

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
OCTOBER 12, 2016**

The Luray Planning Commission met on Wednesday, October 12, 2016 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:

Ronald Good
Mark Malone
Brian Sours
Grace Nowak
William Fisher
Tracie Dickson
John Shaffer

Others Present:

Charlie Hoke, Town Manager
Ligon Webb, Town Planner

The meeting was called to order at 7:00 P.M. and everyone joined in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

A motion to approve the minutes of July 13, 2016 was made by Commissioner Malone and seconded by Commissioner Dickson. The vote was as follows: YEA: Commissioners Good, . Malone, Sours, Nowak, Fisher, Dickson and Shaffer. **APPROVED: 7-0**

Mr. Webb stated I had your Code amended and have been working on it and getting all the tabs lined up because we had a lot of changes to the sign ordinance. A few other things needed to be updated since I gave you your code books. I left them at the Copy Service and they are making copies of it. I will have it ready for you next meeting and you can put them in the code books that you have and just replace the pages.

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Public Hearing:

Commissioner Good stated that we have an application for a special use permit for a bed and breakfast in R-2 which is at 19 Amiss Avenue.

Mr. Webb stated that Ms. Anderson has applied for a special use permit to operate a bed and breakfast from an existing single-family dwelling. She intends to just rent one room. She could do more according to the code, but she just wants to do one. If she wants to do more than one, she will have to go to the building official to make sure she has an exit sign and smoke detector. The smoke detector doesn't have to be hard wired but they have to communicate with one another, so if one goes off, they all go off. I have been in this house several times and it's a perfect location and there is a lot of parking in the rear.

Commissioner Nowak asked if this is approved and six months from now she decides to add another bedroom, can she do that? Mr. Webb stated she would not have to come back to us. The only thing the building official requires is exit signs and the smoke detector. She would also have to live in it herself.

Commissioner Malone stated I think that neighborhood is one of the areas we were talking about that it really makes sense to add a bed and breakfast. The town is short on space based on the fact that they are usually booked up. I think this is what we had in mind with these areas and I'm in favor of it.

The public hearing was then opened.

A comment was made from the public that it is a good place to have a bed and breakfast.

There being no one to speak, the public hearing was then closed.

A motion was made by Commissioner Malone that we approve the special use permit. Motion was seconded by Commissioner Dickson. The vote was as follows: YEA: Commissioners Malone, Sours, Nowak, Fisher, Dickson, Shaffer and Good. **APPROVED: 7-0**

Mr. Webb stated a consultant did a market study to see if there was room for another hotel in Luray; I think a 50 room hotel. A consultant came in and talked to me. I gave him some

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background and tried to give him my input on a demand in town. He was collecting data and one of the things that he has from the data is that the national chain hotels with franchises report each night what their occupancy is. I think the ones in town who report are Days Inn, Best Western and maybe one more. He was leaning negatively that it didn't look like it was enough based on what I was telling him. I guess he went back and looked at what those hotels were doing on a regular basis and came back and said there is a market in Luray that would support another 50 room hotel.

OLD BUSINESS:

- Request to considering reducing required lot size(s) necessary for a "two-family dwelling" (duplex) unit in the R4 zoning district

Mr. Webb stated that Eric Fox recently applied for a variance before the Board of Zoning Appeals. Prior to this variance application, Mr. Fox applied for a zoning permit to construct a two-family dwelling on an R4 (high density residential) zoned parcel that contained roughly 7,000 square feet. The permit was denied by staff because each side of the duplex only contained roughly 3,500 square feet and not the required 4,000 square feet required per side as detailed in the R4 zoning district regulations. Therefore, both sides require a cumulative square footage of 8,000 square feet. The proposed duplex could meet all setback requirements, but it could not meet the area requirements. Mr. Fox then applied for a variance before the BZA and they denied his request for a variance. The basic reason for the BZA denial was that even though Mr. Fox could not construct a duplex on the subject lot, given that he recently purchased the lot in "good faith", he was aware of the area requirement to construct a duplex in this district, and though he was denied the ability to construct a duplex on this parcel, he can still build a single-family home on the parcel and met all setback and area requirements. The BZA did recommend that the Town consider reducing the required area requirement in the R4 zoning district for constructing two-family dwellings (duplexes).

Mr. Fox explained that many of the lots in the R4 area of Town (Boomfield) contain 50 foot of lot width and 140 foot of lot depth (50 x 140), for a total of 7,000 square feet and he believes this 7,000 square feet or 3,500 per side could be a better and more workable standard for the development of two-family dwellings and generally speaking the BZA concurred.

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Mr. Webb stated I will tell the Town Council that the Planning Commission was supportive of changing the 6,500. I was talking to some of the Council members and they indicated they thought this made sense.

- Potential change/amendments to the subdivision ordinance regarding necessary road frontage

Mr. Fox provided two subdivision plats for a property located on Collins Avenue. One was a pipe stem and the other one I thought was a better layout. This lot did not touch the road. The Code says it's supposed to touch. He meets the code here and it's really not a problem. I think from a layout perspective the ability to approve something like this would work. What we don't want to happen is to see lots where one is touching and two or three behind it that don't touch. The good news about subdivisions if you are only making three or less lots; we used to do it administratively. Now if you create a new lot, you are going to go before the Planning Commission and Town Council. We changed that 7 or 8 years ago. I think that is good. You are always going to get a chance to review this. In other words, something like this I just showed you, I don't think will happen even if we change the ordinance to say that. My thought is "abuts" or what exactly the term of the phrase would be; but each lot shall abut a street or be located adjacent to. Some sort of word that basically says simply creating a pipe stem out to touch the lot; to me you are circumventing the ordinance. I'd rather see a situation where if you could not touch in a way that Eric had shown, which is close and has shared access; it works fine. So it's something that you could approve. If you say must abut a lot that touches a street, and be located within X amount of feet of the structure. The setback line doesn't have to start here at the road; it could be basically wherever you have the width. At the setback line you have to have 50 feet or 75 feet. This is just a strange, long, deep lot.

Eric Fox stated the way the code reads as far as a setback line, the code reads that way everywhere I have looked at it — New Market, Warrenton — they define the setback line much like our code reads. Basically wherever the front of the house is; it is known as the setback line. That's pretty much how the code was originally written. The issue here is; I can meet the requirement either way, but if I had to come out to the road it actually complicates the lot. It's probably better for development now to have it right off the road, Either way you are going to have an access easement across somebody else's lot. I'm not sure what benefit you gain by having it touch the road. Commissioner Malone stated just to keep from slicing up an existing lot and building a building after building behind it. Mr. Fox stated what he would probably do is you can't do this

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more than two or three times. In other words, you can't create more than two or three lots. Commissioner Malone stated maybe you could say the setback line is no closer than 35 feet but no more than whatever feet from the road. That would stop you from being able to keep building further and further back. Mr. Fox stated that has to do with the width of the lot. It's there to keep people from where the front of the house is to have a tiny lot. Width and setback line is not necessarily to get you off the road, it's to make sure the lot is nice and wide in the front of the house.

Mr. Webb stated Eric and I will meet in my office sometime, and he and I can play with a couple different options. Just simply creating a pipe stem and going about your business is what we probably don't want to see. We don't want to see people just stack lots behind each other and say it's adjacent. We probably want to create something like Mark said; it's kind of narrow and says you can create one lot but you can't be but so many feet off that. I think we can probably put something down like that and it would not prevent anyone coming in and just putting a little stem in and say we touched the road. I will bring something back to the next meeting. I'll move forward with the Town Council on the duplex recommendation and he'll be back next month with another special use permit.

There being no further business, the meeting was adjourned at 8:05 P.M.

Ligon Webb
Town Planner

ATTEST:
