

PLANNING COMMISSION MINUTES

October 10, 2011

MEMBERS PRESENT

Mrs. Evans
Mr. Griffith
Mr. Jones
Mr. Scarce
Mr. Wilson

MEMBERS ABSENT

Mr. Jennings
Mr. Laramore

STAFF

Clarke Whitfield
Ken Gillie
Christy Taylor
Emily Scolpini

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

I. ITEMS FOR PUBLIC HEARING

- 1. Rezoning Application PLRZ20110000327, filed by Chester Baker requesting to rezone approximately 3.08 acres to allow retail sales.*

Miss Scolpini read the Staff Report. Six (6) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. One (1) respondent was unopposed to the request; zero (0) were opposed to the request.

Open the Public Hearing.

Present on behalf of the request was Mr. Chester Baker. Mr. Baker stated I think we are in agreement with the Planning Commission, so I have no comments to make; but I will answer any questions that you might have.

Mr. Wilson asked what is this property going to be used for?

Mr. Baker responded automotive trade, there is a video store on the property, and a service station type building. There is going to be a convenience market and some small automotive retail.

Mr. Wilson stated the last time we met, I felt like we spent a lot of time talking about a video store.

Mr. Baker stated we really have not been out of business at all, but they changed the zoning. I am agreeable to the change if that is what is desired.

Mr. Griffith stated when you were here last time, the question came up that one (1) of the buildings was going to be a video rental business.

Mr. Baker stated yes.

Mr. Griffith asked is that still on the table?

Mr. Baker responded yes, that is still on the table.

Mr. Griffith asked do you have any specific uses at this time for the other two (2) buildings?

Mr. Baker responded not generally so. There is an office at the end of one (1) of them. The third building will be a convenience market.

Mrs. Evans asked is there an auto repair?

Mr. Baker responded small auto repairs, like selling tires for automobiles, rework the brakes or steering, balance the wheels, and that sort of thing. They will align the front end of the vehicle, but no major work.

Mr. Griffith stated that is what was there before with Northside Tire. That was the same type of trade that they had.

Mr. Baker stated that is correct.

Mrs. Evans stated but you have someone new.

Mr. Baker stated they did some major work and we would not reach for that again.

Mr. Wilson stated I am still confused. Are there actual business contracts or whatever ready to go into these buildings? Are they already in operation? Are you hoping that when we do this those kind of things will go in?

Mr. Baker responded the service station is on a lease. He is awaiting a decision. He is ready to open. The video store is complete and ready. We have got some minor work to do to clean up, and I believe it will be opened. My office is at one (1) end of the other building. The rest of it is open for new lease.

Mr. Jones asked will there also be a vehicle dealership there?

Mr. Baker responded hopefully it will, but I am not sure of it. We do not have anything pending. I have had two (2) dealerships on the site in the past.

Mr. Scarce stated you are in agreement obviously with what you read in the conditional rezoning and these types of businesses that he is talking about.

Mr. Gillie responded Mr. Baker and I met on multiple occasions and toured all of the facilities. We came very close to an agreement subject to those last four (4) conditions. I think Mr. Baker said that he is in agreement now with those last four (4) conditions. As of last Thursday, he and I were still going back and forth on the numbers. If he agrees to the numbers here, then yes we can support him for that. The tire facility, what was previously Northside Tire and the video store both have ongoing maintenance code cases on them. The occupancy of those buildings are subject to getting some additional work done to the facility. He does have a client actively working on going into the small service station building, and that is going to be a convenience and tire store. They were in the process of installing coolers when we were onsite last week. He has the tires up and ready to go as soon as he gets approval. One (1) of the facilities will occupy immediately assuming that you recommend approval of this and City Council adopts it. The other two (2), we still have some work to do before we can do anything else with those buildings.

Mr. Jones asked is there room for a possible seventy (70) vehicles on this lot?

Mr. Gillie responded yes. There is actually room for more than seventy (70) vehicles. We were concerned that you could fit in upwards, Mr. Baker said one hundred fifty (150) I believe, we were figuring roughly around one hundred twenty (120).

Mr. Jones stated you will have customers coming in also leaving their cars.

Mr. Gillie stated there is actually much more space when you are onsite than what it looks like.

Mr. Wilson asked do I understand correctly that on the permitted uses page and the uses permitted by special use permit where there is a strikethrough that means those would not be allowed on this property?

Mr. Gillie responded correct. They were eliminated.

Mr. Wilson asked but everything else would be ok?

Mr. Gillie responded correct.

Mr. Wilson asked subject to our approval?

Mr. Gillie responded correct.

Close the Public Hearing.

Mr. Scarce made a motion to approve Rezoning Application PLRZ20110000327 with staff's conditions. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

2. Special Use Permit Application PLSUP20110000361, filed by Gerald Kelly, proposing to operate a restaurant with a drive-in facility.

Miss Scolpini read the Staff Report. Thirteen (13) notices were mailed to surrounding property owners within three hundred (300) feet of the subject property. One (1) respondent was unopposed to the request; zero (0) were opposed to the request.

Open the Public Hearing.

There was no one present on behalf of the request.

Close the Public Hearing.

Mr. Jones stated I used to use this bank, and I used to wait out on South Main to turn into the lane. How are you going to enforce this from impeding traffic on South Main?

Mr. Gillie responded that is the reason for the markings. When the bank had it, they did not have anything that said "do not block intersection" or anything else. Usually people will follow something that is painted on the road. The bank just had a drive-thru and it was set that way. The facility is open now and has actually policed themselves and placed a sign telling people not to use the drive-thru. They have blocked off the drive-thru, so we have not had an issue. Again, the restaurant is now open and doing quite well if anyone has been by it. We think it is going to self police. If there are issues then there are things that we can do to work on it. We could have if necessary, officers out there stopping people telling them not to block the road. You can get ticketed for it. We think that it will kind of take care of itself. Usually people will sit in line for a minute. If that doesn't work they are going to find a parking space and run inside. The service in the facility is really quick, if anyone has been there. I do not think it is going to be an issue.

Mr. Jones asked but you are not planning on putting any markings down on the road?

Mr. Gillie responded not on South Main Street itself. They will mark the pavement on the parking lot. They will mark the entrance to the pavement. That is one (1) of our conditions. We think that will take care of it.

Mr. Griffith asked is there room on South Main to put in a turn lane at that?

Mr. Gillie responded no.

Mr. Griffith stated I was looking at it today and trying to decide whether or not. It is fairly wide there, but I did not know if there would be room enough for a turn lane at that location.

Mr. Gillie stated no.

Mr. Wilson asked why, if we were assured by the applicant that it would not be a part of the restaurant, now it is assured but not really sure?

Mr. Gillie responded we were assured by the applicant. The applicant was the building owner. The tenant and the building owner apparently did not talk as well as we had hoped. Now we are dealing with the actual operator of the restaurant who is telling us what he will do. We asked the owner of the building a couple of times if they were going to need the drive-thru, are they going to use this drive-thru? "No, no they are not going to use it." So, ok we did not go through this last time. They got opened; the guy goes to use his drive-thru and finds out that he can't. So, now we are dealing specifically with the operator of the business. In his defense, he has been great to work with, he has done everything that we have asked him, his facility up on Piney Forest is booming, his South Main Street which I am not sure that people actually know is open is booming as well.

Mrs. Evans made a motion to recommend approval of Special Use Permit Application PLSUP20110000361 with conditions. Mr. Scarce seconded the motion. The motion was approved by a 5-0 vote.

3. Code Amendment Application PLCA20110000362 proposing to amend Chapter 41, specifically Article 10, to create a definition and regulations addressing ghost signage.

Mr. Gillie read the staff report.

Open the public hearing.

No one was present to speak on behalf of the request.

Close the public hearing.

Mr. Scarce stated I think most of the language on the ghost sign part of it I am ok with it as far as I can understand it. My main question is under K where it talks about faces, having to remove from the sign if the person is no longer occupying the building, basically no longer having services within thirty (30) days. Just looking at the logistics, we might want to give them sixty (60) just to give time to line people up. The sign structure, frames, and brackets you have got one hundred eighty days and then the pole. My thoughts are certainly the pole and maybe the frame in certain situations has some extended time. If a man goes out of business and he puts his property on building, it is quite a

bit of value in these expensive pole signs. It would be an expense to somebody to take it down. In some cases you have franchise companies that will actually take them down and move them somewhere else. A local small business man, it may be a burden for him to do that; and then turn around and somebody else have to put it right back up because the property sold. I was just thinking maybe a little more consideration given on that time. Maybe you can clarify what your opinion is between sign structure covering frame and brackets and the difference between that and a pole; because so many poles go up that have the box and then you have the face. The faces come out. You can leave them blank or go back with a white look if nobody is occupying the building. If the building can be sold or used, leased, or whatever there is a good chance that they could just put a new face in and retain the value of the company's expenses. What are your thoughts on that?

Mr. Whitfield stated first of all, all of that is part of the current Ordinance. That has not been added. That has been the regulations for abandoned signs since the adoption of the new Zoning Code unless I am mistaken.

Mr. Griffith stated my understanding is the only thing in that section is the last sentence.

Mr. Gillie stated that is the only section that we are adding to sub-section K.

Mr. Griffith stated the rest of it is already in place.

Mr. Gillie stated correct, but Mr. Scarce did bring up a good point. When we wrote this Code in 2004, it was pre-recession. Usually we did not have a building sitting vacant for an extended period of time. If we did, we would try to put something in that would allow us to remove older signs that had kind of sat there for a period. Should we look at changing Section K as well? Yes, we may based on the current economy. Is now the time do to it while we have got it open with the ghost signs? Maybe, we have not investigated how long we should let a sign sit that is non-ghost sign. What we are dealing with now is only those painted signs on a building; but while we have got it open should we look at it? Possibly yes. We have not really considered that.

Mrs. Evans asked have you been enforcing it?

Mr. Gillie responded to a certain extent. Most of our enforcement is based on a complaint basis. If someone calls to complain about a sign being out there and there is some sort of problem, then yes we enforce it. Otherwise, no we have not been actively going out and looking for those types of violations.

Mr. Griffith stated you have gotten responses from Sarah Latham, and from Susan Stilwell. I think they have had a chance to review some of this and you have gotten responses from both of them.

Mr. Whitfield stated we passed this out at the Commission of Architectural Review Board meeting.

Mr. Griffith stated I think both of them had a couple of points that might be worth considering. One of them said for signs that have been painted over can no longer be used as a ghost sign. Mrs. Stilwell brought up the situation of if you are in the process of restoring the building. If during the restoration process one (1) of these signs are discovered are we saying that the sign would not be eligible to qualify as a ghost sign?

Mr. Gillie responded yes.

Mr. Griffith asked are you saying yes it can or no it cannot be?

Mr. Gillie responded yes, it can no longer be restored. We have, again as I presented to you, the pictures of those that we can actually see now. We have additional pictures of signs that have subsequently been removed that were there previously. There were a lot of large painted signs downtown advertising various products. I have two (2) here. I do not know if anyone goes down to the bottom of Main Street bridge. I do not know if you can see this. The giant Pepsi and Dr. Pepper sign painted down where Jake's On Main is now and the hair salon at the end of that building. We have got the same thing on a building over on Union Street painted approximately two and a half (2 ½) stories tall. They have been removed. Do we want to allow the continuation of those types of signs on buildings.

Mrs. Evans asked how have they been removed?

Mr. Gillie responded they have been painted over. They have been white washed out.

Mrs. Evans stated as I recall, Mrs. Stilwell has a building that had been painted over and when the paint was removed she found some ghost signs underneath it and came before the Board of Zoning Appeals and we allowed her to have one (1) sign repainted.

Mr. Gillie stated correct.

Mr. Whitfield stated she got a variance. That is a completely different ball game from what we have here. She went through the process of getting a variance.

Mr. Gillie stated the way we have the Code written is, if it is white washed out then there has been a conscious effort to remove that sign. If they want to reinstall that sign, then the Board of Zoning Appeals is the proper way to do it. Otherwise, from staff's perspective, we are going to have to track down every sign that was ever painted on any building so when someone goes in and cleans the paint off and you see an old sign you are going to install it. We know there are a substantial number of signs similar to this on buildings. The photographs we gave you are just those that we can see right now. We know there are a substantial number of signs that have been removed in the past. We are going to open it up to additional. Is that something that we want to permit, that many of these type of painted signs throughout the downtown area?

Mr. Scarce stated just because it is discovered does not mean that the person that owns the building wants it on there.

Mr. Wilson asked what is, so I can fully understand, the review process right now? What would be different if we approved it?

Mr. Gillie responded as it stands right now we do not even recognize them under the Code. There is no definition for dealing with them. We either have a sign, which advertises a business or product on site, or you have what is off-site premise advertising. If you have a vacant building, which is the issue we had, and they wanted to paint something on the outside of this vacant building, that is a billboard similar to what we have on Riverside Drive, West Main Street, or wherever else that we've got. This company comes in, rents the space, puts it's logo up on top of it everybody goes by and can see it. Since we do not have the provision to tell them "I am sorry it is a violation of the Zoning Code." Now as Mrs. Stilwell said in her case, she cleaned off her building, found a sign, asked to put it up. It is not a commercially available product inside that building. She does not have a commercial enterprise inside that building, so we told her that would be a billboard according to the Zoning Code, it is not permitted. She went to the Board of Zoning Appeals. They have a process of going to the Board of Zoning Appeals and asking for a variance. What we have done by this Code

Section is say painted signs on old buildings, that are fifty (50) years old or advertises that complies with some other type of product may be allowed to be repainted if they can show that they are actually there, it is still available, and it meets this criteria. If the building has had the sign removed, then no, it does not. You have to go to the Board of Zoning Appeals. We have set processes for everything.

Mr. Wilson asked with the Coca Cola sign that is on the Ferrell Building, how would that have been handled under the new?

Mr. Gillie responded under the new Code they should have one (1) waited until they actually occupied the building first off. We would have probably still under this Code have needed to get a variance, because of it being painted prior to occupancy of the building. Once it was occupied and they had something in there they could fall under this Code.

Mr. Whitfield stated in other words if there was a tenant in that building, they would go to Kenny and get a sign permit, Kenny would review it, and if they met all of the criteria he would issue the permit and they would go on their merry way.

Mrs. Evans asked even if they were not selling Coca Cola?

Mr. Whitfield responded right, instead of actually going to Kenny, getting turned down, and having to go to the Board of Zoning Appeals and convince the Board of Zoning Appeals that it in fact fits within the four (4) criteria required to meet in order to get a variance. It is a much simpler and cleaner process.

Mrs. Evans stated as I recall the criteria has changed and is much more difficult for the Board of Zoning Appeals to approve something. Correct?

Mr. Whitfield responded like I said, I think it is the other way around. It may be easier, but it is not the same. It is about the same. There is always the four (4) criteria that have to be, and you have to meet all four (4) criteria. You cannot meet two (2) of the four (4). You have to meet all four (4). Even if you meet three (3) of the four (4) you cannot be granted a variance. This is a much simpler process. Again, if they go to the Board of Zoning Appeals and Mr. Gillie or Planning turn down the sign, they would go to the Board of Zoning Appeals, but at that point they would be dealing with a situation where they would not have to get a variance and meet those four (4) criteria. They would just have to present their case as to why they should be allowed to paint their sign opposed to what the Planner said. Even in that case, if they have to go to the Board of Zoning Appeals for an appeal, it is still easier than what it had been to get a variance with the four (4) criteria.

Mr. Scarce asked what is the next process? We do not vote on this. Are you just going to take this with our recommendations and go to Council?

Mr. Gillie responded in this process, you decide to recommend if these changes should be adopted into the Code, then we will present something to City Council. If you want to open up and redo that other section, then we can talk about that now, but we do not have that ready. It is a good idea, but I do not have that.

Mr. Scarce stated I would like to request that you look at it, because I think times have changed. I do not want to place a burden on a property owner that is going to cost them a lot of money.

Mr. Whitfield stated I would suggest that you all move this forward and give staff the opportunity to re-look at K, and maybe come back and amend K.

Mr. Scarce stated and just wait on the other part.

Mr. Whitfield responded yes, instead of waiting on the other part recommend either approval or denial and move it toward Council, and then the planning staff can come back with maybe other additions to K. It may be several people who they want to get together and talk through the process with as well.

Mr. Scarce stated let's look at it.

Mr. Wilson stated I just need some clarification. First thing, there is not many people here about this. Has this been widely promoted that we were going to be discussing this now?

Mr. Gillie responded we notified the Commission of Architectural Review for their opinion, we advertised it as we do, and we put it on our website.

Mr. Griffith stated it was advertised in the newspaper also.

Mrs. Evans asked is this for the entire City, not just the River District?

Mr. Gillie responded correct. This is the entire City. Most of the signs are in the Tobacco Warehouse and Central Business District, but we did not make this specific.

Mr. Whitfield stated yes, we did.

Mr. Gillie stated no, we did not make this specific to that district.

Mrs. Evans stated I thought at one time we talked about. I thought at one time it came before Planning Commission from BZA, and it was supposed to be for the Tobacco Warehouse District.

Mr. Gillie stated that was one of the issues we had.

Mr. Griffith stated there is nothing in this proposal that says anything about the Warehouse District.

Mr. Gillie stated the reason being is equitable enforcement, making sure that everyone is treated fairly throughout. We can put this in there if this is something Planning Commission thinks it should only be, then place that on there. Recommend that it should only be limited to only those two (2) districts. From a staff's perspective, as we wrote this, because there are other ghost signs in the City. Travel up West Main Street, there are few ghost signs on buildings now.

Mr. Griffith stated there is some on South Main Street and different places.

Mrs. Evans asked over fifty (50) years old?

Mr. Griffith responded yes.

Mr. Gillie stated yes. There are some on Riverside Drive that are that way.

Mrs. Evans asked who bears the burden of proof that it is fifty (50) years old, the person applying or does the City have to do the research?

Mr. Gillie responded the person applying has to do the research. We have some information available and we will help anyone who comes in and asks for it. Again, I have got some old photographs of buildings. The City has old photographs, but it is still the owner who is asking for it to provide that burden of proof.

Mr. Griffith stated that brings up a question that I had. Some of these signs and buildings, there is no way in the world anybody would know it was original to the building. The building may have been built in 1890 something, and the sign put on in 1910. It would not be original to the building, but it had been there for a hundred (100) years. I am thinking of one (1) across from the old City Armory, there is an old Piedmont Cigarette sign. Those were manufactured in the late 1800's up until the end of World War I. There is not a picture of it here, but I had a small one of those signs. It is fairly valuable. I do not know how anybody would ever prove that. I have never seen any photograph with that sign on a building, or if anyone would know that it was original to the building. I think it would certainly qualify as a historic ghost sign.

Mr. Gillie stated Mrs. Evans if you want to limit it to those districts, you should just add it to Sections N and Q of the sign regulations.

Mrs. Evans stated I was just asking a question.

Mr. Gillie stated as we went through this, we thought about it; but then we started noticing, it is amazing, the number of signs out there that meet these criteria as you start looking into this further. We talked about this originally when we started months ago. It is not a small thing. It is not just dealing with one (1) sign. There are a substantial number of signs in the City that could be impacted by this change in regulations.

Mr. Jones stated under the ghost sign definition, number three (3) *do not alter the color*, in looking at some of these signs I have no idea what the original color was.

Mr. Whitfield stated my example on that, and when Mr. Gillie and I were talking about this, is and I will just use the Coke sign that should be red and white. It should not be orange and blue. We do not want to modify it, because if *Enjoy Coca Cola* is a historic sign, we do not want it to be black and red and say *Enjoy Coke Zero*. That is the purpose behind those regulations.

Mr. Jones asked would that still go to Zoning Appeals as far as color goes?

Mr. Gillie responded if they decide to change it, and Miss Scolpini tells me what color it is and it is different then what is supposed to be there then yes.

Mr. Whitfield stated there is a lot of designee in here.

Mr. Gillie stated the reason being is the Planning Director is color blind, so I am not going to know what color they paint the sign anyway.

Mr. Jones stated she was not around fifty (50) years ago, I can verify that.

Mr. Whitfield stated but she does know her colors.

Mr. Gillie stated she does know her colors much better than I do.

Mr. Wilson stated I think part of our role, and I am the newest person in here, is to be like a citizen voice in this process of making community decisions. There is very little here that I am really concerned about. I do think there is a lack of clarity about exactly what we are doing and the impact of that. Even though I generally like anything that manages the look of our City, I am having some concerns with her issue here and I am wondering if that will be reflected out in the community as well in terms of the full understanding of exactly what we are deciding here. There is part of me, in looking at recommendation number three (3), would like additional study just to get comfortable in these decisions. I do not know. I feel like a lot of this is kind of new.

Mrs. Evans stated I would like to see the verbiage corrected as Mrs. Stilwell mentioned.

Mr. Whitfield stated oh yeah, that will clearly be done by me. That has got to be done before, either through my office or his office; it gets to our office as an Ordinance, so that will not be a problem.

Mr. Gillie stated I was trying to type in a sling, I apologize.

Mr. Jones asked as of now there are not people coming forward that want to paint their signs?

Mr. Whitfield responded yes, there are.

Mr. Jones stated there are.

Mr. Wilson asked and therefore we are what? I mean are they kind of waiting for these decisions?

Mr. Whitfield responded yes, they are waiting for Council.

Mr. Scarse stated my understanding is that you would like for us to approve this and for it to go on to City Council for them to look at it.

Mr. Whitfield stated just make a decision one way or the other. Even if you do not approve it, it still goes to City Council. They can still approve it. Just make a decision one way or the other and then move it forward for Council's consideration.

Mr. Jones asked in the appeal process, can a person eventually take their idea and sign to City Council for their approval over the zoning?

Mr. Whitfield responded they would go to court.

Mr. Jones asked they would go to court?

Mr. Whitfield responded yes.

Mr. Griffith stated after the Board of Zoning Appeals.

Mr. Gillie stated they would come to staff first. If for some reason we would deny it, they would go to the Board of Zoning Appeals. If the Board of Zoning Appeals denies it, then their next appeal is to Circuit Court.

Mr. Jones asked City Council is not in there?

Mr. Whitfield responded no.

Mrs. Evans stated if we approve it, if the Board of Zoning Appeals approves it the City could go to court, correct?

Mr. Gillie responded we could go to court. Either approved or denied there is no portion of this that would come back to this body or to City Council.

Mr. Searce asked so really at this point you are just trying to address the Code to give it some kind of definition so you can deal with it?

Mr. Whitfield responded right.

Mr. Searce stated that is all this is about.

Mr. Gillie stated when somebody comes in and says I am going to repaint a ghost sign I do not have anything that says it is a ghost sign. You are either this or this. You are not that.

Mr. Jones asked but now they can go to City Council, right?

Mr. Gillie and Mr. Whitfield responded no.

Mr. Gillie stated with a denial the process would still be to go to the Board of Zoning Appeals either appealing a decision or asking for a variance. At that point they are either appealing what is considered outdoor advertising with billboard signs, or the determination made by the Zoning Administrator as to what they are. Based on what we have currently, it is difficult to approve that you are not an outdoor advertising sign. This recognizes those historic type painted signs that are out on the building.

Mr. Jones asked can we include going to City Council as a possible choice of a person that wants to do something with a sign? I would think an elected official by the community should have a say so in this, and I think members of the City ought to be able to go to their elected officials.

Mr. Searce responded we are going to be setting Code policy and then it is basically enforcing the Code. It is really not their area to deal with.

Mr. Whitfield stated right. There are very few if anything that is ever appealed to City Council. If it goes to court you have one (1) person that you have to convince as opposed to a majority of nine (9).

Mr. Jones stated an elected majority.

Mr. Wilson asked is there anybody, a committee, a group, or is it you all that basically reviews each application like a community based architectural review or something like this that can kind of weigh this out right now, or is it just anybody out there who has a sign they want repainted?

Mr. Gillie responded there are not appearance standards except one (1) district in the City, only in the Old Westend Historic District, otherwise no there is not a committee that reviews that.

Mr. Whitfield stated if you will notice when we presented it to the Commission of Archtiectural Review that was not one (1) of their suggestions, that it come to them for review. They would just simply make application, provide their evidence, and either move on and paint or go to the BZA.

Mr. Griffith stated but there are Sign Ordinances regarding signs.

Mr. Gillie stated our Sign Code regulates the size and the location. It does not get into colors. It does not get into what it says. It is basically, you are allowed X number of square footage.

Mr. Griffith stated this is just going to be one (1) addition to the Sign Ordinance. I guess my only question of concern is the determination of whether the sign is original to the building or in lieu of that providing historical evidence that it is fifty (50) years old. There are some signs that I think anybody would know that the sign had been there seventy-five (75) or a hundred (100) years. I do not know how you would prove that it was original to the building and have documented photographic evidence of it.

Mrs. Evans stated that is my concern. It seems like we are making them do a lot of work for something like Mr. Griffith says is pretty obvious.

Mr. Gillie stated obvious to who is the question. From a staff's standpoint, if you can lease out space on your building to put a sign up in these times would you do it? someone comes in and says "I want to lease" there was a sign for XYZ Corporation on top of that building and it is historic to the building, "I want to put that sign back up." From a staff's perspective I can't say yes. I can't say no. I do not have anything to go by. Are we then creating true billboard signs, as opposed to the renovation of ghost signs? We are trying to restore what was historic to a building, so we are asking someone to show us what was historic to a building. Again, we provide some of that information. We have got books of historic photographs that we try and look through. When someone comes in and says "hey, I want to do something to a building" we get our books and see what was there, what the building looked like, what is historic. That was our purpose on that.

Mr. Griffith stated I guess my concern or what I had in mind was sort of the signs that we know or products that we know have not been around for fifty (50) or seventy-five (75) years that there may be a ghost sign, but if someone wants to restore the sign I doubt that there is anybody left living that would know it was original to the building or there may not be any photographic evidence. Again, I use the example of Piedmont Cigarettes sign down there across from the City Armory. That sign that is a huge sign down on the side of the building has been there for years. They went out of business probably seventy-five (75) years ago. I do not know if there is anybody left living that could tell you, to say that is was original to the building. That building was built what in the late 1800's?

Mr. Gillie responded yes.

Mr. Griffith stated and whether there is photographic evidence or not.

Mr. Gillie stated this why when we started this a long time ago we told people this is not an easy subject to deal with.

Mr. Griffith stated well, I know. I just hope we can clarify it. I am just thinking that there are signs, where it says original to the building and the documentation of the proof that is required, I was wondering if there were some of the signs that may be lost, because there is no way of providing that documentation.

Mr. Scarce stated the real question that goes with that, let's just take that one as an example that we were talking about, is does the owner of the building want it repainted.

Mr. Griffith stated I have no idea. I was just saying if someone were to come along and wanted to do it.

Mr. Whitfield stated that is one that should be pointed out. That is one (1) difference, that most of the time the applicant for a sign would be the sign guy. In this particular case the applicant is going to be the building owner. That assures us that the building owner has actually made the investment and has decided to give permission for the sign to be painted on that building.

Mr. Wilson asked when you were revising this ghost sign did you go to other Cities that have similar Codes and kind of draw down some of these ideas? In other words, are they widely used in other Cities or is this particular to us?

Mr. Gillie responded everybody treats them differently. We went to places that have them. I have got a report in here from the National Trust and Historic Preservation and how they talk about dealing with them. We did as much research as we could on what it is a ghost sign, if they call it a ghost sign, how do they treat them under their Code. We tried to take the best of all of the practices out there. Some places say "don't touch them, because you have destroyed the historic character of the sign. The sign was painted fifty (50) years ago and it is naturally weathering away. It is a product that is no longer in existence, so the sign should no longer exist." Other places say "paint them back," "paint them something else." They are all over the board on it. There is no national standard that everybody goes with.

Mrs. Evans stated I would like to see us have ghost signs, but I do not agree with that if the building has been painted and a ghost sign is uncovered then those people have to go to the Board of Zoning Appeals. I think they should come to you first.

Mr. Gillie stated everyone will come to me first.

Mrs. Evans asked even if it is painted?

Mr. Gillie responded they can ask for it. Based on the way the Code is here I would deny it, because this Code says that sign has been painted over. It is white washed. Somebody made a conscious effort to remove that sign. They could appeal that to the Board of Zoning Appeals. As I said by example, Pepsi and Dr. Pepper and Pepsi and Dr. Pepper. These have both been clearly removed. Is this what you want as your gateway to Downtown? I have a stack full of other ones. Those are just real easy to see.

Mr. Scarce stated I think staff has done a lot of good work. I am going to agree with it and send it on to City Council. My question is on previous discussion of this other section. Should we just leave it alone for now or should we ask that this be considered too?

Mr. Whitfield responded I would think the easiest way would be to treat the separately. It is kind of apples and oranges. It just came up as part of this discussion. I think you brought up some good points. The planning staff may want to get together other municipalities, counties, and some other business type folks in town as well. That may take a meeting or two (2). It is good suggestions.

Mrs. Evans stated to throw another orange in, not a ghost sign, but if someone found the *Cat and Fiddle* sign where would the Code stand to put that back up?

Mr. Gillie responded I think I know where that is actually. Well, I know where one (1) of them is.

Mrs. Evans asked so where would that stand?

Mr. Gillie responded currently it would not be permitted.

Mr. Jones asked if somebody found *Home of Dan River Mills* sign and wanted to put that back up?

Mr. Gillie responded currently not permitted.

Mrs. Evans asked can we put something in the Code?

Mr. Jones stated if you have a City that is painting murals on walls now, and people are thinking about old times, I think some people want to see the way Danville was forty (40), fifty (50), sixty (60) years ago in certain places. I know you hate to say this is good and this is bad, but I think people want to see what Danville was like in some instances the way it was fifty (50) and sixty (60) years ago including Dan River Mills.

Mr. Gillie stated the issue with that is the sign cannot be placed where it historically was. That building has a separate owner. It has been removed. Is that restoring a historic sign, because it is not where it historically was? The other one, the building is gone. If it is the sign itself and you want to replace that sign, you have got to find a different location for it. That would require some different Code wrangling period. The murals that you mentioned, when we started doing the mural program a couple years ago, we actually added a Code Section. I do not know if you were on Planning Commission at the time. We added a Code Section to deal with murals. We can do it, but as it is right now, the *Cat and the Fiddle*, the *Home of Dan River Fabrics*, would not fall under anything that we have got now in the Code. It would really be outdoor advertising.

Mr. Wilson asked as it is now, under the new Code, how does that change things?

Mr. Gillie responded ghost signs are painted signs. It is only dealing with what are historic painted signs, not historic signs in general. If you want to get into historic signs like *Cat and the Fiddle*, your cigarette sign, or anything else, probably save that for another day.

Mr. Griffith stated what I was talking about is a painted sign on the Moratop building or whatever it was.

Mr. Gillie stated yes, Moratock.

Mr. Griffith stated there is a painted sign on that building. Now whether or not it is still there, I do not know.

Mr. Gillie stated it probably is. We just could not get a photo of it because of foliage. The Moratock has a lot of stuff on top of it. That would be something that we could deal with on another day. If we are looking at just doing this one, you are coming about do we want to just keep this downtown? Again, we did not. We had this as City wide, but if this is something Planning Commission is thinking of please add Sections N and Q only, so that it applies only to the Tobacco Warehouse and Central Business District.

Mrs. Evans stated there are some ghost signs on Riverside Drive that are over fifty (50) years old.

Mr. Gillie stated Riverside Drive and West Main Street.

Mr. Griffith stated North Main also.

Mr. Gillie stated North Main hill is Central Business District, so it falls under that Section.

Mr. Griffith stated right. Where does that stop?

Mr. Gillie responded it stops basically where North Main and Worsham Street come together. We covered all of that in the Central Business District.

Mr. Scarce made a motion to recommend approval of Code Amendment Application PLCA20110000362 as submitted. Mrs. Evans seconded the motion. The motion was approved by a 5-0 vote.

II. MINUTES

Mrs. Evans made a motion to approve the minutes from the September 12, 2011 meeting. Mr. Jones seconded the motion. The minutes were approved by a 5-0 vote.

IV. OTHER BUSINESS

Mr. Gillie stated City Council approved the items that you had forwarded on last month or the month before, because of the way our schedule is. We have the Code change coming up this coming month for the Neighborhood Commercial District. We do have cases filed for next month, so there will be a meeting.

Mr. Whitfield stated just as a heads up, the Commission of Architectural Review has an item that may be coming for its consideration. It is being presented by the Historic Society, and just about anybody that is on that board and on the Historical Society and they will all be conflicted out. That item will be coming before you; because that is the only way we could figure to do it is to have you all actually make that decision based on those criteria. I do not know what meeting it will be. I just thought I would let you know that it may be in a meeting to come before you soon.

With no further business, the meeting adjourned at 4:03 p.m.

APPROVED