

**PLANNING COMMISSION MINUTES**  
**January 7, 2013**

**MEMBERS PRESENT**

**Mr. Laramore**  
**Mr. Griffith**  
**Mr. Jones**  
**Mr. Searce**  
**Mrs. Evans**  
**Mr. Bolton**

**MEMBERS ABSENT**

**Mr. Wilson**

**STAFF**

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

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

City Attorney Clarke Whitfield now presided over the meeting.

**I. ELECTION OF OFFICERS**

Mr. Whitfield opened the nominations for Chairman.

**Mrs. Evans made a motion to elect Mr. Michael Searce for Chairman.**

Mr. Whitfield closed the nominations.

**The motion to elect Mr. Searce as Chairman was approved by a 6-0 vote.**

Mr. Whitfield opened the nominations for Vice Chairman.

**Mrs. Evans made a motion to elect Mr. Robert "Q" Jones as Vice Chairman.**

Mr. Whitfield closed the nominations.

**The motion to elect Mr. Jones as Vice Chairman was approved by a 6-0 vote.**

Mr. Whitfield opened the nominations for Secretary.

**Mrs. Evans made a motion to elect Mr. John Laramore as Secretary.**

Mr. Whitfield closed the nominations.

**The motion to elect Mr. Laramore as Secretary was approved by a 6-0 vote.**

Chairman Searce now presided over the meeting.

**II. ITEMS FOR PUBLIC HEARING**

- 1. *Special Use Permit Application PLSUP20120000333, filed by William Walden, requesting a Special Use Permit for indoor commercial recreation in accordance with Article 3.K., Section C., Item 5 of the Code of the City of Danville, Virginia, 1986, as amended, at 535 North Main Street, otherwise known as Grid 2710, Block 028, Parcel 000019 of the City of Danville, Virginia,***

***Zoning District Map. The applicant is proposing to operate an indoor commercial recreation facility with billiard tables and a snack bar.***

Mr. Gillie read the staff report. Twenty-eight notices were sent to surrounding property owners within 300 feet of the subject property. One respondent was not opposed and zero respondents were opposed.

Open the Public Hearing.

Present on behalf of the request was Mr. William Walden. Mr. Walden stated I would like to open a billiard place on North Main Street.

Mr. Griffith asked one of the conditions is that the kitchen must be inspected by the Fire Marshall. Will there also be an inspection and approval by the State Health Department?

Mr. Gillie responded they will. Before he serves food, he will have to get a license from the Health Department. We question the age and condition of the kitchen equipment that is why we want to make sure the Fire Marshall goes in and inspects it prior to opening.

Mr. Jones asked do you have any problem with these hours?

Mr. Walden responded no.

Close the Public Hearing.

**Mr. Griffith made a motion to recommend approval of Special Use Permit Application PLSUP20120000333 with staff's conditions. Mr. Laramore seconded the motion. The motion was approved by a 6-0 vote.**

2. *Request to amend Chapter 41 entitled "Zoning Ordinance" of the Code of the City of Danville, Virginia, 1986 as amended, more specifically Article 3.A.; entitled "SR-R Sandy River Residential District" Section C. entitled "Uses Permitted by Special Use Permit", Article 3.B.; entitled "T-R Threshold Residential District" Section C. entitled "Uses Permitted by Special Use Permit", and Article 3.C.; entitled "S-R Suburban Residential District" Section C. entitled "Uses Permitted by Special Use Permit" to allow for a Wildlife Rehabilitation Center, and Amend Article 15 entitled "Definitions", Section B. entitled "Definitions" to create a definition for Wildlife Rehabilitation Center, and amend Article 3.G: entitled "M-R Multifamily Residential District", Section C. entitled "Uses Permitted by Special Use Permit", to allow for detached accessory structures or uses without a primary building being located on the parcel.*

Mr. Gillie read the staff report.

Open the Public Hearing.

Present on behalf of the request was Ms. Tanya Lovern. Ms. Lovern stated I am the only person licensed and permitted in Pittsylvania County, City of Danville, Halifax, and most surrounding counties from here to Roanoke and from here to Bedford that is authorized to assist wildlife. I have been doing this for several years. When I moved here there was absolutely no one in this area that helped wildlife that was injured or orphaned. Most of the citizens of Danville and surrounding areas would take wildlife to their Animal Control

officers, the Game Warden, or to the Humane Society. The Humane Society would, if they had transporters, take the animals all the way to Roanoke where the nearest facility exists. There is several of them in Roanoke actually. The Wildlife Center of Virginia is in Waynesboro. That is an enormous facility that covers the State and it is two and a half hours away. If those animals did not have someone to help them they were either euthanized, destroyed, or left to die. I have been a Wildlife Rehabilitator in North Carolina. When I moved here and the State of Virginia found out, they promptly asked me to get my license here in the State of Virginia and they gave me permits and licenses. The permits and licenses that they have given me allow me to train other rehabbers. I don't know if you guys are familiar with Wildlife Rehabilitation, Mr. Gillie certainly was not when I approached him nor did he even know I existed. Most people do not. This is not what I do full-time. This is my charity. I believe that everyone that has been blessed as much as I have should have a charity that they give back to their community and this is what I do. I am actually a Vice President of a company here in Danville. I write small business grants and government contracts for small businesses here in Danville. That is what I do for the community and the wildlife is my charity. I have limited use where I live. Most wildlife rehabilitators work out of their home. The problem that I have seen in this county, Halifax, Pittsylvania County, City of Danville and surrounding areas is that there is no one to take these animals to, so people either had to take them to the Humane Society or care for them themselves. If you know anything about what has been going on in the County recently, the incident of rabies has increased. People are taking in orphan animals and they have no idea whether they have rabies or not. I am trained and licensed and I have had my rabies vaccine. All of my animals have to be native to the State of Virginia. They cannot be alligators, tigers, or anything like that. I do not take cats or dogs. I do not take exotic animals such as iguanas and things. They are native to Virginia. I have a book here of some of the animals that I have taken care of over the last couple of years if you would like to look at it. We are not talking tigers and elephants. There might be bears, but they are little. I can only have bears up to ten pounds because the Wildlife Center in Virginia cannot take them until they are ten pounds. I don't know if you are familiar with the bears that were euthanized this past season, but they were too little to be taken to a wildlife facility; so someone like myself has to step in. I had to go get trained this past season so I could take them should that happen. I see it as a definite need. To give you an idea, the year before last I had a little over 200 animals out of my home. I live in a very nice neighborhood. I have a huge sunroom and that is what I use for my animals. This past year I had well over 400. They are native to Virginia but that doesn't mean that should I have a facility that they will be released at the facility. That is not safe place for them to go. They need to go somewhere out of the city limits. I have several people that have vast farm land, wooded areas with streams and water sources, things that they need. I release my raccoons, foxes, and things like that there. Squirrels kind of go by my house because they are very beneficial. All of the bats get released at my house. I absolutely love bats. They are very good for the environment. Deer get released in the county. They don't get released in the city. You don't have anything to worry about with that. The reason why I need to be in the city, I looked in the county a lot for the last two years for a suitable property; but being the Vice President of a company, I am the only one that does this. I work downtown on Bridge Street. I get calls all day long, all night long. I have five game wardens that I report to that bring animals to me. My boss is very generous and allows me to leave work and go get animals whenever I need to should they be in dire need. I need something very close that I could go to quickly. I also wanted to make a facility as opposed to doing this in my house. I wanted a facility because besides being very Type A controlling I have a lot of people who want to help. They want to be rehabilitators. Deer cannot go in people's beds. They take animals in their house and commune with their children. I can't have that. I need a facility where I could take them,

train them on how to take care of the animals. The animals stay there under my control. It is done on my terms. People are trained on my terms. They get their permits on my terms. I have been doing this 18 years, so I am pretty good at it. I am pretty sure that is all I can tell you.

Mrs. Evans asked the City staff is proposing that it only be allowed in this district. Is that sufficient for you?

Ms. Lovern responded I have actually found property that I would like to make into the center, so yes. I am pretty sure that the property I have been looking at falls in that.

Mr. Gillie stated it falls in one of those three categories.

Mr. Bolton asked are you going to have paid staff or are these volunteers?

Ms. Lovern responded these are volunteers. I do not get any money from the State, City, or local government. This is all on my dime and they are not paid. Should we get as big as the Wildlife Center of Virginia, then absolutely. I currently do not have a vet on staff. I pay for the animals to go to the vet right now. Maybe in five or ten years should we get big enough. The Wildlife Center of Virginia for example, has many paid staff members. They are non-profit. I am non-profit as well. They have many people that get paid every day. I would love to get to that point, but as it is right now it is just me and I don't have any interest in being paid.

Mr. Bolton asked if they are volunteers would they be trained?

Ms. Lovern responded yes. They have to be trained to handle wildlife. I can't just let you come in. They have to have their vaccines and they have to be trained. I do educational programs for schools and things like that. It is a big deal, educating the public to why you need to have these animals safe. All of my animals in the rabies vector series get their vaccines before they are released.

Mr. Jones asked do you come up with all of the food for all of these animals?

Ms. Lovern responded yes.

Mr. Jones asked how long does it take to train someone?

Ms. Lovern responded two years. They have to intern with me for two years before they can get their own permit. I have to know that they can take care of these animals correctly and they have to do so and prove it to me for two years before I can give them a permit. That is actually the State of Virginia's law. I have a very strict Code that I have to follow from the State of Virginia. The game wardens are like police that monitor every single thing that I do. We have reports that we have to report to the State every year. We have to report how many animals we have, how many were released, that kind of thing. How many die, how many were euthanized. There are some animals that I have to have euthanized. They go to the Humane Society. The Humane Society and I work very well together. They are very excited to have me here.

Mr. Jones asked how big are some of these animals? Let's say Mr. Griffith hits a deer.

Ms. Lovern responded by State law we are not allowed to take a deer that is over five months old, which is therefore over 60 pounds. The biggest animal I would have would be a deer. They are released when their spots fade. If you hit a deer and you call me, I would have to call the game warden and they would come out with me. We usually put that deer down at my decision.

Mrs. Evans asked is this definition of Wildlife Rehabilitation Center suitable to you?

Ms. Lovern responded it is pretty accurate. The only thing I wanted to question was the staffing of the center. I did not plan for it to be a fully staffed 24 hours a day, because the animals don't need that. The animals only need you there when they need you and then you let them be so they can heal and recuperate. I don't know if it would be fully staffed all day every day, because then you get into people wanting to be paid and that is not what it is there for. What exactly was the definition again?

Mr. Gillie read the proposed definition of a Wildlife Rehabilitation Center.

Mr. Gillie stated it doesn't say that it has to be there 24 hours a day.

Ms. Lovern stated I think that will be fine.

Mr. Gillie stated I figured someone would have to be onsite to feed them. I stole that definition from somebody else. I didn't come up with that one on my own.

Mr. Griffith asked is there anything there that would imply that someone would need to be there 24/7?

Mr. Whitfield responded I would say that someone would have to be onsite every day at some point, but not 24 hours.

Mr. Griffith stated I just want to make sure that we are all on the same page.

Mr. Gillie stated I borrowed it from Virginia Beach if anyone wants to read their regulations.

Close the Public Hearing.

**Mr. Laramore made a motion to recommend approval of the Code Amendment as recommended by staff. Mr. Jones seconded the motion. The motion was approved by a 6-0 vote.**

### **III. ITEMS NOT FOR PUBLIC HEARING**

#### ***1. Major Subdivision Plat for the modification of four (4) lots on Blair Loop Road and Brook Circle.***

Mr. Gillie read the staff report.

**Mr. Griffith made a motion to approve the major subdivision plat as submitted. Mrs. Evans seconded the motion. The motion was approved by a 6-0 vote.**

#### **IV. MINUTES**

**Mrs. Evans made a motion to approve the November 5, 2012 and the November 12, 2012 minutes. Mr. Jones seconded the motion. The minutes were approved by a 6-0 vote.**

#### **V. OTHER BUSINESS**

Mr. Gillie stated City Council has asked for more time to look at the River District Guidelines, so those are kind of sitting out there for them to review. They haven't made a recommendation one way or another on those. Last month we gave you copies of the Old Westend Master Plan. Has everyone had a chance to review that? If you have and you have any questions or comments please let us know. If you haven't, please look at it. We would like to bring that back for a formal adoption. We just want to make sure that everyone is ok with it. I received the final draft of our Comprehensive Plan Update. I can print out hard copies for everyone or if you would like it electronic just please let me know. Send me an email and let me know if you would like a hard copy or electronic, so I don't waste additional paper if unnecessary. If you want it electronic, I can put it on a CD. It is too large of a file to email to you. It is about 80 pages. I want to get that to everyone so you can look it over. We are doing our last internal review for typos and other things like that. Hopefully we will get that to you in another two to three months for review and adoption.

Mrs. Evans asked can it be posted on the website?

Mr. Gillie responded it can be. I don't think it is yet. Once we have got all of the I's dotted and T's crossed we will post it out there.

Ms. Taylor asked can we post it if it has not been approved?

Mr. Gillie responded we can post it as a draft. It is a large file, so we will see what we can do. We do have cases for next month, so plan on having a meeting. We have your 2013 calendars that we are going to pass out after the meeting. We have five or six cases already filed for next month.

Mr. Jones asked what is the status now for internet cafes in North Carolina? When you go south across the border you see them and sometimes they are opened, sometimes they are closed.

Mr. Whitfield responded my understanding is the North Carolina legislature last year tightened them up and that was effective January 1. There were several folks who said they were going to continue to operate and wait for the State of North Carolina to enforce whatever penalties against them. Some others felt like they could change up their games in order to meet the statutory definition.

Mr. Gillie stated they are still illegal here in Virginia.

Mr. Scarce stated we welcome Mr. Bolton to the Commission.

With no further business, the meeting adjourned at 3:30 p.m.

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APPROVED