

**LURAY PLANNING COMMISSION WORK SESSION  
NOVEMBER 19, 2008**

The Luray Planning Commission met for a Work Session on Wednesday, November 19, 2008, at 3:30 p.m. The meeting was held in the Luray Town Council Chambers at 45 East Main Street, Luray, Virginia. Chairman Tom Potts presided and opened the meeting.

Commissioners Present:

Tom Potts  
Peyton Baughan  
Clifton Campbell  
Larry Hakel  
Sam McNeely  
John Meaney  
Mary Menefee

Others Present:

Ligon Webb, Town Planner  
Luther Johnson

Chairman Tom Potts called the meeting to order at 3:30 p.m. and everyone joined in the Pledge of Allegiance to the flag.

**APPROVAL OF MINUTES OF REGULAR MEETING ON OCTOBER 15,**

There being no corrections or additions to the minutes, a motion was made by Commissioner Campbell and seconded by Commissioner Hakel that the minutes stand approved as presented.

**NEW BUSINESS:**

- **Special Use Permit: SUP08-5, Frances Yates – Review of request to convert an existing accessory building into an accessory dwelling unit (Tentative public hearing: December 10, 2008)**

Mr. Webb stated there is a citizen interested and has applied for a Special Use Permit for an accessory dwelling unit. He explained to her that it's something the Commission has talked about but had not come to terms with what we are going to do. He accepted the application but hasn't processed the payment. After looking at the ordinance this request is expected to be recurring or of general application. He does expect to see more of these. He has seen multiple accessory structures where this situation could be applied. He doesn't think they are appropriate everywhere, but there are some places where they could potentially work provided a special use permit is issued. He talked to several people on the Council about it and so far they liked the idea. The reasons for

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allowing such uses have been pointed out in the information he has given to members of the Planning Commission. Mr. Webb believes it would be prudent to amend the Code first and let us figure out what the guidelines are going to be before having a public hearing for Ms. Yates' request.

Commissioner Campbell stated he didn't see that much wrong with an accessory building but he still doesn't like R-1 and R-2 to be included in it and he thinks you have it here as being included. Mr. Webb stated that although he does not think ADUs would be appropriate for most R1 and R2 neighborhoods, he does believe there are places in R-1 and R-2 where they would be appropriate. There are a lot of R-1 subdivisions and he thinks there are subdivision covenants that probably prohibit doing something like this. Commissioner McNeely asked if the applicant lived on the property. Mrs. Yates owns it but she does not live in the house on the property. She is renting out the house to someone else. One of the things we talked about was that the owner of the property has to live on one of the two properties.

Commissioner Potts stated he would like to hear whether the group is generally favorable to approving accessory dwelling units or do we want to abandon them. Do we want to amend the Code to allow them? Commissioner Hakel stated yes, I think we should. He thinks under guidelines.

Commissioner Baughan stated the situation right now is our ordinance does not list it as a permitted use and considering this use a "non-reoccurring use" would not be appropriate. Mr. Baughan thinks you have to put your limitations on what you will allow and where you will allow it and whether you do this by special use permit or by right. He thinks the whole thing we are getting into with accessory buildings, this is just one more thing to add into the mix and discuss and decide what you want to do for this type. Granny flats at one time meant that usually but not always it would be rented to a member of the family. Do you limit them to the number of people? If you are going to have a 600 foot minimum you also have to have a maximum. Otherwise someone is going to come in here and say I'm going to build the largest two car garage I want and the next year they will come back and tell you they want to turn it into one of these units. He thinks it's all in the same mix we are talking about – how big a garage and what size lot can you put an accessory building on. You will get requests to build these things for this particular purpose and taking an existing detached garage and turning it into one of these things, but he thinks you just throw it in the whole mix we are talking about accessory buildings and see if we can come up with something. You also need a maximum size.

Commissioner McNeely stated one of the basic criteria has to be that the owner has to live in either the primary structure or the ADU. Commissioner Baughan asked can the owner rent them for 30 days.

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Commissioner Campbell stated he doesn't have a whole lot except he doesn't like R-1 and R-2. Other than that, he is willing to go along with the accessory building under special use permit and like Peyton says, with certain guidelines because he thinks you have to think through this thing and make sure it is not rented to a family outside and creating what you were talking about earlier. You are allowing things here you don't allow under normal circumstances.

Commissioner Menefee stated she would support it. We talked about affordable housing in the Comprehensive Plan and she thinks this is one way to provide that. She is inclined to have restrictions on it with some type of special use permit that has restrictions possibly on the size and the number of people and the fact that it has to be the owner living in one or the other.

Commissioner Meaney stated he would support it. He agrees with restrictions and we want to make sure that we have all the built-in protection we need.

Commissioner McNeely stated he concurs with what has already been said.

Commissioner Potts asked if the Commissioners want to work on it right now. Commissioner Menefee asked it's not prohibited in the ordinance; it's not permitted. It's not like the short-term rentals we are talking about. Mr. Webb stated it's prohibited. The only way you could taskmaster is to apply for a special use permit. Right now you cannot have two dwellings on the same lot and that's stated in our Code. Commissioner Campbell stated the only way to allow it is to fine tune what we already have.

Mr. Webb stated we are in agreement that we can go forward. We all agree that you should live in either/or which is standard for accessory dwellings. That way the property is maintained. This particular individual is out of luck. In R-1 and R-2 he is just going to say we are going to make this a special use permit. The other thing he sees is the size and we have gone through conversations about accessory buildings and sizes and right now the Town Council is not inclined to do anything with that. The basic assumptions list was discussed and was revised as follows:

1. Only one ADU is allowed per lot.
2. ADUs would only be allowable by special use permit for residential and commercial zones (R1, R2, R3, R4, R5 & B1)

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3. The proposed ADU is required to be an existing (and permanent) unattached accessory structure (added - prior to the adoption and put a date in so that it is clear located on the subject lot and not be a manufactured home.
4. A single off-street parking space (measuring 10' x 20') located on the lot.
5. The ADU would be required to have a full bath, kitchen and meet all relevant building codes.
6. The property owner must reside in either the primary residence or ADU.
7. The ADU can be rented.
8. The ADU cannot be divided or separated from the lot in which located; if ownership of the lot is transferred, the ADU must be conveyed as well. (Mr. Webb will talk to Jason about this one.)
9. The ADU will have its own separate meter for utility service.
10. The ADU will conform to additional regulations as required by the Town's Planning Commission, or Town Council.

Mr. Webb stated he will write this up and bring it back on December 10 before running it in the paper and make sure Council has seen it as well at their work session in December. If they are good with it, he will have to tell this individual that the issue is they don't live on the property so that would be a problem.

**OLD BUSINESS:**

- **Continued review of a proposed B2 (Highway Commercial) Zoning District**

Mr. Webb stated he is meeting with the County Planning Director next week. They are going to start some conversations about this. We will continue this conversation probably in January and he will have a draft to you of something more substantial. He's thinking sometime in late winter or early spring, once we get all the guidelines developed, we will get the landowners to come in. Important thing is to get people who own land in that area in at the beginning before we have the public hearing; we might be surprised that there

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may be some consensus among the land owners that they will agree to some sort of guidelines.

- **Proposed ordinance amendment for short term rental definition and guidelines**

Mr. Webb stated that he received and thanked Mr. Baughan for his letter. Based on our last meeting he was under the assumption that we were comfortable with the definition, we just wanted to take out No. (b). Commissioner Hakel stated in the definition you have Section 517 referenced and actually it is 516. 516 was supposed to be the Accessory Buildings. The next item we add to our supplemental regulations would be 516.

Commissioner Menefee stated we went back and forth with this at our last meeting, but should we have anything in there about this being a special use for R-1 and R-2 since the ordinance as it is right now seems to prohibit it in R-1 and R-2, You said last time that Council was not keen on special use permits, but if we were going to make our recommendation we had talked about limiting it in R-1 and R-2 and a special use permit would be the way to do that. Commissioner Campbell stated that's what he was hoping too. Mr. Webb stated he thought a special use permit in R-1, R-2, R-3, R-4 and R-5 would be perfect, but they don't want to do that. Commissioner Menefee stated that she proposes that we at least add it for R-1 and R-2 because of the fact that it specifically goes against the intent. She is happy with the way that it is at this point. She thinks it's detailed enough and broad enough to allow it and see what comes, when and if it comes.

Mr. Webb stated as long as you are happy on this, he will run it by Council the next work session. He will put in special use permit in R-1 and R-2. Just be warned that they will likely not want to do that.

Commissioner Potts stated he understands that what you are telling us then that the issue of auxiliary buildings is a dead issue. Mr. Webb stated not totally, but he has three members that support it. Commissioner Campbell asked if everyone had read the intent. Mr. Webb stated on accessory buildings, Mr. Carroll called me the other day wanting to know about it. He is threatening to put in a zoning permit for a piece of property that he can build a 40' X 40' accessory building on. Commissioner Campbell stated this is what he was talking about earlier – wanting to change the rules for one person. This is not right. Mr. Webb stated he hated the concept of limiting accessory building size even though it was one person. He really bore the brunt of someone else's building a really large building. He suffered the damage. The question is do you think the Town should limit the size of garages and accessory buildings. If you don't think so, that's fine.

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Commissioner Campbell stated we don't have to go along with what everybody wants. When they come in for a zoning permit, we can make suggestions rather than tell them they can or can't. Don't tell them they can do anything they want, just make a suggestion that it would be better if this was set back so and so. We can discourage some of it and we used to. Commissioner Baughan stated the way to discourage them is to give them reasonable restrictions but at the moment Town Council doesn't seem to want to take that matter under advisement, so we are just spinning our wheels and his statement is to pass something and send it to them and get the heck out of here and off our agenda because we have other things to do. They are going to do what they want to anyway and if somebody wants to build a 30' X 50' accessory building on their lot, the town has spoken. We have gone on record with our discussion but get it out of here. Commissioner Hakel stated we have only had one complaint and we have to look beyond one complaint to see if it has an impact on others in the future.

Commissioner Potts asked whether the town wants us to do anything about protection of historic buildings. The only apparent way of doing it is to come up with some sort of incentive to offer. If they don't want to entertain coming up with an incentive to offer the person to improve their building, then we need to stop worrying about it. If we are not going to have an architectural review board, the next step is incentives and if we are not offering incentives, then there is nothing we can do. Put that on the agenda.

Mr. Webb stated we are not getting any special use permits and public hearings right now. It looks like in January we will have two ordinance amendments and we'll have some continued conversation with the Commissioners and he will have a lot more for them then. The December 10 meeting is a few weeks away. Do you want to have a December meeting or just wait until January? Commissioner Potts stated he would like to query the Commissioners and find out if there is something they would like to discuss. Commissioner Potts stated it would be a great time to have a work session to discuss anything that anybody wants to talk about, that they are concerned about, or think we, as a Planning Commission need to be looking at. Commissioner Hakel stated there is a lot in the Comprehensive Plan that we could be working on. Commissioner Menefee stated when there is time, talk about annual report on the Comprehensive Plan. Mr. Webb stated that could be a January item too. Commissioner Campbell stated skip the December meeting and have two meetings in January. Commissioner Potts stated we will do it in January. Mr. Webb stated it looks like we will probably have enough for a meeting – we will have two public hearings and do the B-1 and also the historic buildings and then maybe at the end of January we could do a work session and just do a review of the Comprehensive Plan and he will have a report for you in January. Therefore, there will be no meeting in December.

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There being no further business to come before the meeting a motion to adjourn was made by Commissioner Baughan and seconded by Commissioner Campbell. Motion carried. Meeting was adjourned at 4:30 p.m.

Respectfully submitted,

Ligon Webb  
Town Planner

ATTEST:

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