

MINUTES
LURAY PLANNING COMMISSION
AUGUST 16, 2006

The Luray Planning Commission met on August 16, 2006, 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 Clifton Campbell presided over the meeting.

Commissioners Present:

Clifton Campbell, Chair
Peyton Baughan
Terry Dodson
Larry Hakel
Sam McNeely
Tom Potts
Judy Suddith

Others Present:

Rick Black, Assistant Town Manager, Assistant Zoning Administrator
Ligon Webb, Town Planner
Jason Spitler, Town Attorney

Chairman Campbell called the meeting to order at 7:00 p.m. and welcomed everyone.

Held a moment of silence in memory of Gerald Synder, former Council Member.

Approval of the Minutes of the July 12, 2006 Regular Planning Commission Meeting

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

Public Hearings – Special Use Permit & Ordinance Amendments:

Mr. Webb stated the applicant for the Special Use Permit, Steve Lee, was not present and does not have to be present. He talked to the applicant several times and he was aware of the date. Mr. Webb suggested that the Commission deal with the Ordinance Amendments first to give Mr. Lee time to get here.

Ordinance Amendments

There are two separate amendments. The first one is to amend Section 202 of Appendix A of the Code of the Town of Luray which is the definition of a Special Use Permit and the second amendment would be to amend Section 703 of Appendix A of the Code of the Town of Luray. This has sections (a) through (d). Mr. Webb asked if anyone had any questions.

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Mr. McNeely asked under Section (d) what law do we have that assures the property owner will record this Special Use Permit. Will it be voluntary or will it take place at the land closing?

Mr. Spitler stated that I would ask you to consider amending subsection (d) to read “As a condition of any Special Use Permit, it shall be recorded by the owner or owners of the property, at their expense, in the land records of the Clerk’s Office of the Circuit Court of Page County within 30 days of issuance.

A motion was made by Mr. McNeely that we adopt the ordinance amendments as amended, seconded by Mr. Potts. Mr. Campbell stated we have a motion properly supported that we recommend to Council that they accept these recommendations of change for Special Use Permit. Motion carried 7-0.

Special Use Permit: SUP06-6 – Mr. Stephen Lee

Mr. Webb stated Mr. Lee was not present but he had spoken with him several times and he didn’t indicate he was not going to come. It’s not required that he be here. If you have had a chance to go out and look at the building, it looks to me with the addition on the back that it probably could easily accommodate a two-family dwelling. For the building codes, he would have to follow all relevant building code requirements in regard to converting this residence into a two-family dwelling. He has clearly shown where his parking would be; he will need 800 square feet and the ordinance reads an all-weather surface. He has indicated that it would be graded and graveled to the Town’s specifications

Mr. Campbell asked exactly what does he plan to do? Mr. Webb stated he just wants to convert it into a two-family dwelling which is two apartments.

Mr. Baughan stated the duplex ordinance speaks of how many square feet and I think it’s a minimum of 800. Mr. Campbell stated as far as the single house is concerned, he is grandfathered, but if he makes any changes, then it comes under the ordinance. Mr. Baughan stated what he’s thinking is a Special Use Permit to use the building as it is, but simply convert it into a two-family residence. The house has enough square footage to meet the minimum square footage. Mr. Black stated it was 1900 square feet.

A motion was made by Mr. Baughan that we approve a Special Use Permit for a two-family dwelling in the existing building with proper parking. Motion seconded by Mr. McNeely. Mr. Campbell stated he had a motion properly supported that we pass on to Council this request to convert a single family dwelling into a two-family apartment in the existing building. The vote carried 7-0.

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New Business:

Mr. Webb stated that in regard to the sign ordinance from Monday night's Council meeting, he will present next month an ordinance amendment in order to amend two parts of our Code with regard to the sign ordinance. One will be under exempt signs. There are a number of exempt signs, particularly for public events. You will have to have prior approval from the Town Council and they have agreed that should be handled by the Zoning Administrator. Come spring when the Wranglers and other entities want signs, they don't have to go in front of the Town Council to get their permits, they can just come to the Zoning Administrator, follow the procedures and we can issue them temporary sign permits.

Another issue is that the Zoning Ordinance does not allow off-premise signs in the Business District. The Council has requested that staff work with Jason to formulate some language in the ordinance that will allow for businesses in the Business District, who do not have direct visibility on Main Street, to use "sandwich board" signs on a limited basis. Permits shall be required. That will be coming to you in September.

Mr. Webb stated that the Town actually has some signs that are probably in violation of our Code. We have proposed that a two month "amnesty" period be established where we publicize that we would like for everyone to look at their signs and if they have questions, staff could meet with them to determine compliance. The Town would also examine their own signs for compliance. The Council was supportive of this idea instead of just aggressively enforcing the sign ordinance.

Another item at Monday night's meeting I would like to run by you is that currently in our subdivision ordinance under "Sidewalks and Curbs", it states that as required by the Town and therefore if it's not required for certain subdivisions or plats, there seems to be a lot of discretion. We would recommend amending Sections 412 and 413 to require sidewalks and curbs in all residential areas with some exceptions for areas where you create less than three lots. Maybe it just doesn't make sense that you put a sidewalk in an area that's out there and you don't have anything to connect into. We could leave a little bit of leeway, in case someone does propose a subdivision, and maybe we wouldn't necessarily want to be so stringent that you have to have sidewalks and curbs when the next sidewalks may be a mile away.

Mr. Webb stated he could formulate an amendment and bring it to you next month. If we are all in agreement, then we can proceed with the amendment for October.

Mr. Spitler stated that unless there is a strong objection from the Commission, he would like to be absent from the September meeting. He has a trip planned to Colorado and would like to leave right after the Council meeting on Monday the 11th. He will follow up with Mr. Webb and they will have all these things ready for you.

Old Business:

Examining open space requirements in the R-5 Zoning District

Mr. Webb stated he had reviewed a lot of ordinances of other localities. We have the term “usable” in our ordinance and it does appear that we will get another submittal from the R-5 project. They are making some design changes to reflect a more usable open space. I would propose that the best place for us to articulate in more detail what we expect for open space is to supplement the definition we have. We have a definition in Section 202 for open space. We could amend this to read “open space needs to be integrated into the development in a form in which residents can conveniently access and use the open space.” I’m not seeing anything in any other ordinances that says open space has to be located in this section of the development. It may say it needs to be a park, plaza or have recreational equipment, but it doesn’t give you design specifics. If we were to define in more detail how we expect open space to function in Section 202, that might serve us well.

Mr. Baughan stated you might be able to adopt some of the language we have in a Planned Neighborhood Development but it seems to me what we are really shooting for is either a centrally located usable space which is convenient to all of that subdivision or development. You might look at your language in Planned Neighborhood Developments to see what you can use from there to put into your R-5 districts because I think it’s all the same idea.

Mr. Spitler stated you have to do it on a case-by-case basis. You have to have very explicit standards. Mr. Baughan stated you have to set some standards that they can design to. If you clean up your language, you can give them a little more direction as to what you mean by usable land.

Mr. Spitler stated you have two factors here; space and usability. Suggest this is what we are going to be looking for. Have to put them on notice and be prepared to have grounds for approval or denial.

Mr. Campbell asked Mr. Webb if he could come up with a definition on what Mr. Spitler has suggested.

Mr. Webb replied that Section 202 will be modified with more detailed language and a clear picture of what open space is to look like and function. Give them some flexibility to still function with easy access to residents.

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Mr. Potts commented he had two concerns on the last plan we received. Are we satisfied with such high density developments in R-5 areas? There will be 218 houses along 211 and the open space will be located at the end of the lot. To me it just seems a lot of houses on a small plot of land. Also, do we need to do something to our Code about buffers – landscaping, tree planting along the 211 corridor and along Main Street where there is a potential for high traffic noise. There is no requirement that there will be plantings along 211.

Mr. Baughan stated the community needs some high density. The question is where you want to put it, but the idea of the R-5 space is to allow greater density. In my mind there is a need for R-5. It is necessary to provide the type of housing some of your citizens want or require.

Mr. Webb commented that he will come to you at the next meeting with a definition of open space and also have another ordinance amendment on sidewalks in residential districts.

Comprehensive Plan RFP – The deadline for proposals for the update of the Town's Comprehensive Plan is Friday, August 25, 2006. Mr. Webb stated he has received numerous calls from planning consultants inquiring about the RFP. Several consultants have given rough cost estimates. We can do a lot of the work in-house and will outsource 4 or 5 long range planning objectives to the consultant. Updating the Comprehensive Plan will necessitate the appointment of a Comprehensive Plan Subcommittee. It is recommended that the subcommittee consist of nine members. Because an element of the Comprehensive Plan involves examining long-range growth options in unincorporated areas, it is recommended that a minimum of two County residents serve on the subcommittee. We will have an open application process in which individuals can directly apply to be on the subcommittee. Application will be accepted until September 8, 2006. The newspaper will run a story on this next week and ask people to apply to be on the committee. We need to tell the people up front that there will be 12-20 meetings they will have to attend over the course of 9-10 months.

Mr. Potts commented that his instructor said we need a formal charter. Mr. Webb stated that by October he could have a model charter for you to review and discuss.

There being no further business to come before the Commission, the meeting adjourned at 8:20 p.m. The next regular meeting will be on September 13, 2006 at 7:00 p.m.

Respectfully submitted,

Richard M. Black
Assistant Zoning Administrator