

Town of Luray

Planning Commission Agenda

October 10, 2018
7:00P.M.

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**
- 4. Review of Minutes Meeting September 12, 2018**
- 5. Citizen Comments**
- 6. Public Hearings**
- 7. Updates & Discussions**
 - A. Code Amendment - §705.2 and §706.2 – Disability Hardship
- 8. Comprehensive Plan 2018**
- 9. Chairman's Announcements**
- 10. Adjournment**

Town of Luray
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540.743.5511



PLANNING COMMISSION

Chairman

Ronald Good

meado12@aol.com

Appointed By
Councilman Ron Vickers
Term Ends: 12-31-2018

Commission Members

Tracie Dickson

tdickson@bbandt.com

Appointed By
Councilman Jerry Dofflemyer
Term Ends: 12-31-2018

John Shaffer

john.shaffer@luraycaverns.com

Appointed By
Councilman Jerry Schiro
Term Ends: 12-31-2018

Bill Huffman

bill.huffman@luraycaverns.com

Appointed By
Council President Leroy Lancaster
Term Ends: 12-31-2020

Brian Sours

brian@richardsbus.com

Appointed By
Councilman Joey Sours
Term Ends: 12-31-2020

Gail Kyle

Gkyle50@gmail.com

Appointed By
Councilwoman Leah Pence
Term Ends: 12-31-2020

Grace Nowak

gracelowak04@gmail.com

Appointed By
Mayor Barry Presgraves
Term Ends: 12-31-2020

Town Officials:

Town Manager – Steve Burke
Assistant Town Manager- Bryan Chrisman
Town Clerk/ Treasurer- Mary Broyles
Deputy Town Clerk/ Treasurer- Danielle Babb
Planning & Zoning Assistant – Brooke Newman
Chief of Police- Bow Cook
Superintendent of Public Works- Lynn Mathews
Parks & Recreation Director- Pat O'Brien
Parks & Rec Assistant Director- Dakota McCoy
WTP Superintendent- Joey Haddock
WWTP Superintendent- Tom Brown

Commissions & Committees:

Luray Planning Commission
Luray-Page County Airport Commission
Luray Tree and Beautification Committee
Luray Board of Zoning Appeals
Luray Downtown Initiative
Luray-Page County Chamber of Commerce

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
September 12, 2018**

The Luray Planning Commission met on Wednesday, September 12, 2018 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, Chairman
Grace Nowak
Brian Sours
Tracie Dickson
John Shaffer

Absent:

Bill Huffman
Gail Kyle

Others Present:

Steve Burke, Town Manager
Dakota McCoy Baker, Administrative/Planning Assistant

The meeting was called to order by Chairman, Ronald Good, at 7:00 p.m. and everyone joined in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

Chairman Good offered a correction to the August 15th minutes to revise the statement from Commissioner Webb in the first paragraph on Page 2 from “off street parking” to “on street parking”.

Motion: Commissioner Sours made the motion to accept the minutes as ammended from the August 15, 2018 regular Planning Commission; seconded by Commissioner Nowak.

YEA: Chairman Ronald Good, Commissioners Grace Nowak, Brian Sours, Tracie Dickson, John Shaffer
Approved 5-0

CITIZEN COMMENTS

There were no citizens who provided comment.

PUBLIC HEARINGS

There were no public hearings scheduled

UPDATES & DISCUSSIONS

Steve Burke provided an overview to the proposed Code Amendments to Sections 705.2 and 706.2 of Article VII of Appendix A of the Code of Luray. The proposed changes to Section 705.2 will establish eligibility for a variance granted by the Board of Zoning Appeals to alleviate a hardship by providing

reasonable non-compliant improvements for a person with a disability. The proposed changes to Section 706.2 modify the fine assessment associated with violations of the Zoning Code to conform to the current State Code requirements.

A public hearing will be scheduled for the October Planning Commission meeting.

Commissioner Dickson requested that the format of the Ordinance Amendment be reviewed as the first line of the each of changes is difficult to review.

Motion: Commissioner Shaffer made the motion to advertise a public hearing on the proposed Code Amendments in October; seconded by Commissioner Nowak.

YEA: Chairman Ronald Good, Commissioners Grace Nowak, Brian Sours, Tracie Dickson, John Shaffer
Approved 5-0

COMPREHENSIVE PLAN 2018 – ECONOMIC DEVELOPMENT

The Commission reviewed the current draft of the Comprehensive Plan:

Page 2 – Chairman Good suggested a complete sentence for the “Creation of Atmosphere” section.

Page 3 – Commissioner Sours suggested to continue the use of “community” in each statement in the Vision Statement.

Page 3 – Chairman Good suggested replacing “...the future of young and old alike” with “...the future of all citizens”.

Page 5 – Commissioner Nowak suggested changing Brooke Newman from the Staff section.

Page 5 – Commissioner Dickson suggested being less specific about individual names in the Citizen Surveys section.

Page 11 – Commissioner Dickson suggested replacing the “Lighting Plan” heading with “Dark Sky Initiative” and continue the three components as bullets.

Page 12 – Chairman Good suggested eliminating the double entry for Luray Meadows.

Page 14 – Chairman Good suggested replacing “House Maintenance” with “Property Maintenance Code”.

Page 15 – Commissioner Shaffer suggested deleting “types of” in the Introduction section.

Page 15 – Commissioner Shaffer suggested deleting “small” in the first bullet of the Town Business Loan Pool section.

Page 16 – Commissioner Shaffer suggested replacing “Locate Artists” with “Identify Artists” in the Arts & Cultural section.

Page 16 – Commissioner Shaffer questioned if an Events Coordinator position will be established. Staff will review this statement.

Page 16 – Commissioner Nowak suggested to make sure that all organizations that are involved in events are identified, as the Chamber and LDI appear throughout.

Page 16 – Commissioner Dickson suggested the “Floodplain” should be two words.

Page 17 – Commissioner Shaffer suggested to expand “Enhance” to “Enhance and Promote” in the Pocket Parks section.

Page 17 – Commissioner Dickson suggested to remove “Identify to Citizens and Guests” if the “Promote” was added.

Page 18 – Commissioner Dickson questioned if an Events Coordinator position will be established. Staff will review this statement.

Page 18 – Commissioner Nowak suggested replacing “Educate the Public on Rack Cards” with “Educate the Public with Rack Cards”.

Page 18 – Commissioner Shaffer suggested that the Town consider a consolidate multi-fold brochure in lieu of several rack cards, as it would establish a single source of information.

Page 19 – Commissioner Dickson questioned the “Locate Small Business Development Center” in the Education section. Staff will clarify.

Page 19 – Commissioner Nowak suggested including the Page County Technical Center in the Education section.

Page 19 – Commissioner Sours suggested relocating the School Safety and the Safe Routes of Access bullets to the Public Safety & Emergency Services and Transportation sections, respectively.

Page 19 – Commissioner Dickson suggested correcting the spelling of Counseling in the Healthcare section.

Page 20 – Chairman Good suggested clarifying the “Residential & Business Philosophies” item.

Page 21 – Commissioner Sours suggested including the School Safety bullet in the Community Safety & Security section.

Page 22 – Commissioner Dickson suggested removing “for better access” from the Rescue Squad section.

Page 22 – Chairman Good suggested removing or clarifying the “Advanced Beacon” bullet

Page 22 – Commissioner Dickson suggested being consistent with capitalizing all words in bullets or no capitalizing them.

Page 23 – Commissioner Dickson suggested to include “Encourage membership” in the Artisans Trail bullet.

Page 23 – Commissioner Dickson suggested the correct spelling for “Event” in the Creation of a Unique Event Venue section.

Page 25 – Commissioner Sours confirmed the need for a public pool facility since half of the New Market swim team is comprised of Luray residents.

Page 25 – Commissioner Dickson suggested removing “Meredith” from the LDI bullet

Page 25 – Commissioner Shaffer suggested spelling out “Government” in the Expanding Community Communications section.

Page 26 – Chairman Good stated that Commissioner Nowak had requested inclusion of a Dog Park in the Community Enhancements chapter.

Page 27 – Commissioner Dickson suggested revising the first bullet in the Tourism section to “Coordinate with surrounding attractions”.

Page 27 – Commissioner Shaffer suggested eliminate “...with incentives” from the Create Tourism Zones section.

Page 27 – Commissioner Dickson suggested clarifying the Property Marketing section and stress online posting.

Page 28 – Commissioner Dickson suggested including other buildings in the Downtown Redevelopment section.

Page 29 – Commissioner Shaffer suggested changing “Multi-Modal” to “Trail”, and to change “Connections” to “Link” in the Connectivity section.

Page 31 – Commissioner Dickson suggested correcting the spelling on “Turn Lane” in the Future Safety Projects section.

Page 35 – Commissioner Shaffer suggested removing “new” from the larger pump station bullet.

Page 37 – Chairman Good stated that the Dark Sky Initiative is already included in the Comp Plan.

CHAIRMAN’S ANNOUNCEMENTS

Chairman Good noted that the normal date for Town Council’s October meeting is scheduled on Columbus Day. Chairman Good stated that the next Commission Meeting will be October 10, 2018.

ADJORNMENT

There being no further business, the meeting adjourned at 7:55 p.m.

Steven Burke
Town Manager

ATTEST: _____
Dakota McCoy Baker
Planning Assitant



Town of Luray, Virginia
Commission Agenda Statement

Item No: VI - A

Meeting Date: October 10, 2018

Agenda Item: **PLANNING COMMISSION PUBLIC HEARING**
Item VI-A – Draft Code Amendment – Zoning Fines & Variances for Disabled

Summary: Following the Town Attorney’s presentation of legislative updates adopted by the General Assembly at Council’s July 9th meeting, a draft of Code Amendment to Town Code Sections 705.2 and 706.2 of Article VII of Appendix A to provide for Variances for reasonable modifications for persons with disabilities and to provide additional fines for continued Zoning violations.

The Planning Commission is requested to conduct a public hearing to receive comment on the proposed Code Amendments and to provide a recommendation to Town Council on the proposed Code Amendments.

Commission Review: September 12, 2018

Fiscal Impact: N/A

Suggested Motion: I move that the Planning Commission recommend approval of the proposed Code Amendments to Town Code Sections 705.2 and 706.2 of Article VII of Appendix A.

**AN ORDINANCE TO AMEND SECTIONS 705.2 AND 706.2 OF ARTICLE VII OF
APPENDIX A OF THE CODE OF THE TOWN OF LURAY, VIRGINIA**

WHEREAS, the Town of Luray, Virginia (the “Town”), wishes to amend certain provisions of the Town’s zoning ordinance to conform with recent changes to state law; and

WHEREAS, the Town Planning Commission and Town Council have each conducted a properly-advertised public hearing with respect to the proposed amendments; and

WHEREAS, the Town Council has received the recommendation of the Town Planning Commission with respect to the proposed amendments.

NOW, THEREFORE, be it ordained by the Council of the Town of Luray, Virginia, as follows:

1. Section 705.2 of Article VII of Appendix A of the Code of the Town of Luray, Virginia, shall be amended and restated as follows:

705.2. Powers of the board of zoning appeals:

The board of zoning appeals shall have the following powers and duties:

1. To hear and decide appeals from any order, requirement, decision or determination made by an administrative officer in the administration or enforcement of Code of Virginia, § 15.2-2280 et seq. or this ordinance. The decision on such appeal shall be based on the board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws and regulations in making its decision.
2. To grant a variance upon appeal or original application in specific cases as defined in Code of Virginia, § 15.2-2201.

The board of zoning appeals shall grant a variance if the evidence shows:

- a. (i) A strict application of the ordinance provisions would unreasonably restrict the utilization of the property; or
(ii) ~~or that~~ the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of this ordinance; or
(iii) The variance would alleviate a hardship by granting a reasonable modification for a person with a disability; and
- b. The property interest for which the variance is requested was acquired in good faith and any hardship was not created by the applicant; and
- c. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity; and

- d. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as amendment to this ordinance; and
- e. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- f. The relief or remedy sought by the variance applicant is not available through a special exception process authorized under Code of Virginia, § 15.2-2309(6).

No variance shall be authorized except after notice and hearing as required by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.

In authorizing a variance the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

3. To hear and decide appeals from the decision of the zoning administrator after notice and hearing as provided by Code of Virginia, § 15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail.
4. To hear and decide applications for interpretation of the district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Code of Virginia, § 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the board may give such notice by first-class mail rather than by registered or certified mail. The board shall not have the power to change substantially the locations of district boundaries as established by ordinance.
5. No provision of this section shall be construed as granting any board the power to rezone property or to base board decisions on the merits of the purpose and intent of local ordinances duly adopted by the governing body.
6. Any variance granted to provide a reasonable modification to property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable. If a request for a reasonable modification is

made to the town and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted by the town unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.

7. The board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Code of Virginia, § 15.2-2312 shall be conducted at the continued meeting and no further advertisement is required.

(Ord. of 8-14-2017(1), § 6; Amended by Ord. of X-XX-2018, §1)

2. Section 706.2 of Article VII of Appendix A of the Code of the Town of Luray, Virginia, shall be repealed and restated as follows:

~~706.2. Any person, firm, or corporation, whether as principal, agent, employed or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor punishable by a fine of up to \$1,000.00. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this ordinance within a time period set by the court. Failure to remove or abate a zoning violation within the time period specified by the court shall constitute a separate misdemeanor punishable by a fine of up to \$1,000.00; and any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of up to \$1,500.00; and any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to \$2,000.00. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.~~

~~However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single family residential dwellings shall be punishable by a fine of up to \$2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to \$5,000, and any such failure during any succeeding 10 day period shall constitute a separate misdemeanor offense for each 10 day period punishable by a fine of up to \$7,500. A conviction resulting from a violation of provisions regulating the number of unrelated persons in single family residential dwellings shall not be punishable by a jail term.~~

(Ord. of X-XX-2018, § 2)

3. This Ordinance will take effect immediately.

Adopted: MONTH DAY, 2018

Mayor

CERTIFICATE

I certify that I am the Clerk of the Town of Luray, Virginia, and that the foregoing is a true copy of an Ordinance adopted by the Council of the Town of Luray, Virginia, on MONTH XX, 2018, upon the following vote:

| NAME | AYE | NAY | ABSTAIN | ABSENT |
|-------------------------------|-----|-----|---------|--------|
| Mayor Presgraves ¹ | | | | |
| Ronald "Ron" Vickers | | | | |
| Jerry Dofflemyer | | | | |
| Jerry Schiro | | | | |
| Leroy Lancaster | | | | |
| Joey Sours | | | | |
| Leah Pence | | | | |

Date: MONTH XX, 2018

[SEAL]

ATTEST: _____
Clerk, Town Council of
Town of Luray, Virginia

¹ Votes only in the event of a tie.