

**REGULAR MEETING OF THE
LURAY PLANNING COMMISSION
OCTOBER 12, 2011**

The Luray Planning Commission met on Wednesday, October 12, 2011 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
Clifton Campbell
Larry Hakel
John Meaney
Pam Flasch
Ronald Good - Came in late at 7:10 p.m.
Joey Sours

Others Present:

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

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 Campbell that the minutes of September 14, 2011 meeting be approved as presented. Motion was seconded by Commissioner Flasch. The vote was as follows: YEA: Commissioners Hakel, Sours, Campbell, Potts, Flasch, and Meaney. **APPROVED: 6-0**

OLD BUSINESS:

Mr. Webb reviewed and described the changes as proposed last time on the cellular towers document. He also reviewed a sheet outlining a concept to focus on overall height changes to the Code rather than specific items like cell towers.

The Commission reviewed the proposed changes to limit heights of any structure or item in R1-R5 to 35 feet, and to 45 feet in B1, M1, and PND. Anything above these heights would require the applicant to pursue a SUP. They also concurred that the Zoning Administrator (Town Manager) could, at his discretion, administratively approve such items as TV antennae's, satellite dishes, flag poles, chimneys and flues in R1-R5, and B1 and PND. However, the group agreed that any issues in M1 would need a SUP if over the 45 foot height requirement. The Commission also agreed to eliminate the definition and exception for parapet walls since it was confusing. The primary focus of the group, with

MINUTES
OCTOBER 12, 2011
PAGE 2

advice from staff, was to eliminate the height exceptions in every zoning district, and require either a by-right, an administrative approval, or a SUP for all structures that are built.

Public or semi-public buildings can still be built to 60 feet before a SUP is required.

Mr. Webb and Mr. Chrisman agreed that the number of these types of applications that come in each year are usually zero or one.

Commissioner Flasch stated that a primary issue was that because we are a town with very close building setbacks, we don't have the ability to increase setbacks in exchange for height. Mr. Spitler agreed.

Commissioner Campbell stated that flues and chimneys are a necessity. They are only going to put those high enough to clear the roof or whatever so that it will draft. Your flag pole should not exceed the height of the house. Television antennas that go on the chimney, then they are going in excess of; there aren't that many television antennas anymore with cable, dish and all that. It's not as crucial. Satellite dishes should not exceed the height of the structure.

Mr. Chrisman stated the other thing you should also consider is under the M1 which I know Ligon and I didn't have a chance to talk about, but in the PND process it is a little different. Those same limitations of 45 feet and 60 feet are in there right now and we can also modify that but in M1 you can have industrial chimneys that are well in excess of the height of the primary structure. Same thing with flues; if we ever had a satellite park, if you have ever seen those, there's a big one along 81 down by Merillat; those things are enormous. The Commission and Council can make the list for the exceptions as large or as small as possible.

Commissioner Campbell stated another thing that you need to separate is commercial and residential. Mr. Chrisman agreed, and indicated that is what is proposed.

Mr. Chrisman indicated that the Town typically gets three broad categories of concern from citizens – 1.) my neighbors structure is too big; 2.) my neighbors structure is too close, and 3.) my neighbors activities are taking up “my” parking spaces. He asked the Commissioners to keep these three things in mind. Currently, the Code allows citizens to construct any of these exemptions with no regulation and no height limit.

Commissioner Campbell stated he hates to see the town lose control. As long as you have a special use permit, you have control. If you need it bad enough, you are going to ask

MINUTES
OCTOBER 12, 2011
PAGE 3

for what you want. Additionally, the neighborhood gets to give their opinion, and the Commission and Council can review the project and add conditions.

The Commission discussed the issue of limiting accessory building size to no more than 50% of the main floor square footage of the primary dwelling, or coming up with a maximum lot coverage percentage for all structures. Mr. Webb indicated that this issue has been before Council, but was not pursued.

Mr. Chrisman stated that property rights have to be balanced against community property rights. You are supposed to take a look at both of those things when you consider a case. John to answer your question, if you do it exemption less and put everything under 35 or 45 feet, you are above that, no matter who you are or what it is, you have to come in and get a special use permit. You are going to hear some folks complain about a church who wants to build a building that has a cupola 68 feet tall to have to pay \$400 and come get a special use permit.

The Commission discussed the reasons for the fee and agreed that the \$400 barely covers the cost of advertising, much less any administrative and clerical time to process the SUP.

Commissioner Campbell asked is it necessary to have published every special use permit. Mr. Webb stated yes. Mr. Chrisman stated the \$400 fee is intended to cover the cost of the advertising for the Town. Mr. Spitler stated that special use permit meets the definition in the state code of a rezoning which requires notice in general to the public as well as to affected adjacent property owners.

Mr. Spitler stated the only other complaint the Town might see is that the process will take longer for an applicant.

Commissioner Good indicated that for the value of most of these projects, a \$400 fee is really pretty insignificant if they want to pursue the project.

Commissioner Campbell stated that having to get a \$400 permit for a \$300 flag pole would be excessive. The group agreed, and Mr. Webb indicated that most flag poles will never be over 35 feet in any event.

Commissioner Campbell stated the worst problem with flag poles usually is in subdivisions where they have private restrictions.

Commissioner Sours asked what defines public notice. Mr. Spitler stated for purposes of the special use permit advertisement or any rezoning requests, the state code requires two advertisements to be run in a newspaper having general circulation in your locality. The

MINUTES
OCTOBER 12, 2011
PAGE 4

only two that meet the definition here are Page News and Daily News. Both ads have to be run in a window not less than 5 days from the required 20 days prior to the public hearing. Once you advertise and hold that initial public hearing, you can table it if it's continued; typically there is no requirement to re-advertise, but you have to put people on notice the first time around that if you object to this, make your voice heard because as Mr. Potts or somebody else said, typically you don't hear most of the objections until you are already breaking ground or erecting that structure.

Mr. Chrisman stated that additionally Ligon sends a certified letter to all of the adjacent property owners that touch the border that are contiguous with the subject lot.

Mr. Chrisman stated another thing with the special use permit; it also pulls the trigger on the site plan. Once you invoke the special use permit requirement, then it also makes the requirement for a site plan which means more detailed information. There is a very bare minimum of information that you get with these regular applications. In this way, the Town is going to get more comprehensive information to give everyone a better opportunity to evaluate it.

Chairman Potts asked the group which way they wanted to go, either address cellular towers alone via additional regulations, or simply deal with the height of all structures. Mr. Webb asked that we also consider adding at least the definition of a cellular tower.

Mr. Spitler echoed previous thoughts that carefully evaluating and controlling height is a significant concern for most neighbors. He added that the Town could always go back later and add additional regulations for specific types of structures if it became necessary.

Mr. Chrisman stated that height alters the viewshed of the community; tall structures do impact your "skyline" views and can change the rural nature and feel of your community.

Commissioner Sours questioned the proposed fee issue, and Mr. Webb said he would check into that to see if such a fee was even allowable in Virginia.

Mr. Spitler and Mr. Chrisman concurred that the initiation of the SUP process will get the applicant talking to the Town early on. In those discussions, the issue of using existing tall structures versus building new ones that further impact the visual nature of the Town.

Commissioner Sours stated that's very good. In that way instead of taking away people's personal freedom to just kind of guiding them into that concept.

Commissioner Flasch asked if the proposed \$1,000 cellular tower fee is charged regardless of whether or not it's on public property or private property.

MINUTES
OCTOBER 12, 2011
PAGE 5

Mr. Webb stated right now I think it would be regardless.

Mr. Chrisman stated we would have to check the fee issue. If the Commission is not pursuing the cellular tower regulations now, the issue is moot at this point. However, one more thing we need to keep in mind. We may not ever want to put ourselves in a position where our fee structure inhibits commercial growth. We certainly wouldn't want one of the unintended consequences to be that we are discouraging businesses from locating here.

Commissioner Hakel stated that we ought to go with height and go with special use permit.

Mr. Spitler stated there is one other option potentially at our disposal. One other option would be potentially to leave certain items at the discretion of the zoning administrator if you are looking to avoid some of that processing in terms of time, money, etc. I'm not arguing for or against that option; I'm just saying that is an option that the town used most recently with respect to some of the issues of the sign ordinance. They left it at the discretion of the Zoning Administrator and in some cases, laying out some pretty black and white standards which are always a good idea when you do that.

Mr. Chrisman stated in our case the Zoning Administrator is the Town Manager and by the time it percolates from Ligon to Rick, he's probably going to talk to one or more of you guys and probably the Mayor and maybe one of the council members so it's going to be some input in that decision being processed before he makes that call but that is something we could look at.

Mr. Spitler stated it's almost a compromise position between by-right and by special use permit.

Mr. Chrisman stated maybe that's the thing to do with the things we are thinking about leaving on the exemption list, just eliminate the exemption list and say if you are one of these small things, you can be administratively reviewed and approved by the Zoning Administrator without a special use permit, but at his discretion. There may be some middle ground in there that we could accomplish all three things (by-right, zoning administrator approval at his discretion, and SUP) by the next time we bring this issue back to the Commission.

Commissioner Hakel stated can you say flag poles and satellite dishes might be one for the Zoning Administrator. Mr. Chrisman stated the way I would word that is the Zoning Administrator, may at his discretion, administratively approve this but that doesn't mean

MINUTES
OCTOBER 12, 2011
PAGE 6

he has to. If he comes in and feels that the issue needs to go to the Planning Commission and the Town Council, then he has the ability to do that.

Mr. Chrisman stated that A.1. under the Proposed Changes – “Chimneys, flues, flag poles, television antennas and satellite dishes” rather than them being exempt, I think they should still be evaluated by the Zoning Administrator and may or may not make the approval or he may send them through the special use process. The whole point of the exercise is to eliminate exemptions with respect to height. Everything either needs to be by-right, approved by the zoning administrator in some cases, or requires a SUP.

Mr. Webb stated process wise, if somebody got into a situation where there was a disagreement, the arbitrator of that would be the Board of Zoning Appeals. There would be a hearing that you would have to go to and challenge the decision. You are better off just going ahead and going through a special use permit.

Commissioner Potts asked for staff to please eliminate the sections on “parapet walls” and their additional heights. Mr. Webb stated he took that out.

Commissioner Campbell stated that in M1, everything needs to have a special use permit to be consistent. Staff and the Commission agreed.

Mr. Chrisman stated that in the PND, if you use the height regulation that’s already there; between 30 and 45 feet, you can go over 30 feet, you just have to extend your side and your setbacks a foot for every foot over 30 feet, up to a maximum of 45. We could still use the 30 to 45 foot rule and the sliding scale one foot for one foot in the PND which is what the PND is designed to do, but anything over 45 feet you have to have a special use permit.

Mr. Webb stated another thing about these changes is that it allows people who want to build a structure that is 40 feet tall in an R district, they would now have the option of pursuing an SUP. Currently, there is no flexibility and no option for them to pursue.

Commissioner Sours asked about small items like weather vanes. Mr. Webb responded that would probably be one of the things that the Zoning Administrator would review and approved without a SUP.

MINUTES
OCTOBER 12, 2011
PAGE 7

NEW BUSINESS:

Ideas for Updating Town's Comprehensive Plan in 2012

Mr. Webb stated he didn't provide any. I think I told you last month that in early 2012, the year of our anniversary, we would start the Comprehensive Plan. I have some ideas that maybe doing it a little different may be really specific. I thought the other day of taking the town and breaking it down into different corridors and actually looking at each corridor as to what we can improve and giving a lot of visuals before and after of what it looked like. There are some projects that could be good capital improvements as small as painting a mural to major infrastructure improvements. Commissioner Meaney mentioned the parking lot; the lighting poles. Mr. Webb stated breaking it down into every corridor – every area. It's only 4 ½ square miles. Maybe break it down into six different sectors and look at every improvement that could happen. The last comprehensive plan was a general guide of principals and this would actually show before and after. This is what it could look like; this is what it looks now; this is how it could be improved. That's my idea on this. We would do in-house but would probably get someone to do a little bit of the graphics and visual things like that. My idea was the Planning Commission works on and we work on it as a group; we could do it at our meetings, but another idea is maybe form a small committee of three or four people and if we did a small committee, we could work in the afternoons with me and we could bring things to you and have you look at it and then send it to the Town Council. I had the idea of maybe having some high school students involved; maybe getting four or five people.

Mr. Chrisman stated since next year is our 200th Anniversary; past, present and future; maybe have some open houses. They were very successful at the last comprehensive plan workshop.

Open houses would allow people to come in and help, have a say or form an opinion on the future of the town. Tie it in with some of the things Mrs. Flasch is doing but not make it their responsibility; it would totally be our responsibility to set up and maintain but it could definitely be included on the schedule of events. We could have a series of six or eight open houses where you cycle through the meeting area and you look at the graphs and pull out the surveys and then the committee that you are talking about uses that data along with what they have. Those were very well received. The last time you did that at the fire hall, there was tremendously positive feedback on that concept. Maybe not quite as large as that, but something like that. Break it into pieces and do pieces at a time.

Commissioner Flasch stated that she liked the idea of tying it with the Bicentennial and making people feel involved in their community.

MINUTES
OCTOBER 12, 2011
PAGE 8

Mr. Chrisman stated this is where the town's going to move into the future and this body can be the steering committee for how that data is used. Mr. Webb stated he wanted to be specific. If we can say here's a list of things from each area of the town that we can do and if we are really specific then that could be sort of a vision of how things can be improved and changed. In planning one of the theories is monumental. It's our 200th anniversary; let's just say this is what we can really become in the next 20 years if we do all these different steps. Mr. Chrisman stated it's always nice to have that survey instrument to have an "other" section on it and have people write in what they think. Sometimes the most valuable comments you get in any survey are in the "other" blanks that somebody writes down and you just didn't think about it.

Mr. Chrisman stated somebody from the Regional Commission; they have a lot of resources and data and technical capability that they could probably help us with. You don't actually have to live in town. Mr. Chrisman stated let's do the survey electronically and post it on our website. Maybe they are not a resident; maybe they are just a visitor but they could go to our website and they could say some of these things and we might get a totally different perspective from the visitors than we do from the residents.

Commissioner Campbell stated that information in the water bills is very helpful.

Mr. Chrisman stated that planning for the community where you live and work is important, but it is critical to think the way the citizens think.

I think the Chamber of Commerce has a lot of good feedback from a lot of folks that visit our area. We may be able to have a test program where they have a piece and we have a piece and the planning commission has a piece and then you pull it all together and make this final document. I don't think we should discount our tourists; our primary revenue resource for the community and I'm not saying we need to plan our town based on what they say; I'm saying it might be interesting to find out what they have to say.

Commissioner Flasch stated that the Chamber could put a book beside the register that we have and maybe ask visitors if they have a few minutes to please fill out this survey. You would be amazed at how much time some people spend in there just talking to us about the train station or different things or complaining.

Mr. Spitler stated I think you guys have a great plan, far better than anything that has been around prior to the last adoption. Many of you folk and Ligon did an outstanding job with that and I really think you hit the nail on the head when in his first comments he appeared to be focusing on the idea of capital improvements because I think that's the area we have the biggest gains to make and I think going forward that's going to be the area where council should and probably will in a lot of cases be looking to you guys for

MINUTES
OCTOBER 12, 2011
PAGE 9

direction. I think anybody who hasn't already figured it out, has a pretty good understanding that at this time it is not a question of what we would like to do, it is really a question of priority in terms of resources that are available to us. We want to do all these things but in terms of planning, where do we start phasing some of these items in.

Mr. Chrisman stated I think you are right; that the last plan was kind of a broad strokes version. What are the concepts and philosophies that the Town citizens would like to live with? And now we are going to come back with the next Plan cycle and say what are the specifics; what are the individual things that you think we can do in these sectors to improve your quality of life or make us a better town. I think that's important, and I think it is a great follow-up.

Mr. Spitler stated I think Ligon did a good job presenting it that way to the public. Initially this is just one part of a long process; not the final plans; we are going to be back, and we are going to go into more detail and we are going to try to plot out our future. I think we are on track.

Commissioner Good stated in thinking about the Comprehensive Plan, isn't this the most important thing that we do. Mr. Chrisman replied this is the legacy that every Planning Commissioner really needs to think through, and that is the Comprehensive Plan. The better job you do with the Plan, the better legacy you leave your community and its citizens.

Mr. Spitler asked how much time has elapsed between the most recent plan and the one prior. Mr. Webb stated 2007 and then it was 1993. Mr. Chrisman stated that the Comprehensive Plan needs to be updated every 3-5 years. That's the whole purpose of a Comprehensive Plan; any plan, is that they are living documents. It's never going to be finished. It's going to change and it needs to change with your society, your community and your lifestyle.

Mr. Webb encouraged the Commissioners to Google "planning commission". Such a search will allow them to see what is happening around the country.

MINUTES
OCTOBER 12, 2011
PAGE 10

Commissioner Flasch moved that the meeting be adjourned and seconded by Commissioner Meaney. The motion carried and meeting was adjourned at 8:13 P.M.

Respectfully submitted,

Bryan T. Chrisman
Assistant Town Manager

ATTEST:
