

# PLANNING COMMISSION MINUTES

December 9, 2019

## MEMBERS PRESENT

Mr. Wilson  
Mr. Dodson  
Mr. Garrison  
Mr. Jones  
Mr. Bolton  
Mr. Searce  
Mr. Petrick

## MEMBERS ABSENT

## STAFF

Lisa Jones  
Ken Gillie  
Alan Spencer

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

### I. ITEM FOR PUBLIC HEARING

1. *Special Use Permit application PLSUP20190000297, filed by Satjeet Kaur on behalf of River Penny Saver LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3:K, Section C, Item 5 of the Zoning Ordinance of the Code of the City of Danville, Virginia 1986, as amended at 642 Worsham St., otherwise known as Grid 2710, Block 016, Parcel 000010 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Searce opened the Public Hearing.

Mr. Bob Vaughan spoke on behalf of River Penny Saver. Mr. Vaughan stated we were here last month and we asked to be postponed until today to give us an opportunity to have a consolidation plat completed. That plat is now complete and it was submitted to Mr. Gillie about a week ago and this one is dated 11-19-19. It is a consolidation of the entire property. The problem with this consolidation of the entire property is that we do have some inconsistent zoning. I have had a meeting with Mr. Gillie about this last week and he has made a suggestion for how Mr. Armstrong, the surveyor, could address this in a fairly simple way that would allow the business zoning part to be on one side and that would accommodate our parking and possibly have some room for additional parking. The residential part would be on the other side and it would just be a matter of drawing a line in the middle of the map. I have submitted this to Mr. Armstrong this morning and he was going to try to get this done during the day. It is just the matter of revising the plat and once that is done we can get the signatures on it and circulate and get it recorded in due course. What I ask now that we have it at this stage to go ahead and consider this application and hopefully you will approve it. I know that City Council sent a bunch of them back but we would simply like to have the record complete that the consolidation has been done and the new certificate of occupancy it has been obtained and we have met all the preliminary requirements and that the suggestions that have been made about the City are acceptable to us.

Mr. Searce stated a question on the map are these two lots?

Mr. Gillie stated the initial proposal was to consolidate everything into one. Because we have split zoning, you can't consolidate in split zoning. I drew the line on where they would make it into two lots that would fully comply. That is why staff said that it is minor and they should be able to fix that in a day or two. Staff believes that the consolidation has been addressed sufficiently and will be fully addressed by the time it makes it to City Council.

Mr. Scarce stated so it will be two separate lots?

Mr. Gillie stated two separate lots and one would have the commercial portion and the other one would have the residential. We are fine with the way that the map will be.

Beverly Richardson stated I am a member of the Friends of the Old West End. I'm also a member of the Danville Community with the best interest of Danville in mind. At the last Planning Commission meeting we had all these gaming applications in neighborhoods where they are already poor. We all know that Danville is trying to make a comeback. The problem I have with this and has made me come down here, all of these gaming facilities in convenience stores that are in neighborhoods that are economically at a disadvantage. There is no advantage at all to issue a special use permit in neighborhoods that are blighted, poor, struggling and poverty stricken. What I don't understand is that we talk about making Danville and reimagine Danville, is that the kind of Danville that we want to reimagine. I felt like the leadership in the Community, black and white, red and yellow will take us in the wrong direction. I sense that somebody thinks that a poor person wants to take their last few dollars, I'm already upset about the economic outlook and the lack of opportunities and jobs, taking their last few dollars and going to a gaming facility with some kind of false notion that you are going to hit it big or hit a jack pot. It is going to bring more crime and the police are going to have to take on more resources. I feel like all of us here want the best for Danville. What I can't understand is why we can't see that some of these things are just not good for our neighborhoods. Why do we want to take Danville backwards when we know that we want to Danville to be the best in the country? That is why I came here, because I think that Danville can do these things, but if I can see that gaming and convenience stores and blight those three things are strikes, what is a gaming facility with a video machine for winning money going to do for a poor person? It is going to take every nickel and dime that you have and bleed it out till you can't pay your light bill.

Amy Whitehouse stated I have a composed a little letter here that I would like to give to you folks. (Please see attached letter).

Mr. Jones stated Mrs. Whitehouse did you take this letter to City Council last week?

Ms. Whitehouse stated I just found out about it listening to the news.

Mr. Scarce stated if both of you would take your information to City Council next time it might help.

Mr. Vaughan stated I just want to remind you of something. We have a convenience store here it was a convenience store before we made this application and it will be a convenience store after it is determined. It is not a gaming parlor and it's not a casino. It is only being considered for three machines. I submit that this application should be approved, not turned down for the reasons that were brought to you.

Mr. Garrison stated the zoning code allows for these businesses to request a special use permit. We have to hear those cases when it comes to us. As it stands right now there is no definition in the code for indoor recreation. Which I am assuming is the reason that these cases last Tuesday were remanded to us to define indoor recreation and we will have a work session where we will try to do that. As for right now, the request these people are making is legal and it fits the code as it stands right now. We have a ninety day period in which to act on it from the time that it first comes to us and we have to take action.

Mr. Scarce closed the Public Hearing.

**Mr. Bolton made a motion to recommend approval for special use permit PLSUP20190000297 subject to conditions by staff. Mr. Garrison seconded the motion. The motion was approved by a 6-1 vote.**

2. *Special Use Permit application PLSUP20190000311, filed by Danny Graves on behalf of Larry Soyars, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 688 Mt Cross Rd Suite B, otherwise known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Scarce opened the Public Hearing.

Mr. Scarce closed the Public Hearing.

**Mr. Bolton made a motion to deny special use permit PLSUP20190000311. Mr. Dodson seconded the motion. The motion was denied by a 6-1 vote.**

3. *Special Use Permit application PLSUP20190000312, filed by Chase Reeves on behalf of Jerry Davis, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2846 Riverside Dr, otherwise known as Grid 1710, Block 006, Parcel 000001 of the City of Danville, Mr. Garrison made a motion to table this till we have the information needed for this special use permit PLSUP20190000295. Mr. Bolton seconded the motion. The motion was approved by a 6-0 vote. Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Scarce opened the Public Hearing.

Mr. Scarce closed the Public Hearing.

**Mr. Dodson made a motion to deny special use permit PLSUP20190000312. Mr. Jones seconded the motion. The motion was denied by a 6-1 vote.**

4. *Special Use Permit application PLSUP20190000330, filed by Uwash Patel on behalf of Larry Soyars, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 688 Mt Cross Rd,*

otherwise known as Grid 0708, Block 001, Parcel 000012 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Mr. Searce opened the Public Hearing.

Uwashi Patel spoke on behalf on Larry Soyars. Ms. Patel stated we have done everything, but the only issue that we have right now is with the property. Mr. Larry Soyars is having his property surveyed and they have not finished it yet. I would like to postpone if it is possible.

Mr. Searce closed the Public Hearing.

**Mr. Jones made a motion to table this until we have the information needed for this special use permit PLSUP20190000330. Mr. Garrison seconded the motion. The motion was approved by a 7-0 vote.**

5. Special Use Permit application PLSUP20190000302, filed by Mubashar Choudhrey on behalf of Carlton H Cox, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 545 Memorial Dr, otherwise known as Grid 1712, Block 007 Parcel 000004 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Mr. Searce opened the Public Hearing.

Mr. Mubashar Choudhrey spoke on his behalf in support of the application.

Mr. Gillie stated our staff member Mr. Stan Rush went out to confirm it they provided parking but the problem is the parking does not comply with the code. The spaces are not wide enough and they don't allow for access. If someone is parked in it you actually can't drive around it or the other spaces. While they may be painted on the ground they are not conforming. We are sticking by our recommendation and there is not enough parking that comply.

Mr. Searce closed the Public Hearing.

**Mr. Bolton made a motion to deny special use permit PLSUP20190000302. Mr. Dodson seconded the motion. The motion was denied by a 6-1 vote.**

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

Mr. Searce opened the Public Hearing.

Ms. Michelle Adkins stated the request was not updated. We no longer want 24 hours because we understand that you want us to be closed at 11:00 pm and we are okay with the

guidelines. One thing that I would like to ask is the definition of multiplayer, because we are a little confused by that?

Mr. Gillie stated one person per machine.

Ms. Adkins stated so a pool table, only one person can play it?

Mr. Gillie stated if you are putting it in for money yes. If someone can go in there and win money playing pool, then it should be a one person game.

Ms. Adkins stated one person no matter what?

Mr. Gillie stated if they are going in there to win money. That is our recommendation.

Ms. Adkins stated just in the future can you make sure the definition is in there.

Mr. Gillie stated okay.

Ms. Adkins stated we are okay with everything that is there.

Mr. Petrick stated are we applying the same restrictions on a pool table as we would a gaming machine?

Mr. Gillie stated if they can win money at it, yes.

Mr. Petrick stated but I don't think that is the content.

Ms. Adkins stated no. It would be for recreation.

Mr. Gillie stated from a staff's stand point that would be very difficult to determine if they are winning money playing pool or not. Staff stands by its recommendation that if it's there consider that it should be for one player.

Mr. Jones stated they throw bean bags at Kick Back Jack's is only one person allowed to thrown bean bags?

Mr. Gillie stated they are not making money at Kick Back Jack's on throwing bean bags. bean bags are not electronic games. This could be a rabbit hole that is one of the issues with this whole system is these were games before and now they are saying skill based games. What defines that? There is nothing in the state code.

Mr. Jones we approved four or five months ago that you can throw axes can only one person do that at a time?

Mr. Gillie stated no money is changing hands except when they are buying beer or food at that place. They don't bet on hatchet throwing.

Ms. Adkins stated but they do pay to throw the axes correct?

Mr. Gillie stated correct but they don't walk out of there with more than they come in with.

Mr. Garrison stated I'm never going to be convinced that there are not two people betting on throwing axes. Nor will you convince me that at a current restaurant that has pool tables approved by Planning Commission and City Council that they are not betting on those pool tables.

Mr. Gillie stated we have what we have in front of us.

Mr. Garrison stated you can't stop gambling.

Mr. Searce closed the Public Hearing.

**Mr. Wilson made a motion to table this until we have the information needed for this special use permit PLSUP20190000386. Mr. Jones seconded the motion. The motion was approved by a 4-3 vote.**

7. *Special Use Permit application PLSUP20190000397, filed by Kirpal Singh on behalf of Route 58 Raceway Inc, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.M, Section C, Item 4 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 2203 South Boston Road, otherwise known as Grid 4719, Block 004, Parcel 000003 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Searce opened the Public Hearing.

Mr. Kirpal Singh spoke on behalf of Route 58 Raceway. Mr. Singh stated first issue if we have parking then the staff puts conditions on the number of machines. If the store doesn't have parking then we are in trouble. Second is the hours. If the store is open then the hours of operation should be 6 to 11. I have requested ten machines and staff says I can only have two machines. I believe that a minimum of six machines should be approved.

Mr. Searce closed the Public Hearing.

**Mr. Bolton made a motion to approve this special use permit PLSUP20190000397 with subject to conditions by staff. Mr. Garrison seconded the motion. The motion was approved by a 6-1 vote.**

8. *Special Use Permit application PLSUP20190000430, filed by Schoolfield Properties LLC, requesting a Special Use Permit for a waiver to yard requirements per Article 3.Q, Section B, Item 23 & Article 3.0, Section C, Item 25, of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 1076 W. Main St, otherwise known as Grid 1605, Block 004, Parcel 0000035 of the City of Danville, Virginia Zoning District Map. The applicant is requesting a waiver to the minimum setback requirements for an existing historic office building to remain on a proposed new lot.*

Mr. Searce opened the Public Hearing.

Mrs. Dorothy Jones stated I got this letter and they are going to take this building and move it to another block. My home is 300 yards from that building. So where is the building going to be?

Mr. Searce stated they are not going to move the building.

Mr. Gillie stated if you look at the map on the screen. The office building is there. They want to create a property line around the office building so they can make it on its own piece of property. They are not moving the office building or anything else. Just the new property line will be at the corner of the building because that road that went back to it. That road is going to be created and dedicated to a public road but right now it's just a private road that served that property. Because of that they will have a property line right besides the building between the road and the building and they have to get a waiver for that. Nothing is changing physically and everything is going to look the same. It's just lines on paper but because that line is close to the building they had to get approval from the Planning Commission. We have to notify all property owners within 300 feet of the property. It's not taking land from anybody but to comply with the law we had to send the notices out.

Mr. Searce closed the Public Hearing.

**Mr. Dodson made a motion to approve this Special Use Permit PLSUP20190000430 subject to conditions by staff. Mr. Petrick seconded the motion. The motion was approved by a 7-0 vote.**

## **II. MINUTES**

**The November 12, 2019 minutes were approved by unanimous vote.**

## **II. OTHER BUSINESS**

**Mr. Gillie thanked Chairman Searce and Mr. Jones for their long term service with the Planning Commission and remarked you will be sorely missed. You are more than welcome to come back and attend any meetings. Thank you very much for your service and the City appreciates it. There will be two new members appointed for the meeting in January.**

**With no further business, the meeting adjourned at 4:25 p.m.**

**APPROVED** \_\_\_\_\_