

PLANNING COMMISSION MINUTES

FEBRUARY 7, 2022

MEMBERS PRESENT

Mr. Khan
Mr. Garrison
Mr. Bolton
Mr. Petrick
Mr. Dodson
Mrs. Evans

MEMBERS ABSENT

STAFF

Doug Plachcinski
Lisa Jones
Clarke Whitfield

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

Mr. Garrison stated the first item that we have today is possible changes to the Planning Commission Bylaws and there will be no public hearing for this. My understanding is that we have the total right to change our own Bylaws.

Mr. Whitfield stated that is correct.

Mr. Garrison stated hopefully you have had a chance to read through them. Mr. Plachcinski is there anything that you would like to highlight for us?

Mr. Plachcinski stated no, these are bylaws sampled from other Virginia communities. These are condensed and shortened and just made for ease of function. After the last Planning Commission, you had suggested that we establish some rules for speakers during public hearings. So, there are some very basic procedures in place with some time limits that of course, the commission can choose to unanimously waive.

Mr. Garrison stated any of you have any questions or comments?

Ms. Evans stated I do. Starting out on number one it says the Commission's official title is the Danville City Planning Commission yet further in the bylaws, it is the City of Danville Community Development Department. So, should they be the same City of Danville or Danville City, or does it make any difference?

Mr. Plachcinski stated I can correct those in the draft and have them listed as Danville City Community Development Department or Planning Director.

Ms. Evans stated whichever way the city?

Mr. Whitfield stated the department's name is City of Danville Planning.

Ms. Evans stated should it be City of Danville Planning Commission, or does it make any difference?

Mr. Whitfield stated this has typically been referred to as the City Planning Commission.

Ms. Evans stated if the chair and vice chair are absent under B-2, if the chair and vice chair are both absent from a meeting, the Planning Commission will follow Robert's Rules of Order for electing a Chair pro-tem. Haven't we in the past had the secretary act as the chair in that position?

Mr. Whitfield stated I don't recall that happening. I do recall one time where we didn't have any of the officers and we did a president pro-tem but typically, what would happen if the secretary was elected from the body, the secretary would be the final person. Then if no officers were there it would be a president pro-tem or a chairman pro-tem rather.

Ms. Evans stated I remember, I had to do it one time because no one else was here. Those little things that you remember.

Mr. Garrison stated I think that's happened once in all the time that I have been here where the secretary had to chair the meeting.

Ms. Evans stated so, then the secretary would be elected.

Mr. Whitfield stated you can leave it like it is or you can make it such that the secretary, if the chairman and vice-chairman were unavailable, then the secretary would then run the meeting. It's up to y'all.

Mr. Garrison stated secretary would then run the meeting.

Ms. Evans stated no, not necessarily. I am just asking.

Mr. Plachcinski stated I would like to see Mr. Bolton run a meeting.

Mr. Bolton stated oh, I'm fine with it.

Mr. Garrison stated okay, so we'll leave it as it is then.

Ms. Evans stated and then y'all won't want to hear this. For the minutes for the number, how long someone can speak? It seems to me three minutes is a very short time frame for individual speakers when the person has requested the application or has submitted the application then gets another five minutes. Just seems like the first speaker should speak for five and then everybody should be able to speak for five and that probably goes over our time limit but then a rebuttal for three minutes. It just seems like three is very short time frame.

Mr. Garrison stated these are our bylaws and we can change them if there are others that wish to make that change?

Ms. Evans stated I am just asking a question?

Mr. Garrison stated yes, and the question is out there so we can have a discussion on it.

Mr. Petrick stated generally, the applicant has a lot more information to deliver than the people who are coming in opposition to it as you know yourself and this is the reason, we brought this up. At the last meeting was the fact that you've got so much duplication and the idea that people come in with complaints about other issues besides what we're discussing. So, you know, I think the three-minute time is adequate.

Ms. Evans stated beg your pardon.

Mr. Petrick stated I said I said that the three-minute time is adequate.

Ms. Evans stated okay, so ten for the representative of the application initially?

Mr. Petrick stated yes.

Ms. Evans stated then three for the others and then five for the application again.

Mr. Petrick stated yes.

Ms. Evans stated okay. Then to me E-4 there will be a ten-minute recess after every two hours. To me, that makes it definitive. Maybe there maybe a ten-minute but to me will is you will have a 10-minute.

Mr. Garrison stated as long as I am Chair. If we are here at five o'clock, we will have a recess when we get to a natural break. It's not a shall or can, it's a will have a break.

Ms. Evans stated okay.

Mr. Plachcinski stated that was not my rule.

Mr. Garrison stated Doug and I discussed that, before he finalized these and I told him that after two hours, we did need to take a short break.

Ms. Evans stated okay.

Mr. Garrison stated I will always do that and whoever is chair next, or if the vice-chair is running the meeting, they can do what they wish.

Ms. Evans stated okay.

Mr. Garrison stated any other have anything to ask about this? We will need a motion, am I correct?

Mr. Whitfield stated yes, along with the proposed changes and I believe the changes were? I didn't keep up with all of them. I think the majority was fine with the time limits. I didn't get a clear sense of the commission's preference regarding whether there should be a chairman pro-tem, or the secretary should run the meeting.

Ms. Evans stated I think we decided to keep that as is.

Mr. Kahn stated we decided to keep it the same.

Mr. Whitfield stated you may have.

Mr. Garrison stated there was no one saying let's change it. I think generally, we're in agreement that the secretary would be the third person to handle the meeting and of course, if you get beyond the three of us being gone, you're on real treacherous ground anyway to be able to have a meeting. When I open the meetings, I always say City of Danville Planning Commission. Now, I don't know whether that was the proper title or not,

but whichever is the proper title for us, it should be the same in both places, I think everybody agrees.

Ms. Evans stated I agree.

Mr. Garrison stated so, I think that's the only real change that we have, and that the secretary would be the third person in line to conduct a meeting.

Mr. Whitfield stated I think probably the best way to do that uniformly is the City of Danville. City of Danville Commission of Architectural Review, City of Danville Planning Commission.

Mr. Garrison stated what's on this paper is what I inherited from the last chairman and it's what I've always used because I thought that's what we were.

Mr. Whitfield stated that's what we are now with the bylaws.

Mr. Garrison stated So, we need to make sure that whoever makes the motion, we need to make sure that the change says that the name in both places will be the same and that the secretary will be the third person in line to run a meeting. I think that is the only two changes we have. Am I correct?

Mr. Bolton made a motion that we adopt these bylaws with these changes and number one that the name be the same in both places and the secretary be added as the third chain when needed. Mr. Khan seconded the motion. The motion was approved by a 6-0 vote.

NEW BUSINESS (Planning Commission Bylaws)

Virginia State Code (§ 15.2-2221. Duties of commissions. "1. Exercise general supervision of, and make regulations for, the administration of its affairs; 2. Prescribe rules pertaining to its investigations and hearings") and the City of Danville Zoning Ordinance (Chapter 41, Article 14, Section F.2. Other Duties of the Planning Commission "Adoption of its own bylaws and procedures consistent with this ordinance and other ordinances of the city and the laws of the Commonwealth of Virginia.") require the Planning Commission adopt bylaws.

I prepared the following draft bylaws modeled after another Virginia community, incorporated Danville City Code provisions, and reviewed with the Assistant City Attorney.

PLANNING COMMISSION Bylaws DRAFT JANUARY 2022

1.0 OBJECTIVES

The Danville City Planning Commission adopted the following bylaws to implement its powers and duties in accordance with the Virginia and Danville City Codes, as amended. This Commission's official title is the "Danville City Planning Commission".

2.0 OFFICERS

- A. Election of Officers. Planning Commission officers consist of a Chair, Vice-Chair, and Secretary. Officers must be elected at the first regular meeting of each calendar year according to the following steps:
 1. The City Attorney requests nominations from the membership.

2. Any Commissioner, after being recognized by the City Attorney, may nominate one or more Commissioner, and discuss their qualifications.
3. The City Attorney will close the nominating process when all nominations have been made and call for the vote.
4. The City Attorney must call a vote for each nominee in the order nominated and tally the respective votes.
5. Each Commissioner may cast one (1) vote for any nominee.
6. A majority of those voting is required to elect the officer.
7. A candidate receiving a majority vote is declared elected.
8. A newly elected Chair will take office immediately and serve for a year or until a successor takes office.
9. Vacancies in offices are filled immediately by regular election procedures.

B. Duties

The duties of any officer outside of meeting participation may be assigned to the City of Danville Community Development Department.

1. Chair.

- f. Preside at all meetings of the Planning Commission.
- g. Appoint committees.
- h. Rule on all procedural questions with the advice of the parliamentarian as necessary. Procedural rulings may be reversed by a vote of at least a two-thirds majority of the members present.
- i. Carry out other duties as assigned by the Planning Commission.

2. Vice-Chair

- f. Act in absence or inability of the Chair to act.
- g. Have the powers to function in the same capacity as the Chair when the Chair is absent or unable to act.

3. Secretary

- f. Supervise the preparation and storage of Planning Commission minutes in the Community Development Department.
- g. Notify all members of all meetings.
- h. Keep a file of official Planning Commission records and reports.
- i. Certify Planning Commission maps, records, and reports.
- j. Provide notice of all meetings in accordance with the Virginia Freedom of Information Act requirements and publicize Planning Commission public hearing notices in accordance with Virginia Code and City Ordinances.
- k. Attend to Planning Commission correspondence.

3.0 PARLIAMENTARIAN

The City Attorney, or their designee, is the parliamentarian at all Planning Commission meetings.

4.0 COMMITTEES

The Chair may appoint committees for purposes and terms as necessary.

5.0 CORRESPONDENCE

- A. The Chair must sign all official papers and plans involving the authority of the Planning Commission.
- B. Written comments from citizens are encouraged, particularly those about applications pending before the Planning Commission. The Planning Division will distribute a correspondence summary to the Planning Commission for pending applications prior to a public hearing.

6.0 PLANNING COMMISSION MEETINGS

A. Meeting Time, Location, Cancellations

- 1. Regular meetings of the Planning Commission are held on the first Monday after the first Tuesday of each month at 3:00 p.m. in the City Council Chambers, 4th Floor, of the Danville Municipal Building, 427 Patton Street, Danville, Virginia 24541.
- 2. The Planning Commission Chair or two (2) members upon written request to the Secretary may call work sessions or special meetings. Notice of such meeting times and locations must be given to each member and to those requesting notice of meetings under the Virginia Freedom of Information Act at least five (5) days before.
- 3. All meetings, hearings, records, and accounts are open to the public; provided, however, that the Planning Commission may adjourn into a closed session under the Virginia Freedom of Information Act.
- 4. The Planning Division Director may cancel a scheduled meeting of the Planning Commission if there are no business items.
- 5. The Planning Division Director may cancel a scheduled meeting of the Planning Commission due to inclement weather or other unforeseen circumstances.

B. Parliamentary Procedure and Meeting Minutes

- 1. All Planning Commission meetings are governed by Robert's Rules of Order, except as modified by these bylaws.
- 2. If the Chair and Vice-Chair are both absent from a meeting, the Planning Commission will follow Robert's Rules of Order for electing a Chair pro-tem.
- 3. Minutes of all meetings, except any executive sessions, are kept by the Secretary and are a part of the public record.
- 4. A record of the voting, including each individual Commissioner's vote, will be indicated in the minutes.

C. Quorum and Voting

- 1. A majority of the Planning Commission membership constitutes a quorum. The Planning Commission must have a quorum to meet and conduct business.
- 2. The names of Commissioners making and supporting motions will be recorded.
- 3. Business item voting will be by roll call; all other items are by voice vote.
- 4. A record of the voting, including each individual commissioner's vote on any matter shall be kept as a part of the minutes.
- 5. When the Planning Commission holds a public hearing, voting may take place on the day of the public hearing or at a subsequent meeting no later than 60 days after the public hearing is closed.

D. Agenda

1. Planning Commission meeting agendas are set by the Planning Division Director. In addition to other matters, only those public hearings properly advertised by law will be on the agenda.
2. All matters for which public hearings have been held and for which no vote has been taken must be placed on the agenda for action at the next regular meeting.
3. The order of business for a meeting shall be as follows, unless modified by the Chair or Planning Division Director to facilitate Planning Commission business:
 - I. Welcome and Call to Order
 - II. Roll Call
 - III. Public Hearings
 - IV. Unfinished Business
 - V. New Business
 - VI. Planning Director's Report
 - VII. Correspondence
 - VIII. Approval of Minutes
 - IX. Adjournment.

E. Public Hearings

1. In addition to those public hearings required by law the Planning Commission may hold public hearings on any items it determines are in the public interest.
2. Public hearings must be advertised according to Virginia and Danville City Code requirements.
3. The order of public hearings shall be as follows:
 - a. Staff will present their report and recommendation to the Planning Commission.
 - b. An applicant or their representative will present their application within a ten (10) minute time limit.
 - c. The Chair will open the public hearing.
 - d. The Chair will request public comment from anyone in attendance. Each speaker must state their name and address. There is a three (3) minute limit for each individual speaker. There is a five (5) minute limit for each speaker representing a group. The Planning Commission, by unanimous consent, may extend a speaker's time.
 - e. The applicant or their representative may respond to the public comments within a five (5) minute time limit.
 - f. The Chairman must close the public hearing unless the Planning Commission votes to continue the public hearing at a subsequent meeting.
 - g. Planning Commission minutes must include the names of all people that speak at public hearings and a summary of their comments.
4. There will be a ten (10) minute recess after every two (2) hours.

1. These bylaws may be amended by a majority vote of the entire Planning Commission membership.
2. These bylaws may be suspended with a majority vote of the entire Planning Commission membership except provisions superseded by Virginia or City of Danville Code.

Mr. Garrison stated so, for those of you that are here for cases today, what that means is the person that is the applicant, you will have ten minutes. The time will be kept by Ms. Jones. The lights on the podium will turn on as long as you have a green light, you're fine. When you get to yellow, you have one minute left and when you get too red, you're done. You will have ten uninterrupted minutes to present the case. You will have three uninterrupted minutes to say whatever you feel pro or con about the case. I am going to ask the commissioners if we will hold our questions until their time limit is up so they may have uninterrupted time to make that presentation.

Mr. Whitfield stated just one more real quick note. I don't know if the yellow light will be working today. It did not work at the last council meeting. So, I didn't want somebody to be waiting on the yellow light and he think what happened.

Mr. Garrison stated if we go directly from green to red, we apologize and I'm assuming that the technical people are working on getting that straight.

ITEMS FOR PUBLIC HEARING

1. *Special Use Permit Application PZ22-15, filed by Landmark Development on behalf of the Danville Redevelopment and Housing Authority, requests a Special Use Permit for Planned Unit Development according to Article 17 of the Danville Zoning Ordinance on Seeland Road (Parcel ID#s 76121, 76122, 76123, 76124, 76125, 76140, 76141, 76142, 76143, 76144, 76145, 76146, 76147, 76148, 76149, 76150, 76151, 76152, 76153, 76154, 76155, 76156, 76157, 76158, 76159, 76160, 76161, 76162, 76163, 76164, 76165, 76166, 76167, and 76168). The applicant proposes a multifamily housing development targeted towards low- and moderate-income seniors aged 55+.*

Mr. Garrison opened the Public Hearing.

Mr. John Stiltner stated I with Landmark Asset Services or Landmark Development.

Mr. Garrison stated we would like for you to tell us what you plan to do.

Mr. Stiltner stated I have been with Landmark Asset Services for about ten years now. Our development company was founded by Dwayne Anderson about thirty-five years ago and we focus, and our mission is to provide quality, affordable housing in markets where they are rural communities or MSAs but we're mostly in rural communities. We like coming into the small towns and smaller communities to help serve the residents of the community. Our project is with Larissa who is with Danville Redevelopment and Housing Authority. She's here also today. We put RFP or RQ in with the Danville Housing Authority for to see if they would pick us or choose us to be partners in their mission to grow affordable housing for seniors and families in the Danville area, Pittsylvania County, and over in Henry County. Currently, we are developing a project up on 29 with Southside Lawns for Blairs Middle School and we are turning that into multifamily housing for families and it will be fifty-five units. The proposal that we're requesting here is a rezoning and combination of several

things with this property here. We're proposing a two-story, fifty-two units, with eighteen two bedrooms, and thirty-four one-bedroom units for seniors. The square footages of the bedrooms are between 689 and 749 and the two bedrooms will be about 975 square feet to 984 square feet as it goes in its L shape. Some of the amenities to the units themselves will be their own washer and dryer hookup high-speed internet connections, high-efficiency appliances, high low-maintenance materials in the units. Also, it will meet the EPA's Energy Star program along with a third-party earth craft program that digs a little deeper into user abilities. It will also be designed with a universal design for 100 percent of the units which is a program that Virginia Housing has been implementing and using for a lot of years now. More about visibility but the great thing about universal design is it helps in adaptability with being able to put in future grab bars, being able whether it's in your showers or tubs or around your toilets. The kitchens are designed to be larger for accessibility and the bathrooms are also designed to be larger for accessibility. All main rooms will have three L doors and all hallways will be a minimum of 42 inches. The thought about the whole thing is it's not just about who lives there. It's about who comes to see them or might stay with them overnight because they're coming to see them from another town or state. Some of the on-site amenities will be fitness rooms and we will have a community room with a kitchenette so that we can do tenant education. They can also have parties. We like to get them involved in different things that we can pull from the community and the Danville Housing Authority has some programs that gives them a space to also be able to work with these residents and for special services. Some of the other things will be computer rooms with free Wi-Fi, computers, and printers, so they can go on the internet if they don't have it themselves. We are doing in unit laundry hookups, but we'll also be providing commercial laundries on site for the residents that don't have their own washer and dryers for their units. On site, amenities, we'll have a covered drop off area for the residents, sitting areas, covered picnic areas with grills, picnic tables, and a garden that will also be accessible for residents and they will be able to utilize that for getting together and growing what they decide to come up with in their group to grow on site. So, those will be provided as well, and it will have the normal thing for our storage. We'll have direct access to the Danville Housing Authority as well from the property and we'll be utilizing for the exterior low maintenance materials, architectural shingles. I think at this point we're looking at about 80 to 85% brick and we don't want it to look institutional. We want it to fit within the characteristics of the neighborhood. So, 85% brick might be a little too much but I'm not an architect so we're letting him give us different elevations to try to tweak that a little bit. There'll be a lot of movement with gables and hip roofs, and it'd be a very attractive project. It's a little bit down, so we are keeping it a two story, so it won't overpower the single-family homes in the neighborhood. That's about it on the project and I'm not sure what else I can say about the building or the amenities that will be in it.

Mr. Dodson stated how much parking space will you have?

Mr. Stiltner stated one per resident.

Mr. Dodson stated one's enough?

Mr. Stiltner stated our experience, yes sir.

Mr. Garrison closed the Public Hearing.

Mr. Garrison stated do you have any questions for staff?

Mr. Bolton stated just one, condition number two, fifty percent of the building exterior will be masonry. Did y'all put that on there, or did he?

Mr. Plachcinski stated I did, typically with senior housing development, you don't always want the whole thing to be brick as he mentioned because it can get a very institutional feel, but you do want some variation at the same time. After what they submitted showed a vast majority of the building being brick, you know, I felt that asking for at least if there are design changes for it to be 50% or more was fair and appropriate.

Mr. Bolton stated Right, I like it and was curious because you don't usually see conditions like that on what they can do. I'm glad.

Mr. Plachcinski stated I've worked in communities with advanced architectural feature standards and particularly for these developments and I think that with what they're proposing would meet those in many of the communities that I worked in that you have you know, strict offsets, so you don't have unbroken walls the whole way down. It's a really nice product what they're proposing. I'm very impressed with what they submitted.

Mr. Bolton stated I was just looking down the line and thinking, oh gosh, can we start doing that?

Mr. Plachcinski stated we can.

Mr. Petrick made a motion to recommend approval for Special Use Permit application PZ22-15 as submitted with conditions by staff. Mr. Dodson seconded the motion. The motion was approved by a 6-0 vote.

2. *Special Use Permit Application PZ22-16, filed by Brad Skidmore and Bill Powell on behalf of RCCM Properties LLC, requests a Special Use Permit for a commercial recreation facility according to Article 3.M.C.4. of the Danville Zoning Ordinance at 4764 Riverside Drive (Parcel ID#78406). The applicant proposes a "skill game arcade".*

Mr. Garrison opened the Public Hearing.

Mr. Bill Powell stated, I am a resident of the community here. I have been here since I was eighteen years old. I have worked for multiple companies in the area but three years ago, I got into the gaming industry. The majority of my business is done in convenience stores and other locations in the area, but right now, we are proposing something that we wanted to do of course by the book, and that is we're applying for a game room that we would like to set up on 58. The reason that we would like to do something here, we want to open a friendly, safe, gaming room that will provide security and employ multiple people that will be open for reasonable hours, not twenty-four hours or anything that the Planning Commission has suggested here. We are agreeable to all the terms and conditions, but I did have some questions on number eight and nine on the list. We thank you for the consideration and as I said, we're happy with everything else that's going on. We just want to provide a very safe environment to do this for people from of legal age to play as well as the elderly because we do have quite a bit of the elderly community that do enjoy playing our games. I'm kind of new at this. So, I'm not sure when I'm supposed to interject my questions here or how to proceed from here.

Mr. Garrison stated are your questions for the Planning Zoning Administrator?

Mr. Powell stated the only thing I wanted to ask about are number eight and nine, it says, no gaming machine is allowed for more than one player at a time, seated or standing, which is the majority of our business anyway which is one machine that one person plays, but it says no multiple player machines are permitted. The only multiplayer machine that I can think of that is being used in the city right now is what we call a fish table. Which is basically a video game. This video game is played in Dave and Buster's, Chuck E. Cheese, places of that nature. The only difference is that there are prizes that we give out as well there. I guess my only question is I would say probably ninety-five percent of all locations in the city that do have gaming, currently have these multiple player games and I just wanted to know if there was an objection to them or what if that is what they are considering a multiplayer game.

Mr. Plachcinski stated yes, I believe that is what the planning division has considered a multi-player game in the past and as I said, that's been a standard recommended condition from the planning division for any of the applications that have come forward on skill games. So, of course, the Commission can choose to eliminate that recommendation, it is merely a staff recommendation.

Mr. Powell stated I appreciate that and if possible, what I want to mention to everyone as well is that the equipment that we're putting in there 70% of that will be individual playing machines that a person will sit at. The multiplayer machine has eight seats with it where each of these tables as they're called will be spaced out because we don't want to overcrowd this, and we don't want to cater to one particular part of the gaming industry. We want to keep it broad but yet we don't want to keep it packed or you know, too many people hanging around. So, the multi-game player table actually make up 40% of the income for the business itself. Which the fact that we are planning on putting plenty of employees there to make sure that everyone is accommodated and taken care of but also, we want to provide a very good security force there to make sure that there never is a problem. Now, I have probably fifteen locations here in the city of Danville, and all of those locations except for one or two do have this multiplayer table in it and we discussed some of these issues back when gaming first came to the city. In my three years in dealing with all of these types of games and what have you, I have not seen any problems with these. We haven't had any police calls. We haven't had any major crimes. We haven't had any overcrowding, sometimes I wish we would, and more play is always welcome. But now that the State of Virginia has opened up gaming for everyone. It's a little different ball game now and that's why the multiplayer machines would help us in meeting our payroll and taking care of the maintenance on the building, paying rent, and things of that nature as well to still manage a decent profit on the location also. That was my only questions that I had there. I have someone that filed our special use permit. Could I allow him to have my last four minutes?

Mr. Garrison stated sure.

Mr. Ryan Gatewood stated I work at LE&D Professionals, I'm a site civil engineer. I prep this application on behalf of Brad Skidmore and Bill Powell. I just want to go through the application a little bit. We had originally proposed fifty to sixty machines in this facility. It's at 4764 Riverside Drive as I understand it is at the old Mitsubishi Dealership. One of the conditions on there was that it would have open windows and clearly a car dealership has large windows to be able to see through and not block visibility from law enforcement. This facility meets the zoning, and all the neighboring zoning is exactly the same. This is an existing building with existing entrances that we'd utilize. No new entrances on Riverside. There's an access road that serves every dealership building along Riverside there. They applied for to promote 9:00 am until 12 am hours, seven days a week. I've realized there's

different hours of operation on the conditions and they are planning on having about ten employees and that includes license and bonded security force. They have proposed to do some kind of partnership with the City of Danville, if there's any off-duty police officers that would like to be hired for this facility, they're happy to partner with the city on that front. When it came to the gaming machines, I'm glad Bill got up and spoke to it. I'm not much of an expert at all. When it came to gambling, I went to Vegas. I went put money in the slot machine. I didn't get any out and that was about it for me. So, if you have any questions on the machines, I think Bill is going to be happy to answer those, but if it is about the site or the facility, I will try to answer any questions as well. We received the staff recommendations on Friday morning. We've been digging through those on Friday and today trying to see how they will impact the proposal. We would like to ask that condition eight and nine be eliminated and that condition two be revised to one machine for every two people instead of one machine for every three people. If there are any questions Bill and I would be happy to answer those.

Ms. Evans stated number three condition the city has proposed that there's no person under the age of eighteen years shall be permitted to play any game. Will persons under eighteen years be allowed in the building?

Mr. Powell stated no, no one under the age of eighteen will be allowed.

Ms. Evans stated okay, I just want to make sure that was clear because to me, it doesn't say that.

Mr. Petrick stated I noticed the write up, you were anticipating fifty to sixty machines and based on one machine for every three people, and we have a fire code here that allows hundred and twenty. Is that what you? So that would make 40 machines approved?

Mr. Plachcinski stated yes, under our proposal on under the recommendations that were carried forward from the past recommendations.

Mr. Petrick stated okay, is that an issue?

Mr. Gatewood stated it is and, I've been talking to Charles Fulcher with building inspections today. He said that was an old certificate of occupancy and it was done in 1997, I believe he said. He said, if it was updated today, it would change the use to a gaming room and at that use, it would be allowed two hundred seventy-two as a max occupancy number.

Mr. Petrick stated so does this require us to eliminate that condition?

Mr. Plachcinski stated it just says building occupancy under whatever occupancy it is. That's assigned by the building code.

Mr. Petrick stated oh okay. So, your condition was one machine per every three people.

Mr. Plachcinski stated per three people.

Mr. Petrick stated so, that would be correct itself. What was the stats thinking about the issues with more than one player standing, seated, with multiple player machines? I understand that these machines are available at other locations in the city.

Mr. Plachcinski stated if there are any locations that have allowed skill games under a special use permit, then, that would be by the terms of that special use permit. I'm not aware of those in the city if they're operating. Certainly, none have been approved since I started here in 2020.

Mr. Petrick stated are they operating legally?

Mr. Plachcinski stated I suspect not.

Mr. Garrison stated these are questions we should be asking staff after we close the public hearing.

Mr. Plachcinski stated to wrap it up, I can't say, as I said, these conditions were what staff has recommended in the past for these proposed uses. I can't speak to the logic behind it because it's just something that we've consistently stated as recommendations.

Mr. Garrison stated have you asked for an updated certificate of occupancy?

Mr. Gatewood stated we just received these on Friday morning. So, I've been trying to work with building inspections but nothing formal has been requested.

Mr. Garrison stated but that is your intent ask for that?

Mr. Gatewood stated correct.

Mr. Powell stated if I could address that, I didn't want to insinuate to anyone that there is any multiplayer, seater, games being operated with special use permits. My reference is to all the convenience stores, that I had these games in even when the ABC was regulating, and the ABC allowed us to count a four-seater fish table as four individual stand ups and that one table had to have four licenses issued by the state to operate these machines. So, these machines are currently in convenience stores that I have. They were counted by the ABC as a four-license game. When we were putting those in. So, they do not count four-seater fish tables, or eight-seater fish tables as one machine. They count each bill acceptor that is on that machine. If there are four seats, there are four bill acceptors and they issued four separate licenses for those four bill acceptors and those were allowed by the ABC and are still in existence in non-special use licensed facilities.

Mr. Bolton stated you said you only had about 5% of the multiplayer games in your buildings?

Mr. Powell stated what it is going to be is that if we do the sixty machines, only twenty of those are going to be of the multiplayer facet and then other forty will be individual stand-up machines.

Mr. Bolton stated that works well?

Mr. Powell stated yes sir. It basically what it allows us to do is to spread these three video gaming terminals, spaciouly apart so that it does not create any type of crowding and we're not overloading the building, because based on occupancy, if we go that route, that will allow us up to ninety games. We have done our math and think that we can do this with sixty.

Mr. Kahn stated I have two questions. The number one was asked by Ann. The question is, I would like you to state, categorically that no person under the age of eighteen will be accepted in the building?

Mr. Powell stated yes sir. No one. That is the purpose of the security and to have someone there to check you at the door.

Mr. Kahn stated I just want to be sure.

Mr. Powell stated yes sir.

Mr. Kahn stated number two, you have some tables there that you said are going to be eight-seats around and you thinking that those eight-seats will be filled?

Mr. Powell stated not, always.

Mr. Kahn stated you said with the four seats, they will individually have their license or whatever to sit there. On the table with four?

Mr. Powell stated yes, in the convenience stores that we have, yes sir, we were licensed to have, we could have put an eight-seater in there if we'd like to. If it would have allowed it, but the state restricted each location to six. So, some places even put eight seaters in, but they closed two of the bill acceptors so that they could have six seats as well.

Ms. Evans stated there will be eight bill acceptors at tables for eight?

Mr. Powell stated yes, ma'am. The way that they were designed, they have a sixty-five-inch monitor that lays in the middle of the game and there are two seats on either side and there's one on each end. So, you're not crammed in like this together. So, it's eight people around that table and we will only have three of those. Whereas in and I say this normally in a game room this size, they will literally try and put at least six in there, but we're not interested in that. We are looking to be safe and that's what we're looking to do.

Ms. Evans stated then, you had mentioned that you intended to operate at 9 am versus 8 am?

Mr. Powell stated typically in the gaming business, opening later, and staying open later works better. We saw that it had been moved from 9 am to 12 am and they had suggested 8 am to 11 am. I don't even have any issues with the 11, but typically between the hours of 7 and 10 o'clock, there's not a lot going on. Unless they get off work at Goodyear at 7 o'clock and they decide they want to come by and play.

Mr. Petrick stated I think that 8 to 11 is just on Saturday's. Isn't that right Mr. Plachcinski?

Mr. Plachcinski stated correct. It was 10 o'clock. The consistent recommendations have been 10 pm in all days but Saturday.

Mr. Petrick stated I'm just curious, we have been talking about these games for some time and I see there was an injunction filed in December that allowed the General Assembly to, well, it didn't allow them, but it allowed the gaming issue to be once again legal. I'm assuming you're pretty optimistic that it is going to continue that way. I think the current administration is kind of friendly to gaming. Is that what you think?

Mr. Powell stated they are. I think the legal system was not happy with the way that the State of Virginia went about stopping the process more than anything. The injunction was put in place, and we are good to run until May 18th. What we believe is with the casino coming here in town and what is going on in the state now, we believe that gaming is going to continue but what that is going to require on my part and other operator's parts are that we are going to have to upgrade to casino style machines, once the casino is here. We may see some regulations from the casino commission once the casinos are open in State of Virginia. To be honest with you we want to make as much money as we can, but I refer that because we will get to operate much longer. Believe it or not most operator's including myself we are in favor of some type of legalization and tax and anything that goes along with it, because it just increases the life expand of our industry. It keeps out the people that just want to run in here and operate during the time of this injunction and then if the state comes back and throws in taxes and all this stuff again, the next thing you know, they're going to be gone and I've been here through both ways.

Mr. Whitfield stated Mr. Petrick what the injunction did it did not make the gaming legal. What it did do is it prohibited law enforcement from enforcing the ban and so, as Mr. Powell said, on May 18th, the judge is expected to make a ruling on whether or not to overrule the current legislation or to uphold the current legislation. There is also a lot of movement right now in the General Assembly to fix whatever loophole that may come out of that ruling.

Mr. Petrick stated but it is legal to operate.

Mr. Dodson stated no.

Mr. Whitfield stated I would not agree with that. I would say that it is not legal to enforce the ban. I'm not saying it's legal to operate and I'm not saying it's legal to enforce the ban for police. In other words, police officers are prohibited from enforcing the law. That's what the judge said. That's what the injunction says.

Mr. Dodson stated so, the law right now says it is not legal.

Mr. Whitfield stated the state statute is still in place. What has happened is the Greenville County Circuit Court has ruled and it applies to everybody in the state that currently the law enforcement is not allowed to enforce the ban on skilled games.

Mr. Petrick stated legal or not, they're out there in abundance at this point.

Mr. Whitfield stated right.

Mr. Petrick stated okay.

Mr. Garrison closed the Public Hearing.

Mr. Bolton stated you mentioned that you had gotten a lot of these conditions from the past, he mentioned eight, nine and two. What's your current feeling on that? If you were to remake those yourself or your staff.

Mr. Plachcinski stated I think that there are very incremental changes. So, if the Planning Commission feels in their judgement that they're okay, then, they're okay. I mean they are similar adjustments. I don't see any huge distinction one hour away or another and as long

as the number of machines is based off the occupancy, building, and the parking. Then, it, you know, it makes no difference.

Mr. Bolton stated it would make some difference in parking and occupancy but eliminating those?

Mr. Plachcinski stated No, I don't think it would change. What I'm saying is I don't think it will change anything. The building can only hold so many people and park so many people. If the condition is altered or removed that's you know, we're just here based on their recommendation access, convenience, life, safety, you know, that won't change.

Mr. Bolton stated and number 2 I think instead of one they were saying maybe two per three, is that?

Mr. Plachcinski stated one per two.

Mr. Bolton stated any concerns with that?

Mr. Plachcinski stated no, as the applicant suggested if the building is likely, and I believe the building is fully suppressed under that use group typically when you have vehicles inside that's the case and it becomes more of an assembly use than suppressed. I don't think there's any life or safety, but it will go through the C of O process, fire, and building will review it regardless of if the special use permit is granted.

Mr. Bolton stated back when these were before us in the past one of the main issues was the building having separate restrooms, two entrances and things like that. I mean we recommended approval for Pilot Truck Stop out on 58 East, but because they meet everything. Does this meet everything as it is now, or do they come back, and we say that it's up to that different level now. I know we talked about levels.

Mr. Plachcinski stated if it goes through the building code review process for the certificate of occupancy and there is an issue with accessible bathrooms or exit sign or anything like that, they'll have to make those changes before they are granted occupancy.

Mr. Bolton stated has anybody looked at it?

Mr. Plachcinski stated I have not been in the building. I don't know how old the building is or that it will need a lot of changes. I'm confident that we'll catch every thing that's necessary to bring the building up to compliance and keep people safe if the special use permit is granted.

Mr. Bolton stated well I'm speculating but say, if we did recommend approval, they would still have to pass that step.

Mr. Plachcinski yes, they would.

Mr. Petrick stated I have one more question about the hours of operation. I mean, even if we eliminate this condition, do we need to put a maximum and is there anything to prevent the owners from operating 24 hours a day, if we don't put a condition?

Mr. Plachcinski stated I don't think the city has any provisions on 24-hour operations. So, I would suggest you modify the hours to what they are requesting.

Mr. Bolton stated which was again?

Mr. Plachcinski stated 9 am to midnight.

Mr. Garrison stated one of the things with item 3 about the no person under the age 18 shall be permitted to play the game. You could just simply change that to no person under 18 would be admitted to the building.

Mr. Plachcinski stated that's a good recommendation.

Mr. Khan stated that what I was implying and when I asked him the question and the question was, is anybody below the age of 18 be allowed in the building? And what I was asking to reiterate.

Mr. Garrison stated that is a recommendation that we can make.

Mr. Khan stated that's what I did.

Mr. Garrison stated item 3 is no person under age 18 will be allowed in the building.

Mr. Bolton made a motion to approve Special Use Permit PZ22-16 with the conditions per staff except we eliminate conditions 8 and 9, we change the hours from 9 am to 12 midnight, and we add under item 3 that no one under the age of 18 would be allowed in the building and item 2 that it be one gaming machine per two people. Mr. Khan seconded the motion. The motion was approved by a 5-1 vote.

3. *Rezoning PZ22-17, filed by Tune and Toler Inc., to rezone TBD Blair Loop Road (Parcel ID # 72489) from N-C Neighborhood Commercial to M-R Multifamily Residential. Mr. Garrison opened the Public Hearing.*
4. *Special Use Permit Application PZ22-18, filed by Tune and Toler Inc., requests a Special Use Permit to waive minimum district size according to Article 3.G.C.22. of the Danville Zoning Ordinance at TBD Blair Loop Road (Parcel ID # 72489). The applicant proposes a six (6) unit townhome building.*

Mr. Garrison opened the Public Hearing.

Mr. Terry Francisco states, I own Tune & Toler. We're a Virginia and North Carolina builder in Virginia. We're also licensed for plumbing, electrical, heating, and air, in building homes for about twenty years in this area. We have put about six to seven in the past five years in this Westover area. The property in question here is currently a vacant lot and it is almost exactly an acre. It formerly housed a car wash, a block building that was used as a suntan studio and from what I understand from the neighbors an active crack house rental property. Those have all been demolished prior to us purchasing the property. It's our intent to build and I want to clarify that the wording there says a six-unit townhome, which implies rental property in a two-story building in a totally different project than really what we're doing here. Which is a six plex and the property that we intend to develop with six individual attached patio homes. So, patio home would be a better description of what we're trying to do and if you want to see what that looks like, we don't have similar properties. I have the exact plans from the Charlestown on Vandola property and I even took some pictures and that's exactly what we intend to do. We figured out something that worked very well there, and we intend to copy it. They will be and speaking with some local realtors and they will be probably

between \$250,000 to \$300,000 dollars each. We are proposing a high-end property. So, it should help everyone around there in terms of property values and aesthetics. Any other questions just let me know.

Mr. Bolton stated so, you're going to sell these?

Mr. Francisco stated yes, they will be for sale.

Ms. Pam Bandy stated I am the property owner at the back of the lot, and I have two unusual concerns, I guess, sort of. One is that I really think a lot more people should come and witness what you're doing, and school board meetings, and city council meetings. It's been a long time since I've been down here but I'm afraid they won't be able to hear what you're saying. I don't know if it's the acoustics. I don't know if it's that you speak softly but maybe it's because I'm 69 years old, but I can't hear probably 50 to 60% of what you're saying. I get bits and pieces of it but anyway, my other concern is that I got the letter talking about this on Friday with a stamped postage envelope and page to send in my envelope in my concerns. I tried to call Tune and Toler just to ask some questions and I really didn't have a lot of objections, but they were closed on Friday. So, it was really difficult to get any information before the meeting at that short time. Also, my neighbor because they were out of town, and I was getting their mail in. They got their letter on Saturday. So, it's difficult to say that you want my opinion when you didn't send me the information in time to get the information back to you unless I showed up. If I was working or had childcare involved, it would have been difficult to get that scheduled in that time frame. So, I did have that concern. I met Mr. Francisco coming up in the elevator and he answered all my questions and he put any concern that I had to rest, because it seemed quite nice. I think had you all used his wording maybe two more words than you would use instead of saying townhouse, I would've not been here to start with, but you didn't use his wording.

Mr. Petrick stated I just have a note for the record here on the agenda, we've got the partial ID number transposed.

Mr. Plachcinski stated yes, it should read 72498.

Mr. Bolton stated since he is going to sell these and not rent, why the multi-family zoning change? Wouldn't it be something better?

Mr. Plachcinski stated it's based on the design, not on the use. I mean, well, the use so it's homes for sale that happen to be attached and those fall under multi-family.

Mr. Bolton stated okay, I just wanted to be sure.

Mr. Plachcinski stated absolutely, and I apologize because I made sure that these went out on Monday. So, you know we do try to get things out in the mail ahead of time. I'm kind of shocked it took four days, because I know our mail picked them up on Monday. I do apologize for that. We will send if the Planning Commission should choose to endorse these applications, we will notify the neighbors of the hearing at city council. That way, if anybody does have concerns or does have questions and I'll make sure we change to patio homes and that the parcel number is 72498. That transposal was my fault. I think we all do when we deal with numbers, but it had run in the paper, and we got that corrected. Hopefully, it is corrected online by now. So, I do apologize for that.

Mr. Garrison closed the Public Hearing.

Mr. Bolton made a motion to approve this Rezoning Application PZ22-17 as submitted. Ms. Evans seconded the motion. The motion was approved by a 6-0 vote.

Mr. Bolton made a motion to approve Special Use Permit Application PZ22-18 as submitted. Mr. Khan seconded the motion. The motion was approved by a 6-0 vote.

IV. OTHER BUSINESS

Mr. Plachcinski handed out information of the two items to update the Commission regarding:

1. Comprehensive Plan:

The team will meet later this week and review preliminary findings. Internally we will prepare the social media platforms in advance. I anticipate branding and enhanced themes following the next milestone and we will present the full proposed project scope to the City Manager's office this month.

2. Skill Games -

Regardless of how today's proposal ends up, the city should incorporate the State Code definition of skill games into zoning and identify appropriate locations for skill games. We cannot count on the Commonwealth outlawing them in a blanket fashion, so it is best to address them in advance of the legal and legislative actions currently underway.

VA Code Section 18.2-325.6

"Skill game" means an electronic, computerized, or mechanical contrivance, terminal, machine, or other device that requires the insertion of a coin, currency, ticket, token, or similar object to operate, activate, or play a game, the outcome of which is determined by any element of skill of the player and that may deliver or entitle the person playing or operating the device to receive cash; cash equivalents, gift cards, vouchers, billets, tickets, tokens, or electronic credits to be exchanged for cash; merchandise; or anything of value whether the payoff is made automatically from the device or manually.

Mr. Plachcinski stated there are two things that I wanted to talk about. First off, the comprehensive plan. Our team will meet later this week and review preliminary findings. We've started to get the social media platforms up. We're going to talk about the branding and right now. It's we're digging planet Danville. You know, play on a kind of futuristic kind of some of the other things that are going on in the community like otterbots, and you know, just really like Galileo school, things that are forward thinking. Then I think the next milestone is going to be presenting those preliminary findings and recommendations for the project and a full project scope to the city manager's office. Second thing and if anybody has any questions about the comprehensive plan, I anticipate, you know, next month in March, I'll also present everything to the Planning Commission as it's buttoned down.

Mr. Garrison stated any need for us to meet with them again?

Mr. Plachcinski stated yes.

Mr. Garrison stated okay.

Mr. Plachcinski stated yes. Definitely, we'll have more directed input. Right now, it's still just processing all of the data and everything we're getting in. I should also mention that we will get some preliminary findings on our housing needs assessment study, which is part of some more of what economic development's doing and other than something that we all know which is yes, we need a lot of housing as much as possible right now. There will also be some recommended outcomes from that. I think we have a call with economic development on Thursday morning with the consultant to discuss that. So, it's pretty exciting. So, definitely, we'll have more input with the Planning Commission, and you know, multiple new or multiple work sessions before the project's, done. The other thing and I typed this up before the meeting obviously, but I think it's reasonable to assume that the skill game discussion as we saw today is not resolved. It's time to bring forward some changes to our zoning code to adopt the definition that is provided in state law and then put some space requirements on where they can go and maybe some standards like what we recommended today. So, what I'd like to do is whether the Planning Commission asks me to do it or whether I initiate it is to make a proposal at the next month's Planning Commission meeting about that. These are adult uses, and they are not places we want, you know, they're not young family nights out and they're serious. So, we've got some thing to do and some figuring out where to put them and reasonable stipulations that should apply to all of them. So, I don't know, should the Planning Commission recommend I put something together with?

Mr. Whitfield stated well, you have the power to initiate it, but if they want to direct you to do so, they can do it. I think the chairman can make the call.

Mr. Garrison stated I have no problem with you taking that initiative on your own unless anyone else does.

Mr. Dodson stated you don't think we should wait till May to see what's going to come up?

Mr. Plachcinski stated we can't count on anything that will happen in May. I just don't think it's over. I'm pretty sure in North Carolina, they've got the same debate going right now and I see skill game parlors up all over the place there too. I think that there's arguments on both sides and with changes in everything going on that if these are uses, we want to make sure we regulate locally that we just make some rules. If we're not interested in doing that, that's fine too. You know, we don't have to, but I will say after our meeting, in the year that the skill games were legally operating in Danville under ABC, just the legal machine take suggests that over two and a half million dollars were pumped through those machines only in the City of Danville. So, the seventy licensed machines that were in Danville handled around two point five million dollars. That's a lot of cash. There's a lot of stuff going on. So, it is a much bigger issue than I imagined, and it affects a lot of people. So, we want to just be careful about it, and thoughtful about it, and that's my goal anyway.

Mr. Garrison stated wouldn't it be better for us to go ahead and do this next month and be ahead of whatever happens in May, because what might happen in May is nothing. There could be no change in May.

Mr. Whitfield stated well, what's interesting enough, the judge might say, I'm going to strike the legislation only to have new legislation passed or could say, I'm upholding the legislation in place only to have possibly have them legalized and regulated. So, we probably would be better off to be prepared for whatever's going to happened. Meaning, if we do the work to be

prepared for it and it doesn't happen. Well, okay, that's not a bad thing but if we haven't done what we need to do to prepare for them, then, it could be detrimental to the city.

Mr. Garrison stated but if we have it in our zoning code, even if they are no longer legal in May, at some point in the future, they may become legal, and we would be already prepared for whatever conditions we wanted to put on them.

Mr. Whitfield stated exactly.

Mr. Garrison stated so, I would think we should go ahead.

Mr. Dodson stated right, that's fine.

Mr. Petrick stated this is no more than the way we are dealing with marijuana across the nation, is it?

Mr. Plachcinski stated the uses are not necessarily, but the processes are. You are exactly right. It's a new kind of use that, you know, I don't know that anybody really cared when they were the one machine in the back of the convenience store, the smokey bar, but now they're not.

Mr. Petrick stated but the fact that it may not be legal, but it's not enforced. So, you know.

Mr. Plachcinski stated the Commonwealth's Attorney did have cases against machine operators in town that they had to withdraw. This is just not something we can, but we can enforce zoning that is not covered in the injunction.

Mr. Garrison stated even if it is in our zoning code and we never need it, it's still there. It's not that much time or cost to put it in the code.

Mr. Bolton stated I would agree. Do we need a motion or just ask?

Mr. Garrison stated no, he has the authority to do that as long as we're okay with it.

V. APPROVAL OF MINUTES FROM JANUARY 10, 2022.

The January 10, 2022, minutes were approved by unanimous vote.

VI. ADJOURNMENT

With no further business, the meeting adjourned at 4:16 p.m.

APPROVED