

PLANNING COMMISSION MINUTES

January 13, 2020

MEMBERS PRESENT

Mr. Wilson
Mr. Garrison
Mr. Bolton
Mr. Petrick
Mr. Dodson
Mr. Craft
Mrs. Evans

MEMBERS ABSENT

STAFF

Lisa Jones
Ken Gillie
Alan Spencer

The meeting was called to order by Vice Chairman Wilson at 3:00 p.m.

The meeting was turned over to Mr. Spencer for the election of officers.

I. ELECTION OF OFFICERS

Mr. Spencer called for nominations for Chairman.

Mr. Wilson nominated Mr. Garrison as Chairman. The nomination was approved by a 6-0 vote.

Mr. Spencer called for nominations for Vice Chairman.

Mr. Wilson nominated Mr. Petrick as Vice Chairman. The nomination was approved by a 6-0 vote.

Mr. Spencer called for nominations for Secretary.

Mr. Wilson nominated Mr. Bolton for Secretary. The nomination was approved by a 6-0 vote.

II. ITEMS FOR PUBLIC HEARING

- 1. Special Use Permit Application PLSUP2019000030, filed by Uwash Patel on behalf of Larry Soyers, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 688 Mt Cross Rd, otherwise known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Garrison opened the Public Hearing.

Ms. Uwashi Patel spoke on behalf of Larry Soyers. Ms. Patel stated we are not able to do anything on the property since now. I don't know what else we can do and we still have a parking situation.

Mr. Garrison closed the public hearing.

Mrs. Evans stated why can it not be done?

Mr. Gillie stated the owner of the property is not interested in consolidating the properties together.

Mr. Bolton made a motion deny Special Use Permit Application PLSUP20190000330 as submitted. Mrs. Evans seconded the motion. The motion was denied by a 6-0-1 vote. (Mr. Craft Abstained)

- 2. Special Use Permit Application PLSUP20190000386, filed by Justin Williams & Michelle Adkins, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.K, Section C, Item 5 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 401 S. Ridge St., otherwise known as Grid 2713, Block 021, Parcel 000008 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Garrison opened the Public Hearing.

Ms. Stephanie Mendez stated I would like to read a letter on behalf of Justin Williams. (Please see attached letter.)

Mr. Garrison closed the Public Hearing.

Mr. Wilson stated are you all planning on making any changes to the external to that facility?

Ms. Mendez stated yes the inside and outside. We plan on making it nicer and changing the sign as well.

Mr. Wilson stated for those items will it have to go to River District for approval?

Mr. Gillie stated yes sir. River District just deals with exterior appearance they don't regulate anything that goes on in the inside structure.

Mr. Wilson stated does it have to come back to us for anything?

Ms. Mendez stated we are just making the building more presentable.

Mr. Bolton stated she brought up multiple player not being permitted which like she said could be air hockey or foosball. Why would that be in there?

Mr. Gillie stated from staff's perspective some of these machine could have up to nine players. If we say one parking space per machine, you could potentially have nine people

Mr. Scearce, members of the Planning Commission, Staff, fellow citizens of Danville in attendance and those watching abroad... **Good afternoon!**

As the Chief Financial Officer, Stephanie Mendez, of my company, Broad St. Holdings, reads this letter I would be remised if I didn't recant the holiday season that just passed and address the fact that presumably it was filled with joy and laughter.

Now..... hopefully the robust meeting that was needed in order to define "Commercial Indoor Recreation" has been held so we may move forward with this process due to the fact that it is nearing the 90-day mark since the initial application was submitted and the numerous messages I've received on social media inquiring as to when the Grand Opening will be are not answered.

I acknowledge the fact that "Commercial Indoor Recreation" is that of a "Gray Area" when it comes to gaming and many individuals aren't obliged to having this type of business in their communities due to tax reasons. Therefore, I've recently made contact with the Danville Public Schools Superintendent, Mr. Stanley Jones, as to how some of the revenue that is generated from the location in question may be used to aid the youth of our city.

As I watched the last Planning Commission meeting that took place in December, I could not help but to notice the questions that were posed by the Planning Commission to "Staff." For the sake of time, I will not get into details, but I will get straight to my point on this topic. "Staff" makes recommendations which are suggestions or proposals based off of an educational analysis or sometimes personal opinions or bias. I'm not well versed on the policy and procedural setup in which you "The Planning Commission" have to abide by, but to me that word "Recommendation" that is in front of you (which was typed up by "Staff") can be taken into consideration or discarded.

In closing, I would like to reiterate a point I brought up at the first meeting as it relates to multiplayer games (keeping in mind the previously stated subject of recommendation). **What is an "Amusement Parlor" or Commercial Indoor Recreation facility without the opportunity to indulge in multiplayer games? Have you ever visited a Dave-n-Busters, or other Arcade style venue that didn't offer multiplayer games? Pool Tables, Fozzball, Air Hockey, video games or similar games using balls, disks, etc... are currently defined and approved per Article II Section 4-11 of the City Code of Ordinances as far as my research tells me. In previous meetings, "Staff" stood by its "Recommendation" to not allow multiplayer games but to my knowledge you can either adhere to this suggestion or come up with your own suggestion moving forward to the City Council. If multiple people are permitted in the city of Danville Virginia to throw weapons at a target, I don't see why more than one person wouldn't be allowed to play billiards or a video game at one time, and I would ask that you consider allowing at least three multiplayer games because this inherently limits the scope of my business. Ladies and gentlemen thank you for your time and consideration in this matter and I wish you all continued success in your future endeavors. May God Bless you and May God Bless the City of Danville, Virginia.**

Signed – Justin A. O. Williams

playing that one machine it could affect nine different cars there. We also have concerns since these games provide a chance to win money. If I'm very good and you're not, is there an issue with me winning and you not, or you feeling that I'm beating you and taking you money. We don't want to have the opportunity to create ill will for patrons that are inside the facility. We recommended no multi playing games for a safety concern as well as for parking.

Mr. Wilson stated has the 24 hours been redrawn?

Ms. Mendez stated we said that we would go by his recommendation for whatever hours are comfortable for the City.

Mr. Bolton stated so you are okay with all of the conditions?

Ms. Mendez stated yes sir.

Mr. Petrick stated I think the same thing will happen to this case that has happened to the rest.

Mr. Garrison stated it may or may not. They have sent six cases back to us and once we define it and we have to hear those cases again. Then they have tabled six cases which they have to bring back once they get a definition from us.

Ms. Mendez stated so what I'm understanding they are still waiting for you guys to define it anyway correct?

Mr. Garrison stated yes.

Ms. Mendez stated I have no other choice but to postpone it.

Mr. Wilson made a motion to postpone this special use permit PLSUP20190000386. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

- 3. Special Use Permit Application PLSUP20190000449, filed by Fullerton Engineering Consultants requesting a Special Use Permit to allow a communication tower in accordance with Article 2, Section 6a of the Code of the City of Danville, Virginia, 1986, as amended on parcel ID# 73020, otherwise known as Grid 1811, Block 005, Parcel 000012 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to construct a 150' monopole tower for cellular communications*

Mr. Garrison stated that Item 3 has been postpone by request of the applicant.

- 4. Special Use Permit Application PLSUP20190000450, filed by Shanks Associates on behalf of Danville Mall, LLC, requesting a Special Use Permit for a waiver to yard requirements per Article 3.N, Section C, Item 21, of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 350 Mall Dr., otherwise known as Grid 1709, Block 001, Parcel 0000021 of the City of Danville, Virginia Zoning District Map. The applicant is requesting a waiver to the minimum setback requirements to construct a dumpster enclosure.*

Mr. Garrison opened the Public Hearing.

Fred Shanks spoke on this request file by Shanks Associates on behalf of Danville Mall, LLC. Mr. Shanks stated we are in the process of developing some out parcels of the outer ring road of the mall. Danville Mall has recently developed a three building out parcel nearby which includes Fire House Subs and a couple of other stores. This particular application piece of property is right at the intersection of Piedmont Mall and Piedmont Blvd. it is directly across from Lowe's Drive. I hope that you will see that it is an acceptable request.

Mr. Bolton stated are you okay with the conditions that he set?

Mr. Shanks stated yes.

Mr. Garrison closed the Public Hearing.

Mr. Dodson made a motion to approve Special Use Permit PLSUP20190000450 subject to conditions listed by Staff. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.

III. ITEM NOT FOR PUBLIC HEARING

Request to review a Final Major Subdivision plat for the dedication of right-of-way for Preston Place to create a cul-de-sac.

Mr. Bolton made a motion to adopt a resolution to grant approval of a Final Major Subdivision Plat for abandonment and acceptance of right-of-way for the creation of a new cul-de-sac for Preston Place, subject to the allowance for minor changes for typographical errors and errors of omission. Mr. Craft seconded the motion. The motion was approved by a 7-0 vote.

IV. OTHER BUSINESS

Schedule a work session covering Gaming, Signs and Parking.

V. MINUTES

The December 9, 2019 minutes were approved by unanimous vote.

With no further business, the meeting adjourned at 3:40 p.m.

APPROVED