 Corporate Circle
Roanoke, VA 24018
540.772.9580
www.balzer.cc

October 15, 2024

City of Danville, VA - Community Development
Division of Planning and Zoning
c/o Renee Burton – Division Director of Planning
427 Patton Street
Danville, VA 24541
434.799.5260 Ext. 2502
BurtonR@Danvilleva.gov

RE: Code Change Amendment - Narrative
143 & 153 Crown Drive Danville, VA
City of DanvilleTax Number: 72436
B&A Job # 04240075.00

BWWDD, LLC (Applicant and Contract Purchaser) is requesting a code change amendment to the Code of the City of Danville. The proposed request will be for all parcels zoned PS-C and will apply specifically to the proposed development of 143 and 153 Crown Drive to support redevelopment efforts on the subject parcel. Balzer and Associates, Inc. is acting as the agent on behalf of the Applicant and Contract purchaser.

The request is to include Highway Retail Commercial District (HR-C) uses by right and by special use permit within the Planned Shopping Center District (PS-C). This information is referenced in Chapter 41, Article 3.O, Section C, Item #15.

This request maintains the current zoning district while allowing appropriate commercial uses within the HRC District to be permitted within the PSC District specific to this parcel. Any proposed use within the HR-C district that would be utilized within the PS-C would be required to apply thru the special use permit application process prior to any use approval.

We appreciate your consideration of this code change amendment and look forward to the investment by the applicant to provide new opportunities within the City of Danville.

Sincerely,
Balzer and Associates, Inc.

BC

Ben Crew, L.A - Agent for the Applicant
Vice President

CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: CODE AMENDMENT REQUEST APPLICATION PZ24-00564

REQUEST

Code Amendment request PZ24-00564 filed by BWWDD, LLC to amend Chapter 41 entitled "Zoning Ordinance" of the City of Danville, 1986 as amended. Specifically, amend Article 3.N Section C to create Item 27 "Uses permitted by right and by special use permit in the HR-C District."

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 6-0 to recommend approval of Code Amendment Request PZ24-00564.

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1722 **NEW BUSINESS M.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Special Use Permit Application to Allow a Mini-Storage Warehouse, with no Exterior Storage 143 Crown Drive.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00565, filed by BWWDD LLC, Requesting a Special Use Permit to Allow a Mini-Storage Warehouse, with no Exterior Storage at Parcel 72436 (143 Crown Drive) in Accordance with Article 3.N. Section C Item 27.

SUMMARY

BWWDD, LLC has requested a Special Use Permit to allow a mini-storage warehouse with no exterior storage in accordance with Article 3.N Section C Item 27 at 143 Crown Drive.

Planning Staff recognizes that a mini-storage warehouse meets Zoning Code regulations in this location, and that ample parking is provided. However, Staff believes that mini-storage warehouse is not the highest and best use for this property. This property is in the center of a high-traffic commercial district with high visibility, easy access and a large number of parking spaces available. There are also mini-storage warehouses downtown, in the old K-Mart building on Riverside Drive and a new U-Haul facility with plans for construction across from the theater.

Nineteen (19) notices were sent to surrounding property owners. Six (6) notices were received. Five (5) were not opposed, one (1) was opposed.

On November 12, 2024, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit PZ24-00565 to allow a mini-storage warehouse, with no exterior storage in accordance with Article 3.N Section C Item 27 at 143 Crown Drive (Parcel 72436).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow a mini-storage warehouse with no exterior storage in accordance with Article 3.N Section C Item 27 at Parcel ID 72436 (143 Crown Drive).

Attachments

1. Ordinance
2. Special Use Permit Application - BWWDD, LLC
3. 143 Crown Drive Aerials Map
4. 143 Crown Drive Owners Zoning Map

---

5. 143 Crown Drive Land Use Map
6. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00565, FILED BY BWWDD LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A MINI-STORAGE WAREHOUSE, WITH NO EXTERIOR STORAGE AT PARCEL 72436 (143 CROWN DRIVE) IN ACCORDANCE WITH ARTICLE 3.N. SECTION C ITEM 27.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00565, filed by BWWDD LLC, requesting a Special Use Permit to allow a mini-storage warehouse, with no exterior storage at Parcel ID 72436 (143 Crown Drive) in accordance with Article 3.N. Section C Item 27, be and the same is hereby received; and

BE IT FINALLY ORDAINED THAT in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00565, filed by BWWDD LLC, requesting a Special Use Permit to allow a mini-storage warehouse, with no exterior storage at Parcel ID 72436 (143 Crown Drive) in accordance with Article 3.N. Section C Item 27, is hereby granted and approved.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Docusign Envelope ID: FEB9B28E-98BD-41E9-B2CE-F2FA5F2B9C42

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:	143 & 153 Crown Drive Danville, VA
Applicant:	BWWDD, LLC c/o Benjamin Blackburn
Applicant's Address:	2903 N. Augusta Street Staunton, VA 24401
Applicant's Phone Number:	1.336.577.3533
Applicant's Email:	benblackburn@triangleinvestmentsva.com

Docusign Envelope ID: FEB9B28E-98BD-41E9-B2CE-F2FA5F2B9C42

Describe Proposed Request: See attached narrative

Agent:
Balzer and Associates, Inc.
c/o Ben Crew
1208 Corporate Circle
Roanoke, VA 24018
540.772.9580
Bcrew@Balzer.cc

GDC Properties I, LLC
By: The Daniel Group, Inc., its Manager

DocuSigned by:
By: Teresa Torborg
B11D6C41DA8344D...
10/15/2024

Applicant's Signature Date

Property Owner's Signature (if not applicant) Date

Teresa A. Torborg, Vice President

PLEASE ATTACH THE FOLLOWING

1. A preliminary site plan in accordance with the Site Plan Regulations.
2. 2. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
3. 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.

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:	143 & 153 Crown Drive Danville, VA
Applicant:	BWWDD, LLC c/o Benjamin Blackburn
Applicant's Address:	2903 N. Augusta Street Staunton, VA 24401
Applicant's Phone Number:	1.336.577.3533
Applicant's Email:	benblackburn@triangleinvestmentsva.com

Describe Proposed Request: See attached narrative

Agent:
Balzer and Associates, Inc.
c/o Ben Crew
1208 Corporate Circle
Roanoke, VA 24018
540.772.9580
Bcrew@Balzer.cc

10/14/24

Applicant's Signature Date

Property Owner's Signature (if not applicant) Date

PLEASE ATTACH THE FOLLOWING

1. A preliminary site plan in accordance with the Site Plan Regulations.
2. 2. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
3. 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.
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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.

BALZER & ASSOCIATES
PLANNERS / ARCHITECTS / ENGINEERS / SURVEYORS

1208 Corporate Circle
Roanoke, VA 24018
540.772.9580
www.balzer.cc

October 15, 2024

City of Danville, VA - Community Development
Division of Planning and Zoning
c/o Renee Burton – Division Director of Planning
427 Patton Street
Danville, VA 24541
434.799.5260 Ext. 2502
BurtonR@Danvilleva.gov

RE: Special Use Permit - Narrative
143 & 153 Crown Drive Danville, VA
City of Danville Tax Number: 72436
B&A Job # 04240075.00

BWWDD, LLC (Applicant and Contract Purchaser) is requesting a special use permit specific to the proposed development of 143 and 153 Crown Drive to support redevelopment efforts on the subject parcel. Balzer and Associates, Inc. is acting as the agent on behalf of the Applicant and Contract purchaser.

The property is currently zoned Planned Shopping Center District (PS-C) and the special use request is for the use of self-storage mini-warehouse within the existing building(s). This requested use is by special use permit only within parameter of the uses of the Highway Retail Commercial (HR-C) District by which an earlier Code Change Request was submitted within the PSC District for the Code of the City of Danville, VA.

This information is referenced in Chapter 41, Article 3.M. Section B, Item #17.

The proposed "self-storage mini-warehouse" is intended to be a modern, climate controlled indoor facility to be located within the former furniture storage portion of the existing building. The building may require minor modifications such as a covered drop off or updating to the façade, but the overall building will remain in the same location as it does today. The hours of operation and number of employees is unknown at this time, but this use is a low impact user.

The area will remain commercial which is supported by the Comprehensive Plan and the existing zoning district with various commercial entities surrounding the property including big box stores, multi-tenant retail, restaurants, and restaurants with drive-thru. No changes to access locations or existing development patterns are antipcated with the exception of minor updates that may be required by future tenants of the building. Existing utilities currently serve the building and will remain in place to serve future users.

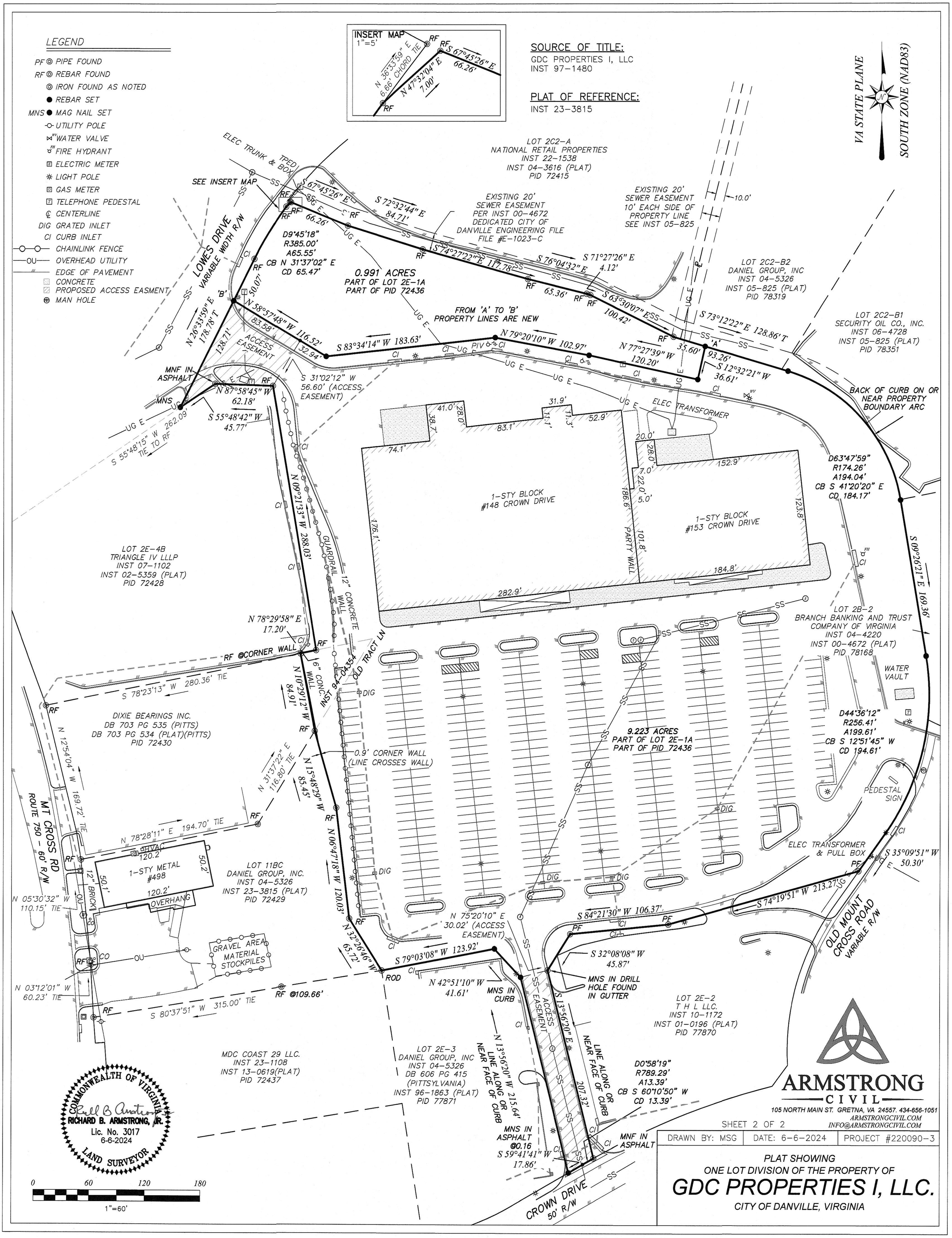
The project location and use is appropriate with the existing surrounding land uses and zoning designations. We appreciate your consideration of this Special Use Permit application and look forward to the new investment by the applicant to provide new opportunities within the City of Danville.

Sincerely,
Balzer and Associates, Inc.

BIC

Ben Crew, L.A - Agent for the Applicant
Vice President

Attachments: Existing Survey


LEGEND
PF PIPE FOUND
RF REBAR FOUND
IRON FOUND AS NOTED
REBAR SET
MNS MAG NAIL SET
UTILITY POLE
WATER VALVE
FIRE HYDRANT
ELECTRIC METER
LIGHT POLE
GAS METER
TELEPHONE PEDESTAL
CENTERLINE
DIG GRATED INLET
CI CURB INLET
CHAINLINK FENCE
OU OVERHEAD UTILITY
EDGE OF PAVEMENT
CONCRETE
PROPOSED ACCESS EASMENT
MAN HOLE
INSERT MAP
1"=5'
N 36°33'59" E
6.66' CHORD TIE
N 47°32'04" E
7.00'
S 67°45'26" E
66.26'
SOURCE OF TITLE:
GDC PROPERTIES I, LLC
INST 97-1480
PLAT OF REFERENCE:
INST 23-3815
VA STATE PLANE
SOUTH ZONE (NAD83)
LOT 2C2-A
NATIONAL RETAIL PROPERTIES
INST 22-1538
INST 04-3616 (PLAT)
PID 72415
EXISTING 20' SEWER EASEMENT PER INST 00-4672 DEDICATED CITY OF DANVILLE ENGINEERING FILE FILE #E-1023-C
EXISTING 20' SEWER EASEMENT 10' EACH SIDE OF PROPERTY LINE SEE INST 05-825
LOT 2C2-B2
DANIEL GROUP, INC
INST 04-5326
INST 05-825 (PLAT)
PID 78319
LOT 2C2-B1
SECURITY OIL CO., INC.
INST 06-4728
INST 05-825 (PLAT)
PID 78351
ELEC TRUNK & BOX
SEE INSERT MAP
LOWES DRIVE
VARIABLE WIDTH R/W
D9°45'18"
R385.00'
A65.55'
CB N 31°37'02" E
CD 65.47'
0.991 ACRES
PART OF LOT 2E-1A
PART OF PID 72436
FROM 'A' TO 'B' PROPERTY LINES ARE NEW
S 67°45'26" E
S 72°32'44" E
84.71'
S 74°27'22" E 117.78'
S 76°04'32" E
S 71°27'26" E
4.12'
S 63°30'07" E
100.42'
S 73°12'22" E 128.86' T
N 26°33'59" E
178.78' T
N 58°57'48" W 116.52'
S 83°34'14" W 183.63'
N 79°20'10" W 102.97'
N 77°27'39" W
120.20'
S 12°32'21" W
36.61'
ACCESS EASEMENT
S 31°02'12" W
56.60' (ACCESS EASEMENT)
MNF IN ASPHALT
N 87°58'45" W
62.18'
S 55°48'42" W
45.77'
S 55°48'15" W 262.09'
TIE TO RF
BACK OF CURB ON OR NEAR PROPERTY BOUNDARY ARC
ELEC TRANSFORMER
D63°47'59"
R174.26'
A194.04'
CB S 41°20'20" E
CD 184.17'
1-STY BLOCK
#148 CROWN DRIVE
1-STY BLOCK
#153 CROWN DRIVE
PARTY WALL
LOT 2E-4B
TRIANGLE IV LLLP
INST 07-1102
INST 02-5359 (PLAT)
PID 72428
N 09°21'33" W 288.03'
GUARDRAIL
12" CONCRETE WALL
S 09°26'21" E 169.36'
LOT 2B-2
BRANCH BANKING AND TRUST COMPANY OF VIRGINIA
INST 04-4220
INST 00-4672 (PLAT)
PID 78168
WATER VAULT
N 78°29'58" E
17.20'
RF @CORNER WALL
6" CONC. WALL
INST 94-04354
OLD TRACT LN
S 78°23'13" W 280.36' TIE
N 10°29'12" W
84.91'
DIXIE BEARINGS INC.
DB 703 PG 535 (PITTS)
DB 703 PG 534 (PLAT)(PITTS)
PID 72430
N 12°54'04" W 169.72' TIE
0.9' CORNER WALL (LINE CROSSES WALL)
N 31°37'22" E
116.80' TIE
N 15°48'29" W
85.45'
9.223 ACRES
PART OF LOT 2E-1A
PART OF PID 72436
D44°36'12"
R256.41'
A199.61'
CB S 12°51'45" W
CD 194.61'
PEDESTAL SIGN
MT CROSS RD
ROUTE 750 - 60' R/W
N 78°28'11" E 194.70' TIE
HVAC
1-STY METAL
#498
120.2'
50.2'
50.1'
12" BRICK
OVERHANG
LOT 11BC
DANIEL GROUP, INC.
INST 04-5326
INST 23-3815 (PLAT)
PID 72429
N 06°47'18" W 120.03'
ELEC TRANSFORMER & PULL BOX
S 35°09'51" W
50.30'
N 05°30'32" W
110.15' TIE
S 74°19'51" W 213.27'
S 84°21'30" W 106.37'
N 75°20'10" E
30.02' (ACCESS EASEMENT)
N 32°26'46" W
65.72'
GRAVEL AREA MATERIAL STOCKPILES
S 79°03'08" W 123.92'
S 32°08'08" W
45.87'
OLD MOUNT CROSS ROAD
VARIABLE R/W
N 03°12'01" W
60.23' TIE
RF @109.66'
N 42°51'10" W
41.61'
MNS IN CURB
MNS IN DRILL HOLE FOUND IN GUTTER
S 80°37'51" W 315.00' TIE
S 13°56'20" E
ACCESS EASEMENT
LOT 2E-2
T H L LLC.
INST 10-1172
INST 01-0196 (PLAT)
PID 77870
MDC COAST 29 LLC.
INST 23-1108
INST 13-0619(PLAT)
PID 72437
LOT 2E-3
DANIEL GROUP, INC
INST 04-5326
DB 606 PG 415
(PITTSYLVANIA)
INST 96-1863 (PLAT)
PID 77871
N 13°56'20" W 215.64'
LINE ALONG OR NEAR FACE OF CURB
207.32'
D0°58'19"
R789.29'
A13.39'
CB S 60°10'50" W
CD 13.39'
MNS IN ASPHALT @0.16
S 59°41'41" W
17.86'
MNF IN ASPHALT
CROWN DRIVE
50' R/W
COMMONWEALTH OF VIRGINIA
RICHARD B. ARMSTRONG, JR.
Lic. No. 3017
6-6-2024
LAND SURVEYOR
0 60 120 180
1"=60'
ARMSTRONG CIVIL
105 NORTH MAIN ST. GRETNA, VA 24557. 434-656-1051
ARMSTRONGCIVIL.COM
INFO@ARMSTRONGCIVIL.COM
SHEET 2 OF 2
DRAWN BY: MSG
DATE: 6-6-2024
PROJECT #220090-3
PLAT SHOWING
ONE LOT DIVISION OF THE PROPERTY OF
GDC PROPERTIES I, LLC.
CITY OF DANVILLE, VIRGINIA

2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/21/2024

N

DANVILLE VIRGINIA

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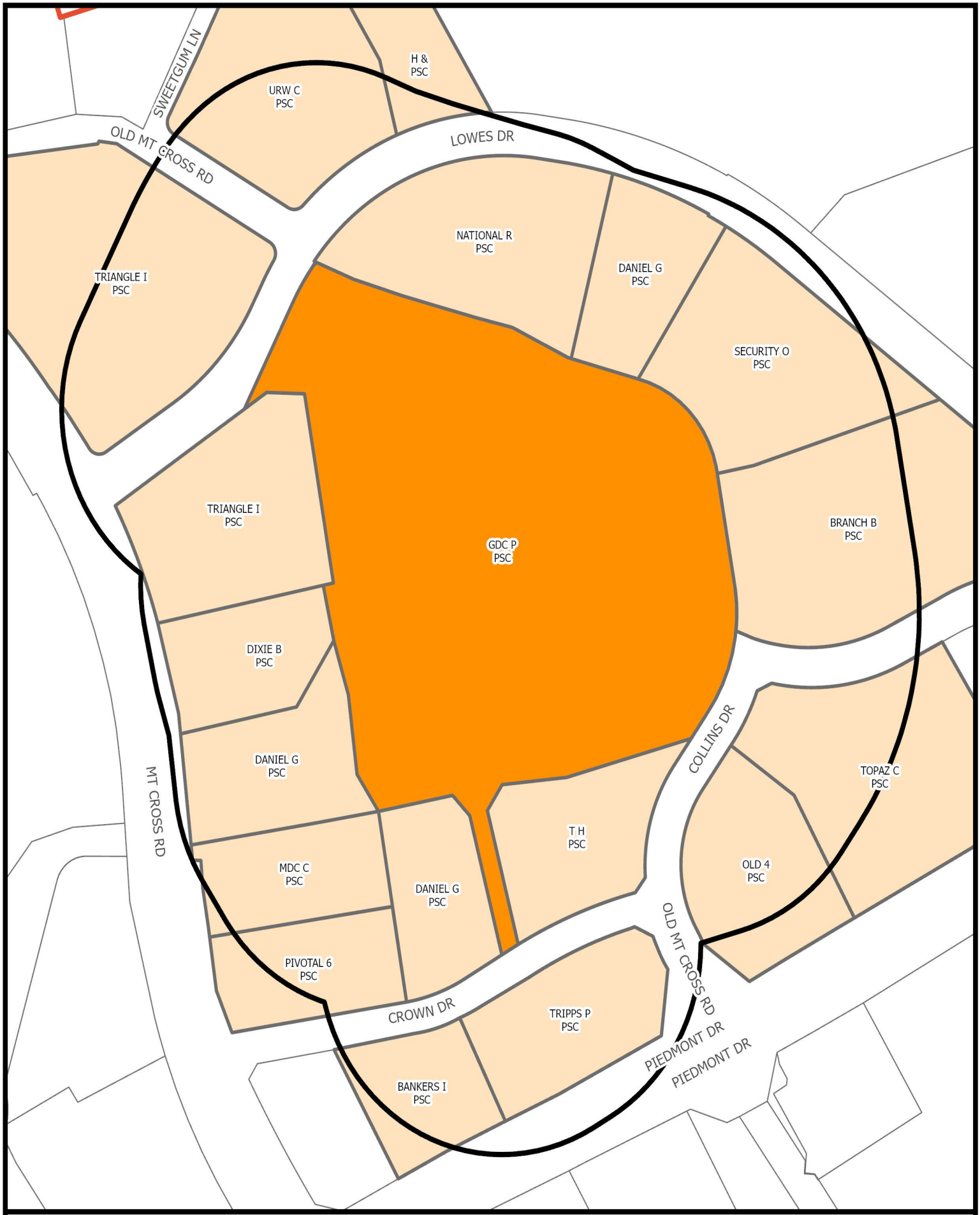

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/21/2024

N

DANVILLE VIRGINIA

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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/21/2024

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DANVILLE VIRGINIA

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CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00565

REQUEST

Special Use Permit application PZ24-00565 filed by BWWDD, LLC to allow a mini-storage warehouse, with no exterior storage in accordance with Article 3.N Section C Item 27 at 143 Crown Drive (Parcel 72436).

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 6-0 to recommend approval of Special Use Permit Application PZ24-00565.

Steve Petrick RB
Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1723 **NEW BUSINESS N.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Consideration of a Special Use Permit Application to Allow a Hotel/Motel at 136 West Main Street.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00567, filed by Good Living Group LLC, Requesting a Special Use Permit to Allow a Hotel/Motel at Parcel 23512 (136 West Main Street) in Accordance with Article 3.I. Section C Item 24.

SUMMARY

136 West Main Street once operated as the Foundation House. The structure was used by families and overnight guests of patients at SOVAH Health. The applicant, Good Living Group LLC, is requesting to operate a hotel, offering rooms to those that want to stay near their loved ones in the hospital. Each room has independent facilities and a sprinkler system.

Behind 136 West Main Street is a parking lot with approximately twenty (20) spaces for guest use and a rear access with an elevator for those that need it. The surrounding properties are commercial.

Seven (7) notices were sent to surrounding property owners. No responses were received.

On November 12, 2024, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit PZ24-00567 to allow a hotel/motel in accordance with Article 3.I Section C Item 24 at 136 West Main Street (Parcel 23512).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow a hotel in accordance with Article 3.I Section C Item 24 at Parcel ID 23512 (136 West Main Street).

Attachments

1. Ordinance
2. 136 W Main Street - Special Use Permit Application
3. 136 W Main Street Aerials Map
4. 136 W Main Street Owners Zoning Map
5. 136 W Main Street Land Use Map
6. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00567, FILED BY GOOD LIVING GROUP LLC, REQUESTING A SPECIAL USE PERMIT TO ALLOW A HOTEL/MOTEL AT PARCEL 23512 (136 WEST MAIN STREET) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 24.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00567, filed by Good Living Group LLC, requesting a Special Use Permit to allow a hotel/motel at Parcel ID 23512 (136 West Main Street) in accordance with Article 3.I. Section C Item 24, be and the same is hereby received; and

BE IT FINALLY ORDAINED THAT in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00567, filed by Good Living Group LLC, requesting a Special Use Permit to allow a hotel/motel at Parcel ID 23512 (136 West Main Street) in accordance with Article 3.I. Section C Item 24, is hereby granted and approved.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Docusign Envelope ID: DEDD4B84-DF68-49D4-BB38-BCB84FF92B28

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:	136 W Main Street Danville, VA
Applicant:	Good Living Group LLC
Applicant's Address:	3905 Railroad Ave. Suite 205s Fairfax, VA 22030
Applicant's Phone Number:	+1 (703) 930-4131
Applicant's Email:	Margie@barrnoneteam.com

Docusign Envelope ID: DEDD4B84-DF68-49D4-BB38-BCB84FF92B28

Describe Proposed Request: Requesting a special use permit to use the property under the "Hotel/Motel" use. I feel this use would be beneficial to family members of hospital patients.

Signed by:
Margie Barr
6CF7B069E02F4C0...

Applicant's Signature	Date	Property Owner's Signature (if not applicant)	Date
	10/16/2024		

PLEASE ATTACH THE FOLLOWING

1. A preliminary site plan in accordance with the Site Plan Regulations.
2. 2. A description of the proposed use and, where applicable, the hours of operation and the proposed number of employees/patrons.
3. 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.

2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/21/2024

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DANVILLE VIRGINIA

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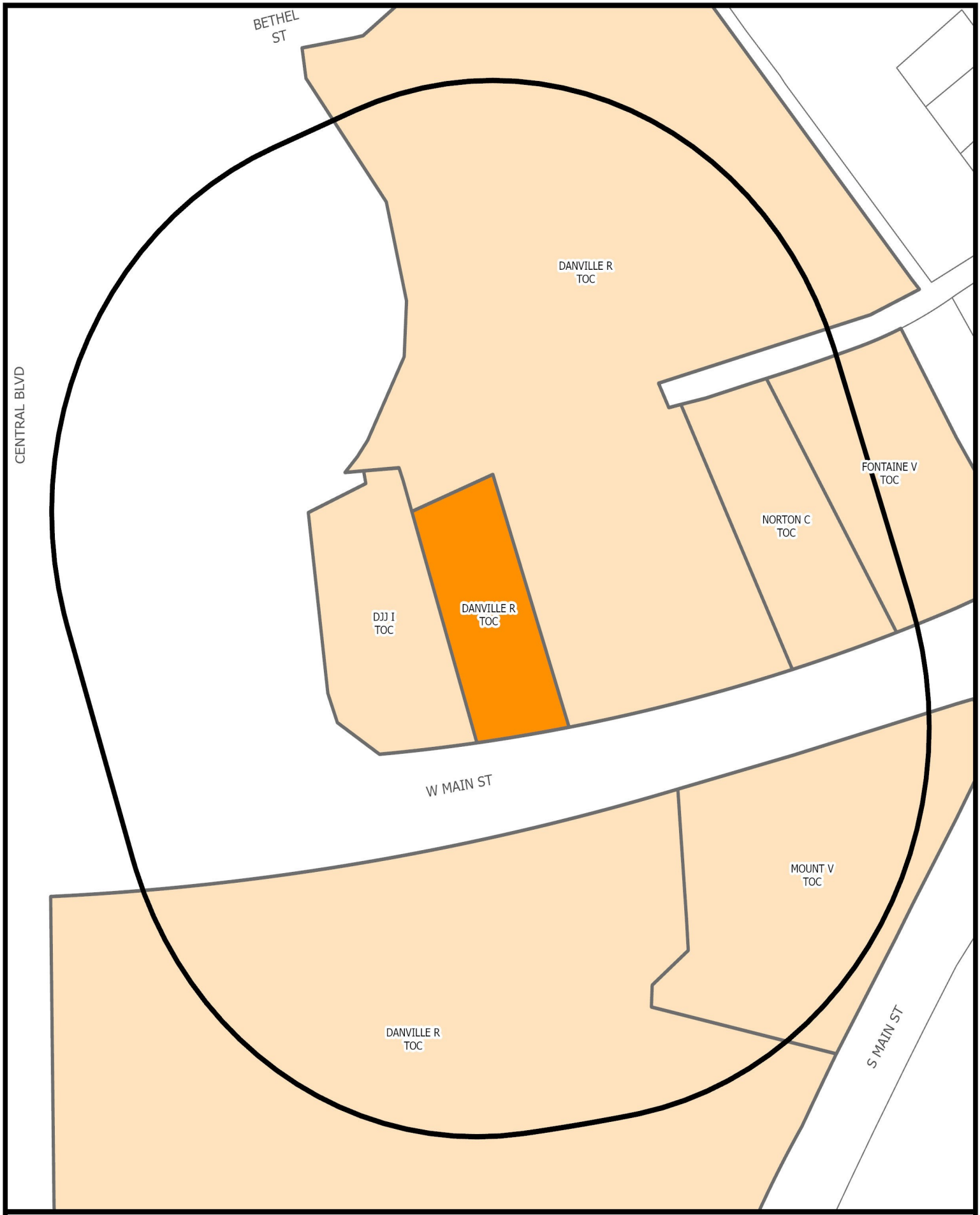

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/21/2024

N

DANVILLE VIRGINIA

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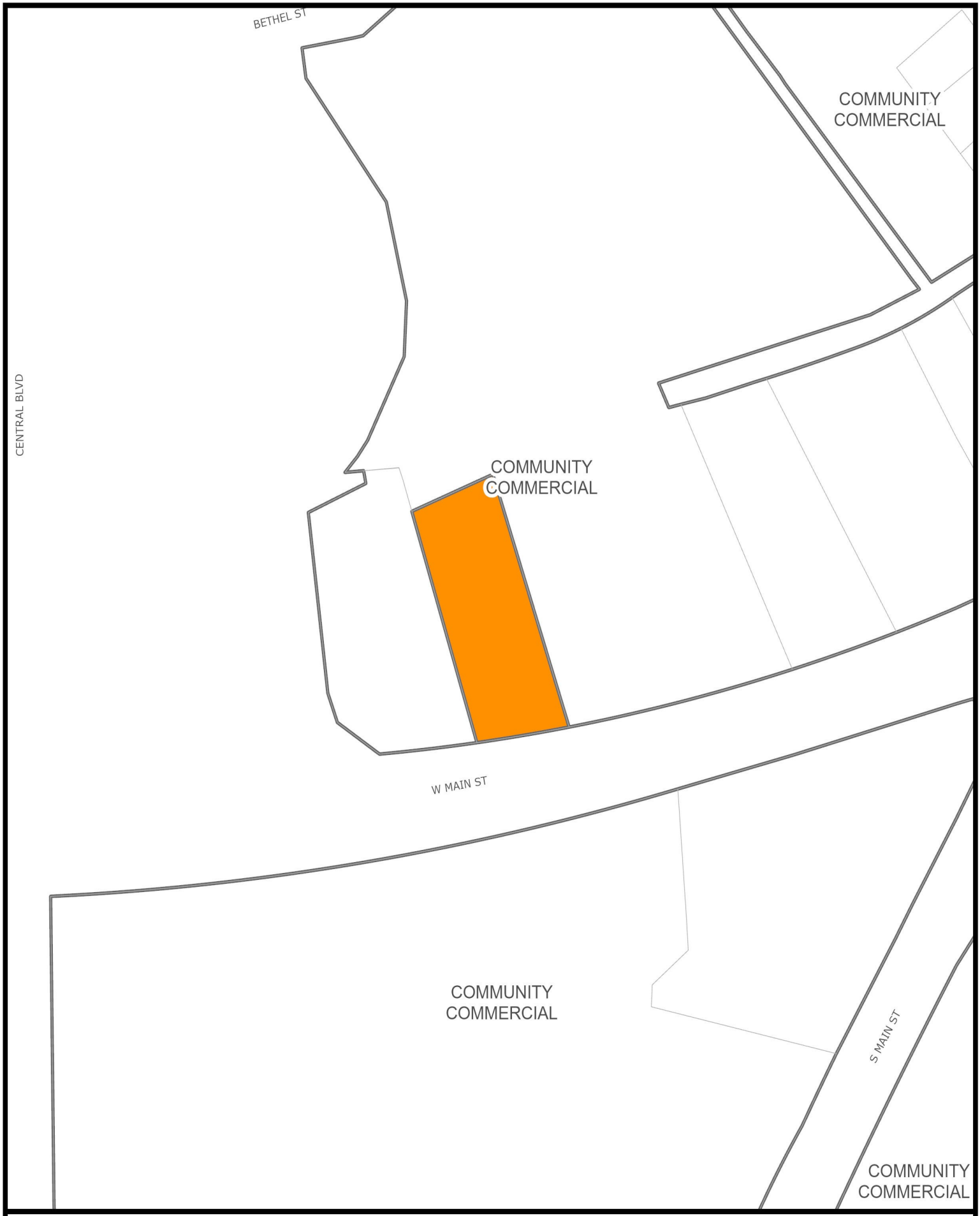

YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/21/2024

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DANVILLE VIRGINIA

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CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00567

REQUEST

Special Use Permit application PZ24-00567 filed by Good Living Group LLC to allow a hotel/motel in accordance with Article 3.I Section C Item 24 at 136 West Main Street (Parcel 23512).

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 6-0 to recommend approval of Special Use Permit Application PZ24-00567.

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1724 **NEW BUSINESS O.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Special Use Permit Application filed by Danville Public Schools to Allow a Waiver of Minimum Yard Requirements for Parking at 155 Mountain View Avenue.

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Granting Special Use Permit Application PZ24- 00527, filed by Danville Public Schools, Requesting a Special Use Permit to Allow a Waiver of Minimum Yard Requirements at Parcel 26346 (155 Mountain View Avenue) in Accordance with Article 3.I. Section C Item 19.

SUMMARY

Danville Public Schools (DPS) has requested a waiver to the minimum yard requirements in accordance with Article 3.I Section C Item 19 at 155 Mountain View Avenue. 155 Mountain View Avenue is zoned TO-C, Transitional Office Commercial. Article 3.I Section F Item 2a states "[f]ront yard: 25 feet, provided that no parking is located within a front yard. If parking is provided in a front yard, the required setback is the parking area width plus 25 feet".

The proposed redevelopment of 155 Mountain View Avenue, Forest Hills Elementary, includes off-street parking along Mountain View Avenue and Lockett Street. The parking design requires a Special Use Permit for a waiver of yard requirements to move forward. The design allows off- street parking for parents and bus drop-offs at Mountain View and for teachers and staff at Lockett Street. This proposed change will alleviate some of the congestion on Mountain View Avenue for buses and car riders at Forest Hills Elementary and for the Averett students and staff parking on the street.

Thirty-six (36) notices were sent to surrounding property owners. Four notices were received. Three (3) were not opposed, one (1) was opposed.

On November 12, 2024, the City Planning Commission voted 6-0 to recommend approval of Special Use Permit PZ24-00527 to allow a waiver of minimum yard requirements for parking in accordance with Article 3.I Section C Item 19 at 155 Mountain View Avenue (Parcel 26346).

RECOMMENDATION

It is recommended that City Council adopt an Ordinance granting a Special Use Permit to allow a waiver of minimum yard requirements for parking in the front yard at Parcel ID 26346 (155 Mountain View Avenue).

Attachments

1. Ordinance

---

2. Special Use Permit Application for 155 Mountain View Avenue
3. 155 Mountain View Avenue Aerials Map
4. 155 Mountain View Avenue Owners Zoning Map
5. 155 Mountain View Avenue Land Use Map
6. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024____.____

AN ORDINANCE GRANTING SPECIAL USE PERMIT APPLICATION PZ24-00527, FILED BY DANVILLE PUBLIC SCHOOLS, REQUESTING A SPECIAL USE PERMIT TO ALLOW A WAIVER OF MINIMUM YARD REQUIREMENTS AT PARCEL 26346 (155 MOUNTAIN VIEW AVENUE) IN ACCORDANCE WITH ARTICLE 3.I. SECTION C ITEM 19.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia, that the report of the Planning Commission recommending approval of Special Use Permit Application PZ24-00527, filed by Danville Public Schools, requesting a Special Use Permit to allow a waiver of minimum yard requirements at Parcel ID 26346 (155 Mountain View Avenue) in accordance with Article 3.I. Section C Item 19, be and the same is hereby received; and

BE IT FINALLY ORDAINED THAT in consideration of said report and the public hearing this day held by Council, Special Use Permit Application PZ24-00527, filed by Danville Public Schools, requesting a Special Use Permit to allow a waiver of minimum yard requirements at Parcel ID 26346 (155 Mountain View Avenue) in accordance with Article 3.I. Section C Item 19, is hereby granted and approved.

Approved:

_____
Mayor

Attest:

_____
City Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

CITY 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 #: PZ24-00527 PC Meeting Date: November 12, 2024

Date Received: 9-24-24 Received By: Renee Burton

Parcel ID: 26346 Address: 155 Mountain View Ave.

Existing Zoning TDC Future Land Use:

APPLICANT PROVIDED INFORMATION

Property Location (address/ID#) 155 Mountain View Ave., Danville, VA. 24541

Applicant: Danville Public Schools (Walter Lucas)

Applicant's Address: 341 Main St., Suite 100, Danville, VA., 24541

Applicant's Phone Number: (434) 799-6434 X254

Applicant's E-mail: wlucas@mail.dps.k12.va.us

Applicant's Signature

9/20/2024
Date

SPECIAL USE PERMIT APPLICATION

APPLICANT PROVIDED INFORMATION

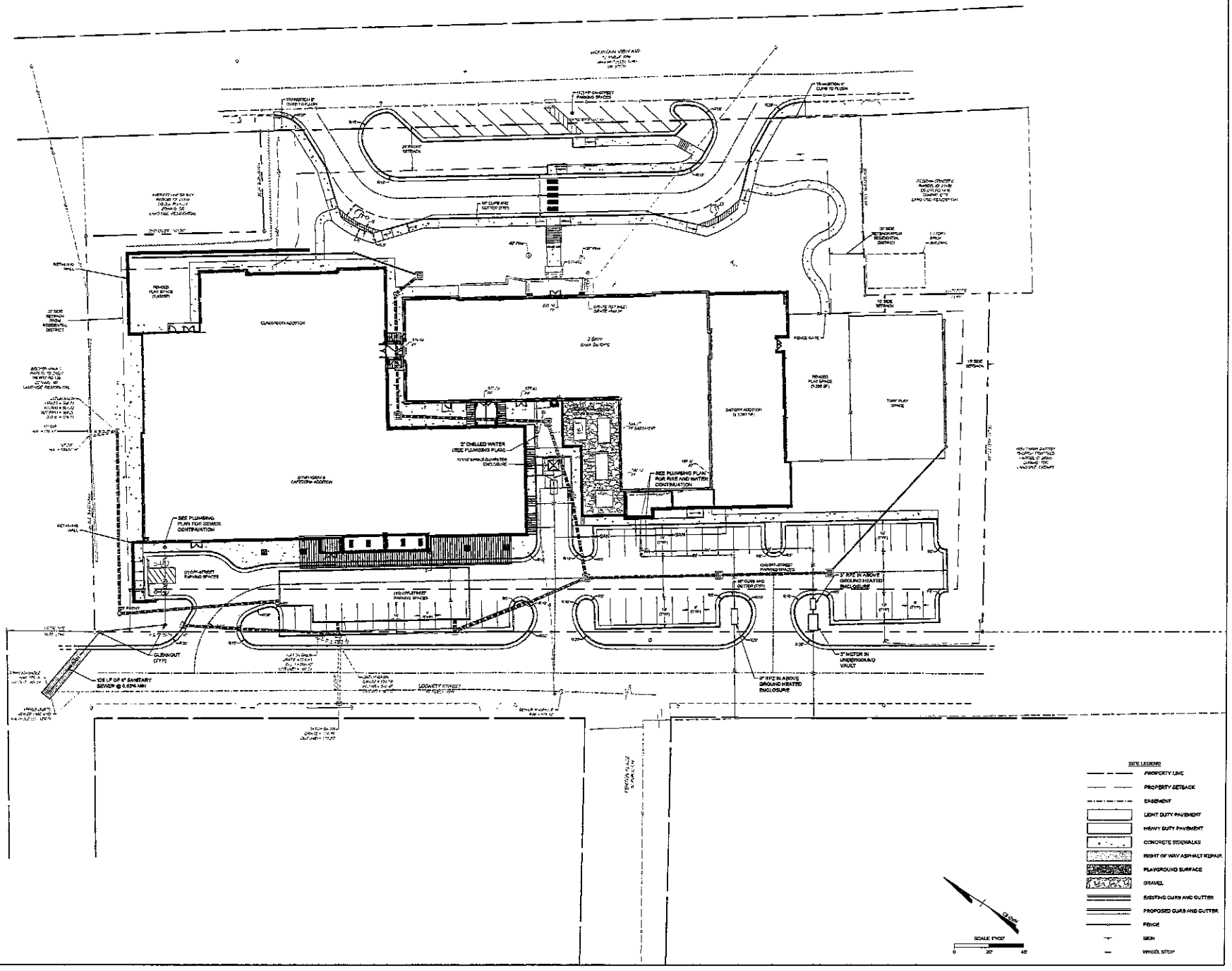
Property Location: 155 Mountain View Ave., Danville, VA. 24541

Danville Public Schools is currently in the design phase to renovate and place additions to Forest Hills Elementary School. In the design on this 2.5 acre property, and in order to alleviate the on street traffic issues on both Mountain View Ave. and Lockett Dr.. Off street parking has been included in the design for visiting people or parents seeking to pick up of drop off their children. Without it parking on the street that is barely wide enough for street parking on both sides to allow for safe traffic flow. Therefore, Danville Public Schools is requesting a Special Use Permit allowing for "Off Street Parking".

Walter Lucas

Director of Capitol Improvement

Danville Public Schools



WMA ARCHITECTS

DANVILLE PUBLIC SCHOOLS

Forest Hills Elementary School Addition and Renovation

TIMMONS GROUP

DESIGN DEVELOPMENT

SITE AND UTILITY LAYOUT

C-300

2023 AERIAL IMAGERY OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

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DANVILLE VIRGINIA

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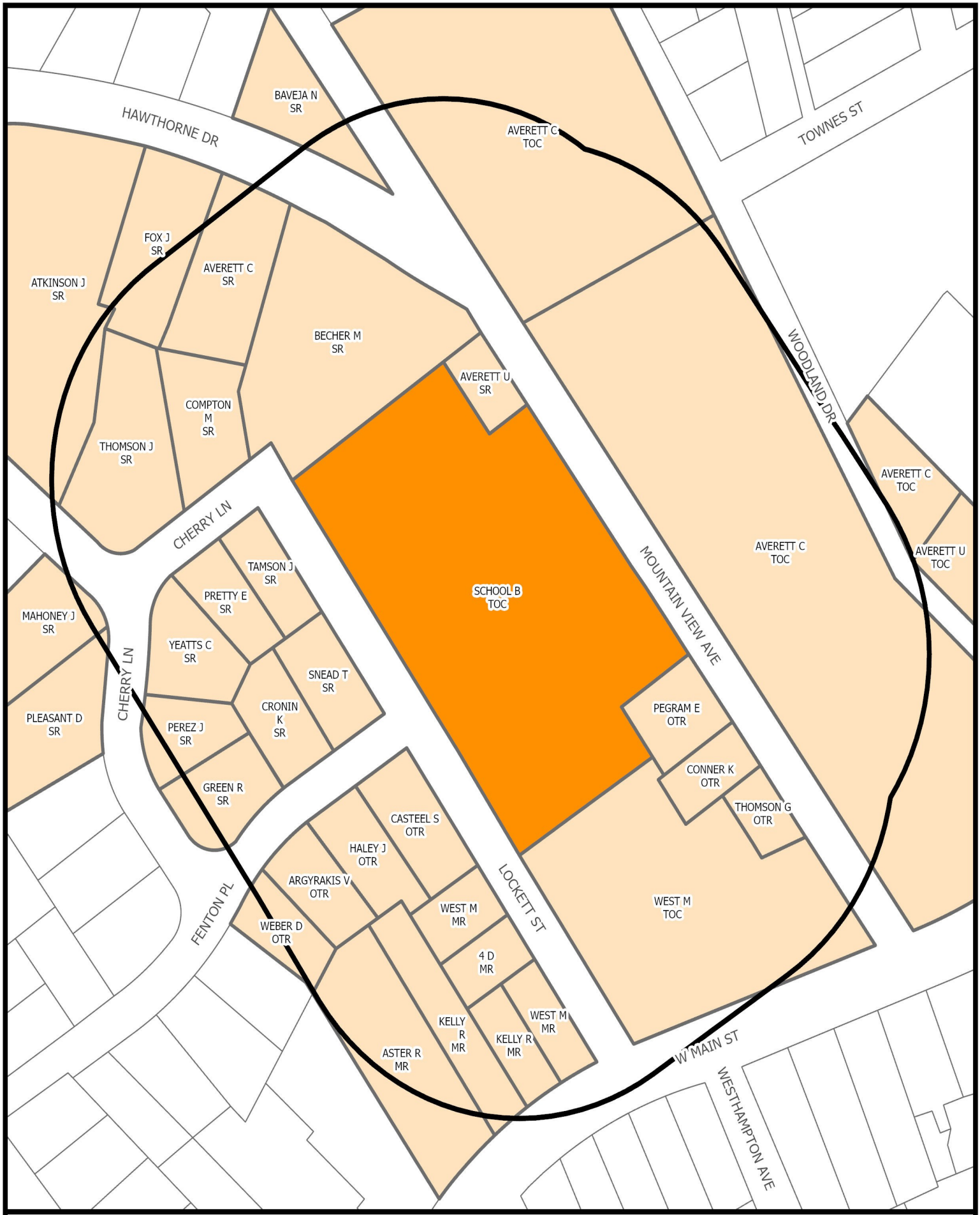

SURROUNDING PROPERTY OWNERS AND ZONING WITHIN 300 FEET OF SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

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YEAR 2030 LAND USE SURROUNDING SUBJECT PROPERTY

Prepared by:
Planning Division
10/8/2024

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CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: SPECIAL USE PERMIT APPLICATION PZ24-00527

REQUEST

Special Use Permit application PZ24-00527 filed by Danville Public Schools to allow a waiver of minimum yard requirements for parking in accordance with Article 3.I Section C Item 19 at 155 Mountain View Avenue (Parcel 26346).

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 6-0 to recommend approval of Special Use Permit Application PZ24-00527.

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1726 **NEW BUSINESS P.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Adoption of the City of Danville Comprehensive Plan “PLANDanville."

From: Renee Burton, Division Director of Planning

COUNCIL ACTION

1. Public Hearing

2. An Ordinance Receiving the Recommendation of the Planning Commission and Adopting a new Comprehensive Plan for the City of Danville, “PLANDanville: A Comprehensive Plan for a Unified Future.”

SUMMARY

For over two years, the City of Danville has been working to create a Comprehensive Plan to serve as a road map for the City's future, with a robust public engagement process. This Plan is designed to be a comprehensive approach to the development of our home, the City of Danville. The document looks at the development of the land, as required, but also at the development of the community and the individuals that live within our community.

The draft document was made available for public comment on October 15, 2024, at plandanville.org/resources. City Council reviewed the plan during their work session on November 7th. Planning Commission review of the Plan was on the November 12, 2024 Planning Commission agenda.

Comprehensive plans are mandatory by the Commonwealth of Virginia and are designed to be a living document. The document must be reviewed and revised by the locality every five years to respond to the changing conditions, laws, funding sources and tools available.

This comprehensive plan update was carried out with the intention of being the most community-involved process to date and was created through a city-led planning effort called PLANDanville. This effort involved significant community outreach to pinpoint community members' top priorities and outline capital improvement objectives for the next 20 years. PLANDanville is a road map for the City's future, a long-range policy document that offers guidance on various topics.

The main goal of PLANDanville is to provide a visionary outlook for the future of Danville that will enhance the quality of life for all community members through the implementation of practical and adaptable policies that meet the needs of both current and future generations.

The community outreach was guided by six community ambassadors and a concentrated social media campaign supported by Kegerreis Digital Marketing. Throughout the two years, seventy-five separate events were conducted throughout the City, over 1,200 survey responses were received, and over

13,000 people were engaged in conversation about the future of the city.

The voice of the community created our eight (8) focus area or eight (8) chapters of the Plan; they are:

1. Community
2. Land Use
3. Transportation
4. Infrastructure
5. Housing
6. Economy
7. Environment
8. Culture

On November 12, 2024, the City Planning Commission voted 6-0 to recommend approval of the City of Danville Comprehensive Plan titled “PLANDanville, A Comprehensive Plan for a Unified Future” as submitted with administrative approval granted to complete any modifications necessary to comply with State Statute and to correct any typographical or grammatical errors, effective January 1, 2025.

RECOMMENDATION

It is recommended that City Council adopt the City of Danville Comprehensive Plan titled “PLANDanville, A Comprehensive Plan for a Unified Future”, with an effective date of January 1, 2025, as submitted with administrative approval granted to complete any modifications necessary to comply with State Statute and to correct any typographical or grammatical errors.

Attachments

1. Ordinance
2. One page summary
3. Planning Commission Recommendation

PRESENTED:_____

ADOPTED: _____

ORDINANCE NO. 2024 ____.____

AN ORDINANCE RECEIVING THE RECOMMENDATION OF THE PLANNING COMMISSION AND ADOPTING A NEW COMPREHENSIVE PLAN FOR THE CITY OF DANVILLE, "PLANDANVILLE: A COMPREHENSIVE PLAN FOR A UNIFIED FUTURE."

WHEREAS, the Comprehensive Plan "The City of Danville, Virginia, Year 2030 Comprehensive Plan" was adopted in 2015 and has become outdated; and

WHEREAS, the Citizens of the City of Danville, City of Danville Planning Commission, SmithGroup, and the City Staff have prepared a revision to the City of Danville, Virginia, Year 2030 Comprehensive Plan entitled "PLANDanville: A Comprehensive Plan for a Unified Future" attached hereto and is made a part hereof; and

WHEREAS, the new Comprehensive Plan, "PLANDanville: A Comprehensive Plan for a Unified Future" represents the City's growth management and development policies.

NOW THERFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the recommendation of the City Planning Commission for approval and adoption of a new Comprehensive Plan "PLAN Danville: A Comprehensive Plan for a Unified Future", referenced hereto and made a part hereof, be, and the same hereby, is received; and

BE IT FINALLY ORDAINED, that in consideration of said recommendation and of the public hearing this day held by the Council, said Comprehensive Plan, "PLANDanville: A Comprehensive Plan for a Unified Future", referenced hereto and made a part hereof by reference, be, and the same hereby is, approved and adopted.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Plan Danville is a the development of the new comprehensive plan in line with government mandates, to which city planners and council members resolved to establish trust with the community at large to create an inclusive vision in five fun and interactive phases.

Through small conversations held through art, games and activies, parties, and prize, food and refreshments, engagement process seeks to build trust in the community promote and encourage active listening towards future implementation.

Belong today, Become together, Sustain tomorrow.

PLAN Danville

Unified Community Vision

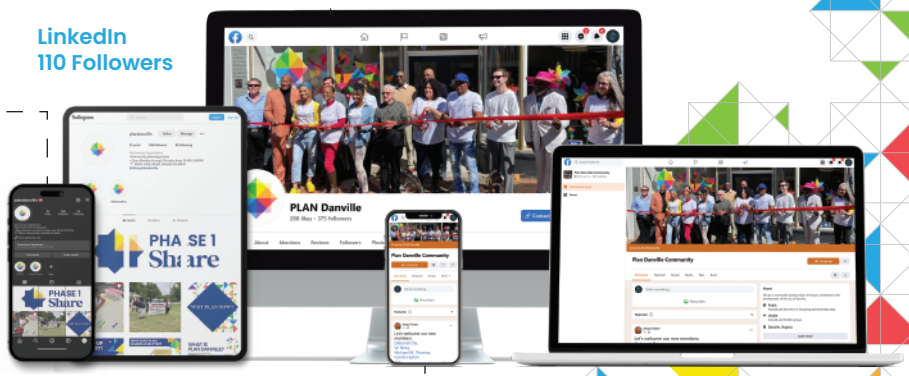
Our unified vision is to create a **supportive**, and **diverse** community, where everyone can **thrive** to achieve their **unique** potential. Together, we will **engage** and **encourage** one another to build a **sustainable** and **equitable** future for all.

6 Community Ambassadors

A team of local individuals who are connected to their local area, and have the trust and respect of other community members

13K Engaged Citizens

Our website and social media accounts have garnered constructive feedback and engagement from thousands of unique visitors.



Facebook Page
547 Likes | 668 Subscribers

LinkedIn
110 Followers

Instagram
336 Followers

Plan Danville Community
500 Members

75 Events

Plan Danville Ambassadors and volunteers host focused community engagement events throughout the city.

1,200+ Survey Participants

People who live, work, play, and engage in and near Danville have provided feedback on their future vision for Danville.

CITY OF DANVILLE
Community Development
Division of Planning and Zoning

MEMORANDUM

DATE: NOVEMBER 12, 2024
TO: CITY COUNCIL
FROM: CITY PLANNING COMMISSION
RE: PLAN Danville: A Comprehensive Plan for a Unified Future

REQUEST

Review and adoption of the City of Danville Comprehensive Plan "PLAN Danville: A Comprehensive Plan for a Unified Future". This plan establishes goals and plans for future land use decisions by the City.

RECOMMENDATION
The Planning Commission, at their November 12, 2024, meeting voted 6-0 to recommend approval of the City of Danville's new Comprehensive Plan, "PLAN Danville: A Comprehensive Plan for a Unified Future".

Steve Petrick RB

Mr. Steve Petrick, Chair

Council Letter
City of Danville, Virginia

CL - 1740 **NEW BUSINESS Q.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: City Manager's Amended Employment Agreement.

From: Susan DeMasi, City Clerk

COUNCIL ACTION

A Resolution of the City Council of the City of Danville, Virginia Approving the City Manager's Amended Employment Agreement.

SUMMARY

The City Manager's contract is being amended to include several changes approved by City Council.

BACKGROUND

City Council has approved several contract amendments, and the proposed contract includes those changes. This document will serve as the City Manager's Amended Employment Agreement. The contract amendment does not adjust the City Manager's salary; it updates the language to reflect the current actual salary.

RECOMMENDATION

It is recommended that City Council Approve the City Manager's Amended Employment Agreement effective December 3, 2024.

Attachments

1. Resolution
2. City Manager Contract Amendment - Clean
3. City Manager Contract Amendment - Redline

PRESENTED: _____

ADOPTED: _____

RESOLUTION NO. 2024 – ____.____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANVILLE, VIRGINIA APPROVING AND AUTHORIZING THE CITY MANAGER'S AMENDED EMPLOYMENT AGREEMENT.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Danville, Virginia, that effective December 3, 2024, the Council hereby approves and authorizes the City Manager's Amended Employment Agreement attached hereto and made a part hereof as if fully set our herein; and

BE IT FINALLY RESOLVED by the Council of the City of Danville, Virginia, that the Mayor is hereby authorized to sign the Amended Employment Agreement on behalf of the City Council.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

AMENDED EMPLOYMENT AGREEMENT

THIS **AMENDED** EMPLOYMENT AGREEMENT (hereinafter referred to as "Agreement"), is by and between the City of Danville, Virginia, a subdivision of the Commonwealth of Virginia (hereinafter referred to as "City"), and Kenneth F. Larking (hereinafter referred to by name or as "City Manager").

W I T NE S S E T H:

WHEREAS, the City desires to employ Kenneth F. Larking as City Manager of the City of Danville, Virginia, as provided for in Chapter 3 section 3-1 of the City Charter of the City of Danville; and

WHEREAS, the City, through its City Council, desires to provide for certain benefits and compensation for the City Manager and to establish conditions of employment applicable to the City Manager; and

WHEREAS, it is the desire of the City Council to (1) retain the services of City Manager and to provide inducement for him to remain in such employment, (2) to act as deterrent against malfeasance or dishonesty for personal gain, and (3) to provide a fair and appropriate means for terminating City Manager's services at such time as he may be unable to fully discharge his duties or when the City may desire to otherwise terminate his employment; and

WHEREAS, Kenneth F. Larking desires to accept employment as City Manager of the City of Danville under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises as set forth in this Agreement, the parties agree as follows:

Section 1. Employment.

A. The City of Danville hereby hires and appoints Kenneth F. Larking as its City Manager, under the terms established herein, to perform the duties and functions specified in the City's Charter and the City Code of Ordinances of the City of Danville, Virginia and to perform such other legally permissible and proper duties and functions as the City Council shall from time-to-time assign.

B. The City's employment of Kenneth F. Larking as City Manager shall be effective April 5, 2016. This Agreement shall remain in effect until terminated by the City or by the City Manager as provided herein.

Section 2. Salary and Evaluation.

A. For the performance of services pursuant to this Agreement, the City agrees to pay the City Manager an annual salary of Two Hundred Fifty-Six Thousand Four Hundred

Three Dollars and Seventy-Six Cents ($256,403.76), payable in installments at the same time as other City employees are paid.

B. The City Manager will be eligible for salary increases under the same terms and conditions and in the same manner as all other full time City employees.

C. Annual performance evaluations of the City Manager shall be in such form as the Council deems appropriate and shall be made between April 1st and May 1st of each year in which this Agreement is effective.

E. Nothing in this Section shall require the City to increase the base salary or other benefits of the City Manager. Furthermore, the City's failure to conduct any of the scheduled evaluations shall not constitute non-compliance with a material provision of this Agreement.

Section 3. Duties and Obligations.

A. The City Manager shall have the duties, responsibilities, and powers of said office under the Charter and Ordinances of the City of Danville. The City Manager agrees to perform all duties and responsibilities faithfully, industriously, and to the best of his ability and in a professional and competent manner.

B. The City Manager shall remain in the exclusive employ of the City and shall devote all such time, attention, knowledge, and skills necessary to faithfully perform his duties under this Agreement. The City Manager may, however, engage in educational and professional activities and other employment activities upon receipt of approval by the -Mayor, provided that such activities shall not interfere with his primary obligation to the City as its City Manager. The City Manager shall dedicate no less than an average of forty (40) hours per week in the performance of his duties hereunder.

C. In the event the City Manager is temporarily unable to perform his duties, he shall designate an Acting City Manager.

Section 4. Automobile Allowance

The City Manager is required to be on call for twenty-four-hour service. In recognition thereof:

The City shall grant to the City Manager an automobile allowance of Five Hundred Dollars ($500.00) per month, and the City Manager shall purchase, maintain, and insure said vehicle. The City Manager shall be reimbursed for out-of-town mileage on the same basis and under the same terms and conditions as all other City employees. The City Manager will not be reimbursed for any mileage within the corporate limits of the City of Danville.

Section 5. Dues and Subscriptions

The City agrees to pay the City Manager's professional dues for membership in the International City/County Management Association, and the Virginia Local Government Management Association. The City shall pay other dues and subscriptions on behalf of the City Manager as are approved in the City's annual budget (on a line-item basis) or as authorized separately by the City Council.

Section 6. Professional Development

The City agrees to pay reasonable and customary travel and subsistence expenses for the City Manager's travel to and attendance at the International City/County Management Association's annual conference, the Virginia Local Government Management Association's annual conference and the Virginia Municipal League annual conference. The City Manager may also attend other professional development conferences with the approval of the Mayor.

Section 7. Community Involvement

The City recognizes the desirability of representation in and before local civic and other organizations and encourages the City Manager to participate in these organizations to foster a continuing awareness of the City's activities as well as the community's attitudes and ideas. The City will pay for the dues for these organizations.

Section 8. Vacation and Sick Leave

The City Manager shall accrue annual leave on the same basis and under the same terms and conditions as all other City employees with a maximum accumulation of four hundred eighty (480) hours and shall earn one (1) day per month sick leave each year with no maximum accumulation. The City Manager shall be entitled to all of his presently accrued leave.

Section 9. Holidays

The City Manager is entitled to the same paid holidays as all other full time City employees.

Section 10. Health and Life Insurance

A. The City shall pay for health care insurance for the City Manager under the City's family plan on the same basis it provides such benefits to other City employees.

B. The City will provide the City Manager with group life insurance coverage through the City's group life insurance program on the same basis as it provides such coverage to other City employees.

C. City Manager shall be allowed to participate in any other insurance programs offered to the general workforce under the same terms and conditions as all other full time City employees.

Section 11. Retirement.

A. The City agrees to contribute three percent of his base salary into a retirement plan of his choosing.

B. The City will provide retirement benefits for the City Manager under the City's Employees' Retirement System on the same basis it provides such benefits to other City employees, taking into consideration his service since March 18, 2013, as well as his service subsequent to the execution of this Agreement.

C. The City Manager may, at his discretion, transfer an amount equal to the value of the total assets he has accumulated in the North Carolina Local Government Employees' Retirement System. Upon payment, the City Manager shall be credited for time of service, on a month for month basis. The City Manager shall also be credited for any accumulated sick leave balance earned from local government employment in North Carolina for the purposes of credit toward service time working for the City of Danville.

Section 12. Termination by the City and Severance Pay

A. The City Manager shall serve at the pleasure of the City Council, and the City Council may terminate this Agreement and the City Manager's employment with the City at any time, for any reason or for no reason.

B. Should a majority of the entire Council (five members) vote to terminate the services of the City Manager "without cause", then within ten (10) business days following such vote, the Council shall cause the City Manager to be paid any accrued and unused annual leave. Within forty-five (45) calendar days following the vote to terminate the City Manager's employment, the Council shall cause the City Manager to be paid a lump sum severance payment equal to two (2) years of his base salary as full and complete payment and satisfaction of any claims of the City Manager of whatsoever nature arising out of this Agreement or otherwise. As consideration for such payment, the City Manager shall, prior to receipt thereof, execute and deliver to the City a general release of the City and its Council members and its officers, agents, and employees for all acts and actions (whether accrued or subsequently accruing) from the beginning of time until the date of release, said release to be prepared by the City Attorney.

C. In the event the City Manager is terminated for "just cause," the City shall have no obligation to pay the amounts outlined in Section 12, Paragraph B of this Agreement. For purposes of this Agreement, "just cause" is defined and limited for purposes of this Agreement to any of the following:

1. Misfeasance, malfeasance and/or nonfeasance in performance of the City Manager's duties and responsibilities.

2. Conviction or a plea of guilty or no contest to a misdemeanor of moral turpitude or felony crime, whether or not adjudication is withheld.

3. Neglect of duty, including the inability or unwillingness to properly discharge the responsibilities of office.

4. Violation of any substantive City policy, rule, or regulation, which would subject any other City employee to termination.

5. Any fraudulent act against the interest of the City.

6. Any action which causes the City disrepute.

7. Violation of the International City/County Management Association Code of Ethics.

8. Any other act of a similar nature of the same or greater seriousness.

D. The City shall not at any time during the term of this agreement reduce the salary, compensation, or other financial benefits of the City Manager, except to the degree it imposes such a reduction across-the-board for all full-time employees of the city.

Section 13. Termination by the City Manager

The City Manager may terminate this Agreement at any time by delivering to the City Council a written notice of termination not later than ninety (180) days prior to the effective date of the termination. If the City Manager terminates this Agreement, then the provisions of Section 12, Paragraph B above, shall not apply. If the City Manager voluntarily resigns pursuant to this Section, the City shall pay to the City Manager all accrued compensation due the City Manager up to the City Manager's final day of employment and any unused annual leave. The City shall have no further financial obligation to the City Manager pursuant to this Agreement. This subsection shall not prevent the City Manager from collecting any money earned as a result of participation in the City's retirement program.

Section 14. Disability

If the City Manager becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four consecutive weeks beyond any accrued leave, the City shall have the option to terminate this Agreement, without incurring the termination pay obligation outlined in Section 12, Paragraph B of this Agreement.

Section 15. Indemnification.

A. City shall defend, save harmless, and indemnify the City Manager against any action for any injury or damage suffered as a result of any act, event, or omission of action that the City Manager reasonably believes to be in the scope of his duties or function, unless he acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The City will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. The City shall not be liable for the acts or omissions of the City Manager committed while acting outside the course and scope of his agreed duties or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. In such instance, the City Manager shall reimburse the City for any legal fees and expenses the City has incurred or otherwise paid, for or on his behalf, in connection with the charged conduct.

B. Said indemnification shall extend beyond the termination of employment and the expiration of this Agreement to provide protection for any such acts undertaken or committed in his capacity as City Manager, regardless of whether the notice of claim or filing of a lawsuit occurs during or following employment with the City.

Section 16. Bonding

The City agrees to bear the full cost of any fidelity or other bonds required of the City Manager under any policy, regulation, ordinance, or law.

Section 17. Code of Ethics

Inasmuch as the City Manager is an active full member of the International City/County Management Association (ICMA), the "Code of Ethics" promulgated by ICMA is incorporated herein, and by this reference made a part hereof. Said "Code of Ethics" shall furnish principles to govern the City Manager's conduct and actions as City Manager of the City.

Section 18. Attorney's Fees

If any litigation is commenced between the parties concerning any provision of this Agreement or the rights and duties of any person in relation thereto, each party shall be responsible for their own attorney's fees and expenses and costs incurred in connection therewith, including appellate fees and expenses.

Section 19. Covenant Not To Compete

The City Manager agrees that he may not provide Economic Development advise or consulting services, directly or indirectly, to any other governmental and/or quasi-governmental entity within a radius of sixty (60) miles of the city limits of the City of Danville for a period of two (2) years from the date of his termination of employment with the City of Danville unless otherwise consented to by City Council.

Section 20. Non-Solicitation

The City Manager agrees that for whatever reason, City Manager will not in any capacity, directly or indirectly, contact, solicit, or attempt to divert, any person or entity that is an economic development prospect or potential economic development prospect of the City of Danville. In addition MANAGER agrees not to solicit, directly or indirectly, any person employed by the City of Danville to leave employment with the City and to join another person or entity within a radius of sixty (60) miles of the city limits of the City of Danville for a period of two (2) years from the date of his termination of employment with the City of Danville unless otherwise consented to by City Council.

Section 21. Nondisclosure

The City Manager agrees that he will not disclose to any other governmental and/or quasi-governmental entity any strategies employed by the City of Danville regarding the marketing, recruitment, and formation of incentive packets for economic development Prospects or potential economic development prospects of the City of Danville.

Section 22. Other Terms and Conditions of Employment

The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of City Manager, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter, or any other law.

Section 23. General Terms and Conditions

A. If any provision, or any portion thereof, contained in this Agreement is held by a court of competent jurisdiction to be unconstitutional, illegal, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

B. The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

C. This Agreement shall be binding upon and inure to the benefit of the heirs at law or personal representative of City Manager.

D. This Agreement contains the entire Agreement of the parties. It may not be changed verbally, but only by an Agreement in writing signed by the parties.

E. Virginia law shall govern this Agreement and any litigation that may arise from this Agreement, shall be filed, and litigated in City of Danville, Virginia.

F. Upon City Manager's death, the City's obligations under this Agreement shall

terminate except for:

1. Transfer of ownership of retirement funds, if any, to his designated beneficiaries;

2. Payment of accrued annual leave balance in accordance with this Agreement; and

3. Payment of all life insurance benefits in accordance with the City's insurance policies or plans.

G. The parties acknowledge that each has shared equally in the drafting and preparation of this Agreement and, accordingly, no court construing this Agreement shall construe it more strictly against one party that the other and every covenant, term and provision of this Agreement shall be construed simply according to its fair meaning.

H. This Agreement may be executed in duplicate or counterparts, each of which shall be deemed an original and all of which together shall be deemed one and the same instrument. No term, condition or covenant of this Agreement shall be binding on either party until both parties have signed it.

I. The effective date of this Agreement shall be the last date it is executed by either of the parties to this Agreement.

{***Signatures on following page***}

IN WITNESS WHEREOF, we have set our hands and seals on this _____ day of _____, 2024.

CITY OF DANVILLE, VIRGINIA

By: _____
Alonzo L. Jones, Mayor

ATTEST:

_____
City Clerk

By: _____
Kenneth F. Larking, City Manager

AMENDED EMPLOYMENT AGREEMENT

THIS **AMENDED** EMPLOYMENT AGREEMENT (hereinafter referred to as "Agreement"), is by and between the City of Danville, Virginia, a subdivision of the Commonwealth of Virginia (hereinafter referred to as "City"), and Kenneth F. Larking (hereinafter referred to by name or as "City Manager").

W I T NE S S E T H:

WHEREAS, the City desires to employ Kenneth F. Larking as City Manager of the City of Danville, Virginia, as provided for in Chapter 3 section 3-1 of the City Charter of the City of Danville; and

WHEREAS, the City, through its City Council, desires to provide for certain benefits and compensation for the City Manager and to establish conditions of employment applicable to the City Manager; and

WHEREAS, it is the desire of the City Council to (1) retain the services of City Manager and to provide inducement for him to remain in such employment, (2) to act as deterrent against malfeasance or dishonesty for personal gain, and (3) to provide a fair and appropriate means for terminating City Manager's services at such time as he may be unable to fully discharge his duties or when the City may desire to otherwise terminate his employment; and

WHEREAS, Kenneth F. Larking desires to accept employment as City Manager of the City of Danville under the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the mutual promises as set forth in this Agreement, the parties agree as follows:

Section 1. Employment.

A. The City of Danville hereby hires and appoints Kenneth F. Larking as its City Manager, under the terms established herein, to perform the duties and functions specified in the City's Charter and the City Code of Ordinances of the City of Danville, Virginia and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

B. The City's employment of Kenneth F. Larking as City Manager shall be effective April 5, 2016. This Agreement shall remain in effect until terminated by the City or by the City Manager as provided herein.

Section 2. Salary and Evaluation.

A. For the performance of services pursuant to this Agreement, the City agrees to pay the City Manager an annual salary of ~~Two Hundred Thirty-two Thousand Sixty Eight~~

~~and Dollars and thirty two cents ($232,068.38)~~Two Hundred Fifty-Six Thousand Four Hundred Three Dollars and Seventy-Six Cents ($256,403.76), payable in installments at the same time as other City employees are paid.

B. The City Manager will be eligible for salary increases under the same terms and conditions and in the same manner as all other full time City employees.

C. Annual performance evaluations of the City Manager shall be in such form as the Council deems appropriate and shall be made between April 1st and May 1st of each year in which this Agreement is effective.

~~D. During the first year of this Agreement only, the City Manager shall have an additional evaluation that will take place between October 1st and November 1st, 2016.~~

E. Nothing in this Section shall require the City to increase the base salary or other benefits of the City Manager. Furthermore, the City's failure to conduct any of the scheduled evaluations shall not constitute non-compliance with a material provision of this Agreement.

Section 3. Duties and Obligations.

A. The City Manager shall have the duties, responsibilities and powers of said office under the Charter and Ordinances of the City of Danville. The City Manager agrees to perform all duties and responsibilities faithfully, industriously, and to the best of his ability and in a professional and competent manner.

B. The City Manager shall remain in the exclusive employ of the City and shall devote all such time, attention, knowledge and skills necessary to faithfully perform his duties under this Agreement. The City Manager may, however, engage in educational and professional activities and other employment activities upon receipt of approval by the -Mayor, provided that such activities shall not interfere with his primary obligation to the City as its City Manager. The City Manager shall dedicate no less than an average of forty (40) hours per week in the performance of his duties hereunder.

C. In the event the City Manager is temporarily unable to perform his duties, he shall designate an Acting City Manager.

Section 4. Automobile Allowance

The City Manager is required to be on call for twenty-four hour service. In recognition thereof:

The City shall grant to the City Manager an automobile allowance of Five Hundred Dollars ($500.00) per month, and the City Manager shall purchase, maintain, and insure said vehicle. The City Manager shall be reimbursed for out of town mileage on the same basis and

under the same terms and conditions as all other City employees. The City Manager will not be reimbursed for any mileage within the corporate limits of the City of Danville.

Section 5. Dues and Subscriptions

The City agrees to pay the City Manager's professional dues for membership in the International City/County Management Association, and the Virginia Local Government Management Association. The City shall pay other dues and subscriptions on behalf of the City Manager as are approved in the City's annual budget (on a line item basis) or as authorized separately by the City Council.

Section 6. Professional Development

The City agrees to pay reasonable and customary travel and subsistence expenses for the City Manager's travel to and attendance at the International City/County Management Association's annual conference, the Virginia Local Government Management Association's annual conference and the Virginia Municipal League annual conference. The City Manager may also attend other professional development conferences with the approval of the Mayor.

Section 7. Community Involvement

The City recognizes the desirability of representation in and before local civic and other organizations, and encourages the City Manager to participate in these organizations to foster a continuing awareness of the City's activities as well as the community's attitudes and ideas. The City will pay for the dues for these organizations.

Section 8. Vacation and Sick Leave

The City Manager shall accrue annual leave on the same basis and under the same terms and conditions as all other City employees with a maximum accumulation of four hundred eighty (480) hours and shall earn one (1) day per month sick leave each year with no maximum accumulation. The City Manager shall be entitled to all of his presently accrued leave.

Section 9. Holidays

The City Manager is entitled to the same paid holidays as all other full time City employees.

Section 10. Health and Life Insurance

A. The City shall pay for health care insurance for the City Manager under the City's family plan on the same basis it provides such benefits to other City employees.

B. The City will provide the City Manager with group life insurance coverage through the City's group life insurance program on the same basis as it provides such coverage to other City employees.

C. City Manager shall be allowed to participate in any other insurance programs offered to the general workforce under the same terms and conditions as all other full time City employees.

Section 11. Retirement.

A. The City agrees to contribute ~~Three Thousand Dollars ($3,000) yearly~~three percent of his base salary into a retirement plan of his choosing.

B. The City will provide retirement benefits for the City Manager under the City's Employees' Retirement System on the same basis it provides such benefits to other City employees, taking into consideration his service since March 18, 2013 as well as his service subsequent to the execution of this Agreement.

C. The City Manager may, at his discretion, transfer an amount equal to the value of the total assets he has accumulated in the North Carolina Local Government Employees' Retirement System. Upon ~~transfer of these assets~~payment, the City Manager shall be credited for time of service, on a month for month basis. The City Manager shall also be credited for any accumulated sick leave balance earned from local government employment in North Carolina for the purposes of credit toward service time working for the City of Danville.

Section 12. Termination by the City and Severance Pay

A. The City Manager shall serve at the pleasure of the City Council, and the City Council may terminate this Agreement and the City Manager's employment with the City at any time, for any reason or for no reason.

B. Should a majority of the entire Council (five members) vote to terminate the services of the City Manager "without cause", then within ten (10) business days following such vote, the Council shall cause the City Manager to be paid any accrued and unused annual leave. Within forty-five (45) calendar days following the vote to terminate the City Manager's employment, the Council shall cause the City Manager to be paid a lump sum severance payment equal to ~~four six (46) months~~two (2) years of his base salary as full and complete payment and satisfaction of any claims of the City Manager of whatsoever nature arising out of this Agreement or otherwise. As consideration for such payment, the City Manager shall, prior to receipt thereof, execute and deliver to the City a general release of the City and its Council members and its officers, agents, and employees for all acts and actions (whether accrued or subsequently accruing) from the beginning of time until the date of release, said release to be prepared by the City Attorney.

C. In the event the City Manager is terminated for "just cause," the City shall have no obligation to pay the amounts outlined in Section 12, Paragraph B of this Agreement. For purposes of this Agreement, "just cause" is defined and limited for purposes of this Agreement to any of the following:

1. Misfeasance, malfeasance and/or nonfeasance in performance of the City Manager's duties and responsibilities.

2. Conviction or a plea of guilty or no contest to a misdemeanor of moral turpitude or felony crime, whether or not adjudication is withheld.

3. Neglect of duty, including the inability or unwillingness to properly discharge the responsibilities of office.

4. Violation of any substantive City policy, rule, or regulation, which would subject any other City employee to termination.

5. Any fraudulent act against the interest of the City.

6. Any action which causes the City disrepute.

7. Violation of the International City/County Management Association Code of Ethics.

8. Any other act of a similar nature of the same or greater seriousness.

D. The City shall not at any time during the term of this agreement reduce the salary, compensation, or other financial benefits of the City Manager, except to the degree it imposes such a reduction across-the-board for all full time employees of the city.

Section 13. Termination by the City Manager

The City Manager may terminate this Agreement at any time by delivering to the City Council a written notice of termination not later than ninety (~~90~~180) days prior to the effective date of the termination. If the City Manager terminates this Agreement, then the provisions of Section 12, Paragraph B above, shall not apply. If the City Manager voluntarily resigns pursuant to this Section, the City shall pay to the City Manager all accrued compensation due the City Manager up to the City Manager's final day of employment and any unused annual leave. The City shall have no further financial obligation to the City Manager pursuant to this Agreement. This subsection shall not prevent the City Manager from collecting any money earned as a result of participation in the City's retirement program.

Section 14. Disability

If the City Manager becomes permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incapacity or health for a period of four consecutive weeks beyond any accrued leave, the City shall have the option to terminate this Agreement, without incurring the termination pay obligation outlined in Section 12, Paragraph B of this Agreement.

Section 15. Indemnification.

A. City shall defend, save harmless, and indemnify the City Manager against any action for any injury or damage suffered as a result of any act, event, or omission of action that the City Manager reasonably believes to be in the scope of his duties or function, unless he acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. The City will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. The City shall not be liable for the acts or omissions of the City Manager committed while acting outside the course and scope of his agreed duties or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. In such instance, the City Manager shall reimburse the City for any legal fees and expenses the City has incurred or otherwise paid, for or on his behalf, in connection with the charged conduct.

B. Said indemnification shall extend beyond the termination of employment and the expiration of this Agreement to provide protection for any such acts undertaken or committed in his capacity as City Manager, regardless of whether the notice of claim or filing of a lawsuit occurs during or following employment with the City.

Section 16. Bonding

The City agrees to bear the full cost of any fidelity or other bonds required of the City Manager under any policy, regulation, ordinance or law.

Section 17. Code of Ethics

Inasmuch as the City Manager is an active full member of the International City/County Management Association (ICMA), the "Code of Ethics" promulgated by ICMA is incorporated herein, and by this reference made a part hereof. Said "Code of Ethics" shall furnish principles to govern the City Manager's conduct and actions as City Manager of the City.

Section 18. Attorney's Fees

If any litigation is commenced between the parties concerning any provision of this Agreement or the rights and duties of any person in relation thereto, each party shall be responsible for their own attorney's fees and expenses and costs incurred in connection therewith, including appellate fees and expenses.

Section 19. Covenant Not To Compete

The City Manager agrees that he may not provide Economic Development advise or consulting services, directly or indirectly, to any other governmental and/or quasi-governmental entity within a radius of sixty (60) miles of the city limits of the City of

Danville for a period of two (2) years from the date of his termination of employment with the City of Danville unless otherwise consented to by City Council.

Section 20. Non-Solicitation

The City Manager agrees that for whatever reason, City Manager will not in any capacity, directly or indirectly, contact, solicit, or attempt to divert, any person or entity that is an economic development prospect or potential economic development prospect of the City of Danville. In addition MANAGER agrees not to solicit, directly or indirectly, any person employed by the City of Danville to leave employment with the City and to join another person or entity within a radius of sixty (60) miles of the city limits of the City of Danville for a period of two (2) years from the date of his termination of employment with the City of Danville unless otherwise consented to by City Council.

Section 21. Nondisclosure

The City Manager agrees that he will not disclose to any other governmental and/or quasi-governmental entity any strategies employed by the City of Danville regarding the marketing, recruitment and formation of incentive packets for economic development Prospects or potential economic development prospects of the City of Danville.

Section 22. Other Terms and Conditions of Employment

The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of City Manager, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter, or any other law.

Section 23. General Terms and Conditions

A. If any provision, or any portion thereof, contained in this Agreement is held by a court of competent jurisdiction to be unconstitutional, illegal, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.

B. The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.

C. This Agreement shall be binding upon and inure to the benefit of the heirs at law or personal representative of City Manager.

D. This Agreement contains the entire Agreement of the parties. It may not be changed verbally, but only by an Agreement in writing signed by the parties.

E. Virginia law shall govern this Agreement and any litigation that may arise from this Agreement, shall be filed and litigated in City of Danville, Virginia.

F. Upon City Manager's death, the City's obligations under this Agreement shall terminate except for:

1. Transfer of ownership of retirement funds, if any, to his designated beneficiaries;

2. Payment of accrued annual leave balance in accordance with this Agreement; and

3. Payment of all life insurance benefits in accordance with the City's insurance policies or plans.

G. The parties acknowledge that each has shared equally in the drafting and preparation of this Agreement and, accordingly, no court construing this Agreement shall construe it more strictly against one party that the other and every covenant, term and provision of this Agreement shall be construed simply according to its fair meaning.

H. This Agreement may be executed in duplicate or counterparts, each of which shall be deemed an original and all of which together shall be deemed one and the same instrument. No term, condition or covenant of this Agreement shall be binding on either party until both parties have signed it.

I. The effective date of this Agreement shall be the last date it is executed by either of the parties to this Agreement.

{*Signatures on following page*}

IN WITNESS WHEREOF, we have set our hands and seals on this _____ day of _____, 2023.

CITY OF DANVILLE, VIRGINIA

By: _____
Alonzo L. Jones, Mayor

ATTEST:

_____
City Clerk

By: _____
Kenneth F. Larking, City Manager

Council Letter
City of Danville, Virginia

CL - 1680 **NEW BUSINESS R.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance for USDA Grant Funds for Food Services at W. W. Moore, Jr. Detention Home

From: Michelle Johnson, Division Director - Juvenile Detention

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COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance for a Federal Grant in the Amount of Approximately $70,489 to Aid the Food Service Operations at W. W. Moore, Jr. Detention Home and Appropriating Same.

First Reading

SUMMARY

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

The revenue from the USDA offsets some of the costs related to the Food Service Operation at the detention home. It is projected the City will receive $70,489 for Fiscal Year 2025. The amount of the funds received may be more or less depending on changes in the daily population.

BACKGROUND

The W. W. Moore, Jr. Detention Home will participate in the National School Nutrition Program during Fiscal Year 2025. The anticipated revenue is projected, and an appropriation is requested based on utilization rates, reimbursement rates, and the number of days each meal or snack is reimbursed.

The USDA reimbursement rates provided by the Department of Juvenile Justice Food Service Operation Unit for Fiscal Year 2025 are as follows: Breakfast - $2.84; Lunch - $4.54; and Snack - $1.21. Breakfast and lunch meals are reimbursed 365 days per year, snacks are reimbursed 104 days per year, and there is no reimbursement for dinner meals.

Based on the Average Daily Population of twenty-five (25) last Fiscal Year, and the number of days meals and snacks are reimbursed, the W. W. Moore, Jr. Detention Home expects to receive approximately $70,489. USDA funds are received quarterly by the City of Danville.

RECOMMENDATION

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

Attachments

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024-_____

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE FOR A FEDERAL GRANT IN THE AMOUNT OF APPROXIMATELY $70,489 TO AID THE FOOD SERVICE OPERATIONS AT W. W. MOORE, JR. DETENTION HOME AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2025 Budget Appropriation Ordinance be, and it is hereby, amended to anticipate revenues from a grant in the amount of approximately $70,489 from the United States Department of Agriculture to the W. W. Moore, Jr. Detention Home for the purpose of aiding the food service operations and appropriating same in the Special Grants Fund for Fiscal Year 2025, such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

Description	Account No.	Amount
Categorical Aid-State: USDA - Detention Home	60114000-47210	$70,489

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
W. W. Moore, Jr. Detention Home Food Supplies/Food Services	60114000-55825	$70,489

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

BE IT FINALLY ORDAINED that all other accounts and provisions of the Fiscal Year 2025 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

_____
Mayor

ATTEST:

_____
Clerk

Approved as to
Form and Legal Sufficiency:

_____
City Attorney

Council Letter
City of Danville, Virginia

CL - 1682 **NEW BUSINESS S.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Virginia Juvenile Community Crime Control Act Funding Appropriation.

From: Michelle Johnson, Division Director - Juvenile Detention

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COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance for a Grant from the Department of Juvenile Justice in the Amount of $86,999 and a Local Share of $39,830, for a Total Appropriation of $126,829, to Provide for the Electronic Monitoring and Outreach Detention Programs, Online Intervention Programs, and Pro- Social Skills Programs for the City of Danville at the W. W. Moore Jr. Detention Home and Appropriating Same.

First Reading

SUMMARY

The Virginia Juvenile Community Crime Control Act (VJCCCA) requires the locality to develop and submit a plan outlining how the City will serve juvenile offenders, before intake, on complaints or from the court, on petitions alleging the juvenile is delinquent, in need of services, or in need of supervision with allocated funds. The locality's biennial plan was revised and approved for Fiscal Year 2025.

The VJCCCA Plan for Fiscal Year 2025 will continue to provide Electronic Monitoring and Outreach Detention Programs. These programs offer the courts alternatives to secure detention by increasing the level of supervision of the juveniles, and the intensity of services, through face-to-face contact, home visitation, school/employment contact, and monitoring through the use of electronic equipment. It is projected that sixty (60) juveniles will be served in the Electronic Monitoring Program and six (6) will be served in the Outreach Detention Program. The plan will also offer Online Substance Abuse Education, Anger Management, and Shoplifting/Larceny Reduction courses through 3rd Millennium Classrooms. The plan will also offer a pro-social skills personal development program, Cell Dreamer Academy. It is projected that each of the 3rd Millennium Classroom courses will serve twelve (12) juveniles and twelve (12) juveniles are projected to receive services through the Cell Dreamer Academy program.

During Fiscal Year 2025, the City will receive $86,999 from the Department of Juvenile Justice to support the delivery of programs and services to juvenile offenders. The City will provide a local match of $39,830. The total allocation to operate the VJCCCA Programs is $126,829.

BACKGROUND

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

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

RECOMMENDATION

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

Attachments

1. Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024-___.___

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE FOR A GRANT FROM THE DEPARTMENT OF JUVENILE JUSTICE IN THE AMOUNT OF $86,999 AND A LOCAL SHARE OF $39,830, FOR A TOTAL APPROPRIATION OF $126,829, TO PROVIDE FOR THE ELECTRONIC MONITORING AND OUTREACH DETENTION PROGRAMS, ONLINE INTERVENTION PROGRAMS, AND PRO-SOCIAL SKILLS PROGRAMS FOR THE CITY OF DANVILLE AT THE W. W. MOORE JR. DETENTION HOME AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Danville, Virginia that the Fiscal Year 2025 Budget Appropriation Ordinance be, and it is hereby, amended to anticipate revenues from a grant in the amount of $86,999 from the Virginia Juvenile Community Crime Control Act for the purpose of operating programs which provide alternatives to detention and appropriating same in the Special Grants Fund, and $39,830 be appropriated from the General Fund Account such revenue and appropriation to be as follows:

ANTICIPATED REVENUES

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

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
Electronic Monitoring:		
Full-time Salaries & Wages	61877300-51100	$ 29,800
FICA	61877300-51450	2,200
Retirement ERS	61877300-51525	2,600

Description	Account No.	Amount
Telephone	61877300-54100	500
Travel/Training	61877300-54900	800
Equipment – Leased	61877300-54750	5,400
	Total	$ 41,300

Online Intervention:

Substance Abuse Education	61877303-52349	$ 240
Shoplifting/Larceny Reduction	61877303-52349	240
Anger Management	61877303-52349	240
	Total	$ 720

Outreach:

Full-time Salaries & Wages	61877305-51100	$ 25,800
FICA	61877305-51450	1,900
Retirement ERS	61877305-51525	2,300
Telephone	61877305-54100	500
Travel/Training	61877305-54900	800
	Total	$ 31,300

Cell Dreamer Academy:

Full-time Salaries & Wages	61877354-51100	$ 46,009
FICA	61877354-51450	3,600
Retirement ERS	61877354-51525	3,900
	Total	$ 53,509

Grand Total	**$126,829**

AND BE IT FINALLY ORDAINED that all other accounts and provisions of the FY 2025 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

_____

Mayor

ATTEST:

_____

Clerk

Approved as to
Form and Legal Sufficiency:

_____

City Attorney

Council Letter
City of Danville, Virginia

CL - 1734 **NEW BUSINESS T.**

City Council REGULAR MEETING

Meeting Date: December 3, 2024

Subject: Consideration of Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide Funds for Renovations at Dan River Falls.

From: Henrietta Weaver, Budget Director

COUNCIL ACTION

An Ordinance Amending the Fiscal Year 2025 Budget Appropriation Ordinance to Provide Funding from Unassigned General Fund Balance and Operating Funds for Renovations at the Dan River Falls Building for City Offices in the Amount of $5,600,000 and Appropriating Same.

First Reading

SUMMARY

The Industrial Development Authority (IDA), in partnership with the Alexander Company, is redeveloping the White Mill into a mixed-use development featuring apartments, retail spaces, offices, and restaurants. The IDA owns space available for lease on the majority of the first floor and a portion of the second floor of the building. To help activate the space and to solve the needs of the Office of Economic Development (DOEDT) and the Parks and Recreation Department (P&R), it is proposed to renovate 8,597 square feet of space on the second floor for DOEDT and 12,391 square feet of space on the first floor for P&R. A budget amendment in the amount of $5.6 million is necessary to pay for this project.

BACKGROUND

In June 2017, the IDA purchased the White Mill property. In May 2021, the IDA entered into an agreement with the Alexander Company to work together to redevelop the property for apartments and commercial uses. In January 2023, the redevelopment of the property began with a groundbreaking and renaming to Dan River Falls.

Several years ago, a City-wide space needs study identified that improvements are needed for many City functions, including the Office of Economic Development and the Parks and Recreation Department. The goal of establishing office spaces within Dan River Falls is to improve operational efficiencies, increase collaboration among team members, provide for better managerial oversight and accountability, and enhance the quality of workplace, which will help with employee recruitment and retention.

For Parks and Recreation, the new space will help create a one-stop shop for residents and visitors doing business with the department. It will also be adjacent to the new Riverfront Park, the Riverwalk Trail, and the proposed Whitewater channel.

For DOEDT, the office serves as the first impression for people interested in expanding existing businesses and opening new businesses within the community. The proposed office will serve to help

showcase the community's assets.

The total cost for the tenant improvements for both offices is about $5.9 million, which includes design and other soft costs. This amount must be paid up front and a portion of these costs are already expended. The project qualifies for the Historic Tax Credit program, which is expected to cover about 30% of the cost and will be paid to the City after completion. This will result in a final cost of about $3.6 million.

RECOMMENDATION

It is recommended that the City Council approve the budget ordinance for additional funding to pay for the renovation of space at Dan River Falls for City offices.

Attachments

1. Ordinance

PRESENTED: _____

ADOPTED: _____

ORDINANCE NO. 2024 - ___.___

AN ORDINANCE AMENDING THE FISCAL YEAR 2025 BUDGET APPROPRIATION ORDINANCE TO PROVIDE FUNDING FROM UNASSIGNED GENERAL FUND BALANCE AND OPERATING FUNDS FOR TENANT IMPROVEMENTS AT THE DAN RIVER FALLS BUILDING IN THE AMOUNT OF $5,600,000 AND APPROPRIATING SAME.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2025 Budget Appropriation Ordinance be, and it is hereby, amended by a transfer from unassigned fund balance to fund tenant improvements at Dan River Falls and appropriating the same:

TRANSFER FROM

Description	Account No.	Amount
General Fund		
Unassigned Fund Balance		$ 5,600,000

TRANSFER TO

Description	Account No.	Amount
General Fund		
Transfer to Economic Development	0199501-6098	$ 5,600,000

AND BE IT FURTHER ORDAINED, by the Council of the City of Danville, Virginia, that the Fiscal Year 2025 Budget Appropriation Ordinance be, and it is hereby, amended to provide an appropriation to fund tenant improvements at Dan River Falls in the Economic Development Fund in the amount of $5,600,000 and appropriating the same:

ANTICIPATED REVENUES

Description	Account No.	Amount
Dan River Falls Property Transfer In From General Fund	61335000-6101	$ 5,600,000

ANTICIPATED EXPENDITURES

Description	Account No.	Amount
Dan River Falls Property	61335999-50	$ 5,600,000

AND BE IT FURTHER ORDAINED that this appropriation shall be a continuing appropriation and shall carry forward from year to year until expended for the purpose for which appropriated;

AND BE IT FINALLY ORDAINED, that all other accounts and provisions of the Fiscal Year 2025 Budget Appropriation Ordinance, as amended, not hereby amended, shall continue in full force and effect unless and until hereafter further amended or repealed.

APPROVED:

_____
MAYOR

ATTEST:

_____
CLERK

Approved as to
Form and Legal Sufficiency:

_____
City Attorney