

**PLANNING COMMISSION MINUTES**  
**September 10, 2012**

**MEMBERS PRESENT**

**Mr. Wilson**  
**Mr. Griffith**  
**Mr. Jones**  
**Mr. Searce**  
**Mrs. Evans**  
**Mr. Jennings**  
**Mr. Laramore**

**MEMBERS ABSENT**

**STAFF**

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

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

**I. ITEMS FOR PUBLIC HEARING**

- 1. Request to amend Chapter 35.5 entitled "Subdivision Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 4 entitled "Subdivision Design Standards," Section B entitled "Minimum Design Standards," Subsection 1 entitled "Streets," Subparagraph d. entitled "Streets Signs and Names," Items ii and iv, to replace the terms City Engineer and City Council with the Department of Community Development.***

Ms. Blair read the staff report.

Open the Public Hearing.

Present on behalf of the request was Mrs. Melissa Dabbs.

Close the Public Hearing.

Mr. Griffith asked what is the reason for the change?

Mrs. Dabbs responded I am part of the Information Technology Department. I was the GIS Coordinator for a period and now I am a GIS Analyst for the City. This change was introduced after we evaluated the actual workflow and business process of how our street names were managed. We found out that there were a lot of inconsistencies starting as early as when plats are submitted to what was actually getting recorded by Real Estate and being handed down to other departments. In an effort to get all of the departments using the same spellings of the street names, and calling the same sections of the street the same name, this was the most logical workflow, and put all of the responsibility with the department that has the most knowledge of the project. There was poor communication basically. This will eliminate that problem and put it with the department that has the earliest knowledge and they will be responsible for keeping it correct all of the way through.

Mr. Griffith stated I know that there are street names that in different places the same street is spelled two different ways.

Mrs. Dabbs responded we are working on it. I think we have addressed the majority of those.

Mr. Griffith stated I just know in the past there has been.

Mr. Gillie stated drive on Colquhoun Street and see how many different ways that is spelled.

Mr. Griffith stated Cain Creek Road and Drive have been spelled two different ways on different signs within a mile of each other.

Mr. Gillie stated *ain* verses *ane*. We have quite a few of those.

Mr. Griffith asked it says the term *City Engineer* and *City Council* shall be replaced, if City Council was already taken out of this why is it in there anyway?

Mr. Gillie responded there are a couple of issues with the way the flow actually went. As we went through the process we determined how it was going. Major subdivision plats, as Mr. Griffith and I were talking about beforehand would come to the City. We would review them, submit them internally, once we were good we would bring them to Planning Commission, Planning Commission would adopt them, and that would be the end of it. The street name was established prior to coming here and finally adopted by Planning Commission. The authority to do that was transferred to Planning Commission back in 2004. While this portion of the Code still said that was to go to City Council that actually didn't go to City Council; because that authority had been transferred. We are just trying to clean up issues that we saw that weren't actually going the way written in one section, but were in another section. I spent a lot of time going through the process and just chasing things down to see how they actually worked as opposed to how it is written.

**Mr. Wilson made a motion to recommend approval of Code Amendment as submitted by Staff. Mrs. Evans seconded the motion. The motion was approved by a 7-0 vote.**

## **II. MINUTES**

Mrs. Evans stated in the minutes I recommended going ahead and having other districts that were not zoned for the micro-breweries.

Mr. Gillie stated that is going to come up under other business.

**Mrs. Evans made a motion to approve the August 13, 2012 minutes. Mr. Griffith seconded the motion. The motion was approved by a 7-0 vote.**

## **III. OTHER BUSINESS**

Mr. Gillie stated we are still working on coming up with some good guidelines on what districts that would be allowed in both beer and wine. There may be a few other modifications that we need to make to the definitions that are coming as well as the districts that they go in. We are also proposing to have a special meeting of Planning Commission along with the Commission of Architectural Review. Instead of having the standard meeting of October 8, we would like to propose that Planning Commission agree to have a meeting on Thursday, October 11 so we can have a joint meeting with the Planning Commission and Commission of Architectural Review; so we can update the River District Guidelines, which

would require us to have a public hearing to adopt any amendments to the Zoning Code to address the plans that are proposed for the River District to establish the boundaries. At that point we will bring additional Code amendments in, because I didn't want to change something that is going then to impact because we are talking about microbreweries and other things in the River District; and we want to make sure that we have all of those together. It seemed pointless to have it this month and then bring it back again the following month with some additional changes. That is why it is just being held off a little bit.

Mr. Searce asked is that going to be a work session type thing and a public hearing?

Mr. Gillie responded it will just be a public hearing. Hopefully some of you have been to some of the meetings that Allison Platt has been conducting, some of those public information meetings. We have already got the boundaries established, so we will put those in and then we have got the guidelines out there. Hopefully everything will just be adopted at that point or recommended for adoption by this board to City Council. Since we are changing the Code for the breweries, the micro-wineries, and also doing the River District overlay and the Code amendments for it, we just thought it would be safer to bring everything at one time. Now the microbreweries, we have still been working on trying to come up with good definitions. I am still all over the board on anything, so I am hoping someone has some better information on the gallons verses the size of them, what constitutes a microbrewery, urban brewery. It is just all over. I didn't know if last month anyone did any research. If anyone has any additional information, please get it to the staff. The meeting of Planning Commission will not be October 8 if Planning Commission agrees to it. Clarke, do they need a resolution or a motion to change the date?

Mr. Whitfield responded no, we will need to advertise it.

Mr. Gillie stated we will advertise. I just wanted to let everyone know.

Mr. Whitfield stated just so you know, there is an IDA meeting that day at 4:00.

Mr. Gillie stated ok. Would anyone be able to come a little earlier if we had the meeting that day or is 3:00 the only time since it will be a Thursday?

Mr. Jones responded I am ok for anytime.

Mr. Gillie stated we may move that to 2:00 on the 11<sup>th</sup>. I have to confirm with Ms. Platt and Ms. Adams that they can make 2:00 as opposed to 3:00.

Mr. Whitfield asked that will be in here?

Mr. Gillie responded 2<sup>nd</sup> floor conference room. They have some electronics and will have to make presentations. The comprehensive plan, I received the last component which we are reviewing right now. Hopefully I will have that in a month or two to give to you to look at and make any final corrections, so we can get that thing updated and on its way. Also, one last thing, if you could congratulate Ms. Blair. She recently received her Master's, so congratulations to her. That is all I have for other business.

Mrs. Evans stated in the newspaper there is an article on wildlife rehabilitator and she had made a comment that she has certification to rehabilitate injured wildlife, but that is no place in Danville that she can have a facility. Is that correct?

Mr. Gillie responded we have discussed via phone exactly what occurs. The way my understanding of her operation is that it really needs to be in something that is in an agricultural area because you are caring for wild animals of different sizes. Potentially these animals are, I don't want to say dangerous but any injured animal is a concern. The City doesn't have any type of agricultural zoning short of the Sandy River residential district. The City Zoning Code as it sits right now doesn't really permit this type of operation within our jurisdiction. So when I had conversations with her about trying to find a place, we were trying to find a large acreage tract. The City is running out of large acreage tracts, so it was suggested to look at the areas just within our immediate boundaries. I have had conversations since then with her and I am doing some research on whether we can work on this type of facility within the City limits, but there are Code concerns that we have.

Mrs. Evans stated I think it is something that should be done whether it is County or City.

Mr. Gillie stated I don't disagree with you, it is just whether we can make that work in our urban environment is something I am not sure of yet.

Mrs. Evans asked but you are in contact with her?

Mr. Gillie responded I was in contact with her on Friday and I told her I would do some research and get back with her in a few days.

Mr. Jennings stated I have a couple of questions I wanted to ask. As I ride 10 miles out of State, I see internet cafes. What did the State legislature or City Council ever do about internet cafes in Virginia or in Danville?

Mr. Gillie responded every request in Danville for Special Use Permit was denied by City Council and the State legislature does not permit them within Virginia that is why they are just 10 yards over the border in North Carolina. In North Carolina, they had written law, the law was challenged. The courts overturned a portion of it. They had modified it slightly, but right now they are still legal in North Carolina. That is why you see them just over our border but you don't see them in Virginia.

Mr. Jennings stated I was just wondering if there was any chance that they might come to Virginia.

Mr. Gillie stated our legislature is adamantly opposed to them in Virginia. I find it doubtful. You never know what the General Assembly will do and whether the Governor will sign for anything, but based on my understanding and Clarke's local attorney agency hasn't heard anything, I don't think they will be in Virginia anytime soon.

Mr. Whitfield stated I concur with that. There were some issues that caused the litigation. They were forbidden in North Carolina, but there were some loop holes and some litigation that cured that; and when that litigation came forward, Virginia legislation looked at it. General Services and Attorney Generals looked at it and they were able to close those loop holes in North Carolina. So, for right now we are fine.

Mr. Jennings stated the other issue I had, well it is not really an issue, but a question that was asked of me some time ago, and this took place over on Little Street or Vance Street in

that area. Someone took a vacant lot and made a driveway, made a street out of it, made a back entrance to their home. Is that legal?

Mr. Gillie asked to a residential property, a single family residence?

Mr. Jennings responded yes. They own the lot between two houses. Their home is on the other street, so they just use that vacant lot as a private driveway.

Mr. Gillie stated you can have a driveway across a residential property serving a single family residence. You can't build a driveway to serve something that is not single family use. We allow certain things in single family districts by special use permit. You couldn't build a driveway to serve one of those. But you can, if your house faces one street and you own the lot on the other street, you could potentially get a curb cut permit and extend a driveway across it, yes.

Mr. Jennings asked but you would have to have permission from the owner of the vacant lot?

Mr. Gillie responded you would either have to own the vacant lot or have permission from the owner. You can't just take somebody's lot you don't know and build a driveway across it; but if they give you permission to do it, you can access a single family residence.

With no further business, the meeting adjourned at 3:17 p.m.

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APPROVED