

**REGULAR MEETING OF THE  
LURAY PLANNING COMMISSION  
MAY 12, 2010**

The Luray Planning Commission met on Wednesday, May 12, 2010 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:

Tom Potts  
Peyton Baughan  
Clifton Campbell  
Larry Hakel  
John Meaney  
Mary Menefee  
Sam McNeely

Others Present:

Bryan Chrisman, Assistant Town Manager  
Ligon Webb, Town Planner  
Ben Weathers, Page News & Courier

Chairman Tom Potts called the meeting to order and everyone joined in the Pledge of Allegiance to the flag.

**APPROVAL OF MINUTES:**

A motion was made by Commissioner Hakel and seconded by Commissioner Campbell that the minutes of April 14, 2010 be accepted as presented. The vote was as follows: YEA: Commissioners Hakel, Baughan, Campbell, Potts, Meaney, Menefee and McNeely. **APPROVED: 7-0**

Chairman Potts stated that he proposed to change the order of discussion/presentation this evening and move to items 6 and 5 before we go to the public hearing.

**6) RECOGNITION OF PEYTON BAUGHAN**

Mr. Webb stated he did some research. Mr. Baughan came on the Planning Commission in 1964. In 1926 the Department of Commerce established a standard planning act which allowed cities and towns throughout the nation to adopt local planning commissions like we have today. Some states jumped on it immediately – New York City had the first planning and zoning departments, and Page County was probably the last one in Virginia. Several counties in the western part of Virginia still do not have zoning at all. In 1975 it became mandatory in Virginia that every municipality should at least have a planning commission. Luray's Planning Commission was established in 1964. Mr. Webb said he talked to Dr. Michael Chandler, head of the Virginia Planning Commission Association.

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Mr. Webb talked to him about Mr. Baughan's service, and Mr. Chandler is very confident of only one other person in the State of Virginia who has served longer; a gentleman from Altavista, Virginia who served for 52 years. That is the longest known term of any planning commissioner in Virginia. Mr. Webb did a little tabulation for 46 years. If you do 3 hours a month for a meeting, including time outside of the meeting, you just worked every day for a year plus 62 weeks full time job as a planning commissioner. From 1964 a little half of the land area is now about half of the population. He thinks you have been here since every building, outbuilding, and garage has been built and you are probably aware of every one. Just wanted to point that out and thank you for the Town of Luray and you are invited to the next Town Council Meeting to recognize this and I think Mr. Weathers is doing something in the paper and I hope it goes to Harrisonburg and people read this and think it is a pretty impressive that someone could do anything for 46 years. We will miss you.

Commissioner Baughan thanked everyone and said it has been very enjoyable and has enjoyed all the people who have served on the Planning Commission all that time, members of the different councils and he has enjoyed every minute of it.

Commissioner Campbell stated it has been a pleasure for him to work with you a lot of those years and feel that you have done a lot for the future of the Town of Luray and it will grow from what you have done.

**5. Review: Proposed Ordinance Amendment related to Poolroom/Billiard Parlor**

Mr. Webb stated that an applicant wanted to open an amusement center. He told Mr. Webb he was going to have pool tables and arcade amusements. Mr. Webb stated he didn't realize that we have as part of the Town Code, a section in B1 about billiards parlors and poolrooms. One issue is we don't have definitions in our Code for billiards parlor, pool room, or amusement center. There is also the issue of some entertainment in B1 being by-right, and others being as a special use permit. After talking to Mr. Black, the Town Manager, having one pool table or two pool tables in an amusement center does not make it a pool hall.

He talked to Chief Campbell today about it; what he proposed to do and he basically said that he feels a pool room has exclusively pool tables and reading the definitions, he thinks the current proposal would be appropriate. Mr. Webb stated that in most codes, pool halls require special use permit.

Commissioner Campbell stated that in the past, all commercial recreation applications (whether they had pool tables or not) came before the Planning Commission and the Council, and received Special Use Permits. He feels that we should make any necessary

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changes to the Code to keep that process. Commissioner Campbell indicated that defining these items may not be a bad idea. Where he is coming from is the history of entertainment, and there was a reason for it. Our basic reasoning was to protect the children and the business community.

Commissioner Menefee asked is the issue because an amusement facility had pool tables in it. Commissioner Campbell stated pool tables do have some special restrictions, age limits, and other items under our current Code.

Mr. Webb stated that the Commission should consider defining “commercial recreation” and making it available by Special Use Permit only. Commissioner Baughan stated he felt that the Commission should be able to recommend conditions they saw as being necessary and doing this by definition and via special use would allow these reviews and requirements.

Commissioner Menefee said she didn’t see why pool tables were singled out as a form of entertainment that could lead to issues such as gambling or underage drinking. She indicated that she felt more comfortable reviewing the types of entertainment offered, and their operational patterns. An easy way to do this would be via special use permit review and recommending appropriate conditions to the Council.

Commissioner Hakel indicated that he didn’t see any difference between the definitions proposed for billiard rooms and pool rooms, other than the names. He suggested maybe combining them would be prudent. Mr. Webb agreed.

Mr. Webb indicated that providing definitions for the various types of amusements, and classifying them as SUP-only in our Code should lead to better Code interpretation and application.

Commissioner McNeely asked what we would do if a guy wants to put a pool table in the bar section of his restaurant. Mr. Webb stated that right now, he would need a special use permit.

Commissioner Potts stated that the real issue with pool tables was the atmosphere that used to exist during the older days. Now, he sees that they could be a small part of a legitimate amusement center with children present, and not cause problems provided that adequate SUP conditions and controls are in place.

The Commission then discussed how many pool tables would be allowed within an amusement facility before it became a “pool room”. The consensus was that no more than two pool tables were acceptable. Mr. Webb had proposed that the number of pool

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tables proposed did not exceed 50% of their total arcade or entertainment devices offered. After discussion, Mr. Webb offered that maybe this percentage should be decreased to say that pool tables could account for no more than 40%, or even down to 20-25%, of the total number of amusement devices/machines in the facility. This came after discussions with the Town Manager and staff, as well as others. The Commission did not consider the percentage to be a necessary addition.

Mr. Webb stated that next month we can have two public hearings – a public hearing for his special use permit and at the same time have a public hearing to amend the definition of pool room and billiards hall and go ahead and do the commercial recreation that may narrow it down.

Mr. Bakkan indicated that he had a couple of things to say, if he may. The first thing is, it's less than 7% of his planned amusements – the two pool tables. The number on the first thing I sent to the Council was 22 machines and I have since added 2 more arcade game machines. It's less than 7%. As far as the drugs and all that kind of thing going on, he is sure you are familiar with where Cravings was – right behind Dip & Dots. There are four 9 foot windows there; it's right across from the police station and if you refer to this letter he gave you today, to be doing anything besides an arcade in there violates his lease with Mr. McConnell. I'm supposed to be a family oriented facility and that was the whole plan. He painted up nice and bright in there – any kind of shanigans, he will be there all the time he is open at least for the first year and he is not going to tolerate any of it. He doesn't drink or smoke and surely no one else is going to in his place either. The thing that worries him about the special use permit isn't so much getting the special use permit as the subchapter or whatever you call it, where he can't let minors in there, because he knows what happened to Jay Strickler, but he ended up having to wall off his pool tables; he doesn't know how many he had, so that they were completely separate from the rest of the place. The whole point of the pool tables is so dad and mom will have something to do when the kids are in there running around.

Commissioner Potts stated he recommended the development of a definition of a “recreational arcade” or similar terminology to account for these types of facilities. He reminded the Commission and staff that the job of the Planning Commission is to develop plans for all future applicants, and not just the one before us. The issue of not allowing minors into an amusement center because of one or two pool tables could be handled by adequate definitions and proper SUP conditions and enforcement.

Mr. Webb stated that the Commission and Council could consider and adopt the proposed definitions, create the Code amendment and then review and comment on Mr. Bakken's SUP application.

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Mr. Bakkan stated he will be opening on July 3. He has a business license in hand. Commissioner Hakel stated which means he can have the billiards and everything else except the pool tables. Mr. Bakkan asked if he could place them in the facility and cover them up. Commissioner Baughan stated he didn't see why he couldn't put them in there and keep them covered. Commissioner Campbell stated as long as you keep the pool tables covered until the special use permit goes through, and then there should not be a problem.

Commissioner Menefee stated if you are having a special use permit for an amusement center, we are doing special use because he has two pool tables and she doesn't understand why we need to go forward with definitions of a pool room or a billiards room as having two or more tables. What is it that makes pool needing some special definition? Commissioner Baughan stated what we are leading up to is that we are going to let an establishment have two pool tables and not call it a pool room so minors can enter. If it's over two pool tables, we are going to call it a pool room or billiards hall and minors can't go in.

Commissioner Baughan asked Mr. Bakken when it was that he planned to open. The response was July 3. Mr. Baughan asked when the next Council meeting was. Mr. Webb replied June 14, and then on July 12. Commissioner Baughan stated this is his last meeting and he really doesn't care, but there have been instances in the past where this Commission has agreed to meet prior to their regular meeting to accommodate something like that. Mr. Webb stated it would not be a Planning Commission issue; we will be meeting in June and he's planning to open in July. He would have to wait until it goes to Town Council. Commissioner Baughan stated if you put it in the Page News & Courier and advertise it, will this body meet in two weeks to make the recommendation to Council and have them before his opening date. Mr. Webb replied "correct". We could do that. Commissioner Baughan stated he has seen this body meet to accommodate something like this because we have a situation here – he didn't create it, you helped create, and we're trying to create it, so it's not chiseled in stone yet to wait 30 days to have another meeting. Mr. Webb replied right. It is a question can you get it in the newspaper, advertise it two weeks, and have this body meet and make a recommendation and get it to Council before their meeting where they can adopt it before he opens up. Mr. Webb stated we could do a joint meeting at the June Town Council and that could just be our June meeting.

Mr. Chrisman stated you would not have to have a joint meeting either. All we have to do in the two advertisements is list the two separate dates; one for this body, one for the regular meeting in June for the Town Council and that meets our advertisement requirement under state code. As long as we get it in by Friday noon, then it gives us two weeks of advertisement and then this body can meet in early June to make their decision

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and then on June 14 Council will meet regularly and then they would make their decision. It's already been advertised for public hearing with two separate postings.

Mr. Chrisman also indicated that we would be proposing to put all of commercial recreation type uses into the Special Use Permit section.

Mr. Webb stated we will do an advertisement at the end of May and forward to Town Council so at June's meeting they can have a joint hearing at two different meeting dates. We will go ahead and advertise that and have a meeting with him, hear his special use application, and amend the definition. Mr. Chrisman stated we can get away with a combined definition there that we don't need to list two separate ones. All three terms are included in the one.

Mr. Chrisman stated administratively we will need to take care of the definitions first on the agenda and then the special use permit. Commissioner McNeely asked will we meet on June 2. Commissioner Campbell replied yes. Mr. Webb asked what day is that. Commissioner Campbell replied, that's on a Wednesday. Mr. McNeely asked when does the Town Council meet. Commissioner Campbell stated they don't meet until the 14<sup>th</sup> so we are in good shape. Mr. Webb stated the ad will state as a joint public hearing with you guys meeting on the June 2<sup>nd</sup>. The Commission then decided that it might be better to wait until June 9 to allow more time for proper advertising.

**PUBLIC HEARING: ORDINANCE AMENDMENTS TO SIGN ORDINANCE**

Mr. Webb stated that the enclosed changes were outlined for the final version of the sign ordinance. He then proceeded to review the items with the Commissioners and answer their minor questions. Mr. Webb indicated that final revisions would go out to the Commission and Council very soon.

Commissioner Potts stated that the inclusion or exclusion of sign and base heights needed to be consistent. Mr. Webb took Mr. Baughan's suggestion about "above grade".

Commissioner Menefee stated that the foundation heights should be consistent.

Commissioner Potts asked that total sign heights and commercial square footages be adjusted down and corrected throughout the ordinance. Mr. Webb agreed.

Commissioner Potts then opened the Sign Ordinance for Public Hearing. There being no one, the public hearing was closed.

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A motion was made by Commissioner Menefee to accept the amendments with the changes noted tonight and to recommend them to the Town Council for approval and incorporation. Motion was seconded by Commissioner Hakel. The vote was as follows: YEA: Commissioners Hakel, Campbell, Potts, Meaney, Menefee, McNeely. NAY: Commissioner Baughan. **APPROVED 6-1**

Commissioner Baughan stated there were parts he could not agree with, specifically the treatment of non-conforming signs.

Commissioner Potts stated that we need to review our by-laws for the operation of the Planning Commission. It has been a number of years and we need to just look at it, revalidate them and need to get a look at the strategic plan to see what's on there we might be able to tackle. He thinks that the Planning Commission should recommend to the Town Council that new members appointed to the Planning Commission be required to go through the Planning Commission training. Mr. Webb stated the training session is going to be in the fall in Blacksburg on September 23-24.

Mr. Chrisman stated you will notice for both the Planning Commission and Town Council that our ads are getting progressively smaller in the newspaper; the primary reason for that is that under code we are able to post an advertisement for reference only. In other words, the only thing we have to do is reference the section of the code that we are planning to amend, a brief one, two or three sentence summary of the objective of the amendment as long as we advise people in the public where hard copies can be found or electronic copies on line.

Commissioner Potts asked for a motion to express the Commission's appreciation for the long valuable service of Mr. Baughan on the Commission. The motion was seconded by Commissioner Hakel. The vote was as follows: YEA: Commissioners Hakel, Campbell, Potts, Meaney, Menefee and McNeely. **APPROVED: 6-0**

There being no further business for consideration, the meeting was adjourned at 8:58 P.M.

Respectfully submitted,

Bryan T. Chrisman  
Assistant Town Manager

ATTEST:

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