

**REGULAR MEETING OF THE
LURAY PLANNING COMMISSION
OCTOBER 14, 2009**

The Luray Planning Commission met on Wednesday, October 14, 2009 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 Tom Potts presided and opened the meeting.

Commissioners Present:

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

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Jason Spitler, Town Attorney

Chairman Tom Potts called the meeting to order at 7:00 p.m. and everyone joined in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES OF REGULAR MEETING ON SEPTEMBER 16, 2009

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

ADDITIONS TO AGENDA

None

NEW BUSINESS:

Mr. Webb stated that the Town Council has received the proposed amendments to the Sign Ordinance. The Commission will now address non-conforming signage, removal of obsolete signage and off-premise signage. Mr. Webb recommended that the Commission consider establishing a sunset clause for obsolete, non-conforming and off-premise signs.

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Commissioner Campbell asked if directional signs would be considered off-premise signs. Mr. Webb stated for directional signs the Town has allowed, and he thinks the Code has a provision for public activities such as churches, hospitals, and the Chamber of Commerce who have put up directional signs. Commissioner Baughan stated at one time the Town had exceptions for church directional signs, and he thought there was a limitation on the size and number allowed. Mr. Chrisman recommended approval by the Zoning Administrator as to number, size and location, after they have filed the proper applications. There was discussion of 1 or 2 such signs per establishment, each sign could be no larger than 4 or 6 square feet, they could be double sided, and must meet installation and location standards. The Town could waive the application fee, and allow multiple signs to be applied for on one application. Exemptions must be noted.

Regarding off-site signs, Commissioner McNeely asked if the current signs at the ballpark would be considered off-site sign advertising for local businesses. Mr. Chrisman stated that these seem to be sponsorship signs for attendees of an athletic event. It just so happens that our particular baseball field faces the road, and so everyone can see them.

Commissioner Menefee asked Ligon if we are going to look at these four issues. Mr. Webb stated he would write something up for off-premise, non-conforming sign and make something more clear for civic organizations, churches, etc. so they can have some off-premise signage and it is really for directions.

Commissioner Hakel asked when businesses renew their business license, are they notified that there are requirements on signs if they are planning to build a sign within the year. Mr. Chrisman stated with new businesses, we provide them a packet that includes a sign application, zoning application, the building department checklist, but not for renewing businesses. It is anticipated that a renewing business got that packet when they became a business in town and they should know that. Commissioner Hakel thought there should be something in the bills for all businesses each year, especially if the Town plans to change the ordinance and set deadlines for compliance. The Commission agreed.

Commissioner Baughan asked Mr. Spitler if the State of Virginia has ever been tested in court about the "taking" of signs through ordinances. He spoke about grandfathered signs and whether the Town can sunset them and under what circumstances you can sunset them, and has it ever been tested in court. Mr. Spitler stated he did not feel that the elimination of a non-conforming sign after a grace period was a taking in the normal sense. Commissioner Baughan stated it seems to him that the taking is of the sign itself. His question is has it ever been tested in court. Mr. Spitler stated that the current Code does not allow an owner to alter a non-conforming sign in any way unless it totally meets the Code. Mr. Spitler noted that this was not an issue he keeps close track of across

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Virginia, but he would certainly be happy to research it and report back to the Commission. Chairman Potts requested that he do so.

Consideration of future work items

Mr. Webb requested items of interest from the Commission of new items for them to consider. He anticipated a few applications for action over the next several months. Mr. Webb mentioned the several sign ordinance items that will be taken up soon.

Commissioner Potts stated he wanted to get back to wording a definition in the town zoning that says we are open for business for wineries and microbreweries. These would include: wineries, wine sales, both wholesale and retail, tastings, and wine and/or grape production. It would also include microbreweries, beer production, tastings, and both types of sales. It was surmised that interchangeable uses within both the B1 and M1 districts, in addition to simple definitions, would be a good starting point. Mr. Webb was tasked to bring these to the next Commission meeting. He asked Mr. Webb to invite Karen Riddle from the Chamber of Commerce to make a presentation to the Commission about how tourist dollars are being spent and used in Page County and Luray.

Commissioner Potts reported that Karen Riddle briefed the Council at their latest meeting. Among things discussed there were statistics presented regarding the economic engine of Page County tourism. The Shenandoah Valley ranked No. 2 in all areas of regions of the State as far as tourism expenditures were concerned. It is interesting that in the Shenandoah Valley region, Page County was No. 1 for tourism activity and Page County was ranked as No. 2 of 134 counties and cities across Virginia where tourism is part of their economy. The town and the county both require lodging facilities within the county to charge people who are spending the night a special tax applicable just for them. Among the reason that tax is important is that the county gets back 1% of sales taxes and uses part of the transient occupancy tax to pay the operating budget of the Chamber. The Chamber of Commerce's operating budget this year is right at \$276,000 and about \$200,000 comes from the transient occupancy tax and sales taxes that are sent back to the county and Luray gets part of that sort of thing from the State as well. Transient occupancy tax for October last year through September of this year for Luray and the county is now 5%. For all of Page County October 2008 to September 2009 it totaled \$202,000. A major portion of that comes from ARAMARK collecting from people who are staying on the Skyline Drive. Tourism related spending within Page County – tourism income in Page County attributed by the State in its statistics was \$58,921,623.

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Jobs related to tourism in Page County averaged almost a 16% increase in 2009 from 2008. Jobs within Page County - \$12,468,000 in attributable salaries, 739 positions, an increase of 13% for this year as opposed to 2.9% for the entire state. The point of bringing this up is that we are a tourist driven economy; more money is generated in the confines of the county from tourism than anything else. Commission decided to have Karen Riddle do a presentation at November meeting.

Chairman Potts stated there is a fairly strong movement going for the establishment of an art district within the Town of Luray. They are hoping that the Town will agree to incentivize businesses coming here and opening. They are already in the process of establishing a Board of Directors and will be operating under the oversight of LDI because LDI is a 501(c) 3 organization, and therefore tax exempt. They are setting up committees on the performing arts using dance and theater, and a separate one for graphic arts and sculpture. They have members of the community who are joining together to gain synergy from having lots of art related activities.

OLD BUSINESS:

Mr. Webb stated he went over Roadside Peddlers Ordinance and made some quick changes. He took out "seasonal" and made it "roadside," changed the fee to \$30.00 per year, and took out May 1st to October 1st. The last paragraph on page 1 was changed from "hearing" to "heating" purposes. Commissioner McNeely stated that the same issue needed to be addressed at the bottom of Page 2. He changed the text so that the subject site must accommodate a minimum of 5 "off-street" parked vehicles.

Commissioner Baughan asked if you foresee a problem if somebody becomes a peddler year round. Mr. Webb stated no, but that his inclination was for summer-fall vendors. Mr. Chrisman stated the most controversial word in entire proposal is what defines "local produce". Commissioner Campbell suggested using "Page County and any adjacent county". Mr. Chrisman asked the question of restroom availability for the stand workers. Mr. Webb will make the needed changes and forward it to the Town Council at their next work session.

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ADJOURNMENT

There being no further business for consideration, a motion was made by Commissioner Baughan and seconded by Commissioner Hakel that the meeting be adjourned.

Respectfully submitted,

Bryan T. Chrisman
Assistant Town Manager

ATTEST:
