

PLANNING COMMISSION MINUTES

October 7, 2019

MEMBERS PRESENT

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

MEMBERS ABSENT

STAFF

Lisa Jones
Ken Gillie
Clarke Whitfield

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

I. ITEM NOT FOR PUBLIC HEARING

Request a waiver to the requirements to provide paved parking in accordance with Article 8 Parking and Loading Requirements, Section 6, paragraph (b).

Mr. Mark Johnson stated I work for LE&D Professionals and I'm here on behalf of the Daniel Group. I want to mention a couple of things. Riverside Equipment already has an existing paved parking lot. This is the auxiliary lot and after reading the staff recommendations this morning, I have talked to the manager at Riverside Equipment who verified that the fence, that the entrance on Riverview stays locked and it is not used for the public. The only time that it is open is to let the dumpster truck in and out. We would like to request that the pavement not be in consideration on this request. There is a strip of about 8 feet of asphalt that runs between this lot and the adjoining building. It provides a little bit of protection because that entrance will be rarely used.

Mr. Searce stated this is heavy equipment right?

Mr. Johnson stated it is both heavy and light but the heavy stuff is going to be down on the lower end. When a user drops off a piece of equipment, their guy does the parking until someone else rents it.

Mr. Bolton stated did I understand that you already have this forty foot condition?

Mr. Johnson stated no, there is only about half of the drive way pavement there now and it's about ten feet wide.

Mr. Bolton stated you are okay with the condition that they put out?

Mr. Johnson stated no, we would like to not have that condition because of the fact that is rarely used. If you go out there now you will probably see some gravel from where the trucks go in and out, but it is fenced in now.

Mr. Gillie stated staff stands by its recommendation because stone has been tracked out to the street and that is the reason that we put that condition out there. I discussed earlier with

Mark and they would like not to do it, and we think that they should, just to prevent that from happening in the future.

Mr. Petrick made a motion for approval for the Waiver subject to conditions by staff as submitted. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

1. *Special Use Permit application PLSUP20190000294, filed by Jagjit Singh on behalf of Suhasons 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 395 Mt. Cross Rd., otherwise known as Grid 1709, Block 004, Parcel 000002 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Scarce stated all sixteen of these, is there anything else that needs to be applied as a blanket at this point? The occupancy permit is one of the things that you are struggling to get to determine parking.

Mr. Gillie stated correct. We think that this has been a modification on the change from Mercantile to a Business use because of the nature of what Mercantile use is defined as in the building code and what a business use is define as. The other facilities that are in front of you today, only one actually has the assembly occupancy permit. Which is higher than what the building is. The others need to upgrade their occupancy and you will see later on that some of them have been inspected for that and there is a list provided to you on modifications necessary for them to comply with that. Staff is not recommending this one go ahead because it has not been re-inspected to see if the changes that are necessary to comply with that new business type were made.

Mr. Scarce opened the Public Hearing.

Mr. Jagjit Singh spoke on behalf of Suhasons Inc. Mr. Singh stated I think that Mr. Gillie saying the parking crises that we are having in Danville is very unfair toward our business. For us, they are saying that we are having an ongoing parking problem with no substitution, but the businesses that are conducting business in downtown Danville, they use public parking and don't have any parking requirements at all. They are also saying since the stores stay crowded it creates hazardous conditions. There are plenty of other businesses that are causing hazardous conditions. For example "Me's" restaurant if you are on Memorial Drive and you want to cross over there and there is a vendor truck sitting there, if you don't pay attention you could hit that. I don't understand why that's not a hazardous condition. The gas station on Franklin Turnpike, the cars are down the street waiting to turn in to get gas. We face a lot of challenges here and we have lost 40% of our sales. As a business owner, I don't like to see my parking lot empty and because of this and the machines being turned off they are. All the business is going to the County because they are operational there. Staff is saying that people are spending more time there and we need more parking spaces. I have been doing business in this City for almost fifteen years and when I bought the store, it had two machines and we don't understand why we are being targeted for this reason. There are establishments in the City that are still operating these machines for example VFW and American Legion. When I ask Mr. Gillie why they didn't get a letter, he said that they are a private organization and they couldn't go in and that doesn't make sense to me.

Mr. Scarce stated do you want to make a comment to clarify some of his question?

Mr. Gillie stated I can't discuss ongoing investigations on complaints. I can discuss the lottery. It is exempt under Virginia Statue not allowed to do anything with that. These are not exempt and they require a special use permit and that is why we are here.

Mr. Scarce closed the Public Hearing.

Mr. Scarce stated no one is being targeted we are all trying to work and figure out a way to help make business work in Danville but there also has to be guidelines for parking and safety and staff looks at many factors.

Mr. Gillie stated we have a certificate of occupancy for Mercantile but we do not have one for the business. Again, we think this is a change because of the nature and the difference under the building code verses what they are doing now. It has a need for a business use permit. The only one that I have that has a valid certificate of occupancy will be the Pilot Station later on.

Mr. Scarce what should be the procedure to start this motion?

Mr. Gillie stated I was hoping that last month after I read the same staff report that everyone would come in on Tuesday requesting update inspections to get folks to go out and look it over. We have had a few but again talking about cases ahead and a few have had us go out and inspect it and you have been provided with a list of things that have been provided during those inspections which are things that they need to fixed to get that update certificate of occupancy. After the last meeting very few people came and asked for it and those that did basically did last week, and haven't had time to fix what is necessary. And in this case if the applicant's want to go forward they should be here tomorrow morning with a meeting with the Inspection Staff and schedule that and see what modifications are necessary to get the building code compliance. That let's then see if it is cost effective for them to do it and if it is structural able to be done. We have concerns that some of the buildings may not be able to be modified based on structural issues and that is really the first step to getting that updated.

Mr. Petrick stated I just have a question about the conditions. Is staff satisfied that these outlined conditions here are going to satisfy all of our concerns as far as health and safety as far as operating these machines?

Mr. Gillie stated because building inspectors are looking at it and the fire inspectors are looking at it we feel that yes it will adequately address and give that change to the business use group. The parking we feel will also address the concerns that are occurring because you have, where a small convenience store have quick turnover, where those parking spaces are no longer having that. If we do that parking space per machine then you are addressing the need for additional parking. From staff's perspective we feel that it can but I'm just concerned since these buildings have not been inspected that they might not be able to meet those conditions and I don't think we should recommend approval on something without having all the information in front of us. I don't have that information and at this point I can't recommend approval of it.

Mr. Bolton stated if we recommend for approval then they might think they can go do business and it might come out later they can't.

Mr. Singh he is worried about us being unfair but we are trying to be as fair as we can up front by providing all the information that we can so they know what they are getting into. Whether it's cost effective to modify a building and to meet the code compared to what revenue is generated from these machines. It is costly to do modifications to a building if it is necessary. That is an added expense that these business owners have to undertake. Whether it is the renter or property owner that has to pay for that. There is a lot of unknowns from staff's perspective and that is why at this point we are recommending that they be tabled to allow them a chance to work all these factors out.

Mr. Searce stated we are asking every applicant to come in and start the process.

Mr. Gillie stated correct.

Mr. Wilson stated would there be advantage for us postponing this for us to have a work session to be able to sort out some of the processes that and be able to come back with clarification of this.

Mr. Gillie stated no on these particular cases. At the end staff is going to make some recommendations on how we proceed in the future but as he has already applied under the current regulations, I can't say that holding a work session would do anything. The step would be for the applicants to quickly as possible get with our building inspections divisions, which again, I recommended this last month but no one did. I can't make them do it but I strongly suggest that they get with the inspectors and the fire inspectors and have those facilities toured to see what conditions the buildings are in now and what upgrades are necessary and make that determination if they want to proceed or not.

Mr. Petrick stated but you feel like it was clear to the applicants about the information that you required to approve this.

Mr. Gillie stated I read the same staff report at the last meeting that they needed to have a certificate of occupancy or an updated certificate it did not occur. That really needs to occur to proceed on or for at least staff to make a recommendation to support. If The Planning Commission feels that it's not necessary then staff would recommend denying them, unless we know that it is safe for someone to go inside and do this kind of thing we need that in our opinion.

Mr. Jones stated has the Planning Commission ever approved an application for a special use permit without an updated occupancy?

Mr. Gillie stated the last one I guess you did, they were going through a change of use and they got this type of certificate of occupancy. You also approved one in the past for Kick Back Jack's, which is an assembly permit which is a higher occupancy permit than the business that we are recommending for these. So, the ones that I have on file already meet the same requirements that I'm asking these folks to meet.

Mr. Garrison stated if we recommend approval and sent this to council with these conditions they would have to meet these conditions as far as the certificate of occupancy before council would even consider them am I correct.

Mr. Gillie stated they should meet those conditions before City Council. The question that I would have is if they don't necessary get all that done and it's going to Council with recommendation of approval. I don't want City Council to think that everything is good. The Planning Commission's purpose is to try to resolve any issues prior to making it to City Council and that is why staff is making this recommendation that we need to work these things out prior to it moving forward from this level. If it is not cost effective if the building owner says I don't want to spend that kind of money to do any modifications or if the building is great at this point I just don't know and I don't think it is right to recommend sending it forward not knowing all the answers. When it goes to City Council it should have all the answers of a yes or no and this is it.

Mr. Searce stated we don't want to send it to City Council until it is ready.

Mr. Wilson stated so what happens if we postpone next what will happen?

Mr. Gillie stated my hope that the applicants will get with our building inspections and fire department and go out and do the updated inspection and get that updated certificate of occupancy and agree or disagree to doing those modifications and they decide whether its cost effective for them to proceed or not. If they feel that they can do all of those and start the modifications then bring that back and I can come to you and say yes the buildings have been toured and this is the list of things that need to be done and yes they are going to proceed with it and it is cost effective for them to go ahead or even pull permits to start those modifications. At this point I don't have that information and that's what I think should be the next step.

Mr. Wilson stated so really it comes from the business owner and people that provide games and everything to make sure the facility is properly designated and safe and everything for public use just like we would for any public related building where people come in for some reason.

Mr. Gillie stated correct and in my opinion yes. The issue with parking some of these buildings are right on the limit or right under what they should have because they are legal nonconforming. They are going to have to figure out a plan to address the parking issues. That is a potentially costly issue as well as modifications for restroom access. The business owner will have to figure out whether it is worth them doing it verses what they make in these machines. I don't know what anybody makes from them. I just know they are there and if they want it these are the things that we feel are necessary to protect the interest of the public going in and out of these facilities and also citizens in general that have to drive by and say we don't have cars parked in streets and we don't have spilled over to adjacent property which has been a concerned from folks that is why we are recommending on some of them no offsite parking can occur.

Mr. Charles Fulcher Inspection Division Supervisor and DJ Bisson Property Maintenance Coordinator. Mr. Fulcher stated there is a code if it is less than the occupancy then the assembly use being as a business occupancy which is less strict than the assembly.

Mr. Jones stated once they ask for this inspection how long does take before it takes place?

Mr. Bisson stated typically it takes place the next day.

Mr. Petrick stated if we established conditions that you are satisfied that they are going to meet requirements for health and safety for the operations of these games. Why is this any different than a conditional improvement of any special use permit? Once we established that it is contingent upon meeting these conditions and the others are up to them it's approved as long as all conditions have been met.

Mr. Gillie stated I'm just concerned that it can't meet those conditions.

Mr. Petrick stated is that our concern, we are going to approve it contingent that they meet these conditions.

Mr. Gillie stated from a City and Business stand point I believe that it is our concern some of these building were designed and occupied a long time ago. So they may need substantial modifications to that building. If it leaves this Commission with a recommendation of approval I don't want someone to think that everything is all good until they have had this opportunity to get these inspectors out there. I feel that these inspections should be done first before it comes here, if it can't meet it then it doesn't go forward. If it can and there is this list and they can comply with that list then the applicant can say I have had this list done and I can comply with that. At this point I can't say to any of these applicants do you agree with that list because they don't have that list because they haven't done the inspection yet.

Mr. Petrick stated but it would be approved contingent upon.

Mr. Gillie stated it would be I'm not disputing that fact but I have concern that the list is going to be substantial and I don't want anyone to have the idea that I'm good because I was here. I think that inspection should happen first. It's up to Planning Commission if you want to go ahead without it.

Mr. Petrick stated I was trying to eliminate a step that it looks like unnecessary.

Mr. Bolton stated in some ways it almost helps the applicants because I would want to know if it was going to cost \$100,000 or \$10,000.

Mr. Gillie stated until these buildings are inspected I can even recommend yes or no and whether they can or can't comply because I don't know the answers to that until those buildings have been inspected. It may be that they have \$10.00 worth of items or \$100,000 worth of items. I just don't have nearly enough information to make that recommendation.

Mr. Petrick stated our concern is not the cost and whether or not that this can be done. We are saying that these are the conditions it's being approved contingent upon meeting these conditions.

Mr. Gillie stated under Planning Commission I agree you don't consider cost as an inspector and zoning official and other things would. I'm trying to both look out for the City Code as well as the small business owner. I'm trying to make sure as he said it's an issue with a small business when they come in and I'm always concerned with how is it going to impact other folks that are already here. That's why sticking with my recommendation.

Mr. Garrison stated half of these cases were annexed thirty years ago and we don't know what they were built under. The County does things different from the City. Are we going to go to all the buildings that were annexed and run these types of things and see if they have

violations like paint peeling off the side because if we do we are going to close a lot of businesses.

Mr. Gillie stated only if they are modifying and asking for a special use permit as in this case. We are not going out and looking for it. This is a change and they are asking for that change and because they are asking for that change then staff feels we need to inspect it and bring it up to the code. This is a modification and we feel that at this time it needs to be updated.

Mr. Garrison stated but it's not a modification.

Mr. Gillie stated but we feel that it is because it's now went from Mercantile, the quick in and out, to business. People are spending large amount of time in these facilities. The use of the building has changed because of the addition of these machines. That's why again commercial indoor recreation and special use permit is necessary and we think the building should be brought up to at least by safety standards based on the business use.

Mr. Jones stated B-Business group changes automatically now that you have addressed what they are going to do.

Mr. Gillie stated some of them don't have certificate of occupancy at all. The certificate of occupancy came in we think around the late 70's with the adoption of the Uniform StateWide Building Code. Some of these buildings that were pre 70's and those that were out in the County until 88 don't necessary have them on file. Also our records that we received from the County in 88 were not always the best. That is why we feel that those inspections should be done. If they were in operation prior to 88 then we would have no reason to go out and inspect or do anything. Now they are asking for change and when you ask to change that's when that inspection should be done to determine compliance with current code as well as modifications necessary to add this additional use.

Mr. Jones stated I'm not stuck on parking anymore even but I would like to know if there are public rest rooms, fire extinguishers. What are lifesaving items?

Mr. Gillie stated exit lights, emergency lights, fire extinguishers placed inside the facility, distances to exits, emergency exits aren't blocked, and panic hardware, smoke detectors ,and door swinging the proper way, those are life safety issues.

Mr. Wilson made a motion to table this until we have the information needed for this special use permit PLSUP20190000294. Mr. Dodson seconded the motion. The motion was approved by a 6-1 vote.

2. *Special Use Permit application PLSUP20190000295, filed by Jagjit Singh on behalf of Kaur & Sons LLC, 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 103 Franklin Tpke, otherwise known as Grid 2806, Block 009, 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. Jagit Singh spoke on the owner's behalf. Mr. Singh stated I am just confused because we don't think it is a different kind of use. We have 300 signatures of people that are not opposed and they would like these games.

Mr. Gus Dyer I'm here on behalf of Board of Zoning Appeals, where I am the Chairman. I appreciate Mr. Petrick's desire not to kick this can down the road. I just want to make this body aware that the 17th of October we are going to adjudicate a case in which hopefully the problem is that the code requires a special use permit for indoor recreational facility. The main question is any one of these buildings that have the machines an indoor recreational facility. My understanding we are going to have some high price Northern Virginia Lawyers there maybe that are going to try to convince us that this is an auxiliary use. This is not the primary use of these buildings and if that is the case then these folks won't need a special use permit. I just want to make you aware of that and we are going to address that issue in 10 days. Hopefully, by your November meeting we will either affirm the fact that if you even have one machine in a million square foot building that you are an indoor recreational facility or even if fact that those machines auxiliary uses like a ATM.

Mr. Whitfield stated Mr. Dyer there might actually be a high price lawyer from Roanoke as well.

Mr. Dyer stated they will try to convince us.

Mr. Searce closed the Public Hearing.

Mr. Bolton made a motion to table this until we have the information needed for this special use permit PLSUP20190000295. Mr. Jones seconded the motion. The motion was approved by a 6-1 vote.

3. *Special Use Permit application PLSUP20190000320, filed by Abdul Wahid Khan on behalf of Catbird Properties LLC, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.J, Section C, Item 2 of the Code of City of Danville, Virginia 1986, as amended at 1225 Franklin Tpke, otherwise known as Grid 1916, Block 003, Parcel 000005 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Wilson opened the Public Hearing.

Fielding Douthat, Attorney, stated I am with Woods-Rogers in Richmond and I represent Items 4, 5 and 12. This is the second time that I have made this trip down from Richmond. I would like to address the Commission on the exact same property and the exact same issue. The last time that I was here we were told that if you had a certificate of occupancy and if you calculate the formula based on the number of parking and parking was the only issue that we talked about not these other issues and a determination would be made. Now, I have some issues with the parking and I will talk about it in a minute, but none of these other issues were addressed at that time and it seems, with all due respect, that we just keep coming down here and addressing new issues every time kicking this can down the road and it's not fair to businesses that are paying for this and we are trying to get on with what they are trying to do. Not only that but two of the stores that I represent have a certificate of occupancy and we contacted the City to find out what we needed to do and make sure that we had everything in order to be able to come down here and make this presentation and move this forward. To be hearing this now for the first time is frankly unfair.

I guess the question that I have is we are now saying that this is a different use because somebody wants to put a machine or two into it. How many machines constitutes a change from Mercantile to Business to an Assembly. Where is that line drawn? Is that line drawn for a pac man machine or an ATM machine or is it just be drawn for these machines here. I don't know the answer to that question but I think it's one that we ought to be looking at and ought to be addressing. This is just a recommendation for City Council and that is all that we are talking about. We are not talking about changing things and this is not an arcade which is going to lead me to the parking issues here. This is not an arcade, these are convenience stores that happen to have a machine or two and the number of machines that are in there where that is ultimately the question, and I think that is what we are getting to. Do you want them to have twenty, ten, four or two that's what is reasonable here not parking formulas that come up with different numbers and different places based on certificates of occupancy or square footage of whatever it may be. As best as I can tell and if I'm incorrect with this I apologize in advance, but uses that are being tacked on together and if I understand the parking requirement here, you've got to have all the parking for the primary uses with the Planning Department. The primary use of the convenience store which this one is eleven parking spaces and then you got to tack on all of the parking spaces that fit under the code for an arcade. How many parking spaces would this one need under your formula?

Mr. Gillie stated its in addition to required parking for the existing business use which is the eleven. The business shall provide onsite of no less than the accommodation of one space for three persons based on occupancy or per square footage calculation designed in signing the code, whichever, based on their occupancy. With the change of use I can't determine that occupancy because I don't have the listing of business use. So that would be again based on the update of the business group. The old Mercantile it was eighty, so I was going with which ever one was greater plus one space per machine and one space for employee shift. We would need to know the number of machines and the number of employees and either based on the square footage which was eleven or whatever is determine under this certificate of occupancy for the business use group. Not either and not a total of eleven plus the occupancy plus. That is why it says or per square footage calculation signed to code which ever one is greater. I understood after the last meeting that might have caused some confusion but the new staff report has that in parentheses. We weren't trying to double dip on parking requirements it was one or the other whichever was greater based on that number.

Mr. Douthat stated thank you for that clarification I did not get that new staff report.

Mr. Gillie stated you should have got them last week when we sent them out.

Mr. Douthat stated so I guess what it comes down to is we don't think there should be a parking restriction at all. I have been to countless number of stores in Richmond, Petersburg, and Colonial Heights and outside of Danville, I have never seen any parking issues what so ever. I've never seen anyone congregate other than me and I have played it one time. The parking I don't believe is what it is and I believe what we need to decide is how many machines can a store have? This store has applied for four machines. They have asked to have four, they should either get their four or a number that is less or whatever they should get a recommendation on it. They have come down twice and they have done what has been asked.

Mr. Scarce stated I have actually had a man that works on these machines for the convenience stores tell me one time he couldn't get on the parking lot to work on his own

machines because it was so crowded. So, there are parking issues because I have seen it. The reason we are trying to get information to staff is to be able to determine will this accommodate two, four, or whatever machines so there will be a safe environment.

Mr. Douthat stated I understand and I appreciate that, but that's sort of flipping it around that's kind of saying how many machines can they have?

Mr. Scarce stated it's got to be a happy number that will work.

Mr. Douthat stated but you have the square footage and we are just asking for a recommendation. I apologize Mr. Gillie, I did not mean to cut you off. I was trying to clarify what my question was.

Mr. Jones stated are you going to address the violations that are listed here.

Mr. Douthat stated there shouldn't be any violations. We have a certificate of occupancy from the last meeting when we came down here. The issue at that time was we couldn't determine how much parking or anything like that because we didn't have the certificate of occupancy and because the department was under staffed. So at that time my understanding was you could get a certificate of occupancy or have a certificate of occupancy you could move forward submit it with the calculation under the parking formula so that you could make your recommendation for that. If you did not have a certificate of occupancy you needed to go and apply for one that is what the discussion was at the last meeting and based on that discussion my client's went to find out whether they had certificates of occupancy and two out of three did and submitted those and now we are learning today that we are reviewing this in a completely different fashion from what we did at the last meeting.

Mr. Scarce stated there still is a parking issue.

Mr. Gillie stated we feel that the use of the building has changed and it has become business. The Mercantile is occupant load of eighty and that would be twenty seven parking spaces based on the one for three. I don't know if the business would increase that load or decrease that load until that inspection is done I can't make that answer. Based on square footage it is eleven for this one so again going with that whichever one would be greater this use itself would require twenty seven of the existing onsite parking spaces. We also have a restaurant and a beauty shop and parking may be an issue until the updated certificate of occupancy is done again I can't say whether it would be but if we went on the Mercantile and the numbers that we have right now I don't think they would have sufficient parking to have a machine. Again we feel this is a benefit to them and if they get this updated certificate of occupancy and see whether it meets that code requirement. If not, how they could address that parking issue. I sent you all the certificate of occupancy that I had on file for the facilities that we had. They had all the listings on there and I had done the parking calculations on there. Again based on square footage because I don't have an updated certificate of occupancy for that business. I didn't want to put in that report that we recommend denial based on twenty seven spaces based on this alone because the existing site has thirty one by the time you take in to Medo's Restaurant and the hair salon it would be in sufficient parking. I'm trying to give them the benefit of the doubt and trying to go in their favor. If he feels that Mercantile is sufficient then I would recommend at this point denial because we don't have sufficient parking to meet the needs.

Mr. Douthat stated are stores that try to put in pinball machines and video games and other types of video games that are not games of skill subject to the same requirement? Have they moved up to business?

Mr. Gillie stated yes, recently we had a place on Westover Drive, this board granted a special use permit and they have that certificate of occupancy and had to meet the requirements. Also, Kickback Jack's has that special use permit and I believe that I gave you a copy of that previously. They are assembly and they have plenty of parking. We feel that we are being equitable.

Mr. Douthat stated with all respect I think there is a difference from a store with a couple of machines in it than a Kickback Jack's. The primary use of the store is that it is convenience. Having a couple of video games does not make it an arcade. I think there is a difference what we are talking about here. These machines are in stores all over the Commonwealth of Virginia, just drive up and down interstate 81 and 360. Presuming that the use of the building that just because there is going to be a couple of games of skill in there that all of a sudden these convenience stores are completely different than what it was before and I don't believe that is accurate. Changing the zoning from Mercantile to assembly I just don't understand.

Mr. Scarce closed the Public Hearing.

Mr. Gillie stated I disagree with him. I think this is a change with this facility. You are now spending time and large amounts of time potentially at this site, where you didn't before. That is why we are not requiring a full assembly, we are saying that this is a business a mixed type use that has portions that are assembly and portions that are Mercantile. We feel it better suits the use of the building because this is a modification to it. Staff stands by its recommendation and we think that change of use survey should be done to make that determination if Planning Commission doesn't feel that is necessary again based on existing parking for all the stuff on site, I couldn't support this one because based on all of the other uses there would not be enough parking to meet the needs and that survey would be the best thing to go and then they have determination if not.

Mr. Jones stated I remember last month and we postpone all of these because of the occupancy and so forth but I don't recall that B-Business Group ever being mention last month? How come that comes up now?

Mr. Gillie stated if you remember last month very few had the certificate and I didn't have all that information to say. Once we got some and we sat down and said what are these buildings being used for, and Mercantile basically the convenience store type, is this still a convenience store and people are now spending potential hours in a place and what happens if you spend hours in a place, it falls under the building code as an assembly. Also under the fire code slightly differently. We said okay these aren't really true places of assembly that you would think of like Kickback Jack's or restaurants and other things, so what are they? They became business, which becomes the mixed type of Mercantile but also has the portion that is slightly higher for the assembly, so it requires additional life safety. If someone is in there using that facility for an hour or two do they have access to a restroom? For citizens they should have access to a restroom. Under the Mercantile they don't necessary have to have that, under B-Business they do. They are trying to address the concerns of the people that are going to use the facility as well as the life safety of those in the building and parking is one of the things that we have looked at, and handicapped

accessible it has to be. These are things that we should look at as the Government and we should be trying to protect the interests of the citizens going in and out of these facilities so that is why we thought that business meets the code and we sat down with the fire department and inspection division and went over all of this and all of the ones that didn't even have a certificates. We don't have updated information. We have the one case that we already had where they went out and did the inspection on it and we don't feel that this is new. People as they are going through this do everything to make this right, does it meet everything. Can I provide enough parking this are things as a business owner they really should be asking but they haven't? We presented this last month the business wasn't listed because we were still going through did they have CO's and are they appropriate or not, and I didn't have that information last month period. I provided the applicant with a list of the few that I had that had the occupant load. He could have calculated the parking the way that I did.

Mr. Bolton made a motion to table this until we have the information needed for this special use permit PLSUP20190000320. Mr. Dodson seconded the motion. The motion was approved by a 6-1 vote.

4. *Special Use Permit application PLSUP20190000319, filed by Inam Qazi on behalf of UHA 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 1354 Westover Dr, otherwise known as Grid 0710, Block 001, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Searce opened the Public Hearing.

Mr. Fielding Douthat spoke on behalf of Inam Qazi. Mr. Douthat stated this applicant does not have certificate of occupancy at this time and I would move that this one be deferred.

Mrs. Linda Gillespie stated I live at 266 Lovell Drive. I don't feel that a gaming facility should be allowed across from this property. My concern is crime. We have had a few breaks in in our area and our property stolen. It is relatively quiet and there was about two weeks ago, we had to call police. There was a party going on in the corner of this property. When the police arrived they scattered. To have these people that are coming and going into this area, I think the parking but this store does have parking but it's not utilized. The people will park along the side of the road up on their property but it blocks the view trying to pull out of our street because people will not get into parking spaces. When we are trying to turn off of Westover Drive onto Wade Street which leads to our street it is a circle. You can't turn in sometime because someone is leaving that store and someone has parked beside it and you have to sit on Westover Drive and wait to turn in until that car has pulled out. I have even spoken with the other about this asking him not to let people park beside the store, but that didn't work out. There is no parking beside that building and the space is limited.

Mr. Jim Gillespie stated Linda is my wife and it is pretty difficult to follow someone that is so passionate about something, but I will try. Parking is definitely a problem and that is one of my concerns you can see from the photo here. That the building is approximately five to six feet from Wade Street. Any one that parks besides the building they block the entire lane on Wade Street. Very often a car parks and blocks the street and also particularly during the daytime there are vendor trucks that park there and they completely block the lane. Then you only have one lane when they are parked there. My second concern is access to

Westover Drive is very difficult from Wade's Street out to Westover Drive going east toward Riverside Drive. There have been a number of wrecks there and the area from Buxton Garage all the way up to Dollar General is very busy and makes a very dangerous situation. My third concern I live directly behind the building right now there is approximately twenty five foot area of woods and should that be compromised I'm afraid that I will not have a buffer at all. There are already lights that eliminate the parking lot in the rear and they don't really bother us, but if it was done with knowing that it was combined with noises with excess traffic then it could actually bother all the residents on that side. My other concern, this has been a residential area for decades and that property values could be affected. The traffic and most of the residents there are long term and have been there for years and they are older and they vote and pay taxes. I feel for them and myself, we need something better than gambling situation.

Mr. Keith Fields I'm also a resident there. Mr. Fields stated I spoke back in September and I just want to remind you of some of the things that I said then. My concern as Mr. Gillespie pointed out, you have four businesses there and they are probably closer than five hundred feet. If you would go down Westover Drive sometime between 4:00 and 5:00 you would understand what it is like trying to get into the gas house. You have four road ways that dump out there. We are concerned about the health, safety and welfare of the community. There is a drop down from four lanes of traffic to two when looking eastbound on Westover but likewise when you are going in the other direction there are the attendants there at the gas house. There is a lot of congestion already going on and for a resident like myself, your home is sort of like your sanctuary so the last thing you want to have at the end of your driveway is additional congestion based on how many games you can have.

Mr. Scarce closed the Public Hearing.

Mr. Bolton made a motion to table this until we have the information needed for this special use permit PLSUP20190000319. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

5. *Special Use Permit application PLSUP20190000290, filed by Hewa Jayawardena 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 4800 Riverside Dr., otherwise known as Grid 0709, Block 002, Parcel 000019 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Scarce opened the Public Hearing.

Mr. Hewa Jayawardena spoke on behalf of Jerry Davis. (Please see Italicize attached letter from Hewa Jayawardena.)

Mr. Scarce closed the Public Hearing.

Mr. Wilson made a motion to table this until we have the information needed for this special use permit PLSUP20190000290. Mr. Dodson seconded the motion. The motion was approved by a 6-1 vote.

6. *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.

(Please see Italicize letter from Mr. Bob Vaughan asking to be put on next month's agenda.)

7. *Special Use Permit application PLSUP20190000298, filed by Shahid Javid on behalf of MKM Partners, 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 the City of Danville, Virginia 1986, as amended at 1501 W Main St. otherwise known as Grid 0611, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Searce opened the Public Hearing.

Mr. Shahid Javid spoke on behalf of MKM Partners.

Mr. Gillie stated the lottery is the Commonwealth of Virginia under Virginia Law being a Dillon rule state, I'm not allowed to regulate anything specific to the lottery itself. These machines are not that. That is why commercial recreation according to the zoning, and parking is required in our opinion. They are the amount of square footage numbers that he has, eleven, is required for the convenience store itself. There is only one handicapped space marked and the rest of it is not marked so I can't make a determination of how many spaces are available on site. Based on the Mercantile certificate of occupancy would require thirteen spaces. Again I was give the benefit of the doubt when I listed eleven on the staff report but until that change of use survey is done and plan is presented on how space will be laid out from parking, I can't determine the number that are available or what can be done on that site.

Mr. Searce closed the Public Hearing.

Mr. Bolton made a motion to table this until we have the information needed for this special use permit PLSUP20190000299. Mr. Jones seconded the motion. The motion was approved by a 6-1 vote.

8. *Special Use Permit application PLSUP20190000309, filed by Samir Patel on behalf of Dutta Inc of Virginia, 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 2100 W Main St, otherwise known as Grid 0610, Block 004, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Searce opened the Public Hearing.

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 PLSUP20190000309. Mr. Dodson seconded the motion. The motion was approved by a 6-1 vote.

9. *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. Searce opened the Public Hearing.

Mr. Searce closed the Public Hearing.

Mr. Bolton made a motion to table this until we have the information needed for this special use permit PLSUP20190000311. Mr. Jones seconded the motion. The motion was approved by a 6-1 vote.

10. *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. Searce opened the Public Hearing.

Mr. Chase Reeves, stated I'm here representing this special use application. At the last meeting they said that we need to acquire a certificate of occupancy so I contacted zoning and we had the inspectors come down to the location and they proposed a bunch of things that needed to be done to the building to be able to move forward with the application. Also, I assumed that it needs to be changed to assembly use in order to do so and before we can get a certificate of occupancy some things need to be done to the location. We are aware of that and there is not a problem from there. My only question and concern is once we do that and all those regulations are approved from there, will we be issued a CO and if so what follows from there?

Mr. Gillie stated if Planning Commission recommended approval it would go to City Council. All the issues to the building code would have to be met and staff is still recommending the denial or we table because there are substantial number of issues and I don't have any plans on how this will be addressed, the consolidation for the parking and they are using adjacent property to circulate in back parking spaces. At this point I don't feel that this site can meet the requested only be assembly use. If they can go through all that stuff then we can proceed on, but I believe we have some substantial number of issue that need addressed before it can go any further.

Mr. Searce stated but if we postpone and you get with the inspection department and you meet all the guidelines yes you would get a CO. You just have to meet those guidelines.

Mr. Reeves stated the adjacent parking that you are speaking of, can I just come and speak to someone about it.

Mr. Gillie stated you will need the get the property owners to consolidate the properties together. It will have to have a survey done and consolidation plat and have that place on record in court. You will have to get a new deed drawn up for the property to share between the two and calculation on it and some of these building issues, there are some substantial issues that have to be done. It needs a lot of work to be brought up to assembly use.

Mr. Garrison stated are you requesting that we postpone this?

Mr. Reeves stated yes.

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 PLSUP20190000312. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

11. *Special Use Permit application PLSUP20190000317, filed by Abdul Nasir on behalf of HRNA LLC, 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 1371 Piney Forest Rd, otherwise known as Grid 1920, Black 013, Parcel 000092 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.*

Mr. Searce opened the Public Hearing.

Mr. Fielding Douthat spoke on behalf of Abdul Nasir. Mr. Douthat stated I want take too much of Commissioners time because I think I know where we are going with this. Same issues that I addressed before on the first one. We came down here in September and we discussed certificates of occupancy. This establishment has one, we gave it out. It's to our understanding from there we thought we would have a decision today. We are aware of these other requirements that were not discussed in that first meeting. They were not discussed in calls we had with the City following that meeting and we still have not received the staff recommendation report. This is an application for four machines, the assembly and all of the increases in that don't believe this is necessary because these are convenience stores.

Mr. Searce closed the Public Hearing.

Mr. Bolton made a motion to table this until we have the information needed for this special use permit PLSUP20190000317. Mr. Wilson seconded the motion. The motion was approved by a 6-1 vote.

12. *Special Use Permit application PLSUP20190000330, filed by Uwash Patel on behalf of Larry Soyers, 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.

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 PLSUP20190000317. Mr. Dodson seconded the motion. The motion was approved by a 6-1 vote.

13. Special Use Permit application PLSUP201900000303, filed by Mohammad Nawaz Khan on behalf of Elegance Investment LLC, 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 730 Piney Forest Rd, otherwise known as Grid 1815, Parcel 003, Parcel 000006 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Mr. Gillie stated you will notice that this one says staff can't support recommendation for approval since the parking for the existing facility, 2107 square feet, requires eleven spaces and currently there are only six on-site even now. So it is legal nonconforming based on parking and adding additional items to this we feel bringing it a parking issue. We can't recommend approval. We do recommend tabling this one that maybe the applicant can possibly figure out with a design professional of a way to get additional parking site. This site is extremely small as it is right now.

Mr. Searce opened the Public Hearing.

Mr. Mohammad Nawaz Khan spoke on behalf of Elegance Investment LLC. Mr. Khan stated I am the owner and I wasn't at the last meeting because I wasn't called about the meeting. They say there is only six spaces but there is more than fifteen spaces for parking. There are five to one side, four in the front and two on the other side.

Mr. Searce stated you need to get with the inspection department and have them come out and inspect your property. That way if you do have extra parking it would be striped.

Mr. Gillie stated yes it would be striped off. Contact the City Inspections Department. the two guys that are on the back row and get them out to tour the facility and see what modifications are necessary. We need to address the parking and any modifications necessary to the building. We will need a plan and a drawing on how you will make the parking work because it has to comply with the city code requirements and the narrowness of your lot is going to be quiet difficult. Some sort of engineering drawing or something else and someone will have to draw that up and show compliance. First get the inspectors out there to look at the building and see what modifications are necessary.

Mr. Searce closed the Public Hearing.

Mr. Bolton made a motion to table this until we have the information needed for this special use permit PLSUP20190000317. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

14. 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. Searce closed the Public Hearing.

Mr. Bolton made a motion to table this until we have the information needed for this special use permit PLSUP20190000317. Mr. Dodson seconded the motion. The motion was approved by a 7-0 vote.

15. Special Use Permit application PLSUP20190000373, filed by Queen of Virginia Skill & Entertainment, LLC on behalf of PFJ Southeast LLC Store #256, 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 110 Riverpoint Drive, otherwise known as Grid 3713, Block 006, Parcel 000001 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Mr. Searce opened the Public Hearing.

Present to speak on behalf of this request was Max Weigard, attorney with Gentry Locke. Mr. Weigard stated I have a power point presentation. It's only a handful of slides if I may. First things first who I represent today is Queen of Virginia Skill & Entertainment, LLC. Gina Bouzek is here on behalf of the company. We are here seeking the special use permit for the Pilot Truck Center located at 110 River Point Drive. You have heard a whole series of applications today and I know that it has been a long afternoon and I appreciate your time and attention, but I would like to talk through with you a number of reasons why this application is different from the ones that you have heard from so far. This is our first time appearing before you and although I was in attendance last month and I did hear all the questions that you had and everything that you had to say about this proposed use and the concerns about parking and certificate of occupancy. This is a slightly different scenario and I will explain why. On page 2 of the presentation it tells you who we are and what we do. Then the 3rd slide addresses both the parking and occupancy issues. This is a truck stop and it is a travel center and I believe Mr. Gillie mentioned it in his presentation. I understand that we describe as three uses as one being a convenience store, one being a truck stop and one being a restaurant. If you flip through to the pictures shown on page six of the presentation I distributed this is the pictures of the truck stop and I don't know how familiar you are with this truck stop. There is the Hardee's restaurant, and there is a large convenience store and the total square footage of the facilities is over 6,000 square feet. In a truck stop there are places for a truck to park, and there are fuel isles, and places for cars to park. The total number of parking spaces is 51. We also in this facility, have a certificate

of occupancy as Mr. Gillie said that is for assembly Mercantile, which requires additional lifesaving and public health measures such as public restrooms, such as lighted entrances and exits. In that certificate of occupancy, it authorizes up to 102 individuals at this facility. Again this is a truck stop. Another way that this seems to work is that truck drivers know that they are prohibited operating continuously beyond certain periods of time. What I can tell you is the way to calculate how long truck driver can operate and when they have to take breaks is outside of my scope of knowledge and expertise and what I understand is that we have truck stops for a number of reasons to give a place for truck drivers to take breaks. In this facility before the notice of violation was issued by the City, there were two Queen of Virginia Games in operation and now they are turned off and turned around so they are not in operation now, and have not since the violation had been received. There were only two games in operation. My client's perspective position is and was at the time that they were operating the games before the violations were issued that this was not a change in the underlying use of the facility. It was a use of accessory nature to the existing use, meaning that it is consistent with a subordinate use and when I say it is consistent with the truck stop use of the facility. Meaning if truck drivers were willing to be there and families traveling out there on 58 heading east or west need to stop and get something to eat or get a snack or get some fuel there is something for them to do recreational while they have stopped to rest. The same as for truck drivers, there is something to do other than just hang outside the facility. It gives them something to do to entertain themselves while they are required to be sitting there. In our view, this again is a special use application process and in our view your goal is to look at specific circumstances in this case and determine whether the request for the special use permit is appropriate under these circumstances and whether you can place certain conditions on that special use permit, that makes sense, and are rational, and that you can be comfortable with. We submit to you that this is an appropriate location for a special use permit authorizing and indoor commercial recreational facility use with reasonable limitations. I do have a few comments and questions related to the two issues that you all have been most focused on being occupancy and parking. I would be happy to answer any questions that you have but generally speaking we feel that the conditions proposed by the City are rational and reasonable. However we do have a few questions and comments specifically regard to hours of operation. We understand why under normal circumstances you require limitations on hours of operation especially if you have a facility that is not opened 24 hours a day. Here we have a truck stop that is open 24 hours a day and so while we understand that requirement, I'm not here to object to it, but I would ask there are foreseeable circumstances under where truck driver sitting idle at 7:00 am in the morning and they want to play a game and that may not be appropriate. Maybe at 10:30 on a Friday evening a truck driver who stopped and is sitting idle would want to play a game but that may not be appropriate. Next issue being parking, I must admit while I was looking this up trying to review the suggestion regarding parking requirements I was a little confused but I think that I have it now. I think what has been proposed is that the parking requirement should be either the greater of 1 space per 3 persons authorized under the occupancy permit or the minimum number of spaces required for square footage of the building and current uses is that right?

Mr. Gillie stated which ever one is greater, one per machine.

Mr. Weigard stated right plus one per machine, plus one for each employee on major shift. So if we are doing that math and you divide 102 which is the maximum number authorized in the certificate of occupancy, I believe that is 34 and the minimum number required in the staff report for the current uses and square footage leaves 39. So 39 would be greater, plus one per machine and there are currently are 2, so we would add 2 to that and it would be

41. So that gives us the total number spaces that we have currently in truck and auto are 51. So that would mean that according to staff recommendations that we have 10 spaces available for employees at this point and time. We submit to you that we are reasonable comfortable as I stand before you today I admit that I don't know what that number for employee is maximum or peak staffing time would be but I am recently comfortable that it is 10 or fewer. I submit to you if we were to agree to all the staff proposed conditions, I think we would be comfortable that we could operate under those conditions. That said my client and Pilot would likely as we have asked for in our application, limitations of ten machines limited at this facility. I think we would agree to fewer but I think we would prefer to have four rather than two but again reasonable limitations and reasonable conditions we certainly would understand and agreed to. I think again, at this facility we have sufficient parking and I submit to you if we don't have sufficient parking and if this facility is an appropriate location of a limit of two, then I submit to you that there are others that you have heard about would be very fortunate to be able to argue to have one. So summing up, I submit to you that this is a different case. The proposed use of recreational entertainment devices is consistent with and supportive of the underlying truck stop. We feel that the proposed conditions are generally reasonable, but we ask that you seriously consider extending the limitations on hours of operation to a reasonable number or period. We also ask that you consider authorizing a few additional games.

Mr. Scarce stated one question that I have parking when you differential between car and truck parking. When you refer to truck parking are you referring to tractor trailer parking?

Mr. Gillie stated yes.

Mr. Scarce stated so in this case the truckers would be playing the games.

Mr. Gillie stated correct. When I wrote the staff report I was thinking in my head cars, and the number of spaces for cars. I will admit, I did not consider the truck driver actually being the ones to occupy the facility. So when I was doing the numbers in my head, I was basing it strictly on cars that's why the staff report talks about reconfiguring the truck parking. I will admit on that there is sufficient parking based on the numbers that are available square footage as well as occupancy. I don't dispute that fact or his numbers but we differ on the numbers total but the general totals were the same. It was just as I drove by and counted them. I don't have an issue with parking.

Mr. Scarce stated I guess another question they had was the time this is a 24 hour truck stop.

Mr. Gillie stated that is a standard staff recommendation that we have at most facilities because they are adjacent with residential districts but in this case, they aren't any residences within close proximity. The nearest would be on the other side of 29 bypass. I will leave up to Planning Commission and I will stick by my standard numbers just to be consistent across the board, but that would be up to you.

Mr. Jones stated do you have any of these machines at the Pilot in South Boston?

Mr. Weigard stated yes, we have ten.

Mr. Scarce stated this property was stated that it is already zoned for use in assembly line.

Mr. Gillie stated it has an assembly certificate occupancy our highest certificate of occupancy. We have requested the others to go business, because of the mixed use, because of this building being the mixed used with the restaurant and the truck stop with everything else it has actually a higher certificate of occupancy and has more life safety standards than the other facilities were recommended. I believe he has adequately addressed the parking. He does have the sufficient number of total and I still say that it should be limited to two machines and I will stick with my hours but that is up to you. It is a 24 hour truck stop but that is up to Planning Commission to consider.

Mr. Garrison stated generally when we put that kind of limitation on it because of residences being close by. If your circular is 300 feet then the closest house is probably 800 or 900 feet away and that will be across 58 and behind businesses on that side. I would see no reason to limit the hours when you are dealing with a 24 hour truck stop. You have truckers coming in at 11:00 that can't play a game but the guys that got there at 10:30 can. The guys that get there at 3:00 in the morning need to kill 8 hours and I don't see any reason why to put any hours of limits on it at all since it is a 24 hour facility.

Mr. Weigard stated I'm authorized to agree to and I'm authorized to agree to your hours of operation limitations if you feel that they are appropriate. I submit to you that under these circumstances, you are the Planning Commission and you are the City and this is a special use permit process. You have the power to set reasonable limitations so if the staff feels that two is the appropriate number under these circumstances, then we would be willing to the two. Again, we have requested more and we feel that more would be appropriate.

Mrs. Gina Bouzek stated the reason that we have asked for ten, we saw to regulate ourselves so private clubs and truck stops are allowed to have ten and convenience stores and bars and restaurants can have up to five. It is easier to ask for that instead of having to come back later and ask for more and more. Not meaning that we would put ten in there but most truck stops have ten. The operator is very willing to do the two and the more important thing is the 24 hours because we personally can't be in there to unplug it and we don't want to get in trouble with the City making sure that it is unplugged at a certain hour. We would tell the facility to do that but it is really hard to keep coming by to make sure that they do. We will abide by whatever you decide.

Mr. Scarce closed the Public Hearing.

Mr. Garrison stated I see no need to limit the hours. It operates 24 hours a day and lights are on at night whether machines are on or not. I see no reason in this particular case to limit hours.

Mr. Scarce I agree it's a 24 hour truck stop.

Mr. Garrison stated do you have a problem with just items 2 through 6?

Mr. Gillie stated I do not.

Mr. Scarce stated this facility meets all the other and this is a higher standard.

Mr. Petrick made a motion to approve this special use permit PLSUP20190000373 with the conditions recommended by staff with amendments to number 1 include because the nature of this business to allow 24 hours for operation and number 2

increase to 4 allowable machines. Mr. Garrison seconded the motion. The motion was approved by a 6-0 vote. (Mr. Robert Jones abstained under the Virginia conflict of Interest Act)

16. Special Use Permit application PLSUP20190000362, filed by Ghulam Hassan, requesting a Special Use Permit for commercial recreation (indoor) in accordance with Article 3.J, Section C, Item 2 of the Zoning Ordinance of the Code of City of Danville, Virginia 1986, as amended at 3401 Westover Drive, otherwise known as Grid 9818, Block 005, Parcel 0000023 of the City of Danville, Virginia Zoning District Map. The applicant is proposing to have indoor gaming.

Opened the Public Hearing.

Mr. Mike Holt stated I'm here to speak on these folks and I have a petition from the surrounding neighborhoods. (Please see attached Italicize letter.)

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 PLSUP20190000362. Mr. Jones seconded the motion. The motion was approved by a 7-0 vote.

IV. MINUTES

The September 9, 2019 minutes were approved by unanimous vote.

V. OTHER BUSINESS

Mr. Gillie stated we have received so many of these it's probably something that we need to address specifically under the zoning code. So, changes to the code are made one of three ways: somebody asked for it, City Council hears it, or motion of Planning Commission. If you believe that we need a specific code item, that the code needs amended to address if someone would recommend it and 2nd it, staff will look at creating specific regulations for commercial indoor recreation or defining it a little better.

Mr. Whitfield stated but to be clear, whatever those new regulations would be proposed and approved by council would not at all apply to those that have already applied.

Mr. Gillie stated we are looking at redoing the whole zoning code but it's going to be a few years down the line as the uses change. I feel that we need to get ahead of it and address future issues than the ones that have already applied. If Planning Commission would make that recommendation and staff can start drafting regulations for that.

Mr. Wilson made a motion that we investigate guidelines. Mr. Bolton seconded the motion. It was approved by unanimous vote.

With no further business, the meeting adjourned at 6:45 p.m.

APPROVED