

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
MARCH 12, 2014**

The Luray Planning Commission met on Wednesday, March 12, 2014 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:

Clifton Campbell
Larry Hakel
Mark Malone
Brian Sours

Absent: Ronald Good

Grace Nowak
Jerry Dofflemyer

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Leroy Lancaster, Town Council Representative

The meeting was called to order by the Chairman, Clifton Campbell, at 7:00 p.m. and everyone joined in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

Commissioner Malone stated there were a couple of things I said that were attributed to Mr. Hakel. Mr. Malone will mark them and Bryan will give to Doris to correct. A motion was made by Commissioner Malone that the minutes of February 12, 2014 be accepted with revisions and seconded by Commissioner Sours with the vote as follows: YEA: Commissioners Campbell, Hakel, Malone, Sours. **Approved 4-0**

NEW BUSINESS:

Final Plat Submission: Mr. Donald Farmer, seeking to subdivide an existing residentially zoned lot into two (2) parcels.

Mr. Webb stated we looked at this last month. He just had to come back here with a final plat and nothing has changed since last month. Commissioner Campbell asked do you have everything you need to give to Council. Mr. Webb stated we have everything;

MINUTES
MARCH 12, 2014
PAGE 2

we have the report, the survey and that's it. Commissioner Malone stated just to clarify; if it's one non-conforming lot it's going to be two non-conforming lots afterward. This actually doesn't somehow or other confer. Mr. Webb stated it doesn't change the situation on the ground in my opinion, it just makes it worse; it just makes it where he can divide it and he can't add on or anything. Mr. Chrisman stated I think it doesn't meet a conforming situation but what it particularly does is move it to the possibility of future conforming because by putting each house on its own lot they could add additional property behind them like we talked about last meeting and create fully sized lots that would conform to that zoning area. Commissioner Malone stated whereas you may not be able to build back there, you could have it be part of the property. Mr. Chrisman stated you could consider it part of your lot and it would meet the minimum requirements and become a conforming lot should there be a property merger in the future. Boundary line dissolution like if Mr. Farmer wanted to buy the lot behind him and they take the interior boundary, that's going to need administrative approval by the Town staff because he is not creating a lot. Is that the way your interpret that Jason? Mr. Spitler stated quite frankly I'm not even sure that it requires our approval or even if we have the authority to disapprove in terms of vacating an existing boundary line so long as it is not some covenant or some other promise to maintain those separate lots. Certainly any way you look at it, the process is a whole lot less restrictive as it relates to vacating as opposed to creating; that's usually the issue. For instance if I deal with the County and I do a boundary line adjustment, I have never asked the County Zoning Administrator to sign off on one and have never had the Circuit Court refuse to record the deed when I didn't. At most, that's what it would require.

Mr. Webb stated and really the fact that they have two lots makes it a little less non-conforming because now it's one lot with two houses on it which definitely is not conforming. Two lots with two separate houses with setbacks are still not conforming but it makes a little bit less of an unusual situation.

Mr. Campbell asked what do we come up with that makes it a non-conforming lot. Mr. Webb stated its two houses on one lot; it's not large enough, even if it was one house it still wouldn't be large enough for a single house. I think it was built before we had a zoning ordinance. Mr. Campbell stated if he does anything toward the trailer itself, it's still non-conforming. Mr. Chrisman stated he had three reasons I think that his current situation was non-conforming. He was too small for the R-3 zoning in terms of square footage; he had two houses on one parcel and setbacks. Mr. Webb stated now it just meets two instead of three; it's now two things. Mr. Chrisman stated so we are removing one of the non-conforming and becoming less non-conforming. If he ever did anything

MINUTES
MARCH 12, 2014
PAGE 3

with that trailer like wanting to replace it or something like that, then it would get into a whole different situation.

Mr. Webb stated when we are dealing with a subdivision and doing multiple lots, we usually have a lot of issues to work out between the preliminary and the final plat but this is not the case. That's why we are voting on it again. Commissioner Hakel made a motion that we recommend to the Council approval of this plat and seconded by Commissioner Sours. The vote was as follows: YEA: Commissioners Hakel, Campbell Malone, Sours. **APPROVED 4-0**

Review: Proposed Changes to Town Sign Ordinance

Mr. Webb had the Commission view a sign video on "Community of Choices".

The Commissioners reviewed the changes to the Sign Ordinance, made suggestions and Ligon will bring back to Commission and then it will go to Council.

OLD BUSINESS:

Initial Review: A pending special use permit request by Shen-Paco Industries to operate a "Retail Use/Thrift Store" on a M1 zoned parcel.

This will be discussed at our next meeting.

Continued discussion regarding town Historic District/Architectural Review Board

Mr. Webb asked Jason did you find out anything. Jason stated I think we still know the answer and that is if the Town Council was to elect to create a historic district and a review board, I believe you guys could be the review board. State Code is shocking on how minimal it discusses that board and its creation and makeup. It's essentially silent as

MINUTES
MARCH 12, 2014
PAGE 4

to the qualifications of its members which takes you back to the general statute as it relates to elected and appointed officials; things like being over the age of 18, sound mind, not a convicted felon, living in the locality. In the absence of any other direction, it would appear that anyone who lives in the town and is otherwise qualified would be eligible to serve and I think it would be within the Town Council's authority to say instead of creating a whole new board, let's just use what we have. I feel 99% confident that is the answer. The only thing that makes me nervous is there is nothing in the code that tells us one way or another. I have tried to get in touch with Scott Martin who is the General Counsel for the Virginia Municipal League and I just haven't been able to get on the phone and talk one-on-one with him and see if there is any other direction out there in terms of VML and supplemental regulations, etc. I feel extremely confident that that is within our authority and quite frankly if we were going to do it, and I'm not sure that the Town Council is going to be on board with it but if they are, the easiest thing for them and the easiest thing for you guys is to deal with the same names and same faces and not create some other board. It would kind of like the BZA, that would be lucky to meet twice a year and only for that limited purpose.

Commissioner Malone said so you are thinking that maybe there was something that said at least one of the members had to live in the historic district? Mr. Spitler stated no, I have never been of that opinion; I was just referring to the general statute that talks about qualifications for the Planning Commission and talks about things like, for instance, that half plus one must own property in the Town and things of that nature, thinking surely a statute that provides for a historic district review board would set up similar criteria but that's just not the case. I did think it was interesting though because we talked from time to time about filling appointments and filling vacancies, and I'm not sure that anybody ever keeps in mind the fact that wait a minute we have to make sure the majority of these guys own property. As we discussed earlier, we need our threshold. You three guys own property in town as does Mr. Dofflemyer. Mr. Webb stated we'll ask Leroy if there was an architectural review board in town that simply reviewed demolitions of buildings inside the historic district and who was these folks. What do you think about that? Mr. Spitler stated I think the question is really two parts. What does the Council think about it and if they like the idea, would the Council agree that it would make sense to just add that to the Commission's list of duties as opposed to creating some other board. Mr. Webb stated we are just going to simply limit it to demolition of structures. Mr. Spitler stated which would essentially only include structures that are already designated by the State. In addition, Council could, by ordinance, designate other structures so long as they meet the intimate criteria.

The Commission will continue its discussion on potentially having a Town Historic District/Architectural Review Board.

MINUTES
MARCH 12, 2014
PAGE 5

There being no further business, a motion was made by Commissioner Hakel and seconded by Commissioner Sours that the meeting be adjourned. Motion approved and meeting adjourned at 9:32 P.M.

Bryan Chrisman
Assistant Town Manager

ATTEST:
