

**PLANNING COMMISSION MINUTES
FEBRUARY 8, 2010**

MEMBERS PRESENT

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

MEMBERS ABSENT

Mr. Searce

STAFF

**Clarke Whitfield
Ken Gillie
Renee Blair
Lindy Lowery
Christy Taylor**

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

I. ELECTION OF OFFICERS

Mrs. Pritchett arrived at 3:04 p.m.

The meeting was turned over to the City Attorney, Clarke Whitfield, for nominations for chairman. Mr. Jones made a motion to nominate Mr. William Griffith as chairman of the Planning Commission. Nominations were closed unanimously. The motion to nominate Mr. William Griffith as chairman was approved by a 5-0-1 vote (Mr. Griffith abstained).

City Attorney, Clarke Whitfield called for nominations for vice-chairman. Mr. Jennings made a motion to nominate Mr. Robert Jones as vice-chairman. The nominations were unanimously closed and the motion to elect Mr. Jones as vice-chairman was approved by 6-0 vote.

City Attorney, Clarke Whitfield opened the floor for nominations of secretary. Mrs. Evans made a motion to nominate Mrs. Anne Pritchett as secretary. The nominations were unanimously closed and the motion to elect Mrs. Pritchett as secretary was approved by a 6-0 vote.

Chairman Griffith now presided over the meeting.

II. ITEMS FOR PUBLIC HEARING

1. Special Use Permit Application SUP 10-001, filed by Ken Grammer, requesting a Special Use Permit to allow for commercial indoor recreation in accordance with Article 3.N: Section C, Item 4 of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 2855 Riverside Drive, otherwise known as Grid 1710, Block 002, Parcel 00004 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to operate an indoor kart racing facility and game room

Mrs. Blair read the Staff Report. Fifteen (15) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Five (5) respondents were unopposed to the request; zero (0) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Ken Grammer. Mr. Grammer stated that he was present to answer any questions.

Mr. Jennings asked if the operating hours suited their needs?

Mr. Grammer responded that the hours were fine.

Mr. Griffith asked if the condition of using electric carts was suitable?

Mr. Grammer responded that was part of their business plan. He stated that it helps with their need of certain air handling.

Mr. Jennings asked if the hours twelve (12) p.m. meant noon or midnight?

Mr. Griffith responded midnight.

Mr. Jones asked will the meeting areas be used for parties?

Mr. Grammer responded that some of the small areas within the fifty thousand (50,000) square feet will be used for smaller birthday type activities, but the remaining square footage of the area is approximately seventeen (17,000) square feet; and one of the proposed uses is to have larger meeting areas for banquets and similar uses within the community.

Mr. Jones asked if they had a time frame as to when this might be up and running?

Mr. Grammer responded that they hope to be up and running within three (3) months from the moment of full funding.

Mr. Gillie stated that the hours should state twelve (12) a.m. not twelve (12) p.m.

Mrs. Evans asked if on Fridays would anyone would want to stay past ten (10) p.m.?

Mr. Grammar responded yes and asked Staff if they could change the hours on Friday to close at midnight as well.

Mr. Griffith asked if Staff had any objections?

Mr. Gillie responded that Staff was not opposed to it.

Mr. Griffith asked if there were any other localities that had this type of business?

Mr. Grammer responded yes. Mr. Grammer stated that this is one of the fastest growing motorsports related activities in North America and most of the major metropolitan areas that are close to major road race facilities have this type of facility available to them. There are facilities in Greensboro, Raleigh, and most of the major larger cities. They are quite common.

Close the Public Hearing.

Mrs. Pritchett made a motion to recommend approval of Special Use Permit Application SUP 10-001 with recommendations per staff, including changing the hours of operation to Sunday thru Thursday Eight (8) a.m. to Ten (10) p.m. and Friday and Saturday Eight (8) a.m. to midnight. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.

2. Special Use Permit Application SUP 10-002, filed by Tripps Properties, III, requesting a Special Use Permit to allow for commercial indoor recreation in accordance with Article 3.N: Section C, Item 4 of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at

140 Crown Drive, otherwise known as Grid 1709, Block 002, Parcel 00003 of the City of Danville, Virginia, Zoning District Map. The applicant is proposing to have multiple indoor game machines and pool tables.

3. Special Use Permit Application SUP 10-003, filed by Tripps Properties, III, requesting a Special Use Permit to allow for a waiver of yard requirements in accordance with Article 3.N: Section C, Item 21 of Chapter 41 of the Code of the City of Danville, Virginia, 1986 as amended at 140 Crown Drive, otherwise known as Grid 1709, Block 002, Parcel 00003 of the City of Danville, Virginia, Zoning District Map. The applicant is requesting a 7' 10" front setback along Crown Drive where 40' is required.

Mr. Lowery read the Staff Report. Eight (8) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. Zero (0) respondents were unopposed to the request; Zero (0) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Tom Mincher. Mr. Mincher stated that he would like to expand the Sunday hours of operation to twelve (12) a.m. due to the televised sporting events held on Sundays.

Mr. Griffith asked what are the current operating hours?

Mr. Mincher responded that he was not sure what the hours were for this particular Rock-o-la because they vary.

Mr. Griffith asked are they at least midnight now?

Mr. Mincher responded yes.

Mr. Gillie stated that the current hours on Sunday are ten (10) p.m. but Staff was not opposed to changing the hours.

Mr. Jones asked if the pool tables are money makers, could they take out other machines and put in more pool tables? Is there a reason for the four (4)?

Mr. Gillie responded that it was kept at four (4) to keep the facility from becoming an actual pool hall which is not permitted under our Zoning Code. There is a limit as to what is considered accessory verses what is a primary use facility. The twenty (20) machines also focus more on what is a sports bar restaurant type facility. Mr. Gillie stated that four (4) was what Staff felt they could justify.

Mrs. Pritchett asked if Mr. Mincher wanted to change the number of pool tables or machines?

Mr. Mincher responded that the numbers were adequate.

Mr. Gillie stated they requested two (2) pool tables and less machines so Staff gave them some room to expand.

Mr. Mincher stated they plan to put two (2) pool tables in the facility. The current operation they have in the Raleigh market has two (2) pool tables and in that facility approximately seventy (70) percent of their sales is food.

Mr. Griffith asked if they were comfortable with the limitations and changing the Sunday hours to midnight?

Mr. Mincher responded yes.

Mr. Jennings asked if the land was separated from the rest of the buildings and would they have their own parking without interfering with other businesses in the area?

Mr. Mincher responded that they had more than adequate parking to meet the requirements.

Mr. Jones asked Staff what percent of gross receipts must be related to food compared to alcohol?

Mr. Mincher responded that he did not know the Virginia requirements, but in North Carolina you are required to have at least fifty (50) percent food sale receipts. In the past, this type of restaurant is typically run about twenty (20) to eighty (80) percent in food sales. It is expected to be approximately seventy (70) percent food sales to thirty (30) percent alcohol sales.

Mr. Whitfield stated that Virginia does have a requirement of around fifty (50) or fifty-one (51) percent food sales.

Mr. Jones asked if meeting these requirements would be an issue?

Mr. Whitfield responded that would be an issue between Virginia ABC and their corporation.

Mr. Jones asked when they anticipated making the change and opening?

Mr. Mincher responded everything should be in place by middle of the summer.

Mr. Griffith asked Staff if the addition would cause traffic flow problems?

Mr. Gillie responded that Staff did not anticipate any problems with traffic flow and it should not impact existing drive entrances or site distances from any of the streets. They already have a wall that blocks their dumpsters and construction is going out to where the wall is. There will not be any structure that extends further than what is there now.

Mr. Gillie stated there was a question on parking. Mr. Gillie stated that a proposed addition will come out the front of the building towards Piedmont which will remove approximately ten (10) parking spaces. Currently they are in excess of our requirements, and even with the addition removing the ten (10) spaces they will still be in excess of what our parking requirements are. Therefore, parking will not be an issue according to City Code.

Close the Public Hearing.

Mr. Laramore made a motion to recommend approval of Special Use Permit Application SUP 10-002 with conditions per staff including the change of hours of operation on Sunday from ten (10) p.m. to twelve (12) midnight. Mr. Jennings seconded the motion. The motion was approved by a 6-0 vote.

Mrs. Evans made a motion to recommend approval of Special Use Permit Application SUP 10-003 with conditions per staff. Mr. Jennings seconded the motion. The motion was approved by a 6-0 vote.

III. ITEMS NOT FOR PUBLIC HEARING

4. Review of a Final Major Subdivision Plat for the extension of Covington Court.

Mr. Gillie read the staff report.

Mr. Jennings made a motion to approve the Resolution granting approval of a Final Major Subdivision Plat for the extension of Covington Court. Mrs. Pritchett seconded the motion. The motion was approved by a 6-0 vote.

IV. MINUTES

Mrs. Evans made a motion to approve the minutes from the December 7, 2009 meeting. Mr. Laramore seconded the motion. The minutes were approved by a 6-0 vote.

V. OTHER BUSINESS

Mr. Gillie stated that there were no items that went to City Council last month.

Mr. Gillie stated that they have been pushing everyone to fill out their Census forms. It is critical for everyone to fill those out and send them back in. The more information we get the more it will impact Danville. A lot of funding depends on the Census forms. The comprehensive plan consultant is working on it and planning on scheduling the next meeting late February or early March. Mr. Gillie stated if anyone has any scheduling conflicts, please inform Staff.

Mr. Gillie congratulated the elected officers.

Mrs. Pritchett asked if the meeting minutes could be emailed to each member once they were completed?

Mr. Gillie asked do we have everyone's email address?

Mr. Griffith stated that Mrs. Taylor passed out a form containing the contact information of each member. Mr. Griffith requested that each member review the information, make any necessary changes, and return to Mrs. Taylor. Mr. Griffith stated that he had asked Mrs. Taylor to send each member a list of all the contact information.

Mr. Gillie stated that if we had all of the contact information we could email the information to the members.

Mr. Jones asked if the City would put any information regarding the Census in the newspaper?

Mr. Gillie responded that the City cable channel has and the newspaper ran an editorial about the Census. Mr. Gillie stated we are trying to get notice out to the public. The Census is done the first of April, so it is that time. There was an article this weekend about the Census spending two and a half (2 ½) million dollars on advertising to let people know this is coming up. This is a critical thing for Danville because a lot of the grant funding is based on those numbers. We need people to fill out the forms as accurately as possible because it does have a large impact on City services.

With no further business, the meeting adjourned at 3:33p.m.

APPROVED