

**MINUTES
LURAY PLANNING COMMISSION
APRIL 16, 2008**

The Luray Planning Commission met on Wednesday, April 16, 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
Sam McNeely
Judy Suddith

Absent: Terry Dodson

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Andrew Jenner, Page News & Courier

Chairman Tom 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 from March 12, 2008 Regular Planning Commission Meeting

There being no additions or corrections to the minutes, a motion was made by Commissioner Campbell and seconded by Commissioner Hakel that the minutes be approved as presented. The vote was as follows: YEA: Commissioners Potts, Campbell, Baughan, Hakel, McNeely and Suddith. **Approved 6-0**

Commissioner Potts reported that he attended the discussion of the land use map, and that it was an interesting experience.

Old Business:

Creation of a B2 Zoning District

Mr. Webb compiled background information on creating a B2 or highway commercial zoning district which was forwarded to each Commissioner. Mr. Webb stated that the biggest concern is that we should institute some setbacks.

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410.3 Area regulations: he arbitrarily picked 8,000 square feet as minimum lot size. He expects that would be a very small lot for the size the parcels are speaking with, so he doesn't think that's too small.

410.4 Setback regulations – A. and B. – Just borrowed some basic setbacks.

410.6 Landscaping and Lighting – We already have a good landscaping and lighting plan so he thought that with signs we could add some supplemental regulations. As far as square footage and signs; how many a business can have – he thinks all of those are good, so if we are really going to go for it, he thought we would add an A. and B. and you can see there we have supplemental regulations in A. where your sign cannot be over 15 feet in height and B. all signs have to be constructed of wood or some other semi-permanent material. That is a pretty radical change from what we have required. Commissioner Campbell indicated that sign height is an important consideration.

410.8 Basic Building Design Considerations – he talked to Jason to see if this is something that we are even able to do. Roof extensions – generally a pitched roof adds a little more attractiveness than a flat roof building. Some communities require some pitched roof. Facades – brick, stone masonry are probably more attractive.

Commissioner Baughan commented that as far as your roof slopes, it gets impractical for stores of a certain size to put a 3 ½ inch slope roof on buildings. On page 8, 410.5 Height regulations, it states that a building may be erected up to 45 feet in height from grade. He asked if we had a definition of what “grade” means. Mr. Webb stated that's already in our code. Commissioner Baughan suggested examining a “mansard” roof (like the fire hall) for such large buildings.

In paragraph (b) it reads “parapet walls may be up to four feet above the height of the building on which the walls rest”. Commissioner Baughan stated he thinks that is supposed to read “above the height of the building on which the roof rests” instead of walls.

Commissioner Potts commented that stores are now being built without signs. Mr. Webb stated you cannot prevent the development, but that you can regulate the way it looks.

Commissioner Campbell stated he thought the proposed lot size of 8,000 square feet was too small, and that it should be doubled.

Commissioner Baughan stated that staff may want to examine setbacks before determining a minimum square footage for a lot. Commissioner Campbell stated you have to have so much for parking (customers and employees), and off street parking is

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definitely one of the requirements. Commissioner Potts stated that one thing he was interested in was where and how the parking was oriented to the building and streets. He continued that a green space between 211 and the buildings is desirable from his point of view.

Commissioner Baughan stated you have to be cautious as to how you define things; parking in the rear works well for some retail establishments. Commissioner Hakel asked if that changes our wording when we say front setbacks, side setbacks and rear, he wondered how you determine which side becomes the rear and what becomes the front. Is it the store front or the street front? Commissioner Baughan stated if you are not going to let businesses have parking on the front, they are not going to put an entrance on the front. A store may then locate things like dumpsters and air-handling units facing the primary travel, which is also unsightly.

Mr. Chrisman stated that there were some concerns after talking to Town Management that one concern was requiring a large-enough lot size to be able to construct an adequate store, have room for parking and ancillary equipment, and be able to provide substantial setbacks to allow for building perimeter access (maintenance and emergency access) as well as suitable landscaping and buffering.

Mr. Chrisman stated that by requiring some sort of landscape buffer around all the parcels then it wouldn't matter what type of use took place, there would be some sort of landscaping between businesses. There was an issue about making sure that the B2 district encompassed all current business-zoned parcels along 211. Everything on both sides of Main Street would be considered B1.

Another concern, and Town staff needs to check with Jason on this, was about whether or not Planning and Zoning can dictate building design and building colors. We need to make sure we are on solid ground there, or whether the Town has to establish a Board of Architectural Review and set up architectural review standards and specifications for the different zoning districts. Such standards must be applicable to all zoning districts, and not just the B2.

Commissioner Campbell stated one thing to consider is that since 211 is a limited access highway, service roads and fences will need to be constructed. He indicated that any setbacks not be called "yard" setbacks, and should be from the access road, other adjacent street right-of-way edges, and property lines.

Commissioner Potts stated that revising the setbacks and definitions may be in order, and Commissioner Campbell indicated that possibly doubling the setbacks would be necessary. Most commissioners agreed. Commissioner Baughan cautioned about

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working from the outside in, but rather suggested taking a maximum building footprint, and then working out by adding necessary parking space for customers and staff, ancillary equipment, setbacks, landscaping, perimeter access and buffering. At the end, that will determine your minimum lot size. The Commission was favorable to this idea.

Commissioner Baughan also suggested that staff may want to look at matching the setbacks to the square footage of the building. Smaller buildings can maybe get by with smaller setbacks. The larger the building the further back you may want to setback. Commissioner Campbell stated generally speaking, the Town doesn't want things to continue like Main Street, where everything is sitting out on the sidewalk. Commissioner Potts stated the other thing Mr. Webb might want to look at is to add some screening of dumpsters should they line up at the back of the building and the industrial air conditioning and that sort of thing. He indicated that he was really pleased, and thinks this is a great start for this issue.

Commissioner Potts stated that the Commission needs to work real hard with the County Planning staff for this concept, and with all planning around the perimeter of Luray.

BLIGHT ABATEMENT

Commissioner Potts stated that he was impressed by what Mr. Webb had put together. Commissioner McNeely stated that he thought it was very comprehensive, and that Mr. Webb did a good job.

Mr. Webb stated that the Town would have to work with the Commissioner's Office on this issue, and we would be obviously offering a rebate on the town's portion of tax collected over a course of so many years.

Mr. Chrisman stated essentially if an owner meets the requirements, they are going to improve the looks of their building whether it's defined as blighted or not blighted. No one has to make a call about whether a property is blighted or not. Commissioner Potts stated there is also another qualifier in there. The requirement that if you are working on residential property, you must have appreciated the value of that property by 40%. In case of commercial or industrial real estate, you must appreciate the value by 60%.

Mr. Chrisman stated that some communities, not necessarily Staunton, but some of them also give an incentive for the entire removal of a blighted building or a dilapidated building with the thought process that a vacant grassy lot is more attractive than a lot that has a dilapidated building on it. By giving an incentive to make it financially worth the effort to demolish the building and haul away the debris, you are also making that lot more attractive to somebody who might want to buy it and build a new building on it.

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Commissioner Baughan reminded the Commission that the Town tax break is only a portion of the total, since the County of Page also applies taxes to Town residents and businesses. Additional cooperation may be needed with the County on this portion.

There followed a joint discussion on whether a certified appraiser would be required, or whether the Town would do this. Some questioned the ability of the Town to be able to accurately make such determinations. Commissioner Baughan wanted to ensure that the process is set up to allow an accurate evaluation and determination that will favor the applicant when reasonable effort has been made to meet the program criteria, so long as he spends the correct amount and can prove it with receipts, etc.

Commissioner Campbell stated if we get the draft program where the Commission believes that Council will be pleased with it, then it can be forwarded with the Commission's endorsement.

Commissioner Baughan stated that this type of program has nothing to do with zoning, and therefore the Commission's role is simply one of organizing the draft to put their recommendations before Council. If they choose to adopt it, it will be a Council decision without direct input from Planning & Zoning staff or the Commission.

Commissioner Potts asked whether the Commission felt the program should be implemented town-wide or just to start within the historic district. Commissioner Campbell stated he thought it should be town wide. Commissioner Baughan stated he thought within the commercial and residential districts.

Commissioner Potts stated that he thinks one of the things that might be nice to put in there is the requirement that if it is a residential property being re-developed, at the end of the project, it must be occupied.

Commissioner McNeely asked if you consider a mobile home to be blighted property. Commissioner Baughan stated it doesn't have to be considered blighted. Under this ordinance, you are just talking about 25 year old properties. If a person wants to put an addition on, and it meets the 40% increase in assessment, then he is eligible for the seven year tax break. He wondered if that was what was intended.

Mr. Chrisman stated that what should qualify for a tax break is if a property is 25 years old, and the owner is improving the aesthetics, façade, and the structural integrity of the building. Those are things that should qualify for a tax exemption.

Commissioner Potts stated there is also a limit on new additions of more than 15% square foot wise on the residential property. Mr. Chrisman stated that many of our town lots are

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not large enough to allow a substantial addition, and still meet setbacks. There was some discussion of what types of improvements would qualify for allowance, as well as those that wouldn't. The discussion shifted to inside improvements not being allowed for under the program. Mr. Chrisman stated that is correct, but that market forces will drive the process somewhat since creating a smart looking shell is still not very marketable if the inside is a shambles.

Commissioner Baughan stated that starting with a limited program in the commercial areas may be more prudent to see how the program works out.

Commissioner Potts asked for the Commission's recommendations on improving this first draft. The response was to accommodate all the items discussed. Commissioner Potts brought up the issue of appeal. Mr. Chrisman stated that any appeal will likely have to go through the Council, and not the BZA, since it is not a zoning issue.

Mr. Webb stated he will put it in Town Council's hands for suggestions and see what they want to do with it and let you know next month.

Accessory Dwelling Units (ADUs)

Mr. Webb stated that a few citizens have asked about this concept, and that such uses are mentioned in the Comprehensive Plan as a recommendation. He referred the Commissioners to the packet that he had prepared.

He went on to explain the items of specific note that need to be addressed in order to qualify and be defined as an ADU. Primarily, the applicant would need a Special Use Permit. In order to apply for a special use permit, it has to be an existing structure, it has to be rented, the owner has to live in the primary residence on the lot where the ADU is to be located, it has to have separate water and sewer service, and any other conditions basically added by the Town Council or Planning Commission. The one item he thought may need to be removed was the requirement for the ADU to be on the same street as the principal dwelling. He also confirmed that an ADU cannot be subdivided off from the principal dwelling.

Commissioner Baughan stated you have to look at lot size. He thinks you have to figure out some way if the existing lot is large enough to accommodate an ADU. He also asked whether it would have the setbacks of a structure or an accessory building. Mr. Webb stated that these are to be existing buildings only.

Commissioner Baughan asked about the scenario where a person builds a garage accessory building, and then comes in 4 or 5 years later and applies to convert it into an

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ADU. Essentially, he could do this unless more stringent setbacks are enforced. He also questioned how much space per the fire code must be between the two buildings, or if they can be attached. He stated that these are some of the reasons that maybe you don't want to allow ADU's in R1. The issue then arose again about the concept of unequal treatment between the various residential zoning districts. Mr. Chrisman questioned what the end-difference was between an ADU that could be rented out, and a short-term rental building. Essentially, people could convert existing accessory buildings into ADU's and then rent them as short-term units.

Commissioner Potts stated that the program could only apply to existing buildings built before or after a certain date. Commissioner Baughan re-stated his question of why this was only being considered for existing buildings.

Commissioner Campbell stated he thinks there is adequate housing being built right now, with enough low to moderate income housing out there, that most anyone can afford. He stated he didn't have a problem with ADU's in a family situation, but understood that family members move on or the property is sold, and the new owner will want to rent these things out.

Commissioner Potts stated that the Commission is addressing this issue because it was one of the things within the Strategic Plan. The Town wants to encourage affordable housing (such as an ADU) as an option. Mr. Webb stated he didn't think every situation would be ideal; he thinks there are some existing structures that lend themselves to accessory dwellings.

Commissioner Baughan stated he was not against the concept, but he doesn't follow the reasoning that we will do it for existing buildings. He reiterated that these units will start out as "granny flats", but will turn into rental units. He emphasized the need for the Plan and the program to anticipate the ramifications of long-term conversion.

Commissioner Campbell stated he thought the proposal was only to benefit certain people and he doesn't agree with the concept.

Commissioner Potts wanted to get it before the Council at a work session to get their thoughts on the issue.

Commissioner Potts stated there was another item he wanted to put on the agenda for the next meeting. The issue is that of defining a short-term rental unit, with suggestions for licensure and necessary controls. This issue can be sent back to the Council, which was their request. He stated that it is the job of the Commission job to be responsible in how we land use management within the confines of the corporate limits of this town.

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There being no further business to come before the Commission, a motion was made by Commissioner Suddith and seconded by Commissioner McNeely to adjourn the meeting. Motion carried. The meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Bryan T. Chrisman
Assistant Zoning Administrator

ATTEST:
