

PLANNING COMMISSION MINUTES

July 11, 2016

MEMBERS PRESENT

Mr. Wilson
Mr. Dodson
Mr. Searce
Mr. Jones
Mr. Garrison
Mrs. Evans
Mr. Bolton

MEMBERS ABSENT

STAFF

Ken Gillie
Anna Levi
Clarke Whitfield

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

I. ITEMS FOR PUBLIC HEARING

1. *Rezoning application PLRZ20160000149, filed by George Lovelace requesting to rezone from N-C, Neighborhood Retail Commercial to "Conditional" HR-C, Highway Retail Commercial, 1910 N. Main Street, otherwise known as Grid 2814, Block 002, Parcel 000029 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an automobile retail establishment on the site.*

Ms. Levi read the staff report. 36 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed. Four responses were opposed.

Mr. Searce opened the Public Hearing.

Present on behalf of this request was George Lovelace, the applicant. Mr. Lovelace stated I'm just asking to change the zoning so that I will be able to sell cars at this location. Which, I have made many improvements to the building already to the landscaping, I cut all the dead trees down to try and make the building and community look more presentable. I appreciate you all for doing this for me and I have been working with zoning.

Mr. Jones stated there was a question last month that you might lose your license and you were worried about that. How did that work out?

Mr. Lovelace stated I got the guy from Laurel Park Towing he allowed me to use that building until you all approved this one just to say that I have a building.

Mr. Wilson stated are you satisfied with the arrangement that has been made?

Mr. Gillie stated yes. We sat down and went over the list use by use. Scratched thru and didn't scratch through. We just haven't formalized the list in case Planning Commission added something at today's meeting. If there is no addition then we will get a formalized list and have him sign it and send that to City Council. So yeah we are okay with it.

Mr. Searce closed the Public Hearing.

Mr. Dodson made a motion to approve PLRZ20160000149 with the proffer list as submitted. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

2. *Special Use Permit application PLSUP20160000165, filed by Pryor Development Co., Inc., requesting a Special Use Permit to operate an indoor commercial recreation facility in accordance with Article 3.N; Section C, Item 4 of the Code of the City of Danville, Virginia 1986, as amended at 1344 West Main Street, otherwise known as Grid 0612, Block 001, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to operate an indoor commercial recreation facility for gaming.*

Ms. Levi read the staff report. 17 notices were sent to surrounding property owners within 300 feet of the subject property. Two responses were not opposed. One response was opposed.

Mr. Searce opened the Public Hearing.

Present to speak on behalf of this request was W.L. Pryor the applicant. Mr. Pryor stated I am from the Ruffin area. I did operate the Ruffin Depot. These matters are still in litigation in the State of North Carolina. But the Commonwealth of Virginia has rules that regulate Bingo and it's nonprofits who are allowed to operate bingo facilities. The only thing I would be doing is providing a space for them to rent. I would have the bingo equipment in the facility and more than one non-profit charity would be using the facility and the equipment. All I would be is the landlord. I would not be operating the bingo. I am not a resident of the Commonwealth of Virginia. I do not have a non-profit lined up that would be my task to find tenants to come in and operate there bingo to make money for charity. We have talked to several we don't have anybody committed yet. The VFW, American Legions they have bingo. They operate and I don't know of any problems that any of them have had. Mine would be a non-smoking and no alcohol allowed facility inside the facility.

Mr. Jones stated one of the things that staff mentioned was at least 50 percent of the members have to be residents of the Commonwealth. If you are renting this property to different people how can you be sure that there is going to be at least 50 percent at each nights?

Mr. Pryor stated the bingo would be open to the public. The operators would be the non-profits. That's the law in the Commonwealth of the Virginia it's sort of confusing stating the Commonwealth. I've never quite figured out the difference.

Mr. Jones stated how do you interpret this with the 50 percent of the residents begin from within the Commonwealth?

Mr. Whitfield stated they would have to check id's I guess when they come in. So it would be up to his tenant and then ultimately up to him to make sure that his tenant is enforcing the fact that 50 percent of the folks are in fact citizens of the Commonwealth.

Mr. Jones stated okay.

Mr. Wilson stated it says here I think we are getting into some legal stuff and it's hard for me to get my head around it. It says qualified organizations it sounds to me like the organization is the one that actually runs the bingo.

Mr. Whitfield stated that's correct. What he's saying is that he is providing the place and equipment for them and they will actually run it. Since the zoning application is in his name and he owns the building he will ultimately have to make sure the law is followed.

Mr. Bolton stated do we have assurances that if we approve this Special Use Permit to operate an indoor recreational facility for gaming is it going to be limited to bingo? Gaming could be other things.

Mr. Gillie stated we don't have assurances on anything.

Mr. Bolton stated could we limit it to bingo or not?

Mr. Gillie stated you could go further than that and limit it to bingo and bingo only. We just have to make sure we are complying with title 18.2 of the State Code when we do this.

Mr. Bolton stated right but we could limit it as some point.

Mr. Gillie stated you could.

Mr. Bolton stated it says gaming and that could be a lot of things.

Mr. Gillie stated correct.

Mr. Wilson stated one of my biggest concerns is definitions and by saying yes to something are we saying yes to more than what we are saying yes to.

Mr. Scarce stated it seems to me when you read that the person qualified to run the bingo should be the one applying for the permit rather than the person that is just going to be leasing the property to a non-profit. Is that legal?

Mr. Whitfield stated yes that's correct. Otherwise this place would be full of people coming and asking for Special Use Permits for a bingo game.

Mr. Jones stated I heard a couple of times in your introduction non-profit so you are going to buy this facility and going to make it non-profit?

Mr. Pryor stated no, my understanding of a non-profit in the Commonwealth is that you have to be a resident of the Commonwealth for three years before you can apply. These are already existing non-profit organizations. You can go on a website for the Commonwealth of Virginia and find all of the non-profits in the area. Now a lot of them are ranging from Averett University to Hargrave Military Academy, VFW's, American Legions, Baseball teams, the GW Football Boosters, it is a large number of them. I'm going to guess that there are maybe 200 of them. The ones I would be dealing with are the ones that are already qualified. They have to apply for a license they can't just come into my facility and start they have to apply with the Department of Agriculture. They are the ones who regulate the list.

Mr. Jones stated will you just get rent money or a portion of the gate?

Mr. Pryor stated just rent money.

Mr. Jones stated would the rent be based on how many people show up?

Mr. Pryor stated no sir. We would determine the rent beforehand and that's what the rent would be.

Mr. Bolton stated it would be on a weekly basis and would it possibly be a different person ever week?

Mr. Pryor stated right a commercial bingo you can have different organizations come in. Of course non-profits and they would have different nights or sessions. A session consists of no more than 55 bingo games. I haven't played bingo since I was 14 years old but a lot of people like bingo. I would provide the tables, chairs, TV screens, the machine that flips the balls up that has the numbers on them, I would clean the facility once they left and the next group that came in would have a clean facility. They wouldn't have to worry about cleaning it up. The thing about it the non-profits are supposed to operate the bingo. I don't know how many of you are familiar with it but I have dealt with non-profits from Booster Clubs to YMCA's to Community College Foundations trying to raise money and to get all the people out to support your activity is a challenge. Everybody says yeah they will help or come to that but when the time comes oh I forgot. I have been involved in a lot of things over the past 50 years trying to raise money. It is getting more difficult as time goes on.

Mr. Scarce stated regular bingo is legal in the City correct? Your concern is that it would be other things here other than bingo or that the bingo would be run incorrectly?

Mr. Gillie stated we are concerned first about how the game would operate. Also there are a lot of things under 18.2 of the State Code that allows bingo and whether those would be followed in this operation is a concern for staff. If you remember a few years ago when we had trouble with the sweepstakes and different things the same thing is happening in NC we have had multiple calls again. We have real concerns that this operation is not following the rules under 18.2 chapter 340 of the Code of Virginia. That is why staff is not in favor of approving it.

Mr. Scarce stated if we go with your recommendation we would turn it down obviously. How could he prove that it wouldn't be illegal? Or can it be proven?

Mr. Gillie stated some type of letter from the Charitable Gaming Board stating that the way this is proposed that it complies with them. I don't have anything at this time except that someone is asking to do this at that location I have nothing else to go on. If I had something from the department stating yes the way this is operating will comply with all sections in 18.2 then I can look at it differently. At this point I have none of that.

Mrs. Evans stated so you don't know of these type of facilities anywhere else in Virginia?

Mr. Gillie stated I do not. I know that we have some facilities in Danville that operate bingo nights. As far as I now from the operation of those they are in compliance with 18.2 of the Code of Virginia. I have not received anything from the State otherwise. I don't have anything that states that this would comply with that.

Mr. Pryor stated we would have to comply. The folks from the State come and check these facilities. I have been to Roanoke and seen one that is operated by a swimming pool group they raise money through their bingo facility and have other charities come in. They have a few nights themselves. But they pay the expenses of their pool and their travel expenses for the kids to travel and swim. It was interesting to talk to the lady that operated that to see the good it was doing them.

Mr. Wilson stated that sounds fine. The American Legion and whoever does these it sounds like they have gotten the proper licensing and everything. This strikes me as a commercial venture on your part to provide a space for organization to come in and basically run the bingo so there still going have to get all of the legal stuff. Am I correct on that?

Mr. Gillie stated yeah.

Mr. Wilson stated the Organization would have to get the legal credentials to go into this place. What you are running is just a commercial space.

Mr. Pryor stated that's it.

Mr. Wilson stated so you are not like the swimming organization? You are just a commercial space, providing a space for this.

Mr. Pryor stated so that they facilities don't have to be duplicated. It's expensive to buy all of the equipment, set all of this up and then you have to have someone to come in and clean if it's your building.

Mr. Wilson stated it sounds like an interesting business opportunity but I am also hearing a lot of unanswered questions too. Some big things about where it fits into the Virginia Code, who can use it and what those people will have to do. I'm beginning to see why there was some concerns from staff.

Mr. Pryor stated maybe there is someone with the State from the charitable bingo who can come in and answer these types of questions.

Mr. Wilson stated oftentimes, when we have to hear things a well presented plan that has a lot of information really helps us out. We don't want to be saying yes to things we probably shouldn't be saying yes to.

Mr. Scearce stated it would depend on each individual person that came into rent from you it would be a whole new ballgame each time. We wouldn't know whether they were legal or not.

Mr. Dodson stated they would be on the approved list wouldn't they?

Mr. Pryor stated that's right.

Mr. Dodson stated it the GW Booster Club wanted to come and make some money and they are not on the list then they can't do it.

Mr. Pryor stated when they apply with Charitable Bingo they will be denied if they are not 501C3.

Mr. Dodson stated you're not going to let them in if they are not on the list.

Mr. Pryor stated no. They can't get a license each one has to have a license.

Mr. Jones stated let's say GW Booster Club wanted to rent it you're going to set a flat fee for them?

Mr. Pryor stated right.

Mr. Jones stated as you just gave an example when it is time for the fundraiser a lot of people doesn't show and all of sudden they don't make enough money to cover their rent. But they still owe you rent for that night?

Mr. Pryor stated yeah that would have to get organized and the number required would be 6-10 people depending on how many people you have in a facility. Some nights they could probably only get by with 4 it just depends on how they would be going around and selling bingo cards. It can be run with fewer than 6-10 people.

Mr. Bolton stated what do you see hours of operation, how many days a week? Give me a good week example for that business for you.

Mr. Pryor stated what my intentions are with that space is to divide it into two sections which is the way it has been before. It has the accommodations to have two separate facilities in the space. They have bathrooms they have doors it wouldn't be a problem if we divide it. It's a short wall about as close than from me to you that needs to be put up to make it into two rooms. We could have four days of bingo doing it that way. The other way which would only be two would not be profitable.

Mr. Bolton stated are we talking about nights? Days?

Mr. Pryor stated it would depend on when that Non-Profit wanted to do it. You have got to have a schedule that will work for everybody and its sort of first come first serve. It's a matter of if you are first you pick your time frame. Each charity can have two sessions a week.

Mr. Bolton stated how many hours? You said 55 hours.

Mr. Pryor stated well its 55 games. When they play the 55 games that is supposed to be the end of it.

Mr. Dodson stated how long does that take?

Mr. Pryor it depends on how fast the bingo caller calls the numbers. You all have a tough job I know that. I was the County Commissioner in Rockingham County the Planning Board always thought there job was tougher because we got the easy decisions because you all have done the pre-screening.

Mrs. Evans stated on these days or nights will there be Police in there? Do you hire Police to staff it or does the organization?

Mr. Pryor stated they would have to do that. I would hope that wouldn't be necessary. I was in the sweepstakes business in Rockingham County for 2 ½ years and I never had a problem. I didn't have security and I wasn't always there. I still didn't have a problem. It's an older clientele for the most part I think bingo players are. The older people get the smarter they get for some reason. Now you may have someone come in that has had something to drink before they came. It's like running a bar you don't know what someone has had to drink before they come in and 30 minutes being in there they are a problem. The older crowd you tend to have fewer problems.

Mrs. Sharon Dones the Chairman for the Danville Public School Board. Mrs. Dones stated we didn't make a decision one way or the other at our meeting the other night. Some of the questions that were asked a little while ago were vague. There is a school that is within 300 feet which is Schoolfield Elementary School. We had some concerns that were not in the letter that we received. One was operational hours there is nothing telling us whether this is going on during the school day. We have some concerns that it says gaming again he is saying bingo but what we got just said gaming with an example of bingo. Another concern we had was whether there has been a study done that says there is a need for this. You have the American Legion that is in the area and they have bingo. We had a concern about alcohol and security so those are the things that we could not make a decision on because they were not answered.

Mr. Scarce closed the Public Hearing.

Mr. Garrison stated I have a question for staff actually two questions. On the application it says 1344 and 1346 West Main and 8,000 square feet. I went over there and looked at the building this is not the old Kroger store this is the section next to it; which is two sections as he said with a wall down most of it I counted ceiling tile which is one way to determine space. I figured it was about 60x60 which is about 3600 square feet. So there is a big deficiency in the square footage on the application itself plus its showing two addresses rather than one. Is there anything that you can tell me about this that straightens this out?

Mr. Gillie stated the address is for the shopping center itself it could be any portion of the center. It's not listed as unit a or b it could be any part of that. So he could go back in and say reconfigure it to just have an 8,000 square feet portion of that and use it. Staff didn't make conditional recommendations we have concerns with this that's why we recommended the denial. If Planning Commission wishes to forward it on you could put a condition on it to limit it to a certain area.

Mr. Pryor stated I was curious as to whether he was going to take part of the grocery store.

Mr. Scarce stated it looks like by the aerial that it's probably that space to the right of the grocery store.

Mr. Garrison stated that space is 60x60.

Mr. Scarce stated it's two sections was that both of them?

Mr. Garrison stated yeah they are 30x60. The second question I have is has this been bounced off the Chief of Police's desk? Is he aware of this?

Mr. Gillie stated we didn't bounce it off his desk, no.

Mr. Bolton stated is that something we would do before voting?

Mr. Gillie stated the way the Regulations reads is that something that is handled at the State level prior to the issuance of the permits. There is a lot of ifs and ands under that section in the State Code and that's one of the things that would be taking care of at that point. We didn't notify him that they have applied for this just because that would come at a later stage.

Mr. Bolton stated in other words if we approved it then he would then do that.

Mr. Gillie stated if Council were to approve it.

Mr. Wilson stated if I understood your response what we have before us is the grocery store plaza and any part of that could be divided up if we were to limit it.

Mr. Gillie stated correct.

Mr. Wilson stated so really what is an issue is the whole vacant shopping area at this point.

Mr. Gillie stated correct.

Mr. Wilson stated so it's another kind of vague thing we don't really know.

Mr. Gillie stated correct.

Mr. Bolton stated the fire codes would limit the number of people though wouldn't it?

Mr. Gillie stated the building code and fire code could limit the number of people. But it would limit based on the structure. You could modify the structure and increase your occupant load, you couldn't potentially get larger. I don't know. It depends on how that building is laid out. How many bathrooms are there? There are a lot of eliminating factors that come into play.

Mr. Wilson stated if we deny this, because that's your recommendation, what would be the process for him to come back with more clarified information on some of the things that we are not certain about, to reapply?

Mr. Gillie stated if you deny it, it goes onto City Council. It's up to City Council as to the decision that they make. If City Council would, under the assumption deny it, then they would have to come back through with a substantially different application. They could change the way it's laid out and give a lot more detail, label the space. There are some things that they could do and bring it back in front of this board. If not and they just want to ask for the same thing then they have to wait a year before they can apply again. Well not truly a year so about 9 months give or take.

Mr. Dodson stated could we table it?

Mr. Gillie stated if you table it that would give them time to address these concerns and try to come back next month.

Mr. Jones stated could you use that time to research it more for the State of Virginia to find out to if any of these type of facilities is going on in any other place like Virginia Beach, Norfolk, Arlington or any other place and get more input possibly from the Attorney General or anything like that as to how this applies to us with the Code of Virginia?

Mr. Gillie stated we could gather a little bit more information on how other places are dealing with this and get more information from the Attorney General and others the Code of Virginia is pretty self-explanatory that 18.2 spells out who qualifies and if these things should occur what should be done. I'm not as concerned with that. We just have a lot of open ended questions on this facility. If anything I think the applicant should come back with much more detail and exactly how they are going to do this and how they are going to comply with section 18.2. But staff can go and ask other places how they have handled this type of thing. I don't disagree with that part of it.

Mr. Wilson stated so in your opinion its incumbent upon the applicant to provide enough details not just ask you to go get it.

Mr. Gillie stated we have a lot of unanswered questions and we are concerned as the School Board said the School is in close proximity we don't have anything that limits it. They could be doing 24 hours a day, 7 days a week next to a school if this is granted. I don't have any of that. I have some concerns that this is not the correct location for that type of use.

Mr. Scarce stated I think what makes it so difficult is if this was the Boy Scouts or the Girl Scouts or the non-profit coming before us we would know who they are and what they are doing. We have an applicant coming before us that is just an entity that would lease it to other people saying that all of those would have to have their own individual collective non-profit organization setup. That's the loop hole that I think he is talking about. We don't have any control over who would be using it and no guarantee that it would be the Boys Scouts or whoever.

Mr. Gillie stated there are other locations in the City that would be a better fit for this type of facility.

Mr. Bolton stated so it wouldn't be illegal necessarily if we put certain conditions or would you still think it's illegal with the conditions of just bingo and no operating during Schoolfield School hours? Does that change things or does it still in the grey area?

Mr. Gillie stated staff has more concerns with it than just the legality of it. We have concerns with the location, hours of operation; we have concerns with the proximity to schools. One of the concerns that we had was whether this was even legal in Virginia. Taking this fact out staff still has concerns that this location is not appropriate for this type. There are facilities like Piney Forest or Riverside that are not that close to schools that are in the heart of major commercial areas. If this type of thing was going on there that would be a better fit for it then this shopping center near one of our elementary schools. Also, churches across the street. There are a number of reasons we are not in favor of this site. Legality is just one of those questions there are a lot of things we don't have the answers to and even if we did I'm still not sure that this would be the right spot anyway.

Mr. Bolton stated does he own that property?

Mr. Scarce stated no.

Mr. Bolton stated he doesn't own it so he could go somewhere else.

Mr. Gillie stated correct he would be the lease holder of the building.

Mr. Jones stated you did say in your staff analysis that this may fall under the definition of illegal gambling.

Mr. Gillie stated correct.

Mr. Jones stated is there any way that we can find out for sure if this is illegal gambling?

Mr. Gillie stated until it is in operation and found not to be than it's legal. Once it is found to be illegal then it's not. We just have concerns with the way our take of 18.2 is and based on the information that we have received that it wouldn't comply with this. As he said it is actually up to the State to determine the legality of it. That is why we expressed that we think that it may. We are not saying that it does or it does not but our take is that it may.

Mr. Jones stated I would hate for him to buy this property and then find out later.

Mr. Scarce stated he is not buying it he is just leasing it.

Mr. Wilson stated remind me again so I can hear again. If we say no than what are his options are far as coming back on this particular piece of property?

Mr. Gillie stated it will be scheduled for the next City Council meeting. It is up to City Council to make a decision. There a couple of different options that they have. Assuming that they say no, he could find another location, he could work with staff on that location, but limiting it to certain things, providing more information such as, hours, square footages and some other things that would make this a substantially different application. Even flesh out who exactly would be using the facility because under 18.2 there is a list of organizations that comply. There are boxes that could be checked off that I just don't have at the moment. So he would have options on this facility or we would work with him on what is in compliance and finding what we feel would be a better location.

Mr. Bolton stated so if we denied it and it went to City Council they could send it back to us and it would be like tabling it here today. I mean they could send it back and it doesn't put him any further behind his time frame.

Mr. Gillie stated if it goes to City Council and back to you guys then it is an extra 60 days. But that would possibly give the opportunity to figure some things out or again find other spots that would be more appropriate.

Mrs. Evans stated so if we table it we can table it for two months?

Mr. Gillie stated it's just the one month. Action has to be taken by Planning Commission within a certain period whether it is up or down. City Council when they have a little bit more leeway as to how they operate so they can remand something back for more information. But you can't sit on something in perpetuity. It prevents you from getting something and just never acting on it. You do have a limited time so if you table it, it would have to come back

to you next month and you would have to send it up or down next month so that Council could make that decision.

Mr. Wilson stated one of my reluctance about tabling is that I'm not sure if they bring it back that it is going to change the Planning Departments view of some of the concerns. I don't hear anything there that is going to resolve that if they already have questions about the property. So the other process of letting it go thru and possibly coming back to us would give them time.

Mr. Bolton stated he could go with more information to City Council even though we deny it?

Mr. Jones stated when was the last time we denied something and City Council sent it back to us?

Mr. Gillie stated a year or so ago they sent one back to you.

Mr. Jones stated I don't remember one since I have been on.

Mr. Gillie stated yeah there was one that was sent back I'm sorry I can't remember which one it was.

Mr. Jones stated I'm starting to lean toward tabling only because the fact that it gives him a chance and gives you a chance and it narrows down the timeframe.

Mr. Pryor stated the laws are spelled out if you read them and I am not being critical of staff but the laws are there. I think it is easily understood that non-profits are the one that are going to operate the bingo. A commercial bingo hall is a part of this law that you can have a facility that non-profits can come in a rent space and you can operate more than one day a week. Most bingo is played at night and I guess on weekends Friday night, Saturday night and I guess there is Sunday bingo. Most of it is at night. No one is allowed in under 18 and the non-profit that is operating the bingo would be responsible for checking that. If someone comes in from the State to check them then they would lose their license to operate bingo.

Mr. Scarce stated is the only thing you are planning to do is run bingo?

Mr. Pryor stated it is up to the charity themselves. They do have what they call electronic pull tabs it is a machine that is more than bingo. Some people would say that it is gambling but that is part of the State law and they can do that or not do that. That's up to the charity whatever that decide to do. The law is all spelled out it is several pages of it. You might have to read it twice.

Mr. Wilson made a motion to deny PLSUP20160000165 as submitted. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.

Mr. Scarce turned then meeting over to the Vice Chairman for these two agenda items due to a conflict of interest.

- 3. Rezoning application PLRZ20160000174, filed by Paresh Suthar requesting to rezone from OT-R, Old Town Residential to HR-C, Highway Retail Commercial, Parcel ID #75861, otherwise known as Grid 1620, Block 005, Parcel 000012 of the City of*

Danville, Virginia Zoning District Map. The applicant is proposing to develop the site into a motel, restaurant, and conference center.

4. *Rezoning application PLRZ20160000176, filed by Paresh Suthar requesting to rezone from OT-R, Old Town Residential to HR-C, Highway Retail Commercial, Parcel ID #75860, otherwise known as Grid 1620, Block 005, Parcel 000011 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to consolidate this parcel with Parcel ID #75861 for commercial redevelopment into a motel, restaurant, and conference center.*

Ms. Levi read the staff report. 20 notices were sent to surrounding property owners within 300 feet of the subject property. Five responses were not opposed. Five responses were opposed.

Mr. Wilson opened the Public Hearing.

Present on behalf of this request was Mark Talbot with Dewberry. Mr. Talbot stated we are representing Mr. Suthar and we provided the site plan that was sent over earlier this morning. As was mentioned by staff Mr. Suthar plans to develop these two parcels as a hotel, conference center and possibly a restaurant. I am here to answer any questions that you may have.

Mr. Wilson stated we might get back to you.

Mrs. Shelia Baynes stated I just learned of this earlier today when I was looking at the proposals that you had coming before you. I do live close to that area. So I think it is an interesting proposition. I was disappointed that there was not enough information provided to be able to make an informed decision. So I like the idea of tabling it until you all have time to go over all of the information and so that those that live around it know what is taking place. But in that area we would like to see more development come that way. So I would hope that you would make the decision to let the City go over the material and let the neighbors know what the development is.

Mrs. Claire Chermello stated I live in Fulton Heights. We have some real concerns about this one. We didn't receive too much information on this. With what information that we did receive Fulton Heights is a very short street. We do not have curbs or sidewalks like the other streets in the City. It is a dead end street. One of the concerns that we have is the traffic that this might bring in right now getting out of our road at certain times of the day is impossible. When Goodyear is coming and going on certain shifts we just sit there and wait to get out of the street. It's a dead end street so we can't go out any other way but to come out right onto 86. Putting more traffic on that corner is going to make that worse. It is going to be almost impossible for us to get out. Also, having a motel, convention center and restaurant that is a lot of people in a small area. Where are they going to park? If they start parking on Fulton Heights that is a very narrow road, like I said there are no curbs we are going to be blocked into our own driveway. We are already blocked into our road at certain times of the day to give us that addition traffic we just don't need it. My question would be the motel is a deep concern of ours. Would this be a little six room or is this going to be a big hotel? Danville has an awful lot of hotels I don't know why we need another one in such a small area. There are two small bars that they have a lot of problem with. The police are constantly there. They are actually in NC but it is within walking distance and they have some characters in those. Are they going to be bringing traffic to those motels? Is it going to be that kind of place? I guess the dead end street and the traffic accumulation on there. It is

a very quiet and only a few homes on that street. The people that have lived there have lived there for a long time; we have lived there for 20 years. We are just afraid of what is going to happen without further information. We just don't need that kind of business at the end of our street when there is no other way to get out. We are going to be blocked in.

Ms. Joyce Estabrook stated I also live on Fulton Heights. We have lived there for 26 years. Mrs. Chermillo echoes our concerns as well; we are within the three hundred feet from the proposed property. Our concern is what separates us from the property from the noise, the commotion and what is taking place there. As she said we live on a dead end street and coming out onto South Main right there were Goodyear exits where the bypass takes place is already a lot of traffic in that area. There is no information at this point to know what would be the plan for that. We are concerned with how this will affect our neighborhood.

Mr. Mike Chermillo stated I just want to reintegrate some of the information that the two women just gave you. One of the biggest problems is that we have the ramp coming off of the Danville Expressway, then we have traffic coming from Goodyear and then we have people coming from NC doing 60 to 70mph and with the addition of a motel it really wouldn't be convenient. We already have 10 motels in this area. I understand there is another one being built across the way from Sam's Club. Why do we need something like another motel? It is mainly a safety problem here I don't know if any of you know where Fulton Heights is but it just becomes so congested in that particular area. Like my wife said sometimes we have to wait 10 to 15 minutes to get out onto that highway. I'm sure if any of you have traveled on 86 going to NC then you probably have seen the same situation there. I wish you would all consider that and I wish you all would go out there and take a ride and time it and see yourself what the situations is. It's not that we oppose development in this area. We love to see development. The town needs it just not this type. We are not against motels or anything just in that particular area it is not good. It is a bad situation if you could come up with something more constructive that would be nice. Another motel would just be a big traffic problem.

Mr. Wilson stated I would like to ask those who spoke. Have you all received or had any engagement with the plan that we have in front of us?

Mr. Chermillo stated no just the letter.

Mr. Jones stated can you put this on the screen? Do you have the ability to do that?

Mr. Gillie stated no I'm sorry I just don't.

Mr. Jones stated I understand.

Ms. Levi stated there is a spare on the table that can be passed around that is the best we can do.

Mr. Jones stated I have a couple of questions for the representative from Dewberry. Is this going to be a national chain? Are you allowed to mention?

Mr. Talbot stated not with specifics but probably so.

Mr. Jones stated is there any way that your entrance could be off of South Main instead of Fulton Heights?

Mr. Talbot stated we would certainly be open to that if the City and VDOT would be amenable to that. I think our client would be happy to entertain that idea.

Mr. Bolton stated is there any particular reason why it is entering on Fulton Heights?

Mr. Talbot stated the only reason is that if you look at the grade there is quite a bit of grade to make up to get from the parcel itself to South main. Not impossible but not ideal. To address some further comment in regards to parking; all parking would be onsite. There would not be any parking along the roadways adjacent to these parcels. Part of City Code is that it be a certain amount of parking spaces for this type of development in this case a hotel. So that would be a part of the plan review and the approval process that, that particular item would take place. The same with storm water, the same with traffic, all of those things would be reviewed at that time and we would work with various city departments on those items to get those approvals.

Mrs. Evans stated how many stories do you anticipate this hotel to be and how many rooms?

Mr. Talbot stated stories we anticipate three and the different layouts that we have seen have been anywhere from 50 to 75 rooms, probably somewhere in between those two figures.

Mr. Bolton stated if you brought this entrance from South Main would you have to turn everything or would it still be laid out facing the same way?

Mr. Talbot stated do you mean with the respect to the building itself?

Mr. Bolton stated yeah if you change the site plan to enter from South Main instead of Fulton Heights. Would that effect how that is sitting here?

Mr. Talbot stated it is possible there certainly is room to turn this 90 degrees. Without laying it out and actually seeing how it would flow I can't speak for certain that would be the case. But there is certainly room to do that with the size of this lot.

Mr. Bolton stated it may take it a little further away from the neighborhood.

Mr. Talbot stated it is possible that we could move it a little further.

Mr. Jones stated how high is this retaining wall?

Mr. Talbot the retaining wall would probably be in the neighborhood of in a rough guesstimation between 8 and 10 feet somewhere in that neighborhood. The site falls in that direction. One thing that I am aware of that currently there is an issue with the property to the north. Storm water from these two properties is being conveyed onto that. The parcels are not developed so that is a nature condition. That is one thing that will be taken care of and staff can also let you know that part of our plan review would be to ensure that the storm water is contained on the site, treated on the site and in accordance with state and local regulations. That item would be addressed as part of the development.

Mr. Jones stated are there going to be mosquitoes?

Mr. Talbot stated we wouldn't have any type of storm water development that are out of the ordinary for other areas around the City. We have shown here storm water pond. We have not gone through any formal design at this time. There is possible that the pond would be dry it is possible that the pond would be an underground retention pond. We are unsure at this point but what we do know is that there is some type of storm water management that will be required to develop this parcel.

Mr. Wilson stated really what we have is a basic conceptual idea?

Mr. Talbot stated this is a preliminary lay out for the purposes of conveying an idea with what our client is looking to do. This is obviously not set in stone but as far as the hotel foot print this is very similar to what we would anticipate it would be.

Mr. Wilson stated one of the things that staff has recommended is that we table this basically seems like they are okay with it, it just wasn't enough information and things like that. Is there any reason why we couldn't just do that and give them time?

Mr. Talbot stated obviously, the decision is up to the Board it would just be a delay in the development for our client.

Mr. Bolton stated one of the speakers mentioned a narrow street, no curves and no gutters throughout that road would you see the developer making any improvements to the Fulton Heights road? Or do you see that staying as it is?

Mr. Talbot stated at this point I certainly can't promise that anything would happen but we would construct an entrance in accordance with state and local regulations. We would use standard commerce entrance details for those construction documents that are found on any other set of drawings that are reviewed and approved in the City.

Mr. Bolton stated staff, would you be requiring any kind of road improvements through there? I know with one we approved there were some road improvements that would ultimately have to be done.

Mr. Gillie stated probably, again getting it a 9 o'clock today I didn't have enough time to look it over. We have another business on the other side. Gateway Health was a low volume facility so they were able to do a commercial entrance off of that street even though it was a substandard street. With this coming in depending on whether the entrance is off of South Main or Fulton Heights then widening of the road may be necessary or an additional turn lane or something else might be necessary. These were the things we would have looked at if we would have had the plan before 9 am this morning. I assume that yes there will be some improvements necessary but at this point I just can't say.

Mr. Jones stated what do you anticipate this area up here being used for?

Mr. Talbot stated as far as future development?

Mr. Jones stated would there be something on it or would it just be grass?

Mr. Talbot stated it would as I mentioned there is quite a bit relief on this parcel as far as topography. So that would be an area we would need to use to bring everything to grade. At

this point there isn't any other develop for that part other than what has been put in the application.

Mr. Bolton stated after hearing some of the neighbors speak and some of their concerns could you possibly see some tweaks in this that would address those if you had time. You probably hadn't heard there concerns either now that you have, have you garner anything that you could take back and maybe work with this.

Mr. Talbot stated our intent is to always be a good neighbor. We would certainly work with staff and with recommendation to within reason do what we can do.

Mrs. Susan Stillwell stated I didn't come down here to talk about this but at least three or four times a week I drive from our loft to our farm on Park Spings road. I am very familiar with this area. Sometimes I got to Southwyck to shop for groceries from the Dollar General, the Southwyck shopping center, the residents who live in Southwyck, the Valero station, the Goodyear traffic, Lucky's and Clucks I have sat for 20 minutes when I have come off of the expressway trying to turn south on that road. Who is going to pay for the stop light? That is my question because you are going have to have one. I you don't believe me go out there when Goodyear is leaving hundreds and hundreds of cars are coming out of there.

Mrs. Chermillo stated our house is on the low point on Fulton Heights and a few years ago the City approached us and asked if they could run a sewer pipe through our property to hook up with the sewer line on Updike. We gave them permission to run the sewer pipe. They dug a hole they ran the pipe and it went through with no problems. What they didn't tell us was that they also put in a drainage pipe across the road where the water coming from the 86 direction and also the water coming from the homes on Updike it comes from both directions and meets at that low point in our road. They put a pipe under the road where there is a little ditch on both sides of the road that's what we have for the rain water to go to. When we have a heavy rain that water comes from both ways to go through that pipe the pipe is the width of the road. That water empties out on our property which makes that lot that we own and had plans for right now it has a river running through it every time we have rain. The property is totally useless. I ask the City if they could put a pipe there to run that water across all the way to Updike where there is a drain. They told us it was too expensive and they couldn't do it. So if they put something up at the corner with cement parking lot there is going to be more water running down that road. There are no pipes on either side of the road there is a ditch about this deep where they just dug out so the water runs down there and goes through our lot. Putting something up in that corner is going to produce a lot more water coming down. I have already lost a lot.

Mr. Wilson closed the Public Hearing.

Mr. Bolton stated for staff to address her concerns would the storm water retention pond solve any of that? I'm not sure exactly where the lot is would this help with that or do we not know?

Mr. Gillie stated we wouldn't know. I wouldn't want to make a promise that it would.

Mrs. Evans stated do you know whether it would anticipate a stop light?

Mr. Gillie stated I do not anticipate a stop light at the intersection of Fulton Heights and South Main Street not based on this. Now once we look at the number of units and others

we will see but I don't anticipate one. There may be additional work on South Main Street in the future but not at this intersection, no.

Mr. Bolton made a motion to table PLRZ20160000174 until the next meeting. Mrs. Evans seconded the motion. The motion was approved by a 6-0-1 vote. (Mr. Scearce abstained from the vote)

Mr. Bolton made a motion to table PLRZ20160000176 until the next meeting. Mrs. Evans seconded the motion. The motion was approved by a 6-0-1 vote. (Mr. Scearce abstained from the vote)

5. *Special Use Permit application PLSUP20160000173, filed by Two Crows LLC, requesting a Special Use Permit to operate a restaurant at 1009 Main Street, otherwise known as Grid 1720, Block 012, Parcel 000010 of the City of Danville Virginia Zoning District Map. The applicant is proposing to convert the building into a coffee house and wine bar.*

Ms. Levi read the staff report. 22 notices were sent to surrounding property owners within 300 feet of the subject property. Twelve responses were not opposed.

Mr. Scearce took the meeting back over as Chairman.

Mr. Scearce opened the Public Hearing.

Present on behalf of this request was Rick Barker. Mr. Barker stated I reside at 135 Holbrook Avenue in the Old West End where I have lived since 1987. Before you today you have an application for a Special Use Permit to convert this 1969 former Exxon station into a new food and beverage concept called Crema & Vine. Crema and Vine will be an early day coffee shop and a late day wine bar with the concentration on premium beverages. This concept was developed by my partner Steve Delgiorno and I was invited to this concept. I will tell you how we see the division of our responsibilities. I will concentrate on the physical property. I will be responsible for upgrading the building, designing the interior design as well as the outdoor dining patio space; as well as the parking and the grounds. In a moment you will meet Steve. He has a great career in the food industry, from the time he worked at his dad's Golden Corral in Danville all the way through Asia living there for a decade and working in the food business. I offer my long time residence of the Old West End as compared to Steve who is the Old West End's newest resident having just purchased a house on Main Street. So I live about 50 yards from the property in question. Steve will now live about 2 blocks from the corner of Main and Holbrook. At the urging of Corrie Teague about two months ago she asked us in advance to this project to meet with our neighbors. At Mr. Liepe's house on Main Street we announced our meeting and collected about 20 or 25 of our neighbors where we presented this concept to see if it was acceptable to the neighbors to see if there would be support or opposition. With the idea of that if the neighbors didn't think this was a good idea Steve and I hadn't gone far enough to where we could easily withdraw. That meeting had an impact on me. I thought that Steve had come up with a good idea with this coffee shop/wine bar concept. When I left the neighborhood meeting I was convinced that he had a great idea. The support that has be offered to each of us as well as monitoring some of the comments online is overwhelming. We think that this is a great concept for the neighborhood as well as the Main Street corridor connecting the River District with the Hospital and Averett University. So I think we have over a dozen of neighbors that are here today in support of this concept. We know that this has been a difficult site and that you have turned down two former requests for a Special Use Permit for

this location. We understand that this long time commerce site in this center of a Historic neighborhood and beside a major landmark in the Danville Museum of Fine Arts and History is actually problematic to what some of the neighbors might want. It is Steve and I's intent to take this concept and integrate it into the neighborhood as beautifully as Midtown Supermarket. As neighbors we have the same concern as our fellow neighbors with the concerns that we saw raised at the last two applications. Among those being traffic, noise, loitering, littering, unreasonable hours of operation and we have taken all of that into consideration. Just as all of the neighbors consider Midtown to be an asset in the community they do not want to live without. It would be our goal to operate in such a way that in a year or two that Crema and Vine would be a food concept that the neighbors would not want to do without. That promote the walkability of the neighborhood where neighbors as far away as the West Main area could walk to or bike to. So that's our plan I hope you have enjoyed seeing the rendering and the parking lot layout which would hopefully answer some of your questions with that being said I would like for you to hear from my partner Steve.

Mr. Delgiorno stated I am here and I can help answer any questions you might have about what's inside the building, the concept and possibly the execution. Not everything is 100 percent decided right now to this point but the general business plan and operating plan is about 80 percent set in stone. One thing I wanted to add is there is a tremendous amount of research that you can find and I have it as well that shows that coffee shops that go into Historic neighborhoods actually increase the real estate value of those neighborhoods. Regulated to the walkability factor plays in to how these neighborhoods increase in their value. People want to be able to just walk out the door and not only now can we go to a Midtown but down to a Coffee shop and Wine Bar which will make it even more attractive place to live in the OWE. I think that is why all of these excited people behind me are here today to speak possibly about this.

Mr. Scarce stated I applaud you for stepping up and taking the chance. I'm sure it will be successful with you all's track record. I think this is probably one of the few things that would be acceptable from what we have seen so far.

Mr. Dodson stated are you okay with the condition of hours of operation?

Mr. Delgiorno stated no I don't foresee us wanting to stay open until midnight on the weekend. We will be within those hours without a problem.

Mr. Barker stated another high quality presentation Rick. It's nice to see the pictures and the elevation and the layout on the plot. It makes our job so much easier.

Mr. Jones stated could we have the residents that are here backing you to stand up?

Ms. Melanie Vaughn at 235 West Main Street stated I think we are so fortunate to have men like Rick as a longtime supporter of Danville and everything he does and Steve now a new Danville resident is also supporting our City this is just awesome. We just need more of this. I think I can speak for all of us that we are just thrilled about this. I think this will be a boom to the museum and addition to the other locations that they mentioned. It's terrific that they are willing to do this.

Mr. Steve Wilson stated I would like to say a few words particularly because I have been here twice before about the uses of that property that were turned down. I don't remember

the date of that specific Planning meeting but I remember presenting to City Council December 15th of last year 2015. Luckily you guys turned it down. We had Fran Bockman collect hundreds of signatures on a petition against the request. But we were thinking we need to come up with a plan of something before and so I passed out a one pager to City Council taken from the Charles Bookie report. I want to thank Paul Liepe for organizing meetings at this house. The two of us started something that is called Next Door which is an neighborhood organization that has about more than 500 members in 10 different neighborhoods in the City. The biggest one is Grove Park actually. We use this is try and get positive feedback and so a number of people said why are you having this meeting at 3? Do you have to be retired to come to this meeting? I promised I would pass on their comments. I have actually about 10 people that couldn't make it because they had to work. But everyone thinks that it is a wonderful idea the concept of this restaurant. It's more than just an important corner of the Historic District. I want to remind you of that map if you haven't seen it. It is the River District to Averett this is actually the core Main Street corridor of Danville. It is not just the fancy old houses and in fact the Museum and that building the Exxon station is really the epicenter of this part of Danville which is super important we are talking from downtown to Averett. Charles Bookie has pointed out we need to develop commercial businesses other than the Hospital in this area. We had one meeting at Paul Liepe's house and one at 616 that Steve organized this is a wonderful idea I haven't had any negative comments from anyone. We are looking forward to when this will open and hope we will meet you all at the restaurant.

Mrs. Beverly Richardson stated I would just like to say that in reference to what Steve was saying we didn't feel that we were against the former people we were just against the concept of a convenience store and all the issues that would come with that. I am very pleased that Rick and Steve are stake holders and that's what we really want. I came up here to say when you all are at your Planning meetings and you all are thinking about the progress in Danville these are the types of things that make progress in our neighborhood. I think we all want what is best for Danville. I think you can't say it enough we want people in Danville that believe in the OWE, Danville and the Downtown. You will have your critics the two gentlemen that are taking the risk I am greatly appreciate of it and I believe it will greatly help the OWE, the Westmoreland neighborhood organization and will carry us in the right direction. In the area of Five Forks there are situations over on Jefferson, Pine, Green and Chesnut Place don't forget about the development over there that's important we want this area developed. We don't want to leave anybody behind in the OWE. So if other businesses come to Danville and say where can we start a business send them over to the OWE.

Mr. Scarce closed the Public Hearing.

Mr. Wilson made a motion to PLRZ20160000173 with the conditions per staff. Mr. Bolton seconded the motion. The motion was approved by a 7-0 vote.

II. MINUTES

The June 13, 2016 minutes were approved by a unanimous vote.

III. OTHER BUSINESS

Mr. Gillie stated the items that you had in front of you last month the rezoning; the veterinary clinic and the code amendment were all approved by City Council. Anna will be going to the

Virginia Planning Association Conference next week hopefully she will be bringing back some good information. We have a large agenda for next month's meeting already not counting the items that got tabled today. So if you are not going to be here next month let us know. I think we probably have 7 or 8 cases already.

Mr. Jones stated what day next month is that?

Mr. Gillie stated August the 8th.

Mr. Scarce stated so I'm hoping everybody will be here so we can take care of that.

Mr. Gillie stated the department now has iPad's that we will be sharing with all of the Boards and Commissions. These were kind of a test. But we have our own set that we will be providing so that at the meeting you will have an electronic version of the agenda and well as on the screen. We will still give you a hard copy. If you don't want the hard copy anymore and are just okay with received the electronic version; since we will have them on a screen in front if you. Just let us know and that will save us in printing cost. Those that like the hard copy we will still make them and send them to you.

With no further business, the meeting adjourned at 4:40 p.m.

APPROVED