

**MINUTES  
LURAY PLANNING COMMISSION  
MAY 10, 2006**

The Luray Planning Commission met on May 10, 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  
Bob Borgie  
Terry Dodson  
Sam McNeely  
Tom Potts

Absent: Peyton Baughan  
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.

**Approval of the Minutes of the April 4, 2006 Work Session and Regular Planning Commission Meeting of April 12, 2006**

There being no additions or corrections to the minutes of the April 4, 2006 Work Session, the minutes stand approved as written. There being no additions or corrections to the minutes of the April 12 Regular Planning Commission Meeting, the minutes stand approved as presented.

**Public Hearing:**

Mr. Campbell stated that tonight we have a public hearing concerning rezoning from R-3 to B-1 from Michael Sherfey and Robert Jenkins.

Mr. Webb stated this rezoning pertains to property located on North Lee Street. Through voluntary proffers the applicants have eliminated a number of B-1 uses. The applicants intend to use the existing structure on the site as the location of a mortgage broker office and an insurance office. The site is zoned R-3 and historically has been the location of several professional office activities. Professional office uses are by-right in the R-3 district. The uses that are proposed for the site by the applicants, a mortgage broker office and insurance office, are permitted by-right in the R-3 district. The mortgage broker office will be located on the first floor, and the insurance agency will be located in the basement area.

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The applicants have expressed an interest in rezoning the property in order to use the B-1 signage standards. Under the R-3 sign standards a single four square foot sign is allowable for the entire structure. The B-1 sign standards allow for one square foot per linear foot of building width on which the sign is attached (wall sign), with a maximum of 60 square feet. In the B-1 district a ground mounted sign could be one square foot per three linear feet of lot width on the side where the sign is to be located. The lot must have a minimum of 100 feet of lot width in order to use this standard.

If this site is rezoned to B-1, the applicants would be required to submit a site plan in accordance with Section 515 of the Town's Code before this zoning change would be effectuated. This site plan would address site specific access and parking issues. That would be the next process if it was to be approved.

Mr. Campbell stated the only question he would have is the reasoning for asking it to be rezoned from R-3 to B-1 because what they are asking for is allowable in R-3 except the size of the sign. Mr. Jenkins stated that was the only reason for the request because R-3 only allows for 4 square feet of signage and being a block off of Main Street that is not a lot of visibility.

There being no further questions from the Commissioners, Mr. Campbell stated he was ready for a motion. Terry Dodson made a motion that we rezone this from R-3 to B-1. Mr. Potts asked that before we vote can we have some discussion. He would like to hear it make some reference with the inclusion of the voluntary proffers so that it becomes a part of the total rezoning. Mr. Campbell asked if you sell this, does it legally carry over and Mr. Potts stated it does. He stated it is his understanding that this isn't a temporary rezoning, and it would convey the right. Mr. Spitler stated that is correct but thought we should recite the voluntary proffers in the motion. This was added to the motion and motion was seconded by Mr. Potts. Motion carried by unanimous vote of the five Commissioners present and will be presented to Council on June 12.

**NEW BUSINESS:**

Mr. Webb stated he talked to Mr. Schiro about updating the Comp Plan and having an RFP for consultant once the budget is adopted, and hopefully the process will start in July. Another item is an ordinance amendment. In talking to Mr. Baughan a few weeks ago, we realized in our R-5 townhouse and apartment house ordinance that the current use of townhouse is not in our updated ordinance. I will submit an ordinance amendment at our next Commission meeting. We will add the term townhouse as it is defined in our ordinance. I will also have the definition for condominium. I will also add the term condominium, just to define it in our ordinance.

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**OLD BUSINESS:**

Mr. Webb stated that we had talked before and had come to a consensus that we would combine the terms of apartment house and garden apartment into one definition. I reported this to Town Council and they didn't see any problem with it. The general definition of apartment house is it has 3 or more, doesn't have an upper limit, but we know that under B-1, a building can't be over 45 feet. Garden apartment has 3 to 8 units and you have followed the conditions of Section 511 which limits height, set-backs, etc. Mr. Potts stated he was trying to figure where we got to the point where we were asking for a consolidated definition as opposed to a separate definition, one for apartment and one garden apartment. Mr. Webb stated right now we have two separate definitions. I think this all started with the concept plan by Mr. Modjeska and somehow revolved into condo.

Mr. Potts stated from the earlier discussion, we found ourselves with 3 or 4 points that needed to be addressed. One was the fact that the definition of a townhouse had fallen out of the Code entirely. Then we found ourselves with references to townhouses, garden apartments and apartments and it wasn't clear what the definition was on a couple of them and we asked you to come back to us with a proposed definition. An apartment house is defined as a building intended for 3 families containing at least 700 square feet per unit. That's in the Code today. The definition of garden apartment is in the Code also. I'm not sure why you thought we had tasked you with coming up with a combined definition because I didn't understand that we had.

Mr. McNeely asked if there is anything in the building code or fire code based on the number of units whether you have to have automatic sprinklers or not. Mr. Black stated these are questions we can ask the building official. Mr. Campbell said it would be good if he would be at one of our meetings.

Mr. Borgie commented that we could also not consolidate and just put both terms, garden apartments and apartment houses in with the same clause. Leave garden apartments allowable in R-5 and we could add a stipulation of special use permit and then cap the number of apartments in apartment houses that are only allowed in B-1 by special use. Mr. Webb stated that if we can't find that number tonight, he can be in contact with you and talk about it and maybe figure out what might be an acceptable upper limit.

Mr. Borgie made a motion that we table this issue until we can come back with firmer ideas and give each Commission member a chance to mull it over and willing to make some recommendations. Motion was seconded by Mr. Potts. Motion carried by all commissioners present.

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Mr. Campbell commented that when we go over this again, we should have the full Commission, or at least input from the whole Commission, as to how they feel about it because this can be a major decision and I think we all should be involved in it.

Mr. Webb commented that he was interested to know what the Commission's position is on our special use permit dispute and whether or not it runs with the land or it is simply an issue to the individual. Mr. Borgie asked if that could be clarified in the ordinance that a change from one zone to another is a permanent thing but a special use permit only goes with the individual. Mr. Black commented it conveyed in the initial sale but then after you bought it, you can't sell it unless you come back and get a special use permit from the Town in order to sell your townhouse. Mr. Black stated the Code definitely needs to be clarified. Mr. Campbell said we will leave it up to Ligon to come up with some recommendations for us to discuss. Maybe it's a good idea to leave it for business and forget about it in residential and clarify that section that could be added in as an exemption.

Mr. Borgie said he had some old business he would like to discuss. Mr. Chairman I make a motion that the Planning Commission meet with the Airport Commission to hear their concerns prior to the Public Hearing and allow those people that they feel could help us make a decision on the PND. Mr. Potts commented that he is going to second the motion. I'm not in favor of the motion, but I'm going to second it so we can have a formal discussion of it. Mr. Campbell commented that he would rather hear a motion that we table it for 15 days after we hear it before we vote on it or we can have a Special Meeting 15 days after we hear what's going on at this meeting. We don't have to vote on it that night. Mr. McNeely asked that you restate the motion. Mr. Borgie motioned that the Planning Commission meet with the Airport Commission and those they feel could help us make the decision on the PND to hear their concerns prior to the public hearing. A vote was taken on this motion and Mr. Campbell announced that the motion failed 3 to 2. Mr. Webb stated one of your options the night of the meeting is to approve or table it.

Mr. Campbell stated that we will wait to hear from Ligon as to when our next meeting will be other than our regular June meeting. Our next regular meeting is June 14 and we have a joint meeting with Council on May 25<sup>th</sup> on the Luray Landing PND.

There being no further business to come before the Commission, the meeting adjourned at 8:20 pm.

Respectfully submitted,

Richard M. Black  
Assistant Zoning Administrator