

**LURAY PLANNING COMMISSION
MARCH 11, 2009**

The Luray Planning Commission met on Wednesday, March 11, 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
Clifton Campbell
Larry Hakel
John Meaney
Mary Menefee

Absent:

Peyton Baughan
Sam McNeely

Others Present:

Richard Black, Town Manager
Ligon Webb, Town Planner
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 REGULAR MEETING ON FEBRUARY 11, 2009

A motion was made by Commissioner Campbell that the minutes be accepted as presented and was seconded by Commissioner Hakel. The vote was as follows: YEA: Commissioners Potts, Hakel, Campbell, Meaney, and Menefee. **APPROVED: 5-0**

PUBLIC HEARING:

Mr. Webb stated that this is a special use application to use an existing single family dwelling located at 28 Lee Circle and is zoned R-2 as a professional office. The airport was there before the house was built. The Town and County purchased this last May. The Airport Commission has asked to temporarily use it as a support office until the road is moved sometime in the future. We don't know exactly when that will be. You can have an electronic (home) office in R-2. He sent certified letters to the neighbors and has not gotten any calls and none of them are here at the meeting.

Commissioner Menefee asked who did the Town and County buy it from. Mr. Webb stated from the Bennett family.

MINUTES
MARCH 11, 2009
PAGE 2

Mr. Powell Markowitz, Secretary-Treasurer of the Airport Commission spoke. You can see from the map that Route 652 (Airport Road) goes right in front of the house. There is some access around the back side. We propose to move 652 in behind the house. We will eventually move the little cemetery that's on the corner and the house will have to be moved. This will open up that area for the airport. In the meanwhile, we would like to use that house for offices. Some of the men who worked for the contractor that built the hangars lived in the house while they were constructing the hangars and they have now moved out. Basically we have piles of documents, grant papers and that sort of thing we want to store in the house. Kenny wants to have an office in there. Our current terminal building is an obstruction and eventually as they grow, especially if they want to make the runway longer, they are going to have to remove all obstructions. The Bennett house is not currently an obstruction; it will be once the runway is made longer. They want to make use of it since it's available and that seems to be the best use.

Commissioner Hakel stated you said there was a cemetery on the property. Mr. Markowitz stated it's adjacent to the property. Commissioner Menefee asked are you going to destroy or keep the building when you move the road. Mr. Markowitz stated that the road will actually go behind that property so at some point he doesn't think the house will have to be destroyed to build the road. If it does, then we will have the option of perhaps relocating the house. It sits on a basement so the building itself could be moved. The house will have to leave that location at some point. The Town and County own the property that is contiguous to the airport and 98% of the money for the property came from the federal government to purchase it. If they were to sell and move it, then the proceeds would have to go back to the government. That's part of the grant. Commissioner Menefee asked if there's parking there. Mr. Markowitz stated the airport parking lot is directly across the street. Once we begin building that road and tear down the old hangar, at some point we would want to do a boundary line adjustment and take this property into the airport property. That will all be part of the construction of the road.

Commissioner Potts opened the public hearing for comments. There being no one who wished to speak, the public hearing was closed.

MINUTES
MARCH 11, 2009
PAGE 3

Commissioner Meaney stated the new road - 652, would go behind the current house and circle. How close would the road be to 17 Lee Circle? Mr. Markowitz stated coming off the existing 652, this road will turn and go directly behind that house. Not having done the final engineering on that, it is possible when they do that, they will say we can't move that road without first moving the house. The preliminary drawings and the master plan show the road right against that house. There was some discussion as to whether or not the road would be squeezed up tight against it so we could use it temporarily, or depending on the final approval of that - VDOT would have to approve the location of that road. Eventually the road will be moved and obviously that house will have to be moved.

Commissioner Campbell stated it is in town and that would have to meet the setbacks. Even if it's moved, it has to meet the R-2 setbacks. Mr. Markowitz stated if we decided to use it on the airport property, it would be moved someplace else on the airport property. More than likely we would just put the house up for sale, sell it to someone and let them come move it. It's going to have to leave that location.

Commissioner Hakel asked what time frame are you looking at to move the road. Mr. Markowitz stated it's scheduled for maybe 3-4 years down the road. Commissioner Menefee asked would you use this building with a special use permit until the road is built. Mr. Markowitz stated until they get funding.

Mr. Markowitz stated it's an obstruction. Commissioner Meaney asked why is it an obstruction. Mr. Markowitz replied that from the center line of the runway straight out 250 feet there cannot be anything. Then it goes up on a 7 to 1 slope from there - 7 feet out, 1 foot up and once we make the runway a little longer, then that squeezes that slope down a little lower so that house would penetrate that clear zone, so that's the reason.

Commissioner Potts stated in all the discussions on Luray Landing, he would find plenty of references to this house where it sits today as constituting a hazard to navigation. Mr. Markowitz stated that's true. He doesn't know what miracle has taken place that has converted it from being a hazard to navigation before this was presented to now it's alright to put people in it and risk their lives by working in the building today because the airport wants to use it as an office. Mr. Markowitz stated the Luray Landing's property was not necessarily presented as a hazard to navigation. The reason we asked for setbacks on that property was because of the noise, fumes and for safety reasons. Commissioner Potts stated he remembers considerable discussion about the fact that

MINUTES
MARCH 11, 2009
PAGE 4

people in Luray Landing wouldn't be able to put up television antennas because it constituted a hazard to navigation. This house, where it sits today, is higher than what the rooftop on those houses is going to be. Mr. Markowitz stated all the area along the parking lot and the hillside penetrates Part 77. We have a lot of area that penetrates Part 77 and currently it has to be moved. That's the reason in the future we would move that house. Commissioner Potts stated he is pointing it out simply because it was one of the arguments and this house in particular was cited in all the discussions on the issue of Luray Landing. This house was repeatedly cited as an existing obstruction to navigation at that time and is today. Mr. Markowitz stated that is correct. Commissioner Potts stated his point is that he wants consistency and he's not hearing consistency from you. What I have from you is a request to give you permission to operate a hazard to navigation as an office. Not only that but to do it in a residential area under a misreading of the Code.

Mr. Markowitz stated this house, on the current length and configuration of the runway, does not penetrate Part 77 but once the runway length is increased, then it will penetrate and will have to be moved. You questioned whether or not it is a hazard to work in there? Commissioner Potts stated a hazard to navigation and the entrance being that it is also a danger for people to live in it.

Mr. Black stated when you lengthen the runway does the 250 foot clear zone expand or change in any way. Mr. Markowitz stated as the runway gets longer, then that lowers the area around the airport that constitutes Part 77. We wanted a sufficient setback on Luray Landing because had we allowed houses to be built right along 652, we wouldn't have been able to move 652 and not able to lengthen the runway. Commissioner Potts stated that by voluntary proffer they gave you that portion so you can move the road out. Mr. Markowitz stated they didn't give it to us, but we are going to purchase it.

Commissioner Potts asked Mr. Webb to review what Council had to say last night about our overuse. Mr. Webb stated that in the particular case of the tattoo parlor, Mr. Schiro suggested that maybe it would be better to go ahead and add that to our ordinance. He also said that with regard to this, he didn't see professional offices as being something that would be reoccurring. If you want to, when we get something like this, we can go through the task of adding every use, doing an amendment, adding as a special use permit two months and go back and have a public hearing. He doesn't suspect that we are going to see many professional offices proposed unless it's rare because 1) we have an electronic office and 2) it's not a good idea. This happens to be a case where we have an existing building that is unusually close to the airport; they want to use it on a temporary basis, although it might be 3 or 4 years. He doesn't foresee us seeing many more of these. If you look at this house, it is kind of buffered from the rest of the neighborhood. Commissioner Potts stated he is not worried about the location of this house; he is

MINUTES
MARCH 11, 2009
PAGE 5

worried about the precedent. Mr. Webb stated that in this case he thinks the location does mean a lot. It is a little unusual; it's close to the airport and that's why they purchased it.

Mr. Black asked to go back to the actual use of the structure 3 or 4 years, not what happens when the road goes through but what would be the actual use of this structure tomorrow. If Town Council blessed this with a special use permit, what would the actual use of it be? Is it going to be an electronic office or is it going to be used for meetings and general office space or is it going to be limited to the airport commission and doing their business but not be open to the public. Commissioner Campbell asked is it storage or is it not. Is it going to be open to the public or is it just going to be where the files of the commission are going to be maintained, and there won't be any traffic through the subdivision. Commissioner Potts stated we don't need a special use permit to use it as storage. They have already been doing that. Commissioner Campbell stated 3 or 4 years is not temporary.

Mr. Markowitz stated what he would anticipate is Mr. Painter, the airport manager, would have an office in there with a desk and computer. He needs bigger quarters and we need storage for documents for the airport commission. There would be no signage and no reason for anyone in the public to go to this building. Commissioner Hakel asked if the airport office is moved and that becomes the airport office, how much traffic are you talking about there. Mr. Markowitz stated the existing terminal building will stay until such time as we move the road and once we move the road we are going to move the Bennett house also. Hopefully by then we are going to get funding to build a new terminal building. He doesn't anticipate someone landing their airplane and coming over to the office, unless Kenny has some business with them and they could walk over there and he could have a meeting in the house with those people. No continuous flow of people. It would just be for private use of the airport manager.

Commissioner Potts stated on Monday night the Town Council tie voted on the tattoo parlor. The Mayor broke the vote in favor of giving the permit. Mr. Schiro spent a good bit of time talking about his concern that giving the gentleman the permit is a bad precedent that this particular reference of not otherwise permitting, and is not expected to be reoccurring or general application. In fact there is no reason you should not expect that there would be another application. We were directed to come back and to write into the Code in the business zone area controls on permitting tattoo parlors in the business district. There are plenty of reasons to anticipate that other people might want to set up offices and that we might receive applications for them and he doesn't want to approve this one, setting precedence like this and having the public come before us and ask whether they are receiving fair treatment and consideration. There are all sorts of mitigating circumstances in this particular case but eventually it comes down to the issue

MINUTES
MARCH 11, 2009
PAGE 6

of is it equal treatment by the Planning Commission or is it available to everybody in the community that lives in that zoned area.

Commissioner Menefee stated you raised the issue of the mitigating circumstances and in this case and even Mr. Black pointed this out, it is going to be very low use, no traffic, one office, and some storage as she understands it, and not open to the public. Commissioner Potts stated once we approve it, there is nothing here that controls any of that. Mr. Webb stated that does not mean approve based on the conditions of the use as reported. What is the traffic, what is the access and where is its location? Look at this site – how does it function. We do have electronic offices.

Mr. Black asked if it would make more sense to look at the master plan for that area including the development that will be going on behind it some day. Also look at the possibility of rezoning that along with whatever else that is going to be purchased by the Town and County because it will have to be rezoned from something other than what it is right now. Mr. Webb stated if you are not going to have many people come there, you really want to use it for your administrative offices, it's an electronic office and no one comes to it.

Mr. Markowitz stated they would be willing to block off the entrance in the back and only use it temporarily and might bring a truck in there to unload some things. This house, in the use that we are presenting, would have a lot less vehicle traffic than if someone was living there. Other than occasional foot traffic from the airport over to that property there would be no traffic in that area. We just want to make use of it. We need the space and our alternative would be to rent it and then go find a place or put up a temporary trailer or something like that and this seems like it would be the most practical use of the property until such time as we move it.

Commissioner Hakel stated it seems to him that if you were to withdraw your request for a special use permit and strictly use it as an electronic office then we would have nothing to do with it. Mr. Webb stated what we can vote on tonight, they can always go as an electronic office, no customers on the site; you have heard the arguments for a professional office. Commissioner Campbell stated he is going to be opposed to no uses specifically permitted which are not expected to be reoccurring because they will reoccur and we know that it will reoccur and he thinks that it's foolish for us to keep using that. He thinks Council is right in what they are saying about using this and he doesn't think that we can always give everybody that comes through this office what they want because we have made provisions for this type thing in all of our zoning ordinance in other areas and this thing of changing the ordinance every time somebody wants to do something is not right.

MINUTES
MARCH 11, 2009
PAGE 7

Commissioner Hakel asked are you talking about Section C. Commissioner Campbell stated yes and he has asked for that the last two years. It should not be there because most of these things are going to reoccur and he will vote against it.

Commissioner Potts stated we have heard the proposal and discussion, are you ready for a vote or are you going to withdraw. Mr. Markowitz stated he needs to question what you are asking. May we use this property by right as an electronic office under the current zoning? Mr. Webb stated yes, as long as you don't have customers physically coming to the building. Mr. Markowitz stated we primarily want it for storage and an office. Go ahead and let them vote and we will proceed from there.

Commissioner Hakel made a motion that the Planning Commission recommend to Council that the request be denied and seconded by Commissioner Campbell. The roll was called. **YEA:** Commissioners Hakel, Campbell, Potts, and Meaney. **NAY:** Commissioner Menefee. Vote was **4-1**. Motion carried to deny the applicant the use of this as a professional office.

Mr. Markowitz thanked the Commission for considering this. We are OK to use it as an electronic office as long as there is no traffic. Mr. Webb stated yes.

New Business:

None.

Old Business:

- **Review: Town Sign Ordinance (Power Point Presentation)**

Mr. Webb gave his presentation on the revisions to the sign ordinance. The basic assumptions are:

- Revision to the ordinance is an attempt to focus on aesthetics, while providing businesses with ample signage area to promote their services.

Existing signage would not be required to conform to (potential changes in the ordinance. This would only be necessary for 1) new signs 2) signs which are substantially destroyed or 3) signs which are removed and then replaced.

MINUTES
MARCH 11, 2009
PAGE 8

Pole/ground mounted, monument and wall signs make up the majority of signage in the Town. It is recommended that the Town implement basic changes to the ordinance in regard to pole, monument and wall signs; but also offer an “incentive based” sign ordinance which allows for enhanced signage (size & number) if the applicant voluntarily conforms to a set of supplemental regulations and provides an avenue to remove non-conforming “off-premise” signage.

Mr. Webb will give the Commissioners a hard copy of the presentation with definitions. He stated he has enough information so that next month he can bring an ordinance change back to the Commission. He will also show this to the Town Council at their next work session.

Commissioner Potts told the Commission about the Council meeting on Monday. Ligon told them about the auxiliary dwelling unit and the decision was that they will hear it at the next meeting. There was some concern about the fact that we had a cut off date; the building had to exist. Mr. Lancaster thought perhaps it should be available for anybody building a new house. Discussion also about putting your family above your garage any time you wanted to and nobody could do anything about it. In fact we set a cut off date intentionally because we wanted to go slowly as opposed to just simply saying anybody wanting to build one go for it.

There being no further business to come before the meeting, a motion to adjourn was made by Commissioner Campbell and seconded by Commissioner Hakel. Motion carried. Meeting was adjourned at 8:45 p.m.

Respectfully submitted,

Bryan T. Chrisman
Assistant Town Manager

ATTEST:
