

**PLANNING COMMISSION MINUTES
JANUARY 10, 2011**

MEMBERS PRESENT

Mrs. Evans
Mr. Griffith
Mr. Jennings
Mr. Jones
Mr. Laramore

MEMBERS ABSENT

Mr. Searce

STAFF

Clarke Whitfield
Ken Gillie
Renee Blair
Christy Taylor
Emily Scolpini

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

I. ELECTION OF OFFICERS

Chairman Griffith called for nominations for chairman. Mr. Jones made a motion to nominate Mr. William Griffith as chairman of the Planning Commission. Mr. Jennings made a motion to close the nominations and Mrs. Evans seconded the motion. Nominations were closed by a 5-0 vote. The motion to nominate Mr. William Griffith as chairman was approved by a 4-0-1 vote (Mr. Griffith abstained).

Chairman Griffith called for nominations for vice-chairman. Mr. Jones made a motion to nominate Mr. Michael Searce as vice-chairman. Mrs. Evans seconded the motion. The motion to elect Mr. Michael Searce as vice-chair was approved by a 5-0 vote.

Chairman Griffith called for nominations for secretary. Mr. Jones made a motion to nominate Mrs. Ann Sasser Evans as secretary. Mr. Laramore seconded the motion. The motion to elect Mrs. Ann Sasser Evans as secretary was approved by a 4-0-1 vote (Mrs. Evans abstained).

II. ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PLSUP2010000147, filed by Robert Burton, requesting a Special Use Permit to allow indoor commercial recreation in accordance with Article 3N: Section C, Item 4, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 211 Nor Dan Drive, Suite 1150, otherwise known as Grid 1808, Block 004, Parcel 000077 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an internet cafe.*

Mr. Griffith stated the applicant has asked that this item be tabled until the February meeting.

Mrs. Evans made a motion to table Special Use Permit Application PLSUP2010000147 as requested. Mr. Jennings seconded the motion. The motion was approved by a 5-0 vote.

2. *Special Use Permit PLSUP2010000190, filed by Ben Davenport, Jr. on behalf of MCD Investments, LLC, requesting a Special Use Permit for a use with lot frontage on the Dan River in accordance with Article 3L: Section C, Item 11 of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 115 Riverside Drive, otherwise known as Grid 2709 Block 001 Parcel 000020 of the City of Danville, Virginia Zoning District Map. The applicant is proposing construction of multi-purpose a commercial building with lot frontage on the Dan River.*

Ms. Blair read the Staff Report. Sixty-four (64) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Thirteen (13) respondents were unopposed to the request; zero (0) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Ms. Sarah Fulmer, Director of YMCA in Danville, and representatives from Dewberry: Mr. Brian Bradner, and Mr. Larry Hassen.

Mr. Bradner stated I will briefly go over the site plan a little bit. The site is on the former Long Mill property. The site is a six (6) acre parcel, which will be created on the north side of the river adjacent to the bridge. Access to the site would be provided through the existing curb cut off Riverside Drive, US Hwy 58 with an additional entrance. As you can see the road kind of extends off of the page, but basically that road would be extended to the Union Street bridge side. There is currently an access there now. As Sarah will mention, this new YMCA building will be approximately forty-five to fifty-five thousand (45,000-55,000) square feet. It will include a gymnasium, a pool, and all of the attributes that you would expect in a new facility such as this. The site plan has approximately two hundred (200) parking spaces planned. As you can see here, this circle will be in essence the main entrance with additional entrances throughout the building. The idea being that we would provide a drop off facility for folks to drop off their kids or whoever and be able to exit fairly quickly. One thing I would like to point out is that we recognize that this is a highly visible site certainly along the river, which is one (1) of the reasons we are here for the Special Use Permit. Once we get into the design of the building that is going to be first (1st) and foremost. The visibility of this, the fact that it is going to be somewhat of an iconic structure as this development occurs up and down the river. Are there any questions?

Mr. Jones asked at this point, where do you think the building is going to go?

Mr. Bradner responded pretty much right here in the blue area.

Mr. Hassen stated it actually sits up on a twelve (12) foot retaining wall, so it will sit up off of the site somewhat.

Mr. Bradner stated if you are familiar with the site, it slopes down from Riverside Drive. In essence, there is basically a wedge of fill material that is going to have to be brought in there to get it above flood plain elevation. Another feature that we want to incorporate is also the walking trail. We want to incorporate that into the use and the design of this facility. While the building itself may sit up a little bit from the trail, we are going to make sure there are attributes tied in so that there is easy access from the walking trail into the facility.

Mr. Jennings asked will the parking area be raised the same twelve (12) feet as that?

Mr. Bradner responded not necessarily. There will be some grading associated with the parking, but we are going to try to keep it at existing grade.

Mr. Jennings asked is this a location that you can get insurance on the building?

Mr. Bradner responded yes, the structure will be built out of the flood zone.

Mr. Jones asked what is the dotted line that goes over to the right?

Mr. Bradner responded that is the one hundred (100) year flood line. As you can see, currently it meanders on through the site. Probably half of the building is in the one hundred (100) foot flood plain today. That is why it is going to have to be elevated.

Mr. Hassen stated it has to be above the one hundred (100) year flood plain. We are asked to put in between three (3) and four (4) because of the site and the way it runs.

Mrs. Evans asked will you have a large parking area on the left side of the building? Is there any way that could be backed up toward Riverside Drive and leave a more natural area along the walking trail?

Mr. Bradner responded it is possible that we may be able to maneuver that a little bit. This is a preliminary design here. This is a pretty steep slope right here.

Mr. Hassen stated it is a pretty big mound. Actually, if you look at the site once you put the building there, it is the one (1) area where we are able to maintain the trees and its natural environment. We will have to be careful about ripping all of that out or it is just going to be a bare site. I do not think that is going to be any more attractive than this against the river. I would say that we will probably pay particular attention to the landscaping and things that we do between the trail, the river, and the parking area to maintain that natural look. There will become a point when you get in front of the building that you will see the majority of the building. We are going to try and integrate those retaining walls and things to be interactive with the trail as well.

Mrs. Evans stated I know a lot of people go down on the trail for the wildlife. I hesitate to get rid of that. In front of the building I do not see any trees or anything.

Mr. Bradner stated that will be in planning, again this is kind of a conceptual look.

Mr. Hassen stated you have the trail, so you have a whole other barrier down towards the river that we will be able to work with too. I think once we start to integrate landscaping into those things, we will try to make that as seamless as possible.

Mr. Bradner stated a lot of this is going to be in the area where the former mill facilities were.

Mr. Jones asked if everything goes like you want it to go, when would you anticipate this building being open?

Mr. Bradner responded mid next year.

Mr. Jennings asked do you own the property now or is there a contract to purchase?

Ms. Fulmar responded right now we are in the due diligence period with the contract. We should be closing on that in the next couple of months.

Mr. Griffith stated in order for them to do anything we have to rezone the piece of property. Right now at the current time the owner is MCD Investments.

Mr. Gillie stated rezoning is not what they are asking for.

Mr. Griffith stated Special Use Permit.

Mrs. Evans asked if by chance they are not able to go through with the contract, what happens then? If we agree to the Special Use Permit today and they do not purchase the property.

Mr. Gillie responded the Special Use Permit could expire if no work is under taken. If they ask for it, go through with their contract, and nothing is done, there is a time limit that allows for that to go.

Close the Public Hearing.

Mr. Jennings made a motion to recommend approval of Special Use Permit PLSUP2010000190 as submitted. Mr. Laramore seconded the motion. The motion was approved by a 5-0 vote.

- 3. Special Use Permit Application PLSUP2010000209, filed by Sandra Houck, requesting a Special Use Permit to allow indoor commercial recreation in accordance with Article 3M: Section C, Item 4, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 1311 Piney Forest Road,*

Suite H, otherwise known as Grid 1808, Block 010, Parcel 000001 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an internet cafe.

Ms. Blair read the Staff Report. Twenty-one (21) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. One (1) respondent was unopposed to the request; three (3) were opposed to the request.

Open the Public Hearing.

No one was present on behalf of the request.

Close the Public Hearing.

Mr. Jones asked in talking with Sandra, is this any different from any of the other ones that have come to us in the past?

Mr. Gillie responded we do not believe so, no.

Mr. Laramore asked to operate as a professional fundraiser for the Virginia Sportsman Foundation. Do you know how they are planning to do this or how that plays into their business?

Mr. Gillie responded you are asking me to speak for someone else. It is rather difficult. The Virginia Sportsman Foundation is a foundation operated by the Sheriff out of Virginia Beach. There is a claim that providing a sweepstakes and then going to a charitable donation does not classify as some of the other things. We still feel it is the same. They are still providing the same type of games. It is the same operation. In our opinion, it is the same thing that the others have asked for.

Mr. Jones asked I think last month you sent us some information about internet cafés in Virginia Beach. Were they owned by the Sheriff? Were these shut down at one (1) time?

Mr. Gillie responded again you are asking me to do research on another locality. My understanding, this is just my understanding from the internet, please do not say that this is how it was, there were certain operations operating internet cafés in Virginia Beach. They went in and looked at them, and shut them down. They felt that they were operations that did not meet the Virginia law for sweepstakes per say. I have not followed up to see past that point on what else has occurred with these. From the City of Danville perspective, these are similar to the cases we have had before. They are asking to operate an internet sweepstakes, to limit them to eighteen (18) and older, and everything else. We feel this is not necessarily a benefit to the community. It is too close to an adult entertainment establishment. Staff is opposed to it, because of the effects that it could have on adjacent uses and neighborhoods around it.

Mrs. Evans made a motion to recommend denial of Special Use Permit PLSUP2010000209. Mr. Laramore seconded the motion. The motion was approved by a 5-0 vote.

- 4. Special Use Permit Application PLSUP2010000211, filed by Amy Whitehouse, requesting a Special Use Permit to operate a bed and breakfast in accordance with Article 3E: Section C, Item 3, of Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended at 936 Main Street, otherwise known as Grid 1716 Block 013 Parcel 000008 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate a bed and breakfast facility.***

Miss Scolpini read the Staff Report. Twenty-four (24) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Eight (8) respondents were unopposed to the request; one (1) was opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Ms. Amy Whitehouse. Ms. Whitehouse stated if anybody has any questions, I will be glad to answer them.

Mr. Griffith stated the staff has listed several conditions, one (1) about meeting all of the building and fire codes, another being four (4) guest rooms, and then off-street parking for six (6).

Ms. Whitehouse stated probably three (3) guest rooms, yes.

Mr. Griffith asked are you comfortable with those conditions?

Ms. Whitehouse responded yes.

Mr. Jones asked was this not your house?

Ms. Whitehouse responded Dr. James Evans.

Present on behalf of the request was Ms. Susan Wilson. Ms. Wilson stated I live in the immediate area, and we did not respond yes or no. I still actually have questions about how a Special Use Permit works. It is two (2) doors away from our house and we have our house as a residence. We have put in a lot of time, sweat, tears, and whatever else into our home. We are delighted to have someone come in, fix it up, and do a nice job on it. My question is, when you get a Special Use Permit for a bed and breakfast in the OT-R, does it really stay OT-R or does it become commercial? Also, does it maintain itself? If for whatever reason Ms. Whitehouse is unable to get it into a bed and breakfast. Basically I am asking, if we had said yes along with the other people who replied, what does yes really mean?

Mr. Griffith responded I am going to refer to Mr. Gillie on that.

Ms. Wilson stated I think it would be lovely to have something there, but I do not know what all that means.

Mr. Gillie stated the property does not change zoning. It stays Old Town Residential. A Special Use Permit is recognized as a use that may or may not be appropriate for a certain zoning district. That is why they go through the public hearing process. They go in front of Planning Commission and City Council to give everyone a chance to discuss it and possibly put conditions on it. Staff has recommended that they limit the number of guest rooms, that they meet all Code requirements, and also that they provide off-street parking. We feel that if they do that it can be compatible with the existing neighborhood.

Ms. Wilson stated in fact one (1) of the things that I would be worried about is not having off-street parking, because that would impact us.

Mr. Gillie stated that does not change the zoning. It still stays residential. If she fails to open the bed and breakfast within a certain period of time, the Special Use Permit expires. If she does open the bed and breakfast and she starts operating, once she discontinues operation she then has a certain period of time to either start that operation again, or for someone else to take it over. If they fail to do that within another certain period of time, then it loses its right. If they want to open one (1) say four (4) or five (5) years down the road, they would have to come back through this process. The zoning stays the same, and there are time limitations if they discontinue operations.

Ms. Wilson asked what staff has recommended is limit to four (4) guest rooms?

Mr. Gillie responded correct.

Ms. Wilson asked six (6) parking spaces?

Mr. Gillie responded correct.

Ms. Wilson asked any conditions about banquet use or anything like that?

Mr. Gillie responded we do not have any conditions about banquet use, because in order for a bed and breakfast to have a banquet facility, that would be a different use. They can have the bed and breakfast themselves, but not a banquet facility per say.

Ms. Wilson asked I have another question that is just sort of procedural I guess. Our name is on two (2) pieces of property, our own, and the one (1) next to it, which does not belong to us. It belongs to Captain Campbell last I heard. I do not pay taxes on that piece of property, and that is on the map. My question is, did the true owners of all the properties get letters, or was it really reflecting the names here that are on the map?

Mr. Gillie responded they did receive notice. We send our information out based on the tax rolls, whose name is listed on the tax rolls. Ms. Blair did the maps for the project, and she is saying "yes, they did receive notification."

Ms. Blair stated we went back and made sure everyone did receive proper notification.

Ms. Wilson stated in that case, we are in favor. I do not know if there is time to say one (1) more neighbor says that it is fine. Thank you very much.

Ms. Whitehouse stated I just want to relieve any anxiety that this lady may have. I am going to operate a very high end bed and breakfast by word of mouth, nothing advertised on the internet. A lot of the people coming to it are people that I have worked with for twenty-five (25) years. They are ladies who travel two (2) or three (3) to a car with their dog or cat. They have expressed an interest to me that if I open a bed and breakfast that is very nice and quiet that they would love to have a place to come to. That is my idea. I do not want strangers in the house with me, or in the neighborhood for that matter. I bought the house specifically because the house on the other side of it, Mr. and Mrs. Leipe's house is very well renovated and beautifully taken care. The house on the other side, the gentleman is working on it. I thought that it would be a very secure investment to bring the house back to like all the houses on the street. It looked like they are trying to improve the street, and that it would be a very good investment. That was my main interest, and I want the lady to be assured that I am only doing a very discrete, quiet, high end bed and breakfast.

Close the Public Hearing.

Mr. Laramore made a motion to recommend approval of Special Use Permit PLSUP2010000211 with conditions per staff. Mrs. Evans and Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

- 5. Rezoning Application PLRZ20100000216, filed by Bryan Shields, requesting to rezone from S-R Suburban Residential to T-R Threshold Residential District, 0.85 acres fronting on River Oak Drive, otherwise known as Grid 0610 Block 001, Parcel 000004 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting to rezone to allow for consolidation with adjacent property to the north.**

Miss Scolpini read the Staff Report. Twelve (12) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Two (2) respondents were unopposed to the request; zero (0) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Mr. Bryan Shields. Mr. Shields stated I am here representing Bess Company, Inc. I am here to answer any questions that you may have, and I appreciate your blessing on this request.

Mr. Jennings asked do you have any immediate plans for the property?

Mr. Shields responded yes, I have plans to sell it.

Mr. Griffith asked is this piece of property a single lot on River Oak?

Mr. Shields responded yes.

Mr. Griffith asked originally all of this was part of Beccan Ridge?

Mr. Shields responded except for this one (1) lot that I bought and will consolidate it with the existing parcel of land that I bought.

Mr. Griffith asked so this is going to be consolidated, and I guess the original piece of property is then going to be divided?

Mr. Shields responded yes, correct.

Mr. Laramore asked does this tie back into the forty-five (45) acres?

Mr. Shields responded the point eight, five (.85) that I am buying ties it back into the forty-five (45), yes.

Mrs. Evans asked do you have a buyer?

Mr. Shields responded I do. The reason that I am here is, because under the City Ordinance, the City requires that a hundred (100) foot be sold or touch a street when you sell a parcel. There is a paper street there that goes with it that carries a sixty (60) foot right-of-way, but sixty (60) foot is not allowed by the City. In order to do it correctly, I had to buy another lot with the forty-five (45), cut a hundred (100) foot off, and come before Planning Commission to get the blessing.

Mr. Jones asked your buyer is not going to make this an internet café?

Mr. Shields responded I do not think so. He wants to build a home. That is what I was told.

Mrs. Evans asked a single home?

Mr. Shields responded yes.

Mrs. Evans asked on all of this property?

Mr. Shields responded on forty-five (45) acres. That is what he is saying. I am not saying that is what is going to happen.

Mr. Laramore asked could you give some clarification as to what Threshold Residential is?

Mr. Gillie responded Threshold Residential is kind of a holding capacity. It is large lot, single family areas. You have your Old Town Residential, small lot single family; Suburban Residential, large lot single family; and then you have Sandy River Residential for large lots along the Sandy River. Since we

are an urban area, we eliminated the agricultural zoning years ago. Threshold is the closest thing we have to agricultural. It is for large lot, vacant tracks that have not been developed and do not have much potential to be developed. In this case, the area behind was logged out a few years ago and had the potential to be part of the master plan; but topography and other things led us to keep it as Threshold until such time someone came to develop it. Now as Mr. Shields said, he is asking to rezone the property, which is the small portion of the front. It did have a house on it years ago, but it burnt down in a fire and had a vacant lot sitting there. Each lot is required to have a minimum frontage on an open improved public street. There are two (2) unopened public streets that lead back to this property, but nothing that is actually opened and improved. He has purchased a lot in front to consolidate with this. In order to consolidate, City Code requires everything to have the same zoning classification. We felt it was better to rezone the small portion to Threshold to match the larger piece as opposed for potentially opening it up for smaller lot development. As Mr. Shields said, we have had conversations with someone who is looking at putting a single house on the forty-five (45) acres, but as added protection to the neighbors we did not want to change that whole forty-five (45) acres to suburban. If something happens and that falls through, someone may want to come in and put a small lot subdivision in there. We felt that this was a better protection for the neighborhood.

Close the Public Hearing.

Mr. Jennings made a motion to recommend approval of Rezoning Application PLRZ2010000216 as submitted. Mr. Laramore and Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

6. *Code Amendment Application PLCA20100000210 proposing to amend Chapter 41 of the Code of the City of Danville, Virginia, 1986, as amended, specifically Article 15 to define Internet Sweepstakes, and Article 3Q, to allow for their location in areas zoned M-I Manufacturing Industrial District subject to certain requirements.*

Ms. Blair read the Staff Report.

Open the Public Hearing.

No one was present to speak on behalf of the request.

Close the Public Hearing.

Mr. Griffith asked under Section 10, paragraph A it says "no adult entertainment or internet sweepstakes parlor should be located, then it says distances between should be measured from the nearest property line of any adult entertainment establishment." Should the phrase "or internet sweepstakes parlor" be included in there?

Mr. Whitfield responded I was actually going to suggest that we include that phrase "or internet sweepstakes parlor," and it is under 1NA, as well as number 6NA. I was actually going to suggest that along with one other suggestion just for clarity. If you will turn back over and look at the examples of things that are banned. The video game lottery and I do not know that there would be any confusion, but I just thought for clarities sake we might but a parenthetical that states "does not apply to the purchase of tickets for the Virginia Lottery."

Mr. Gillie stated that works for us.

Mr. Griffith stated that is fine.

Mr. Whitfield stated I did not want there to be any confusion or anybody coming in to say that their lottery game could not be played. For instance, many of the stores that sell lottery tickets would be classified in here. I just wanted to cut that off from any debate.

Mr. Jennings asked does this affect the Saturday night bingo games?

Mr. Whitfield responded no.

Mr. Jennings asked they can continue to do what they do?

Mr. Gillie responded yes.

Mr. Jennings stated they now get a license to have a setup.

Mr. Gillie stated they are not a video bingo game.

Mr. Jennings stated video, ok.

Mr. Gillie stated you will notice it does say a "video bingo game."

Mr. Jones asked under paragraph 10A, is there any place in Danville where you have found in your research that one (1) could legally fit under this paragraph?

Mr. Gillie responded yes, there are actually two (2).

Mr. Jones asked where might they be?

Mr. Gillie responded they are in the south eastern corner of the City.

Mrs. Evans asked can you give an example?

Mr. Whitfield responded near Knight Celotex, the old Gypsum plant.

Mrs. Evans asked if we approve this today, people who want to open an internet café will still have to come to us for a Special Use Permit, so we still have multitudes of those assuming they can find a location?

Mr. Gillie responded if you recommend approval today, City Council still has to adopt it. Assuming City Council adopts it, if someone wants to come in and operate an internet café, they will still be required to get a Special Use Permit, so they will still come in front of this body. They will have to meet the criteria that are established by this Code, and City Council will still have to issue a Special Use Permit for them to operate.

Mrs. Evans asked and people under eighteen (18) will not be able to go in? If an internet café wants to come in, the ones that we have seen before were closed to people under eighteen (18).

Mr. Gillie responded we are going to treat it like an adult entertainment establishment. When you issue a Special Use Permit, you can place any condition on it that you deem appropriate. As we review those cases, and it is hard for me to speak because I have not seen one (1) of those come in front of me, more than likely we are going to have that kind of condition on it that if it is in operation, again we have these locations that they are permitted in, if they ask for it we are going to recommend to Planning Commission and to City Council that they limit possibly the hours of operation as well as the ages of those who can enter the establishment.

Mr. Griffith stated so far all of the applications we have had people have used the term internet café under the ties of having some type of gambling, game of chance, or whatever. In other places, I know particularly cities in Europe, that there are true internet cafés where you can go in, buy food and

beverages, and use the internet. My concern is that we are not doing something that if someone wanted to open a legitimate internet café. I know my wife and I have been to Europe a couple of times. We have actually used these to check our email, and to send emails. Do we have some out if someone wanted to open a legitimate one (1)?

Mr. Gillie responded as an example, Starbucks provides their own Wi-Fi service. You can take your computer into Starbucks, and you can surf the internet. They are a restaurant according to our Code that provides a wireless hotspot. That would not violate this Code. You will notice the definition is internet sweepstakes parlor. It is not designed to limit a restaurant that provides a hotspot.

Mr. Griffith asked what if you did not have your own computer, and wanted to rent time on a computer?

Mr. Gillie responded that may be possible. This definition here regulates the games and the types of facilities. We would look at those as we would any other case. We would look at them very carefully to see what it is that they are offering, how they operate, we would probably ask the same questions we have been asking. How does your business operate? Please provide us a business plan. All of the same things that we would do every time someone comes in and asks to operate a business service establishment, which in again classifies as internet sweepstakes parlors. We ask for that basic information. Show us what you are going to do, give us something in writing, so we can make that determination. No, it does not include that; but those in the audience if you are looking please do not be surprised when Staff asks for this type of information.

Mr. Griffith stated I just wanted to make sure that we are not including those.

Mr. Gillie stated no, that is not our intention.

Mr. Jones asked back to 10A, so we have this place down by the old Gibson plant. If somebody applies for a Special Use Permit, you could only have one (1); because the other has to be a mile from it, right?

Mr. Gillie responded correct.

Mr. Jones asked so there is probably going to be only one (1) application. Where might the other place be?

Mr. Gillie responded we only have to permit one (1) to come here. We have two (2) spots for them to choose from. If one (1) locates there, then will they be able to comply with these requirements? No, we will probably end up with just one (1) locating in the City and they have two (2) spots to choose from.

Mr. Jones asked where is the other spot?

Mr. Gillie responded they are two (2) parcels basically side by side.

Mr. Jones asked ok. Based on this, the most would be one (1) in the City of Danville?

Mr. Gillie responded correct.

Mr. Jones asked even if that got through all of the steps?

Mr. Gillie responded yes.

Mr. Jones asked do you know if the County is doing anything in this area or going to add definitions to cover this?

Mr. Gillie responded I believe in speaking with my counterpart in the County, yes they are looking at doing something similar to this. What they are doing, I do not know. I do not meddle in the affairs of their government. I believe they as well as a lot of other localities are. I actually sent some information off to a locality in Florida today that had heard about our process, and asked for information from us. This is not just a Danville/Pittsylvania County thing. This is going up and down the east coast, and people are asking for information.

Mr. Jennings asked if this Code is adopted by City Council, exactly how long does it take before it becomes effective?

Mr. Whitfield responded when the Mayor signs it.

Mr. Gillie responded when the Mayor signs the Ordinance that evening.

Mr. Gillie stated we did not put this in the Staff report, because it just came out on Monday. There is a House Bill 1584, which has also been proposed in the current legislature to try and tighten up the regulations on internet cafés, possibly even eliminate them here. While this may be something Danville City adopts, there is a proposal in the State level to also address some concerns that localities have had. This issue is not just us; it is going through the State as well.

Mr. Laramore made a motion to recommend approval of Code Amendment Application PLCA20100000210 with recommended modifications per Mr. Whitfield. Mr. Jennings seconded the motion. The motion was approved by a 5-0 vote.

III. MINUTES

Mrs. Evans made a motion to approve the minutes from the December 13, 2010 meeting. Mr. Laramore seconded the motion. The minutes were approved by a 5-0 vote.

IV. OTHER BUSINESS

Mr. Gillie stated your usual City Council Report: six (6) items-Special Use Permits for Commercial Indoor Recreation, internet cafés, or business establishments were denied by City Council, the school on Hughes Street was approved with the conditions recommended, and the rezoning at 810 Main Street was also approved. You have cases filed for next month. The carryover case, but we also have four (4) or five (5) new cases. Just to let you know, there will be a meeting next month.

Mrs. Evans asked any internet cafés?

Mr. Gillie responded just the carry over at this time. They still have till the end of today to turn in cases, so I do not want to say no, we do not have any new ones.

Mr. Jones asked if City Council approves what we did hear at the end, will the carryover still come to us, or would that not qualify if City Council approves it and the Mayor sign it?

Mr. Gillie responded if City Council approves it and the Mayor signs it, the carryover would be required to comply with the new regulations, because it has been there request to continue their item out. They continued their item passed the change in regulations.

Mr. Jones stated based on where they want to locate, that would not.

Mr. Gillie stated that would not fall under the approved locations assuming that City Council adopts it as proposed.

With no further business, the meeting adjourned at 4:05 p.m.

APPROVED