

**MINUTES  
LURAY PLANNING COMMISSION  
NOVEMBER 15, 2006**

The Luray Planning Commission met on Wednesday, November 15, 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  
Page News & Courier

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

**Approval of the Minutes of the October 11, 2006 Regular Planning Commission Meeting**

A correction was noted on Page 2, third paragraph. Should read "Councilman Arrington made a motion to accept the plat." Councilman McNeely made a motion to accept the minutes as corrected. Motion was seconded by Councilman Dodson and the motion was approved 7-0.

**PUBLIC HEARINGS**

**- SUP06-7, Mr. Ronald Jenkins & Mr. Chris Avery**

Ligon Webb stated that in his report the parcel does meet the required size requirements for townhouse construction under Section 510. Pointed out the vehicular and traffic movement issues currently existing on Brumback Avenue and O'Flinn Street. The subject parcel is zoned B-1 and townhouse are allowable by special use permit. Due to the parcels close proximity to the intersection of Brumback Avenue and East Main Street, VDOT has recommended that ingress and egress to the site be located on the far northwestern portion of the parcel. As a condition of the Special Use Permit, the applicants have agreed to locate access to the parcel exclusively to the far northwest portion of the parcel and the number of townhouses will be limited to five. The lot width per townhouse will be 18 feet.

Mr. Webb received a letter from Mr. & Mrs. John R. Williams, III who live on O'Flinn Street. Their concern is excessive traffic on O'Flinn Street.

**MINUTES**  
**NOVEMBER 15, 2006**  
**PAGE 2**

Several residents living in this area presented information regarding the traffic and made it clear that the streets could not handle any more traffic. Mr. Campbell stated we need to take a hard look at the situation before we can actually make a decision. Mr. Webb stated he can go back to VDOT and see if there is a possibility of making this a two-way street, and if so, there seems to also be some width issues. Mr. Campbell stated either way they would have to come out on Woodland Avenue and that is not the safest intersection. If they came out at the light that is a controlled intersection. If you don't make that section two-way, then you still have the same problem only reversed. Mr. Baughan stated if you reverse Brumback, you get the same amount of traffic.

Mr. McNeely made a motion that we table this special use permit request until some study is done on the traffic conditions. Mr. Potts seconded the motion. Mr. Campbell stated you have heard the motion and it has been seconded. All those in favor of the motion say AYE. Motion carried 7-0

Mr. Webb stated he will go back to VDOT as soon as possible. I'll talk to VDOT and let people know what their comments are so when we do take it off the table, the public hearing portion will be over. Please contact the office and I will be happy to inform you what I have found out. Mr. Campbell asked Mr. Webb to explain to the applicant that we will try to get an answer within 60 days.

**- RZ06-5, Mr. Robert Brown**

Mr. Webb stated that the applicant advised him he would not be able to attend the meeting. This parcel is behind Jenkins Insurance and is known as 13 Jackson Street. This is a commercial building and has been such since it was built. He is now using it for storage and has expressed an interest in possibly using it as a professional office. There is a remote chance he may use the building as a catering business to cook food on site to send off site. Many of the uses he has eliminated he wouldn't be able to use there anyway.

Mr. Campbell stated he didn't see any problem with B-1 going all the way through. It's just off Main Street and I don't see where we need a lot of restrictions on it. Mr. Webb stated whatever he wanted to do on that site, he would have to send a site plan that will have to be approved because it will have to meet our parking requirements.

Mr. Hakel made a motion that the staff's recommendation is to approve the rezoning of R-3 to be changed to B-1 with the conditions he has proffered. Motion was seconded by Judy Suddith and the vote in favor of the motion was 7-0.

## Ordinance Amendments

### A) Article VIII Section 801.6 Exempt Signs (i)

Mr. Webb stated presently this reads:

- (i) “Public signs, including traffic, utility, parking, directional, identification, public event and festival signs **approved by the Town Council**, and other signs displayed for governmental purposes.”

Basically these types of signs for public events would have to be brought before Council. Council has decided they would much rather have these handled by the Zoning Administrator. The intent is for all the public events and festivals they would need to come to the Town Office and get approval so we will know where and when they are going to put up their signs

It is proposed that Article VIII (Signs) Section 801.6 (Exempt Signs) letter (i) of the Code of the Town of Luray be amended to the following:

- (i) “Public signs, including traffic, utility, parking, directional, identification, public event and festival signs be **approved by the Zoning Administrator**, and other signs displayed for governmental purposes.”

Mr. Potts made a motion to recommend approval to the Town Council and motion was seconded by Mr. Baughan. The vote carried 7-0.

### B) Article VIII Section 801.4 (Special Definitions) Addition to the Town Code,

#### Sandwich Board Signs

Mr. Webb stated during our conversations of off premise signs with members of the Council, they expressed an interest and the limited use of sandwich board signs provided they follow certain conditions and get approval. This is the criteria that the sign itself must meet. The general intent is for certain businesses where most of their business comes from Main Street but they don't have direct access to Main Street.

Mr. Webb stated if you have been denied a sandwich board sign by the Zoning Administrator, then you can take it to the BZA and plead your case to them.

Mr. Campbell stated one thing we take into consideration is Main Street is very visible to the public and anyone who gets on Main Street can find whatever business they want. If you were off in a back alley and needed a sign this is different than putting up a sign on the corner of Main and Broad.

Mr. Potts made a motion that we recommend to Council the amendment of the Ordinance as outlined in **B)** concerning sandwich board signs Section 801.4 and motion was seconded by Mr. Hakel. The vote on this motion was 7-0.

**C) Article VIII (Signs), Section 801.7 (Signs requiring a temporary sign permit)**

Mr. Potts stated we have heard talk about the Wrangler and Farmer's Market signs and those are controlled not by sandwich board but by special activity signs. I agree that sandwich boards should be one and in close proximity to the business it represents. Mr. Webb stated what Mr. Potts is saying is that if there is anything that is addressed under A, we can amend that and say you cannot have more than 7, but during the process we are obviously going to look at it.

Mr. Webb asked if we want to put a number in both A) and C). In A) you can have no more than six and in C) limit it to one. Both of these will have to be approved by the Zoning Administrator.

Mr. Spitler stated we could simply add a sentence to the end of (f). Therefore C) *That Article VIII (Signs), Section 801.7 (Signs requiring a temporary sign permit) of the Code of the Town of Luray, Virginia be amended to read as follows:*

(f) The placement of a sandwich board sign requires a temporary permit issued by the Zoning Administrator and subject to annual review. A sandwich board sign shall be located on the same lot(s) of the use to which it is accessory, except that where it is impossible to locate the sign entirely on the same lot as the use, the sign may be placed on an adjacent private lot, provided that permission of the lot owner or occupant is explicitly provided to the Town, or a Town sidewalk within reasonable proximity to the business provided that:

- (1) The sign is placed in a manner which does not impede pedestrian access or intersection visibility.
- (2) The sign is removed at the close of business hours.

Any use shall be limited to one sandwich board sign, except that additional sandwich board signs accessory to public events or festivals may be placed at the discretion of the Zoning Administrator.

A motion was made by Mr. Potts to accept C) Article VIII, Section 801.7, as amended by Mr. Spitler. Motion was seconded by Judy Suddith and motion approved 7-0.

**D) That Section 202 of Appendix A of the Code of the Town of Luray, Virginia, be amended to delete the following:**

*Open space, usable landscaped:* That space on the same lot and contiguous to the principal building or buildings, except as herein noted, which is either landscaped with shrubs, planted with grass, or developed and maintained for recreation purposes, and excludes that portion of the lot which is utilized for off-street parking purposes.

**That Section 202 of Appendix A of the Code of the Town of Luray, Virginia, be amended to add the following:**

*Open space:* Common space generally intended for passive recreation, and not improved with a building, structure, vehicular travel lane, driveway, street, sidewalk, or parking area. Open space includes pedestrian ways, bike paths and trails, inter-connecting open space areas; undisturbed natural areas, woodlands and preservation areas; community facilities; landscaped grounds and buffers; playgrounds and tot lots; and swimming and boating areas. Open space shall not include yards within individual residential lots, areas less than thirty (30) feet in width between buildings or structures, or lands occupied by tennis courts or golf courses.

After some discussion, Judy Suddith made the motion that we accept the definition of open space as amended and motion was seconded by Mr. Hakel. The vote was 7-0.

**(E) That Section 3.1(A) of Section 408.1 of Appendix A of the Code of the Town of Luray, Virginia, be amended to provide the following:**

**Section 3.1. Description of districts.**

- A. Basis of districts. The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the current Flood Insurance Study (FIS) report and the accompanying Flood Insurance Rate Map (FIRM) provided to the Town by the Federal Emergency Management Agency on April 19, 2006, as amended, which are incorporated herein [section 408.1] by reference and which shall be kept on file at the Town Office.
1. The floodway district is delineated, for purposes of this [section 408.1], using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one foot at any point. The areas included in this district are provided in the above-referenced Flood Insurance Study (FIS) report and the accompanying Flood Insurance Rate Map (FIRM), as amended, which are incorporated herein [section 408.1] by reference and which shall be kept on file at the Town Office.
  2. The flood-fringe district shall be that area of the 100-year floodplain not included in the floodway district. The basis for the outermost boundary of the district shall be the 100-year flood elevations provided in the above-referenced Flood Insurance Study (FIS) report and the accompanying Flood Insurance Rate Map (FIRM), as amended, which are incorporated herein [section 408.1] by reference and which shall be kept on file at the Town Office.

**MINUTES**  
**NOVEMBER 15, 2006**  
**PAGE 6**

Mr. Webb asked Mr. Spitler to describe this amendment. Mr. Spitler stated that a letter was sent to Mayor Dean by the Federal Emergency Management Agency, otherwise known as FEMA, advising us that there had been performed another flood insurance study and an accompanied flood insurance rate map. We are required to adopt this by the National Flood Insurance Standards which are contained in the Code of Federal Regulations and which are a condition of anyone in the Town obtaining flood insurance on their property. We have to re-adopt the new study and map. It will not actually be in final form and effective until January 5, 2007. Mr. Black has received written correspondence from FEMA which indicated there would be no subsequent changes made to what we have already received. All we have done here is basically changed the names and dates by which those things are referenced. Everything else is exactly the same as it currently exists in our ordinance.

Mr. Hakel made a motion that we accept the recommended wording of this section and motion was seconded by Mr. Dodson. Mr. Campbell stated we have a motion properly supported that we accept this recommendation and send it to Council for approval. The vote was 7-0.

**That Section 3.2 of Section 408.1 of Appendix A of the Code of the Town of Luray, Virginia, be amended to provide the following:**

**Section 3.2 Official zoning map.**

The boundaries of the floodplain districts are provided in the above-referenced Flood Insurance Study (FIS) report and the accompanying Flood Insurance Rate Map (FIRM), as amended, which are incorporated herein [section 408.1] by reference and which shall be kept on file at the Town Office.

Mr. Potts made a motion to accept this amendment and motion was seconded by Mr. McNeely. Mr. Campbell stated we have a motion properly supported that this recommendation be sent to Council for approval. The vote was 7-0.

**NEW BUSINESS**

Mr. Webb stated that the Master Land Use Plan for Luray Heights was presented to the Town and is on the Planning Commission's December agenda. The Town Council on Monday approved the Concept Plan for Luray Heights. There are some changes to the Master Land Use Plan. Some lots have been taken out and is now down to 510 units. The round about is now going to be a 4-way intersection. The traffic engineer study indicated that was more appropriate for that particular intersection and also the traffic study has recommended a light at the main intersection on West Main Street. Mr. Modjeska has requested that he meet with the Planning Commission and have a work session to go over all the requirements of the PND and address these issues. We have all the engineering studies, and took them to VDOT to get their comments. I'll leave it up to you if you would like to meet with Mr. Modjeska, and if you want to, we could also go over the Old Business then as well.

Mr. Campbell stated he had discussed with Mr. Webb the possibility of limiting our meetings not to exceed two hours. I think we can limit our meetings to two hours or less. If we have more than enough for this meeting, then have another special meeting.

**MINUTES**  
**NOVEMBER 15, 2006**  
**PAGE 7**

Mr. Potts commented that at the meeting where Luray Heights was presented, there were concerns expressed about what sort of neighborhood it would be and I would like to see us put together a site visit by the Planning Commission. We need to see a community that's built on this architectural scale, the rear loading, the alleys, the narrow streets and those sorts of things so we're not sitting here looking at a map and asking questions. Need to do this so we can make an informed judgment of whether in fact it makes sense with what we are doing. I think we should go see something before we have that meeting. Mr. Webb stated he thought there was one in Crozet and it is strictly voluntary if you want to go. We have a van we could take. Meet here on Friday December 1 at 8:00 A.M. The Council members should also be invited.

The special meeting with Mr. Modjeska is scheduled on Monday, November 27, at 7:00 p.m.

Webb stated after we meet with Mr. Modjeska, we will go into voluntary proffers and the Bylaws could be two weeks later at the December meeting.

**OLD BUSINESS**

**Open Space standards in the R5 Zoning District**

Mr. Campbell asked how much discussion are we going to have on this and are we ready to act on it tonight. If we feel we aren't, then I'm going to cut off the discussion because our time limit is up. Mr. Spittler stated it seems the only action would really be to direct Staff to come back with proposed language. There's nothing else to act on at this point.

There being no further business to come before the Commission, the meeting adjourned at 9:25 p.m.

The work session will be held on November 27 at 7:00 p.m.

The next regular meeting will be December 13 at 7:00 p.m.

Respectfully submitted,

Richard M. Black  
Assistant Zoning Administrator