

**MINUTES  
LURAY PLANNING COMMISSION  
OCTOBER 15, 2008**

The Luray Planning Commission met on Wednesday, October 15, 2008, at 7:00 p.m. in regular session. 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  
Clifton Campbell  
Peyton Baughan  
Larry Hakel  
John Meaney  
Mary Menefee

Absent: Sam McNeely

Others Present:

Bryan Chrisman, Assistant Town Manager  
Ligon Webb, Town Planner  
Jason Spitler, Town Attorney

Chairman Potts called the meeting to order at 7:00 p.m. and everyone joined in the Pledge of Allegiance to the flag.

**APPROVAL OF MINUTES OF REGULAR MEETING ON SEPTEMBER 10, 2008**

There being no additions or corrections to the minutes they stand approved as presented.

Mr. Webb stated for the last month he has been involved in the recycling. He will probably be done by the end of this month and will get back to his normal planning duties.

**NEW BUSINESS:**

- **Initial conversation in regard to a comprehensive review of the Town's sign ordinance**

Mr. Webb stated that Council is supportive of the Commission re-writing the sign ordinance. Commissioner Menefee asked when it was last updated, and she was answered that it was partially updated approximately a year ago and the Town has added some things to it since then. The main idea is to keep the basic framework, but make it easier to understand and use.

**MINUTES**  
**SEPTEMBER 15, 2008**  
**PAGE 2**

Commissioner Potts mentioned partnering with LDI about better guidance for the Town's merchants.

**OLD BUSINESS:**

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

Mr. Webb stated he talked to Council about this topic, and they generally were in favor of the concept provided that public input and property owner buy-in were prominent. Mr. Webb suggested inviting the potentially affected property owners and getting their views during a work session. Commissioner Potts stated that the Commission needs to have a meeting to talk about it before getting the public involved.

- Proposed ordinance amendment for short term rental definition and guidelines

Mr. Webb stated Council is in agreement that something needs to be done on this topic. The next section to be added will be Section 516. This section would be an addition to the present supplemental regulations.

The proposed definition has not changed from the last meeting, and will be incorporated in addition to the new Section 516. Section 516 as written by Ligon was revised as follows:

Section 516: Short Term Rentals

- (a) Owner(s) must obtain a business license annually and pay all relevant town taxes.
- (b) Short-term rentals cannot be leased for more than 30 consecutive days.
- (b) **WAS DELETED at the recommendation of Mr. Spittler.**
- (c) The number of guests staying in a short-term rental at any one time is limited based on the number of bedrooms in the home. Two over-night guests per bedroom are permitted.
- (d) One (1) off-street parking space(s) shall be provided for each bedroom offered in the short-term rental.

The following were added:

- (e) Owner can not occupy the facility while it is being rented as a short-term rental.
- (f) Conform to all applicable local, state, and federal requirements.

**MINUTES**  
**OCTOBER 15, 2008**  
**PAGE 3**

Commissioner Campbell stated according to the proposal, this use will be allowable in any residential. Commissioner Baughan stated he didn't see anything in the proposal that prohibits short-term renting in residential areas. Mr. Chrisman stated that the town-wide prohibition was not a popular topic with the Council, and if they were to be defined, they would need to be allowed town-wide. Additionally, the Council did not want to make this a Special-Use Permit process.

Commissioner Campbell stated he was not opposed to that argument, but he did not feel the Town should allow this use in R1 and R2 districts. These districts do not allow business uses of any type.

Commissioner Baughan stated it seems that Town Council wants to permit short-term rentals in all districts in the community. Commissioner Baughan stated his vote is to prohibit short-term rentals in the community period if they are not going to put reasonable restrictions on them. What Council apparently wants to do with short-term rentals is to get the business license and fees, and allow them anywhere in town.

Mr. Chrisman stated maybe a list of options that Ligon could put together for the Council at their next session would contain the definition as written, and the various use options for the Council to select from in order to provide some guidance to the Commission. This would include:

- 1.) Prohibit the use everywhere
- 2.) Allow the use everywhere
- 3.) Allow it by-right in Business, but prohibit it in any Residential district
- 4.) Allow it by-right in Business, but require a Special Use Permit for any Residential district
- 5.) Allow it in all districts except R1 and R2.
- 6.) Any others suggested by the Staff, Commission, or Council

Mr. Webb stated that Council did not seem to have any major issues with the proposal as it is currently written.

A discussion ensued about what the State requires or allows, and that the Virginia Supreme Court has said there is no difference in renting a house for a week or a year.

Commissioner Baughan stated the reason this use may exist now is because we have nothing in our Code to permit or prohibit them. The best course of action for the Town is to define them and then don't permit them, and then we don't have the argument with the courts.

**MINUTES**  
**OCTOBER 15, 2008**  
**PAGE 4**

Commissioner Baughan stated that he is not totally against them if the Town will prepare an ordinance which puts reasonable restrictions on the use. To allow them without any restrictions except to pay your business license and provide your off-street parking is a big issue for him, and he will lead the charge against such a plan in this Commission at least. He sees problems that could crop up in your community if the Town doesn't put reasonable restrictions on it.

Commissioner Meaney stated in the R1 the statement of intent says no home occupations including room renting are permitted. Then if you go to R2, it says no home occupations are permitted. It doesn't say anything about renting.

Commissioner Baughan stated if they would like us to rewrite the statement of intent for the districts, that's another direction we can go, but it blows his mind that they want to allow it without any restrictions when you know there can be potential problems but if you put reasonable restrictions, you have the ability to withdraw the permission, then it almost becomes self policing.

Commissioner Menefee stated that Council seems to be opposed to special use permit process in general. Commissioner Baughan stated in general he would characterize it that the Council is against any regulation other than getting a business license. Commissioner Campbell stated we may be able to use the same regulations that the town uses for bed and breakfast facilities.

Commissioner Baughan stated he thought the Commission should have a public hearing on the issue, and he's going to make a motion to define it, prohibit them town-wide, and send it to Council and let them do what they want. Commissioner Campbell stated and in the process of doing that, he recommends making a copy of the statement of intent for R1 and R2 and make sure that each Council person gets a copy along with the proposal.

Mr. Spitler stated for clarification that the Commission is asking staff to advertise the definition as it is proposed, as well as another provision simply prohibiting them. Commissioner Campbell stated that's what they want. Commissioner Hakel stated as he understands your motion, this definition doesn't fit. We have to revise this definition because it says you can rent. Mr. Spitler stated he guessed you could add to the end of it which shall be prohibited within the Town. Commissioner Baughan stated his motion will be to define it any way you want to and after you define it, prohibit it.

**MINUTES**  
**OCTOBER 15, 2008**  
**PAGE 5**

Commissioner Hakel stated it appears that this flies against the intent of several districts, so we can't really adopt this unless we change the intent. Commissioner Baughan stated he doesn't propose we change the intent.

Commissioner Potts stated we need to be making progress toward something that we can send to Town Council that they can agree with.

Mr. Chrisman asked for the Commissioners, within the next two weeks, to forward to Town staff what they consider to be reasonable restrictions on short-term rentals so that staff has something to put together for Council at their next meeting.

Commissioner Potts stated he doesn't have a problem proposing a special use permit for all the sections. You have the requirement for off-street parking and that in itself is going to impact some of the places that people are considering doing it. He also knows that Council is not going to accept a proposal to prohibit it in any residential area of the Town.

Commissioner Menefee asked Ligon if we do any annual reporting on the Comprehensive Plan. Commissioner Potts stated we did one in 2006; we didn't do one in 2007. Mr. Webb stated we are due one pretty soon; by the end of the year.

Commissioner Campbell asked if anything is going on with Economic Development in the way of jobs. We need to be doing something to create jobs in the area. The job force has not increased in Luray for a long period of time. Mr. Webb stated the Economic Development in most towns is usually handled by the County. Some small towns have coordinators. Commissioner Campbell stated we need something here; it doesn't have to be in the Town of Luray, just in the surrounding area that would help the Town of Luray.

Commissioner Hakel asked about the latest from the County on the senior development on Antioch Road. Mr. Webb stated he has been waiting for them to come in and talk to us about water and sewer. Commissioner Hakel stated the question he heard that was being asked was if the water and sewer was adequate along that road. Commissioner Potts questioned the County's tack on age-restricted developments as a whole.

Commissioner Baughan stated that he expects the County probably has an attitude that if they could promote some of this, they would have less impact on the school age population. That would be the only thing he would think that the County would want to involve themselves in age restricted communities and encourage them in certain developments.

**MINUTES**  
**OCTOBER 15, 2008**  
**PAGE 6**

Commissioner Hakel stated the question they have is would the line leading out there be adequate to handle. Mr. Spitler stated it's also tied to a very prudent course of action that was initiated by some members of our town government back in the 80's in acquiring a number of local water sources knowing that future development was coming. That's probably one of the better things that has been done for this town in decades. Commissioner Potts agreed that the Town is blessed with an abundance of water and sewer capacity at this point.

Mr. Chrisman stated that the distribution and receiving conduits are the weak point of any town's water and sewer services. If there's a linchpin that's where it's at. Back in time, they put in basically whatever size pipe they thought they needed for tomorrow; they didn't size it in for ten years from tomorrow. When a development goes in, most of the time they end up having to upgrade that pipe to a larger size to get to the nearest trunk line.

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Bryan T. Chrisman  
Assistant Zoning Administrator

ATTEST:

---