

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
May 10, 2017**

The Luray Planning Commission met on Wednesday, May 10, 2017 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 at which time there were present the following:

Commissioners Present:

Ronald Good
Brian Sours
Grace Nowak
Alan Eldridge
John Shaffer
Tracie Dickson

Absent: Gail Kyle

Others Present:

Charlie Hoke, Town Manager

The meeting was called to order by Chairman, Ronald Good, at 7:00 p.m. and everyone joined in the Pledge of Allegiance to the flag. The roll was called with one member absent.

APPROVAL OF MINUTES:

Motion: Commissioner Nowak made the motion to accept the minutes from the April 12, 2017 Regular Planning Commission meeting and seconded by Commissioner Shaffer. YEA: Commissioners Good, Sours, Nowak, Eldridge, Shaffer, Dickson. **Approved 6-0**

UPDATES AND DISCUSSION

Definition of *Abut* and *Adjacent*

Mr. Hoke informed members that at the work session of the Council there were questions regarding the definition of *adjacent* and *abut*. The Council requested that the Town Attorney review this and Mr. Hoke provided the response from Mr. Botkins. The council's concern was that once a definition of adjacent was made, it should be used that way throughout the entire code. Council also considered that the words *adjacent* and *abut* be used, defining each, and used as appropriate throughout the code.

Mr. Botkins response was as follows:

- 1.) Add a definition for "abut" and revise the proposed definition of "adjacent to reflect the overlap:
 - a. Abut: Lots that share a common boundary.

b. *Adjacent: Lots that abut one another or are separated only by a street, alley, right of way, or easement.*

2.) *Narrow the proposed definition of “adjacent” to eliminate the need for the additional term:*

a. *Adjacent: Lots that share a common boundary line.*

(Mr. Botkins noted that Option 1 works best if Council wants to sue the broader definition of “adjacent” for some purposes but not others. Option 2 might be preferable if the narrower definition for “adjacent” works for applications.)

Commissioner Eldridge expressed some concerns about the proposed definitions. He explained that the town’s preference is to measure set-back distance from the front lot line. Mr. Eldridge asked about the definition of street right of way. Mr. Hoke said this is very difficult to discern sometimes. Mr. Eldridge said that “set-back” line is referred to frequently in the code, as well as front lot line. He explained that it would be nice if this was more clearly defined and said that all terminology in Appendix A- Section 202 should be defined in a matter that makes it concise for the general public to understand. Mr. Eldridge stressed concerns that the terminology is not easily understood throughout the code. Commissioner Dixon stated that the commission should be cautious in defining terminology too specific. Commissioner Eldridge would like for citizens to be able to understand what they are and are not able to do with their property, without consulting an attorney to explain the code.

Commissioner Nowak felt the code was written in such a way that allowed the citizen to come before the town and determine the specifics as they pertain to an individual property. Mr. Eldridge questioned if that citizen were to receive an unfavorable response, how would they then know what the precedent is for their situation. Chairman Ronnie Good asked if this would then become an issue for the Board of Zoning Appeals. Chairman Good felt the definitions were pretty clearly explained. Mr. Eldridge explained that this is just one example of an area that he feels is unclear.

Members continued to discuss areas of the code that were difficult to determine the intent. Commissioner Eldridge felt the intent of these changes was to eliminate ambiguity and he felt there were many areas that needed clarification. Commissioner Shaffer disagreed, and said that he feels there should be some authority for other boards to override decisions that may not meet exact criteria and prefers broader terminology. Mr. Hoke said that the two issues identified by the Council were only the terms *adjacent* and *abut*. Chairman Good felt that regarding Section 705.2, most of this is already in the town’s code and has worked well in the past. Mr. Hoke stated that the two changes recommended by the Town Attorney would be brought before the Town Council for review and if they approve, then will proceed to the public hearing process. Mr. Hoke clarified that the only changes would be for the definition of *adjoining* and *abut*. Chairman Good asked if the Commission was prepared to take action on this and move back to the Town Council.

Motion: Commissioner Shaffer made the motion to accept the definitions for *abut*, and *adjacent* as recommended and send back to Council for further action, seconded by Commissioner Nowak. YEA: Commissioners Good, Sours, Nowak, Shaffer, Dickson ABSTAIN: Eldridge. **Approved 5-0**

Baker Development-Request from PND to Business

Mr. Hoke said that there has been a request from Baker Development to change the PND Zoning to Business for the property located in West Luray. He said that there will be a request in the future

to change PND to Business Zoning for Lord Fairfax Community College regarding the property donated to the college by Baker Development.

Price Request- Linden Avenue

Mr. Hoke presented information from Mr. David Price regarding his property on Linden Avenue. The property was formerly a machine shop, then purchased by Mr. John Mrotek, and eventually sold to Mr. Price. Mr. Price has mentioned a request to have a business at this location, despite its R-1 Zoning. This activity is not permitted in the R-1 District and Mr. Hoke said he has been asked to research the possibility of a special use permit or rezoning. Mr. Hoke said that town records cannot be found for the permitting of a business at this location in the past, but he can recall there being a repair shop at this location many years ago. Mr. Hoke asked if the Commission had any thoughts on this request. Mr. Hoke said the area in general is made up of R-1 and R-3 Zoning and there is no business zoning nearby. Commissioner Eldridge pointed out that Mr. Mrotek's barn across the street is rented out as storage, therefore creating a business adjacent to the property. Mr. Hoke said that the owner has not formally made application for this at this point, but has contacted Mayor Presgraves. Commissioner Eldridge mentioned contacting the former owner, Mr. Beaver, to see if he has any permitting records from the prior business. Ms. Dickson said this would seem to be spot zoning. Commissioner Shaffer asked if this constitutes a business if there is no form of advertising taking place. The Commission members questioned the intended use by Mr. Price. Chairman Good said there can be no business in the R-1 District. Mr. Eldridge discussed the possibility of a residence on the second floor, which may make this easier to consist of a "home office". Mr. Hoke noted that a home office is permitted in B-1, but in the R-1 district there can be no foot traffic. Members said that Mr. Mrotek's adjacent property may be rented out by private agreement only, not constituting a business. Mr. Hoke said at this stage he is simply requesting the Commission's input per request of Mayor Presgraves. Chairman Good recalled a home on Springcrest that was not permitted to operate as an AirBNB because of the R-1 Zoning regulations.

Other Business

Commissioner Eldridge stated that when he joined the Commission he was not informed that the meetings were being recorded. Mr. Hoke said the meetings are recorded in order to make it easier for staff to take the meeting minutes. Mr. Eldridge stated that there is no information passed on to new Commission Members when they come on board. He advised members that he would have preferred to pass on items discussed tonight in e-mail form a few days prior to the meeting. Mr. Eldridge asked if this is permissible and if so; to what e-mail addresses. He requested that a document be made available for new members of the Planning Commission or any other commission of the Town that gives them some information. Commissioner Shaffer said that he was provided with a copy of the Zoning Ordinance and felt that it was his duty to read through this and be prepared for meetings. Mr. Shaffer said that he assumed anything he says on an appointed board is being taken down for the minutes, whether recorded or a secretary is present. Ms. Nowak said that it would be beneficial for all members to have one another's email address, physical address, and phone numbers. She noted that in the past, she has wanted to contact a fellow member but didn't have their contact information. Mr. Hoke said that he could provide this information.

Mr. Hoke said that the Town Council cannot communicate in group emails because it is considered an unadvertised meeting. He said that he is uncertain if this is the same for appointed boards.

There being no further business, the meeting adjourned at 7:53 p.m.

Charlie Hoke
Town Manager

ATTEST: _____
Prepared by: D. Babb, Deputy Clerk Treasurer