

**LURAY PLANNING COMMISSION
JANUARY 14, 2009**

The Luray Planning Commission met on Wednesday, January 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
Luther Johnson, Page News & Courier

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 WORK SESSION ON NOVEMBER 19, 2008.

Commissioner Hakel reported that on page 2 of the minutes the last paragraph, first sentence that ends with "either/or". You might want to add either the primary structure or the ADU. A motion was made by Commissioner McNeely that the minutes be accepted as amended and seconded by Commissioner Campbell. The motion was accepted as amended and the minutes were approved.

PUBLIC HEARING:

Mr. Webb stated that the public hearing scheduled tonight is for additions to the Town's Zoning Ordinance. There are three items which are proposed to be added to the Town's Zoning Ordinance. One is the definition of the term "Accessory Dwelling Unit"; the second is the actual addition of the term "Accessory Dwelling Unit" to the R1, R2, R3, R4 and R5 zoning districts as a use by special use permit, and the third is an additional section to the Town Code under supplemental regulations which would govern the development of accessory dwelling units. We will have a public hearing if anyone would like to comment on any one of those three.

Mr. Webb gave a brief background on accessory dwelling units and some thoughts why we are proposing the changes to the Town's Zoning Ordinance.

MINUTES
JANUARY 14, 2009
PAGE 2

The public hearing was then opened to receive public comments.

Eugene Anderson Martin, 19 Springcrest Drive, Luray, VA

Mr. Martin stated this doesn't sound like a good idea to him. He suggested that somebody from the Planning Commission and the Town of Luray consult with the jurisdiction of Fairfax. They had a problem because they relaxed some of their zoning laws. He stated not all outbuildings are built for human habitation. He stated a simple phrase that you hear quite often "What are the unintended consequences of this action".

Gerald Dovel, 87 Gapview Lane, Luray, VA

Mr. Dovel stated he would like to speak against this proposal. It seems we are creating an ordinance that basically allows for a certain mention of priorities, especially with regard to R1. In R1, there are no home occupations, including even renting a room. In R2 you look at only one building and that is a single family dwelling. It just seems we are going against what we are trying to look after by doing this. Very few of these buildings are going to meet the setback distances that would be required for a dwelling unit. A substantial amount of outlay would be required in order to bring any of these structures up to a livable dwelling. Mr. Webb stated in a single family house you could have 10 related people living in it. Mr. Dovel stated we are also creating another single family house basically on this property. He understands with the special use permit that you come in and the Planning Commission and Town Council will have the opportunity to speak about whether or not each and every case applies. He's not sure that's good either.

No one else wished to speak and the public hearing was closed.

Mr. Webb commented that as for the structure itself, it will have to meet all building codes. As far as setback distances, we do not have required setbacks for accessory buildings. Adding no more than two non-related people can be added to this. As far as he knows, any housing unit can be rented out to a family. He is not aware of any limitation on that.

Commissioner Baughan stated you made a statement that there are no setback requirements for an accessory dwelling unit. He assumes that the accessory dwelling unit comes under the same guidelines as other accessory buildings.

MINUTES
JANUARY 14, 2009
PAGE 3

Mr. Webb stated that many accessory buildings in existence do not meet the required setbacks; therefore, this would be a case-by-case review.

Commissioner Baughan asked why the ordinance had a time limitation. Mr. Webb indicated that it was meant to initially allow the use of only existing structures. Commissioner Campbell stated that this is defeating the intent of R1 and R2 because they are low density zones and if the ADU's are allowed, you are increasing the density and that is not the intent of R1 and R2.

Commissioner Baughan stated he felt that these uses are either good for the community and ought to be allowable under certain conditions, or they are not. Mr. Webb stated that we are taking a progressive planning position on accessory dwellings and we are taking incremental steps.

Commissioner Menefee stated she appreciated all the comments. With all that has been said, she still supports the accessory dwelling unit concept because of the fact that we need some affordable housing in town and we don't have a lot of options for that and this provides a few. Assuming you have the appropriate oversight and careful review for each request that comes through, she supports it as a good start.

Mr. Spittler stated as a point of clarification, the setbacks for accessory buildings in districts R1 and R2 would be 5 feet from the property line. As far as the issue of whether this is a good idea or whether it is consistent with the current statement of intent, he does not have an opinion with respect to that. Just to point a few things out on both sides of the argument, it seems to him to not limit the number of people who can be in an accessory dwelling unit whether they be family or not. At least one argument against that is the term accessory building unit itself. That is, if there is not going to be a limit, if you are going to elevate that accessory unit to the same status as the primary dwelling, then it seems at some point that it ceases to be accessory. On the other side, he thinks there may be some confusion when looking at the statement of intent, particularly in R1 and R2. When we are talking about low density and low concentration, we are talking about lot sizes, the number of usable lots; we are not talking about the actual density or concentration of individuals in these various dwellings.

Commissioner Hakel stated he supported the purpose behind this to increase feasible rental units. He thinks that in R1 and R2 maybe we should say no, and maintain it for R3, R4 and R5. When we visited Crozet, they had some of the new subdivisions where they were actually building ADU's right within the subdivision. It's a possibility that at some point in time that is what we would like to have.

MINUTES
JANUARY 14, 2009
PAGE 4

Commissioner Meaney stated he supported this as we discussed it and he did it because we got to the level that we called the spirit of this situation. Some of these things make sense and are good for the community and good for the people coming into the community. What concerns him is that we have to have things in place so we can control this.

Commissioner Hakel stated he thinks there are a lot of these situations in town. We need to have this type of thing that is good for the families, and good for the community with the owner living on the property.

Commissioner McNeely stated he had no comments to what has already been said.

Commissioner Potts stated since we are talking about doing things in increments, he would prefer to see us start with that conservative statement of one bedroom, two residents, and what constitutes a good square footage for two people; living room, kitchenette, bedroom and bath.

Commissioner Baughan stated that your ordinance says there's a minimum 700 square feet for a dwelling unit. He is more concerned about the maximum size to be allowed. He can't support it in its present form but he's not totally against the idea.

Commissioner Campbell stated he is not opposed to the idea but he is still opposed to the allowance of ADU's in the R1 and R2, and he won't support it as long as that's in there.

Commissioner Potts stated we have already spelled out in here the minimum square footage that's allowed and we incorporate restrictions on the number of residents in the building.

Commissioner Potts asked the commissioners if they wanted to vote on it or send it back for revision. Commissioner Hakel stated he thought we should table it until we rework some of these things to meet the criteria that we are now talking about. Commissioner Hakel moved that it be tabled. Commissioner Campbell seconded the motion. Commissioner Potts asked for discussion. He instructed the Commissioners to give Mr. Webb a list of proposed changes because he is the one who is going to work on it. The vote was as follows: YEA: Commissioners Potts, Baughan, Campbell, Hakel, McNeely, Meaney and Menefee. **APPROVED 7 – 0**

MINUTES
JANUARY 14, 2009
PAGE 5

Mr. Spitler asked if the Commission is anticipating coming back for further discussion prior to advertisement or actually advertising the amended proposal and going through another public hearing at our next meeting. Commissioner Potts asked if the Commission wanted to have another meeting between now and February. Mr. Webb stated there is no huge rush on this and he can come back with a revision and go for it in March.

NEW BUSINESS:

- **Review of Final Plat: Habitat for Humanity Duplex Subdivision (Hilltop Lane)**

Mr. Chrisman stated what we really need to look at is the two page final survey plat. This is basically the final survey plat that creates these lots, including the easements, access utilities, storm water, etc., as well as a 25 foot strip dedicated to the Town of Luray for potential widening of Hilltop Lane. The lots do meet the size square footage requirements per the zoning. You have already looked at and approved the preliminary plat. There are no substantial changes to the final survey plat other than the fact that we have requested and received a utility access easement from the owners along with a widened utility and storm water easement. The square footage of the lots still conforms. What we are looking for is your review and approval of these final plats. If so, then it will go to the Town Council at their next regularly scheduled meeting, or when the client requests it to be placed on their agenda.

Mr. Chrisman stated that the utilities for this property will be provided by the Town of Luray so no bond is necessary for this project. All improvements inside the property lines will be the responsibility of the owner. He thinks the site plan is a good one. The grading of this particular piece of property is going to be critical as well as the storm water control mechanisms before, during and after construction, He thinks with good implementation of the plans and good intention by the contractor he doesn't think that will be a problem. Commissioner Potts asked if this needs a landscape plan. Mr. Webb stated that he would contact the client to obtain one. Commissioner Hake stated the requirement for landscaping was approved February 15, 2008.

Commissioner Campbell asked is there anything to improve or control fire suppression and are you still dealing with a 2" line. Mr. Chrisman stated that's correct. A fire suppression unit is at the corner of Bixler's Ferry and Hilltop. It is within 400 feet of all six of these lot lines, although barely into Lot 6, but it does technically meet the requirements. Under ideal conditions we would like to see a much larger water line running down Hilltop but with the limited number of houses there, we did require the owner's engineer to perform a hydraulic analysis on the water line in peak demand and

MINUTES
JANUARY 14, 2009
PAGE 6

off hours. A 2" line, under current day pressure and volumes, will be adequate to provide the pressure and flow to existing houses. If any additional units are built on this particular road, he would hope this Commission and Council would require an upgrade of the size of the water line by the developer.

Council agreed upon the Commission's recommendation to delay the payment of the facility fees – water and sewer – and the water and sewer tap fees until each dwelling is sold by Habitat for Humanity to the very first owner. The subdivision fees were waived entirely for Habitat by the Council but the total amount per unit is \$11,260; that includes the facility fees, water and sewer and the connection fee for each unit. It will be paid at the closing between Habitat for Humanity and the first purchaser of the property.

Mr. Chrisman stated as far as the street widening, they did dedicate an additional 25 feet to the Town of Luray in the front part of the property for potential expansion of Bixler's Ferry. Apparently the limitation of expansion of Hilltop Lane is the house at the corner of Hilltop and Bixler's Ferry. As long as that house is existing, that road cannot be widened.

Commissioner Potts asked if we have a motion to be contingent on the meeting requirement for the landscaping and lighting plan. Commissioner Baughan made the motion and seconded by Commissioner Hakel. Mr. Potts stated with the stipulation they have to have the landscape and lighting plan submitted before the Town Council. The vote was as follows: YEA: Commissioners Potts, Baughan, Campbell, Hakel, McNeely, Meaney and Menefee. **APPROVED: 7-0**

Mr. Jim Newman stated he appreciated working with Bryan and Ligon.

- **Review of Annual Report:**

Mr. Webb stated he thinks it's good to have a record of everything we worked on. The only thing he would add next time is plats. Commissioner Hakel stated he thinks you need to state beside each item when it was adopted by the Town Council, or rejected. The only one Mr. Webb knows of that was not considered was the accessory buildings. It is there, it is a good ordinance and we will just see if it's adopted. Commissioner Potts stated one correction was his term of office. His term is 2008-2012. Commissioner Campbell also stated that his term is not correct and should be 2006-2010. Mr. Spittler stated he thought Terry's and Judy's term should be 2004-2008. Mr. Webb stated he will make these changes.

Mr. Chrisman stated if Mr. Webb changes the dates and adds the dates of action by Council, would the Commission want this incorporated as part of the Commission's

MINUTES
JANUARY 14, 2009
PAGE 7

minutes for this year. Commissioner Potts stated we want to approve and send it forward to Council. Mr. Webb stated he will make those date changes and follow up for action by Council at their meeting next month and will include in our minutes.

OLD BUSINESS:

- **Final Ordinance Review: Short Term Rentals**

Mr. Webb stated nothing has changed since the last time we talked about short term rentals. The recommendation of the Planning Commission was to prohibit in R1 and R2 and you have to have a business license. What we are doing now is approve and advertise this. Want to make sure Town Council is on board. Right now it is semi-tabled here until we can get clear communication of what Town Council wants to do.

Mr. Webb stated we have a request for a tattoo parlor. They want to put it in the motorcycle shop. One of the conditions he thought of was maybe he just operate out of there and doesn't put a big sign that says "Tattoo". Mr. Webb stated the applicant is willing to get a special use permit and willing to listen to conditions.

Mr. Webb stated next month he will do an actual review of the Comprehensive Plan of what we have done and what we are working on.

Mr. Spitler stated that overhauling the sign ordinance seems to be a top priority. Mr. Webb stated we also need to address grandfathered signs. Commissioner Campbell asked if there was some language in there that allows it for two years. Mr. Spitler stated almost every limit on non-conforming uses in the code is two years so that's probably right. Mr. Webb stated if that is the case, he thinks we should initiate it.

Commissioner Campbell asked what else new do we have coming in. Mr. Webb replied that Kentucky Fried Chicken/Long John Silver and Tractor Supply are planning on coming in. Mr. Webb stated what he is going to do from now on is when we have site plans come in that are administrative, make sure the Commission knows about them. He has been trying to tell Council, so he will let you know.

MINUTES
JANUARY 14, 2009
PAGE 8

There being no further business to come before the meeting, a motion to adjourn was made by Commissioner Campbell and seconded by Commissioner McNeely. Motion carried. Meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Bryan T. Chrisman
Assistant Town Manager

ATTEST:
