

PLANNING COMMISSION MINUTES
October 11, 2012

MEMBERS PRESENT

Mr. Bruce Wilson
Mr. William Griffith
Mr. Robert "Q" Jones
Mr. Michael Searce
Mrs. Ann Sasser Evans

MEMBERS ABSENT

Mr. Sylvesta Jennings
Mr. Laramore

STAFF

Ms. Renee Blair
Mr. Ken Gillie
Ms. Christy Taylor
Mr. Clarke Whitfield
Mr. Earl Reynolds, Jr.

The meeting was called to order by Chairman Searce at 2:00 p.m.

I. ITEMS FOR PUBLIC HEARING

- 1. Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically to add Article 3.V entitled "RD-O River District Overlay" to establish boundaries and design guidelines for the River District.**

The Guidelines shall include the following:

- 1.1 Purpose
- 1.2. The River District Design Commission
- 1.3. Historic Properties within the District
- 1.4. Non-Historic Properties within the District
- 1.5. The Secretary of the Interior's Standards for Rehabilitation
- 1.6. Procedure for Obtaining a Certificate of Appropriateness
- 1.7. Routine Maintenance
- 2.0 Design Principles for Successful Downtowns
- 2.1 Urban Design Principles
- 2.2 New and Infill Building Design Principles
- 2.3 Pedestrian Priority
- 3.0 Guidelines for Historic Buildings in the River District
- 3.1. Introduction
- 3.2. General Guidelines
- 3.3. Criteria for Restoration/Renovation vs. Demolition
- 3.4. Commercial Buildings
- 3.5. Industrial Buildings
- 3.6. Civic/Institutional Buildings
- 3.7. Recommended
- 3.8. Not Allowed
- 3.9. Routine Maintenance
- 3.10. Certificate of Appropriateness Required
- 4.0 Guidelines for New Buildings in the River District
- 4.1. Purpose
- 4.2. Allowed Uses
- 4.3. New Building Types
- 4.4. Architectural and Site Guidelines for Large Buildings
- 4.5. Architectural and Site Guidelines for Small Buildings

- 4.6. Routine Maintenance
- 4.7. Certificate of Appropriateness Required
- 5.0 Site Design Guidelines
- 5.1 Purpose
- 5.2. Site Guidelines
- 5.3. Routine Maintenance
- 5.4. Certificate of Appropriateness Required
- 6.0 Sidewalk and Outdoor Dining and Outdoor Display Design Guidelines
- 6.1. Purpose
- 6.2. Sidewalk Dining
- 6.3. Outdoor Dining on Private Property
- 6.4. Outdoor Display Guidelines
- 6.5. Routine Maintenance
- 6.6. Certificate of Appropriateness Required
- 7.0 Sign Guidelines
- 7.1. Purpose
- 7.2. Commercial Signs
- 7.3. Existing Signs
- 7.4. Awnings & Canopies
- 7.5. Banners
- 7.6. Wayfinding Signage
- 7.7. Routine Maintenance
- 7.8. Certificate of Appropriateness Required
- 8.0 Streetscape and Open Space Guidelines
- 8.1. Streetscape Guidelines
- 8.2. Streetscape Recommendations
- 8.3. Routine Maintenance
- 8.4. Certificate of Appropriateness Required
- 8.5. Public Open Space Guidelines
- 8.6. Open Space Recommendations
- 8.7 Certificate of Appropriateness Required

The boundaries include all properties within the area bounded by and within the following:

Beginning on the south side of Riverside Drive at the Farrar Street overpass, and then along the south side of Riverside Drive to the Norfolk and Southern Rail Road Bridge, thence south along the west side of the Rail Road tracks to the north side of Monument Street, then along the north side of Monument Street to the west side of Newton Street, including 501 and 503 Newton Street, thence along the west side of Newton Street to the north side of Dame Street, thence along the north side of Dame Street to the north side of Wilson Street, thence along the north side of Wilson Street, to Jefferson Avenue including the property at 257 Jefferson Avenue, thence along the rear property lines of lots on the north side of Jefferson Avenue crossing Patton Street, along the rear of the lots fronting the west side of Patton Street to 747 Main Street, thence crossing Main Street including up to 730 Main Street, thence extending west to the include the east side of Spring Street, thence north to South Ridge Street, including all properties along the north side of South Ridge Street to High Street, including all properties on the east side of High Street to the north side of Floyd Street, thence along the north side of Floyd Street to the east side of Poplar Street, thence along the east side of Poplar Street, to Union Street Bridge Road, crossing the Dan River,

then extending along the rear property lines of Farrar Street to the intersection of Riverside Drive.

Open the Public Hearing.

Present on behalf of the request was Ms. Allison Platt. Ms. Platt gave a PowerPoint presentation outlining the River District plan and the purpose of the design guidelines.

Present in opposition to the request was Mr. Gus Dyer, Chairman of the Board of Zoning Appeals. Mr. Dyer stated in Section 3.8.

Ms. Platt stated you will have to remind me what that is.

Mr. Dyer stated what is not allowed.

Ms. Platt asked not allowed in which section?

Mr. Dyer responded it is in section 3.

Ms. Platt asked is that historic buildings?

Mr. Gillie responded Civic Institutional buildings, 3.6 recommended, 3.7, 3.8 not allowed.

Mr. Dyer stated the first thing under not allowed is *additions to buildings that do not match the original building in style and materials*. The Science Center across from the railroad station apparently does not match that criteria. Would you agree to that?

Ms. Platt responded I would agree to that. First of all, it might be ok that it doesn't because it is a Civic Institutional building. Civic Institutional buildings have more leeway in terms of what they do.

Mr. Dyer stated Dr. Herman's River District Towers has a design element.

Ms. Platt stated I am sorry I don't know what building you are talking about.

Mr. Gillie stated the Dan River Research building.

Mr. Dyer stated it has a modern addition. I think it is probably the elevator tower or the stair tower.

Ms. Platt stated I have seen that.

Mr. Dyer stated that does not seem to match these guidelines. Can you address that because these are probably the two most prominent structures that we have going on in the River District right now. Also the Large Format Theater will be an addition to the Science Center obviously does not match these criteria. Can you discuss that a little bit?

Ms. Platt responded that is also a Civic Institutional building. As I have said, special buildings which would be Civic and Institutional buildings are hard to say. It might be a theater, it might be a convention center, it might be a building like that. I do think that the

Design Guidelines under 3.6 *Civic and Institutional Buildings*, offers you more leeway in terms of what you would design as is appropriate. As far as the Dan River Research building, that glass part as I recall is hidden from the street, so technically it wouldn't be a problem. An important thing to remember is these guidelines for historic buildings if you want to get a tax credit in a historic district these guidelines are necessary. They are written with that in mind. If you have a historic building and you are trying to get a tax credit to build an addition that doesn't fit the architectural style of the building you are not going to get that tax credit.

Mr. Dyer stated well the question is if you weren't going after the tax credit, because I have taken classes that say maybe the tax credits are not something everyone would want to pursue.

Ms. Platt stated well certainly not. In a residential district most people don't because it is too much trouble. If you are over a certain amount of development costs those federal and state tax credits can make a difference between building the building or not building the building. I would say for most large projects that are using a historic building they would absolutely want those tax credits like the Ferrell building for instance; however let me just say that there is a two part approval process in these Design Guidelines. For an historic building for which tax credits were sought these would apply that they are not allowed. This is what the two part approval process does for you. There may be circumstances and let's just take the Dan River Research building as an example. If the only way you are going to get that elevator tower in there is by doing an addition, if it is not visible from the street then the design commission may decide that is acceptable. The procedure would then be, the first part of the approval process says "does it meet the guidelines?" You would say to that no. Then you would say "do you approve it?" In that case, you would say "yes."

Mr. Dyer asked so the DDRC has that leeway?

Ms. Platt responded they do.

Mr. Dyer asked they are not bound to uphold the Code regardless of their personal opinion? My first concern was that a lot of this would be coming back to the Board of Zoning Appeals since this was part of the Zoning Code. Mr. Gillie has informed me that this will go before the DDRC. The Board of Zoning Appeals doesn't have that leeway. We are essentially appointed by a judge and unless they meet the law, regardless of how we feel about it, it is our obligation to uphold that. This commission will have leeway.

Ms. Platt stated they will and they should. If you look at that same page there is the example of that warehouse. I forget what the address is.

Mr. Dyer stated Lynn and Depot.

Ms. Platt stated right, the one that faces the rail yard. There is no way unless you put a call center or something in there to keep that building historically correct and use it; because there is no windows in it. You would have to alter that building to make it usable. I think what the Design Guidelines call for in trying to set up a system is flexibility. If you want the tax credits, you are going to have to play by the rules. If you don't and it is acceptable to the people on the commission then it is fine. Does that answer your question?

Mr. Dyer responded it does.

Present in opposition to the request was Mr. Rob Taylor. Mr. Taylor stated I am a property owner downtown section 3, which is not historical. It is behind the Galileo School on Boatwright Avenue. We have a building built back in the 1960's. I purchased the building in 1999 and in 2000 made some modifications to it. I have this God forsaken awning on the outside that I have been looking at getting replaced. The problem is trying to find a method to replace it. I already have pricing to replace it, anything from \$5,000-\$10,000. First of all, I haven't seen where for section 3 there is a set of standards yet.

Ms. Platt asked what is section 3?

Mr. Taylor responded it is in your diagram.

Ms. Platt stated that is not a district. It is basically just characterizing the type of buildings that are in there.

Mr. Taylor stated I was under the impression that those areas are going to be defined.

Ms. Platt stated they are defined for new buildings.

Mr. Taylor asked they are not going to be defined for existing buildings?

Ms. Platt responded no.

Mr. Taylor stated on the existing building, if I was to take that awning down and replace it with the same type of awning there would be no problem. The problem is trying to find an awning that matches something from 1960. So, the next deal is I come up with a solution that may cost \$10,000, but the board decides that they don't like it and I need to spend \$20,000 on something else. Who is going to help me pay for that? Do you want me to just leave it that way and leave it as an eyesore?

Ms. Platt responded personally, I would not like you to leave it.

Mr. Taylor stated if you put something onerous on the building owner to make a modification to the way that you or the board decides that it needs to look, how are you going to assist that building owner in doing that and not have to pay it out of their pocket?

Ms. Platt responded I am the Chairman of the Historic District Commission in Goldsboro and there is a lot of parts of Goldsboro that are pretty depressed and have non-contributing buildings. Our committee understands that first of all, times are hard and second of all if it is a non-contributing building it just needs to look decent. I think there has been some confusion in the CAR, because the standards say very clearly and there is no other way for them to interpret it that you have to use authentic material and replace like with like. This draws a distinction between non-contributing buildings, new buildings, and historic buildings. I think that if this is in place you should take some care as to who is appointed to this commission.

Mr. Taylor stated that is my point. Whoever gets appointed and put on this committee could make it very onerous for property owners. If I come in and say I can't place it with like

because they don't make that anymore, but I have found a solution that is \$10,000 and this is would I would like to do; and the board comes back and says "no, we don't like that."

Ms. Platt stated we don't like that is not an appropriate response.

Mr. Taylor stated but you see what I mean. We would rather you go with this solution and I get a price on it and it is \$15,000 or \$20,000. My question is, now that I am in a River District is there some type of funding that is going to help me pay for that or I am going to just leave the building the way it is because I can't afford the \$15,000 or \$20,000 for the improvement?

Ms. Platt responded in Goldsboro there is in fact like \$80,000 a year available for façade improvements. If people are making improvements and they have been approved by the Historic District Commission they then can go to this organization and ask for façade an improvement grant that would cover up to 50% of the cost of doing the improvement.

Mr. Taylor stated I guess what my concern is that you keep interchanging Historic District with River District and I want to make sure that here in Danville we are not saying that the River District is going to be administered by the Historic District.

Ms. Platt stated no. It is a separate organization. The thing that gets a little confusing is that there are two Historic Districts in the River District. It is very important for people like you to understand that if you have a non-contributing building you want it to look attractive but you don't want it to be an historic recreation because it never was. There is something on the first section here that talks about the attitude. If you don't mind I am going to read it very quickly because what you are saying is very important to the success of having Design Guidelines in the River District. The point of having the Design Guidelines is so that everybody benefits including you.

Ms. Platt read Section 1 of the Design Guidelines.

Ms. Platt stated that should always be the goal of this commission and that is to be helpful to people like you, to succeed not to stand in your way. With some people, there may be examples where they do something they know is probably questionable, like in Goldsboro last week somebody plastered siding on the back of their historic building because they didn't feel like taking down the stucco that was falling down. So, we said "no, you can't do that."

Mr. Taylor stated I guess my concern is that the board needs to understand building owners downtown in the non-historical areas have concern that if you appoint a board they can make it onerous on us to put the building to some standard that it was never designed for to begin with. I mean it is a 1960's brick face, block building with a terrible looking awning.

Ms. Platt stated that you are trying to fix. That needs to be understood by the people that are appointed. Frankly, the people are very important who are appointed to that committee. That whole issue of modern and non-contributing buildings, they were built to be utilitarian and as long as they look decent and are maintained that is all that needs to be done. If you wanted to build a new building, there might be different standards; but maintaining your own building or in my opinion upgrading it slightly by your opinion is fine.

Present in opposition to the request was Mr. Sammy Saunders. Mr. Saunders stated I am a property owner downtown. I have a question that pertains to what is happening now. I own a building right beside the Downtowner. That wall looks terrible. Before it looked fine because of the wall right beside it, you couldn't see it.

Ms. Platt asked are you talking about the building on Main Street?

Mr. Saunders responded on Union Street. Now that they have taken the Downtowner down and they are going to take that wall down even further if I understand. The side of building showing looks pretty gross. I don't know what we are going to decide to do. I have two questions: number one, I am assuming that they can't force me to do anything; number two, whatever I decide to do at this point I would have to get approval. Is that correct?

Ms. Platt responded if you are just repairing the building, you wouldn't need to do anything.

Mr. Saunders stated when I say repair; I mean it is cracked brick. I am sort of waiting to see how much damage is there from the settling after all of this demolition. It shook the building so much, there could be some brick to fall off. My question is, as long as it sits there, they can't make me do anything; but if I decide I am going to work on it, if I am going to put stucco on top, have I got to come back to the commission and say "hey look I am going to stucco the side of this building?" I assume they have got to approve what I am going to do once this goes in place. Is that correct?

Ms. Platt responded I guess to some degree it depends on whether there is a structural issue. You are saying that there could be a structural issue. Is that right?

Mr. Saunders responded well it could be.

Ms. Platt stated it is good to understand that if it is a health, safety, and welfare issue.

Mr. Saunders stated let's assume that it is not. I have got to do something to it. It looks pretty gross.

Ms. Platt stated I actually saw it a few minutes ago.

Mr. Saunders asked if I decide to stucco that, obviously it would look a lot better than it looks now, are they going to come back and say "no, you have got to put brick up there and re-brick the whole thing and spend thousands and thousands of dollars."

Ms. Platt responded I think it is the same question that he brought up. I am not going to be on the commission because I don't live in Danville. I think it is very important that you appoint people who understand times are tough. I will give you another example of kind of what you are saying. The second oldest Jewish temple in the state of North Carolina is in Goldsboro. The back part of it is now a soup kitchen. They needed to add cold storage, and a shed off of the back. Technically for historical purposes they should have built it similar style, but it is a non-profit. It is something the community needs and something that needed to be done. We had them build it not in the style of the building and paint it a dark color so it was sort of obnoxious and we approved that. The standards allow for that sort of thing. Stucco is a material that is used on a lot of brick when it is in very bad condition. Personally, I would have no trouble with that. I would hope that a commission wouldn't

have trouble with it either. Yes, you probably would have to go and say "I want to do this." The other thing that is important to remember is there are some things which don't require commission approval. I don't know if that would be one or not. Often times I will get a call from a staff person at the City saying "this needs to be done, it is not a big deal, do you think that is going to be ok to approve at staff level?" It gets approved and it gets done more quickly.

Mr. Saunders stated let me ask you another question. I just bought 409 Main Street and wanted to fix the façade. The City worked well with me. I didn't have any major issues and we got it built. If I was doing that today, after these guidelines have passed, I bought the building under contract in my mind I knew what I was going to do and the City worked well with me. Once these rules have passed and I have also got to sign a contract with a limited time to close and I have got to come back to them and say "this is what I want to do, will you approve it?" I have to get their approval before I close on the building. I don't want to close on the building and then come back and they want me to spend \$200,000 more than I want to spend to fix the building up. Is that the guidelines? The other issue is when I bought the building it had a façade on the front of it that was just green stucco. The original concept was to punch holes in that plaster and put windows in it similar to where they were before. It already had holes there. Everything worked out fine. As it turned out, the stucco cracked so I ended up pulling the whole thing down and redoing the whole front. My question is if I came to the next week to do this are they going to say "you have got to get the whole thing done. If you are going to punch holes to put in windows that is changing the whole front. You have got to take the whole thing down and start over, which costs an extra \$25,000." Are they going to require that? The other issue is when I put the windows in; I didn't put the windows quite as large as they were. The windows would have cost twice as much.

Ms. Platt stated you are asking me way too technical questions.

Mr. Saunders asked if I am doing that today, have I got to get all of those things pre-approved before I close on the property?

Ms. Platt responded yes. I still the issue is one of practicality. You have a building that has already been degraded and you are trying to bring it back. That is a different consideration than if somebody has an historic building and they want to cover it with metal or they want to put stucco on it where there was none and there is not a need for it because the brick is in good condition. Reasonableness is the issue. The goal of it is, I said it at the beginning and let me say it again, to make everybody succeed by making downtown look so good that more people will want to be here and open businesses here. If the whole area looks good then it may be that some things will have to be done to a slightly higher standard. I don't think the purpose is to do that just for the sake of doing it. The purpose of it is to make the area look so good that everyone does better.

Mr. Saunders asked how long do you anticipate this process to take to get approval?

Ms. Platt responded if it is approved by the City, I don't think there is an issue at all.

Mr. Saunders stated if I sign a contract with Gerald to buy his building and I want to do this remodeling. I sign a contract contingent on me getting City approval or the Commission's approval and I come back saying "this is what I want to do." How long is that going to take? Do I have a 60 day or a 90 day window?

Mr. Searce asked how long is the due diligence period?

Ms. Platt responded in Goldsboro it is a month. Two weeks before the meeting they have to publish it in the paper. You have to get the plans to the staff person, they have to publish them, and then you go to the commission. All things being equal, in 30 days you should have approval.

Mr. Saunders stated but if the commission says “we like this, or we think you ought to do this or that” have I got to come back next month? Do I have to wait another 30 days to come back after I redesign?

Ms. Platt responded in Goldsboro the way it generally happens and I am not saying that this is the way it should happen here, but if everything is acceptable except they have a problem with X, they will say “we will approve it subject to X being whatever you have agreed upon or discussed at the meeting.” I don’t think it needs to be an onerous process. It shouldn’t be an onerous process. Everybody is trying to succeed here. Holding things up is not the point. The point is to make sure that there is a certain level of quality not to make it difficult for people. If there is one thing that is a problem, you talk about it at the meeting, agree between yourself and the committee that there is a slightly different way that will work a little better and the whole thing is approved based on that one change.

Present in opposition to the request was Mrs. Sarah Latham, Vice Chair of the Commission of Architectural Review. I think a lot of people are worried. Obviously these are hypothetical questions and it is impossible to answer specifically what will happen until it actually gets started. I think there is concern because CAR that oversees the Old Westend has City Ordinances that it must apply. There is not a dual system placed in those Ordinances. There is not flexibility placed in those Ordinances. Allison and I have had some discussion about that. We have to apply what the City Ordinance requires in the Old Westend. However, what Allison is saying is that she has purposefully written these guidelines to allow for a much greater degree of flexibility, so that the commission that oversees the River District can work hand in hand with the property owners to work out a thing that is in everyone’s best interest. The CAR approves without any difficulty 95% of the requests that come to us and that is without that built in flexibility. I certainly don’t think that the CAR is unreasonable and how it applies. I would certainly hope that whatever group has the River District guidelines with that built in flexibility makes it easier on everybody.

Ms. Platt stated I have even recommended that they consider redoing the CAR guidelines, so they have that dual system that will allow them more flexibility.

Ms. Taylor left at 3:00 p.m.

Present in opposition to the request was Mr. Ben Prescott. Mr. Prescott stated I own a building at 635 Main Street right across from American National Bank. I am not as well informed as Mr. Saunders and these other two gentlemen. I have a monument sign right out in front of my building. As you include my building into this new River District, is the River District going to force me to change my sign?

Ms. Platt responded no.

Mr. Prescott stated that is good news. Any additional modifications that I make to my building will have to be approved. Yes or no?

Ms. Platt responded exterior.

Mr. Prescott stated ok. I want to be crystal clear if my modifications cost X and your recommended modifications cost Y am I going to be forced to pay Y or X? That is all I want to know. Am I going to be forced to pay more to get those same modifications done? If those modifications meet the ordinances but not the guidelines am I not in the rule set for approval?

Ms. Platt responded it depends.

Mr. Prescott stated is that a no?

Ms. Platt responded it is not a yes or a no, because if what you are proposing to change meets the ordinances then it should be approved. The guidelines are what we are talking about. You can't get approval from the Planning Commission until you have approval from the River District Design Committee.

Mr. Prescott asked why are the guidelines needed? If the ordinances are enough, why are we overlaying guidelines on top of ordinances?

Ms. Platt responded because as I said in the beginning of the presentation, zoning is only about health, safety, and welfare. It is so that nothing falls down. It is so that it is not a hazard.

Mr. Prescott stated it appears to me that the guidelines become more restrictive than the ordinances.

Ms. Platt stated yes they do.

Mr. Prescott stated so we should scrap ordinances and go only by the guidelines because the guidelines are going to become the new ordinances.

Ms. Platt stated no they are not an ordinance.

Mr. Prescott stated but you just said to me that my improvement for health, safety, and maintenance because I am a non-contributing building meet the ordinance code but not the guidelines.

Ms. Platt stated well you didn't say that it was a non-contributing building.

Mrs. Stilwell stated it is a contributing building. It is Townes Funeral Home.

Mr. Prescott stated no it is not. It was Townes Funeral Home. It is no longer Townes Funeral Home.

Mrs. Stilwell stated it is a historic building designed by Jay Bryant Heard who designed this building.

Mr. Prescott stated I am not up on all of the codes on contributing and non-contributing. I guess I am a contributing building. Say I have old façade, it breaks down but I meet the ordinances and not the guidelines. I am going to be forced the guidelines?

Ms. Platt responded yes.

Mrs. Stilwell stated what the difference is, the ordinances and Zoning Code are simply for health, safety, and welfare. Design Guidelines are for “don’t take windows like this out and put little windows like this in because then you totally change the image of the outside of the building.”

Mr. Prescott stated I got that. That is a little bit off from what I guess my point is. my point is that the guidelines are going to require any structural changes to my building to force me to pay more money.

Ms. Platt stated no not necessarily.

Mrs. Stilwell stated it might save you money.

Mr. Prescott stated ok. We will see. In a nation where we try to create and expand good businesses, it has been my experience that anything that overlays or adds additional administrative or governmental step that I have to go through is going to be more money. It is counterproductive. Every time I have to do something to my building because it is a requirement it does not mean that when I go to sell my building or sell my practice that has made that building or practice any more affordable. Those restrictions, as a matter of fact if I am a potential buyer, become a negative impact on the sale.

There was discussion among citizens about selling property and how the restrictions can interfere with the process.

Ms. Platt stated my business is advising City’s how they can revitalize their downtowns. If you remember the slide that I showed at the beginning there and there are several others that I could have shown you that talk about respecting historic downtowns. If you do respect the history, there is so much individuality and character in the historic buildings in a downtown, that in and of itself makes your downtown successful. If you have no standards and you allow some of the things that have happened here downtown where you have metal sheathing all over perfectly beautiful brick façade. People value that brick façade a whole lot more than they do that metal sheathing. If that originally historic building is simply maintained, which is not an expensive thing to do unless it is in terrible condition then that building is going to be worth a lot more and the whole downtown is going to generate a lot more jobs, businesses, residential apartments, and everything else. I do this for a living. If historic downtowns are respected, those downtowns thrive and if they are not, then they languish. That is just a fact and if you would want I could come back sometime and give you a dozen examples of towns and cities of all different sizes who have valued the history in their downtown architecture. They have downtowns that people want to be in, that they spend money in, and that they visit. It seems as if it is a different level of requirement and it is, but all that it is doing is saying that this person here who values their building is not going to have their values lessened by somebody that doesn’t care.

Mr. Scearce stated I want to go back to his question if somebody repairs their building.

Ms. Platt stated it doesn't require a permit.

Mr. Scearce stated you wouldn't have to go through the process if you put back the same materials and fix it like it was. You don't have to do nothing.

Ms. Platt stated if you paint it the same material, if you repoint the brick, if you replace the windows, if there is storm damage and you fix the storm damage, none of those things are going to change the basic character of the building and none of them require a permit.

Mrs. Latham asked as long as you are going back with like materials?

Ms. Platt responded like materials.

Mr. Gillie stated it still may require a construction permit.

Present in opposition to the request was Ms. Sherry Chaney. Ms. Chaney stated I own a property here in a non-contributing building on Loyal Street. I have been a member of the National Trust for 20 some odd years and the National Trust doesn't enforce as you have written in here a lot of these rules that the City is wanting to enforce on every building. Believe me my husband hates that I love that building. I can see the potential. For non-contributing buildings we do not have to have COA unless we are changing. We have single pane windows. We want to become more energy efficient and put in new double pane glass. Do we have to go through the COA process?

Mr. Griffith responded according to these guidelines they would.

Ms. Platt stated I suppose you would.

Ms. Chaney stated it is not the rippled glass or the hand poured glass. It is plate glass that was probably put in the 60's or 70's.

Ms. Platt stated if that were a situation in Goldsboro and you called up the person in charge of Design Guidelines and you were basically going to look the same only it is going to be double paned instead of single paned, I would say that was a staff approval. It does not require review.

Ms. Chaney stated right now we have wooden doors, but we would like to change out and put in a metal glass door.

Ms. Platt stated it is a non-contributing building though.

There was discussion about the importance of the committee.

Ms. Chaney asked so the committee will not be appointed until these guidelines are put into place?

Ms. Platt responded right. They won't have the authority to appoint anybody without authorization.

There was discussion about how long it will take to put the guidelines in place and how they will affect contributing versus non-contributing structures.

Mr. Taylor stated the board members will be appointed by City Council. My concern is that you will get people in their who's perspective is that this is historical and therefore you need to put it back the way it is and do this and this; versus from a business perspective.

Mr. Whitfield stated City Council just doesn't go out and find people. The way City Council appoints people to boards and commissions is through applications, so anybody can get an application and anybody with concerns can apply. That goes through the appointment committee and then through the City Council, so it is not like they are going to go out and pick people that have their viewpoint. People will apply and there will be a list of people who make application.

Mr. Saunders asked if we don't like their decision, can we appeal it?

Ms. Platt responded somebody pointed out to me that there isn't anything in here and we should probably add something that says "just like with the CAR you can appeal it to Council." I think there will be less reason for that because of the two part approval process, because they can say "it doesn't meet the guidelines, but we approve it." For instance with windows on a building that is non-contributing you could say "technically it doesn't meet the guidelines, but it is necessary and we approve it." They were written that way on purpose. You could still appeal it. With our two part process in Goldsboro there has never been a need for an appeal.

There was further discussion about Mr. Taylor's awning.

Mrs. Stilwell stated I want to say that you all as property owners should know right now in our River District there are three projects going forward. These projects are using historic tax credits, so they have to do way more than this. I want to tell you how much money is being spent down here. I added it up. It is over \$31 million dollars, so it behooves all of us property owners to look good and not make them look bad. That is what this is about.

Ms. Chaney stated that is fine. All of us want our buildings to look good, but in these times when money is tight and business is slow and you start going no you are going to have to pay more because we don't like what you have chosen.

Ms. Platt stated these guidelines were written with the understanding of that reality.

Present in opposition to the request was Mr. Buddy Rawley, Danville City Council. Mr. Rawley stated I came today because I wanted to hear exactly what you are saying. I can only tell you 1/9 of Council, which I represent. I like the way Allison put it, we are here to help entrepreneurs and businessmen be able to succeed. I can promise you from my chair that the people I will vote to appoint to this committee will be very reasonable business people, because we cannot put too many restrictions on our entrepreneurs. We can't just let it go Helter Skelter either. Somehow we have got to have a compromise in there, but I can promise you that from my seat it will be people that will be very reasonable. Before they are appointed they will be talked to about that. We have got to be business friendly at the same time with what we are overall trying to do.

Mrs. Latham stated just one last comment that I would like to make and reiterate what Allison pointed out. We have decades worth of studies and cities and towns across the country that have found that by adopting guidelines, by caring for the heritage, by making the look and feel of a historic area more unified pedestrian friendly there has not been a failure. They haven't gone downhill. What has happened is property values have risen dramatically, businesses have thrived dramatically. I moved down here from Annapolis, Maryland. Forty years ago their historic downtown was shambles. They had to fight to put in guidelines. If you have been to Annapolis, it is one drop dead gorgeous city that costs a fortune now, so anybody that was in that was there in the beginning that sold their building made a killing on it. It raises your property values. It raises the values of your businesses. This is nothing but a success story and the leading person in the country on the economics historic preservation out of the RICMA came to town three or four years ago and spoke. It is across the board the best thing any town or city can do for its businesses, to help its economy thrive.

Close the Public Hearing.

Mr. Gillie stated section 1.7 we are going to have to look at because we assumed there wasn't an appeal process in there. It is not actually written out. If anyone makes a motion please put in there that section 1.7 sets the appeal process to go to City Council.

Mr. Griffith asked is that the procedure for obtaining a COA, section 1.7?

Mr. Gillie responded yes. We just need to add a paragraph 6 that states "you have the right to appeal this within so many days to City Council." If anyone makes a motion please include 1.7 subsection paragraph 6 to include an appeal.

Mr. Wilson stated I can tell that we are not or at least I am not actually ready to go to vote for this at this moment. I think we are probably still going to need to do some study, get the appeals actually written in. We don't need to vote on something that is not actually before us, the wording before us on the appeals process. I am just kind of wondering if there would be any mechanism available to have some of these voices that have spoken to be able, if it is legal or possible, to interact with us in such a way that we can address some of these concerns as this goes forward. I think that we are very committed to the River District Plan. We need to do things with our downtown. We need to do some unifying and building economics to draw this area. At the same time we want to make sure that we fully understand what the business owners are saying and that we have a full grasp of this.

Mr. Whitfield stated just to answer your question, you all sort of being a governing body, clearly citizens have the right to talk to you and lobby you for or against whatever it may be. It is going to be up to the individual member as to what that interaction will be. There is nothing wrong with you mingling with people or talking to people. You just have to make sure that if three or more of you get together you have to notice it as a public meeting. That is the only thing that you have to be careful of is when three members of the commission get together, but if you are just talking one on one there is nothing in the world wrong with that.

Mr. Wilson stated I don't think from my point of view anything that I am hearing out here is something that those of us wouldn't want to take very serious. At the same time I am very committed to seeing the renewal of downtown and that we create an area that is extraordinary and that it would not be limited either. In fact, I think one of the unique things

we can do in our town is to find a way to do that so that everybody can understand and a lot of suspicions are minimized. We accomplish kind of a higher goal.

Mr. Scarce stated I was going to recommend that we table this for one month anyway.

Mr. Whitfield stated you will need a motion to do that.

Mr. Scarce stated give time to change and add the correct language for the amendment process so that everybody can get a little bit more comfortable with that. Any other questions or concerns, of course they can talk to staff, get some answers, and then maybe we can come back and really move forward. Any other thoughts?

Mr. Griffith and Mr. Jones stated I agree.

Mr. Jones stated I think the one that has to be lobbied is Mr. Rawley back there, the people that are going to appoint these people that have concerns and want to be on the commission. They can give us their input, but I also think that input has to go in that direction.

Mr. Griffith asked isn't Gary Miller the Chair for the Appointments Committee?

Mr. Rawley responded yes.

Mr. Griffith made a motion to table the request until the November meeting to give staff an opportunity to define the appeal process. Mr. Jones seconded the motion. The motion was approved by a 5-0 vote.

Mr. Gillie stated the next Planning Commission meeting is November 12.

There was a brief recess in the meeting to allow citizens to exit.

- 2. Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 3J., entitled "N-C Neighborhood Commercial District" Section C. entitled "Uses Permitted by Special Use Permit", Article 3K., entitled "CB-C Central Business Commercial District" Section B. entitled "Permitted Uses", Article 3L., entitled "TW-C Tobacco Warehouse District" Section B. entitled "Permitted Uses", and Article 3N., entitled "PS-C Planned Shopping Center District" Section C. entitled "Uses Permitted by Special Use Permit" to allow for a microbrewery and/or micro-winery for the purpose of the manufacture and sale of craft beer and wine, Article 3:O., entitled "LED-I Light Economic Development District", Section C. entitled "Uses Permitted by Special Use Permit", Article 3:Q., entitled "M-I Industrial District", Section B. entitled "Permitted Uses", to allow for a Regional Brewery and Amend Article 15 to modify the definitions of microbrewery, micro-winery and create a definition for Regional Brewery.**

Mr. Gillie read the staff report.

Mr. Gillie stated in a nut shell we went back and looked at all of the stuff that you asked us, we've added additional districts, and we have created a Regional Brewery. We have talked

to some small microbreweries who have grown larger. Devil's Backbone, if anyone is familiar with them, in Nelson County. They have grown to a facility. They started out as a microbrewery and have gone to what we consider a Regional Brewery. We have tried to expand our size and also allow someone who goes over the 15,000 to go into a different facility. At that point they will have probably outgrown anything that would go in any of our commercial districts and allow them to go into one of our industrial districts.

Mr. Scarce asked was there any reason, I guess just because the nature of the use, that you didn't put in Highway Retail Commercial?

Mr. Gillie responded we already had it in Highway Retail Commercial. We already had the microbrewery and winery. This just expanded it to the other commercial districts and added additional capacity.

Open the Public Hearing.

There was no one present to speak on behalf of the request.

Close the Public Hearing.

Mr. Griffith asked what are the guidelines on micro-winery? Are there any limitations?

Mr. Gillie responded we did that before.

Mr. Griffith asked so that didn't change?

Mr. Gillie responded that didn't change. The numbers on the micro-winery seem to be consistent. Most places have an urban winery which is even smaller. That is for somebody that makes wine in their garage. Wine is kind of a new thing that is evolving. The micro-winery stuff we were ok with and we didn't find any reason to modify it.

Mr. Wilson made a motion to recommend approval of the Code Amendment as recommended by staff. Mrs. Evans seconded the request. The request was approved by a 5-0 vote.

Mr. Wilson asked are we going to have a chance or are we even allowed to talk about this issue with the River District Plan among ourselves?

Mr. Gillie asked do you have email? You guys can talk amongst yourselves.

Mr. Whitfield stated you have to be very careful with email about what could be considered a meeting.

Mr. Scarce asked what do you mean?

Mr. Wilson responded I am a little awkward with this process. I am concerned about whether or not some of these voices need to be integrated into this plan in anyway officially. How does that work?

Mr. Gillie responded everyone at the meeting today knows who you are. They can get in contact with you and express their concerns. They know they have 30 days and this is coming back. They will have an additional chance to speak at those meetings. Anyone who has called and asked was being given a list of City Council, links to the phone numbers and emails of City Council, so that they could contact their council people. If they would have asked for Planning Commission, I would have given them the same information so they could have contacted you prior to this. If you guys want to discuss it yourselves all you can do is individual email.

Mr. Wilson stated I am not going to use email to do that.

Mr. Gillie stated scheduling a work session would be the only thing, but we would have to advertise that.

Mr. Wilson asked this is the system that we use in order to integrate those ideas?

Mr. Gillie responded yes.

Mr. Wilson stated I am glad we tabled and we have time to think about how to integrate some of those concerns into this. How do we think about the City's role? The fact that if somebody says "is there a fund available to help with costs" if something is more expensive because of the guidelines doesn't sound like something that would go into the guidelines and it may be something that the City would want to address. Can we recommend anything along those lines?

Mr. Gillie responded as a formal body no, but as an individual citizen you get, just like Buddy being here, Councilman Rawley. Talk to your council folk and say "hey, if we are going to do this we think this may be something we need." The City used to have a façade program years ago. They don't have it anymore. They removed it from the budget. Is it something that is necessary again? It needs to be brought up, but not as you as a true body making that recommendation.

Mr. Whitfield stated there will be a public hearing in front of City Council and there is nothing that prohibits you from saying as a member of the Planning Commission and as one in seven some of the concerns I heard were this and these are the things that I want you all to remember and take into account are x, y, and z. There is nothing that prohibits you from doing that at all. You just need to make it clear that you are representing yourself as 1/7 as opposed to the Commission itself.

Mrs. Evans asked but could we as a Planning Commission in our motion assuming we pass it next time say "upon the condition that there is a budgetary line item for facades?"

Mr. Gillie responded you can't recommend budgets. You could as part of your motion recommend the adoption of these and recommend that City Council look at possibly instating some future programs. You can make that as a suggestion.

Mr. Griffith stated I want to follow up on something that Bruce said and that Kenny alluded to also, a work session for Planning Commission. If we had one of those that is not a public hearing, but the Planning Commission could come together to discuss this as Bruce was talking about.

Mr. Whitfield stated you clearly could. It would have to be noticed and advertised.

Mr. Griffith stated to give the members of the Planning Commission an opportunity to sit down and discuss it without having a public hearing.

Mr. Whitfield stated that is what you would say in the advertisement. The Planning Commission will be having a work session on the River District Plan on such and such a date at such and such time, no public comments will be taken.

Mr. Gillie stated some places do that prior to their actual body meeting. It is advertised as they will have a work session first, once that is over they will go into their next meeting. We don't do that because of the public comment period.

Mr. Griffith stated I am just thinking as a follow up to what Bruce was saying, it is an opportunity for the members of the Commission to sit down, discuss it, and bounce ideas off of each other. There are a whole lot of things I have questions about.

Mr. Searce asked do we have time to schedule and do it before our next meeting?

Mr. Gillie responded that is what I am looking at right now.

Mr. Searce asked in the past, what was it when we did a joint Council and Planning Commission meeting?

Mr. Gillie responded when we were doing the Comp Plan we had the joint meetings. We advertised all of those ahead of time as afterhours work sessions.

Mr. Searce stated what I am getting at is if we have time to do it before our next meeting, would it be something that City Council would want to come to? I don't know how much it is up in the air with them too. We may could work through some stuff.

Mr. Gillie responded Clarke works with City Council in that regard. I really don't.

Mr. Wilson stated I think this is really an important thing. If we don't do a River District plan of some sort and we don't get our heads around how we are going to manage the development downtown, I will be honest with you; we can't keep going on the way we are going. It is just anybody doing what they want. Some kind of guidelines is critical. The thing that I think is so critical for us as a City is let's do this thing right. In other words, rather than having these quick meetings and these kind of formalized meetings where folks come in with suspicion, is it possible ahead of time before we put our stamp on this to work some of these things out in such a way that people can really adopt this whole thing in more of an embrace and have some enthusiasm about something that is really going to shape our City for years to come. It may be the difference in a couple months that may have the impact of the life of the City for the next hundred years. I do think that there is a lot on the table here and the more we can get worked out in terms of our understanding and details because there seems to be a lot of confusion about what was in this document and what the requirements were. Maybe I am just being naive in thinking that would help.

Mr. Scarce stated we have heard some concerns today and I think that is how they could be integrated into it. Maybe I guess Allison; we would want her there to clarify. This isn't brand new for them. They do this stuff all of the time and they are professional at it. They have done a great job, but maybe we need to simply it or restate it another way so that these questions can be clarified so they know how to respond properly.

Mr. Wilson stated I love Allison and what she has done for this City has been extraordinary, but every time we reference Goldsboro it is not referencing us. I keep wanting to think "ok but how are we going to handle it?" Is that part of our role to help clarify that?

Mr. Gillie responded yes.

Mr. Wilson stated I think a couple months here of due diligence providing opportunities for these voices to be heard working with City Council, whatever we are supposed to do. We can be real instruments here of getting this to a place where once it is approved, boom!

Mr. Scarce stated it brings a consensus together.

Mr. Wilson stated it is not going to be perfect, but at least there would be an understanding for a question like "do I have to put a \$20,000 awning up when I can only afford \$10,000?" Having a little better clarification like that is going to make people feel better.

Mrs. Evans stated what about clarification to, I think she referred to replacing windows was ok and I am looking at Ken and I am going "I don't think you can do that without approval;" but she indicated that you could.

Mr. Griffith stated some of the things that she was saying were not what is listed in these guidelines.

Mr. Wilson stated personally we are not ready to give this to the City. It is huge because it is going to shape us for years to come. It could be the difference between us fading away as a City and having a vital new downtown, which many of us are dying to see.

Mr. Griffith stated some of the things she was saying are not in these guidelines. According to this, you can't even change the color of a building without getting a Certificate of Appropriateness. We are hearing one thing and then I am reading something else.

Mr. Gillie stated that leaves a lot of interpretation. Read how that says *a substantial change in the color palate*.

Mr. Griffith read a section of the guidelines.

There was some discussion about the interpretation of the guidelines and how approval would be required.

Mr. Scarce asked what does getting staff approval mean as opposed to going through the whole process?

Mr. Gillie responded there are provisions in there that say like in kind replacement can be approved at staff level. If you come in and you say "I've got wood windows and I am putting wood windows back do I have to go the Review Commission?" No, we sign off on it.

Mr. Searce asked so they can just come to y'all?

Mr. Gillie responded yes.

There was further discussion about instances that could be approved at staff level.

Mr. Wilson stated the thing is that we can alleviate some of these question marks and some of these how processes and concerns by just working ahead. That is all I am saying. Otherwise, we don't need this at all. If everybody just does whatever they want we might as well just leave it the way it is.

Mrs. Evans stated we just voted on that non-contributing building that can be contributing in 5 years. We just voted that he could not put those replacement windows in. It sounds like to me since it was non-contributing he could.

Mr. Gillie stated he is not in the district. If you want to have a work session we can either do it the week of the 29th or the week of the 5th. I will still be able to advertise it two successive weeks before the meeting. I don't know Allison's schedule at all for either of those two weeks. If you want her here I can try. I can't guarantee that she can make any of those, but if you want to have it anyway and discuss it without her being here the week of the 29th or the week of the 5th will allow us to advertise it just as a work session. Everyone check their calendars and tell me which of those two days are good and I can make that happen. You will have your standard meeting still on the 12th. We can discuss these just as a work session.

There was some discussion about the date. The members decided upon November 5th at 3:00 p.m. in the 4th Floor Conference Room.

There was further discussion about the concerns that need to be addressed regarding the language within the guidelines.

There was general discussion about replacing windows and some of the other questions raised by citizens.

II. MINUTES

Mr. Griffith made a motion to approve the September 10, 2012 minutes. Mrs. Evans seconded the motion. The motion was approved by a unanimous vote.

III. OTHER BUSINESS

Mr. Gillie stated Council approved all of your stuff as usual. We got the last section of the Comprehensive Plan just before we came to this meeting. We will review that and hopefully it will be coming to you very soon. You will probably get that the first of the year. We will have regular cases next month. Your last meeting you asked me to look at the animal wildlife stuff. I have talked to a bunch of places throughout the state that have those different regulations and stuff. I am going to try and propose something for it. I don't know if it will be November, but probably by December if I can get everything together.

Mrs. Evans stated just so we are working on it.

Mr. Gillie stated it is actively being worked on. You guys will probably get something on family day homes pretty soon.

Ms. Blair stated in home childcare facilities.

Mr. Gillie stated they came to City Council and spoke.

Ms. Blair stated there is a potential that we are going to tweak the Code on that a little bit.

Mr. Searce stated so we are going to meet on the 5th for our special Work Session and the 12th will be our regular scheduled meeting.

With no further business, the meeting adjourned at 3:50 p.m.

APPROVED