

**REGULAR MEETING OF THE  
LURAY PLANNING COMMISSION  
MARCH 14, 2012**

The Luray Planning Commission met on Wednesday, March 14, 2012 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:

Clifton Campbell  
Larry Hakel  
John Meaney  
Pam Flasch  
Ronald Good  
Joey Sours

Absent: Tom Potts

Others Present:

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

Vice Chairman Clifton Campbell 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 Flasch that the minutes of February 15, 2012 meeting be approved as presented. Motion was seconded by Commissioner Sours. The vote was as follows: YEA: Commissioners Hakel, Sours, Flasch, Meaney and Good. Commissioner Campbell did not vote since he was not present at the February 15, 2012 meeting. **APPROVED: 5-0**

**Public Hearing: Special Use Permit Request, Mr. Joe Vile:**

Mr. Webb reported that Mr. Joseph Vile is requesting a special use permit to operate a commercial recreation facility in the B-1 zoning district. You will remember about a year or a year and a half ago this would have been by right but when we did all of the changes to our ordinance related to recreation and all that, we actually moved commercial recreation to special use permit. As a result, that is why we are having this hearing. Mr. Vile came to the office and told me what he is planning on doing and where he was planning on doing it and explained the operation. I think what I have given you and these are the pictures that we looked at and the pictures I have given you are an indoor facility and one thing that Mr. Vile told me that the Caverns wants the color scheme to match

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what they want to do out there. They are not interested in doing a park full of red and things like that. What he wants to do is a rope style course but in reality it is more of a tract course; it's not really a free swinging rope that you are on a tract to get in it. There are a couple of videos on line that I found and you just sort of build a platform of a scaffolding type structure and it's kind of a new recreation innovation. He's looking at approximately an acre and I have showed you on the map roughly where it would be. Mr. Vile told me that basically they are going to have a separate ticketing booth there, so if you come to the Caverns, you can get a ticket for the Caverns, the museum, and also the garden maze and you can add on this if you want to or you could just go to this. One of the things Mr. Vile wants to give is a discount to locals and but doesn't know when it would be or where it would be but I think he understands that the Caverns has done a good job. I think offering locals a discount to patronize something even like this rope course is a great idea. I don't think it would be free, but it would at least be a discount where you could take your whole family there for the afternoon.

As far as the Comprehensive Plan, one of the goals of the town is to support and encourage entrepreneurial activity related to tourism. He would still need to present a site plan so if this is approved by the Town Council, he would put this in the site plan, go through an engineering review, storm water and erosion & sediment management plans. As far as conditions, I thought about it, and we talked about it in the office, and I really didn't see anything that needed to be specifically made as a condition. The actual company that is building this; he is sending people to Michigan to learn how to operate the rope course safely and be able to get people on and off the course. They are going to be working with the company that constructs this to be sure they can safely get people on and off. In closing, I think that's all I have to say. It looks like a nice attraction, the Caverns is comfortable with it and will just add another sort of high-value tourist attraction within the town.

Commissioner Hakel asked is this daytime-only operation. Mr. Webb stated under normal operating hours of the Caverns. Mr. Vile stated from normal operating hours whenever the cave opens. John Graves has made a suggestion that maybe in the summertime we stay open an hour or two later in the evenings. Most of the time it would be open during their hours. There is a possibility it would stay open after dark but illumination probably will be taken care of.

Commissioner Campbell asked Mr. Vile to come up to the front so people could hear him. You were explaining about the lighting and the time. Mr. Vile stated I'm saying on the weekends, maybe Friday and Saturday night, and possibly Thursday night, if we have a line after 9:00 p.m. We would like to encourage some of the locals to come out too and we do plan on discounting them, like 20 or 25%. We don't want to discount it too much

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because we think we are going to be having a line. We encourage them to come during our off-peak hours for this discount.

Commissioner Campbell asked is this leased property from the Caverns. Mr. Vile answered yes. Mr. Campbell asked, so the business itself is yours but the land is leased from the Caverns? Mr. Vile indicated yes.

Commissioner Sours asked what are you going to have to do as far as tree clearing. Mr. Vile stated that what he is projecting so far, in the overflow pond, there is one poplar tree that will have to come out, that's hollow on one side and we think we are going to take that down. There are two smaller trees that have to come down and some trimming.

Commissioner Meaney asked who came up with this concept or idea to begin with. Mr. Vile stated through John Graves. He and some of his employees have been to a seminar in Florida and saw this. Commissioner Meaney stated the other thing, the first thing I thought of was potential injury and I'm sure that you and others have probably asked questions about that. To the best of my knowledge, no one has been seriously injured. Every once in a while you get a sprain or something like that; maybe a bruise here and there, but as far as any serious injuries I know of none. According to the owner of the facility, they have a training course they send people to and actually get the training and then come back and train their employees. Their employees will have to take the training and take an on-line class and they will pass or fail them. They will have someone on site that will be training. The liability part of it; there is a company out of Texas we are going to be dealing with on that and I think they will pick up workman's comp on that also.

Commissioner Sours asked it's not a valet thing; it's like they are harnessed; they are on the track in a harness. Mr. Vile stated actually it's in a track. It's a U shaped piece of metal or a box shaped piece with the center of the bottom of the box cut out and a ball goes inside of it to a harness. Once you get on the course, you finish it or you can take a short cut model but it just lets you go any place you want on the course.

Commissioner Meaney asked you are starting the operation the end of May. Mr. Vile stated that's what the guy promised us originally, but he's putting a few more in and now it's June 15<sup>th</sup>. He said he could have it in by then. Commissioner Campbell asked how many employees will you have. Mr. Vile stated probably about 15 employees all together. They will be seasonal. Hopefully we will have good winters like we had this one, but I don't see that happening very often. Mr. Webb stated you can take 6 at any one given time. Mr. Vile stated we are anticipating at least 12 hours a day. Commissioner

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Campbell asked would you have to furnish bathroom facilities or this type thing. Mr. Vile stated no sir; we are going to use the ones on site. Actually they are right beside us.

Commissioner Hakel stated his only concern is the lighting after hours with the glow. If your lighting is up and I think it would be better if we could have it illuminated downward. Mr. Vile stated we are going to do everything in our power to keep this thing from having bright lights shining out. Mr. Webb stated that's actually in the site plan requirements that everything is pointed down, so when he does the site plan, there will also be a lighting plan. It has to be shielded and directed downward. Commissioner Campbell stated with a special use permit it can be controlled. Mr. Webb stated its well within your control if you think there is some sort of reason why being opened occasionally until 10:00 p.m. is a problem.

Mr. Chrisman stated it is surrounded by the Caverns and they are the owner and the contractee with the contractor and if there is a problem with lighting or anything, I'm sure they are going to address it. Mr. Vile stated something John mentioned to me; he seems to think it would be a good thing for the public to have something to do after dark.

Commissioner Meaney asked what are we waiting for in terms of going forward with this. Mr. Webb stated now that we have it clear about the operating after dark and that you will follow the guidelines in the lighting ordinance, we will have to submit construction plans, storm water plans, site plans to the town. If it is approved by the Town Council, then you will have to go through that process as well before it can actually be constructed on site.

Mr. Spitler stated basically what you are saying is there is a number of administrative procedures that will address what you think are all of the appropriate concerns. Mr. Webb stated I think we have everything pretty much covered. One question: does this type of use fit where he wants to do it? Commissioner Sours stated he thinks it's a perfect use – you are adding additional use to the parking lot, its minimal change to the trees and all that. Commissioner Meaney stated my question was is this something we could approve tonight based on what we have discussed. Mr. Webb stated that's really your decision. Unless we have heard something that seems to be a problem, I think it's well within reason to approve it and send it off. Commissioner Good stated what we are saying is that giving this location; it seems to be a really good thing. If it was adjacent to a residential neighborhood, we might have a lot more concerns about lighting, noise, parking and evening activities and things like that. I think we are satisfied with the location and with the Caverns being a partner here, and we know that their maze out there

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is top rated and of course the caverns, the car & carriage, museum and everything they have done has been top notch.

Commissioner Campbell asked if the public had anything to say. If not, the public hearing is closed and we will open it for discussion.

Commissioner Meaney stated your summary was fine. It is good for the community, and with the Caverns being involved and I make a motion to approve it. Motion was seconded by Commissioner Hakel. Commissioner Campbell stated a motion has been made and seconded that we send it to Council for approval. Is there any other discussion? If not, please call the roll. The vote was as follows: YEA: Commissioners Hakel, Sours, Campbell, Flasch, Meaney, and Good. Commissioner Potts was absent.

**APPROVED: 6-0**

**Preliminary Plat Submittal – Mr. Bob Harrison**

Mr. Webb stated this is a preliminary plat submission by Bob Harrison. He is not living in Luray any more but he did send this to me. You might recall a few years ago we actually changed our subdivision regulations where if any new lot is created in the town it needs to go through the subdivision process. We used to say if you were creating no more than two lots. Mr. Chrisman stated if you were not creating any more than three total lots and none of the lots exceeded three acres in size, you could essentially subdivide your property if you recorded a plat with no over sight. Mr. Webb stated you still go through the Zoning Administrator but the problem is if you make three lots and you come back four years later and you want to make three more lots. I'm not sure if doing it this way was to make people doing a single lot upset, but in reality, I think that if you create a new lot you have to come to the Planning Commission and Town Council. I think that is a good thing because of that very reason. Each year people could create a subdivision without having to go through the subdivision process. I told Mr. Harrison this and he wasn't upset but he didn't know that. Before you could have just divided this, recorded it and we approved it, provided there was no conflict with the code, which in this case I don't believe there would have been. As I said in my report I have not asked Mr. Harrison exactly why he wants to do this. He would leave about 5,000 square feet on the front on Main Street; divide off 9,891 square feet in the back. Looking at the sketch from the special use permit for the Laurence Hotel, he needs 26 spaces and he has a conceptual drawing of the lot and he was going to enter through that paved alley. He appears to have left plenty of space to get those 26 spots; nearly 10,000 square feet. I don't think that is

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an issue. The only question I have would be if you leave yourself 5,000 square feet up front, what is your plan for that space.

Commissioner Campbell stated there is another problem. If I remember correctly, it was something to do with parking against Main Street hill. He was to lease some property from someone off of Main Street for parking. Mr. Webb stated this rear end would be his parking for the Laurence. It's within 1,200 feet of the Laurence. This is part of the Laurence project. Commissioner Campbell stated if it changes hands everything changes from what it is now, I question the use of this other property for parking. Mr. Chrisman stated Ligon has a good suggestion for that. Mr. Webb stated if he wants to sell both and leave the Laurence without parking, say someone else buys the Laurence and it's close to being done; he has done a lot with it. Then that person needs to find 26 spaces somewhere within 1,200 feet. If he wants to sell that and not provide the buyer with any place to park, then if that buyer purchases it and understands that, then that's fine. I would think that he would convey this 9,800 square feet with the Laurence parcel. He wouldn't have to, though. Commissioner Sours asked it wouldn't make that property useless in a sense. Mr. Webb stated he intends to keep this 9,800 square feet tied to the Laurence. Commissioner Campbell stated if the Town of Luray enforces its parking requirements, then he has already committed this to parking. Mr. Chrisman stated I think what Ligon is saying is I think right now, this entire 13,000 square feet; the entire front and back; that right now is tied by deed to the Laurence Hotel as a proffer of the special use permit for the Laurence Hotel. The back two-thirds of this lot is what he had designed it for; to be the parking for the Laurence Hotel. Once he starts to develop the Laurence Hotel, i.e., rent out his space; somebody has to come in and get a certificate of occupancy but we are not going to sign any certificate of occupancy here in this office unless you have (a) the parking lot built and (b) it's dedicated to the Laurence Hotel. Ligon is right; he technically could sell the Laurence separately from this two-thirds proposal, but whoever he sells it to may come down here to get their first certificate of occupancy, but we will just say no, you've got to have 26 off street parking spaces somewhere within 1,200 feet of your building. You've got to find those. The smart move for Bob would be to sell them both together and tie them together in the deed and sell it so that way he is not passing on a headache to the buyer. If he did that and did not disclose that parking requirement to the buyer, then he's negligent. Like Ligon said there are no setbacks, there is no minimum lot size in B-1, so 4,900 square feet he has access right on West Main Street. There is not much of a building you could build there and what building you could have, could share the public parking space along West Main. Commissioner Campbell stated we need to get further along before we do anything. Part of this just doesn't make sense. Commissioner Sours stated if nothing else he's

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reclaiming frontage. I can't blame him there. Mr. Webb stated this is a preliminary. When this is approved or denied, or whenever or if, he then has to submit a final plat which comes back to the Planning Commission, so we get two cracks at this. As far as the division goes and before we actually change the rules, my feeling is if someone wants to divide their property into two square foot sections, you can't do anything with it, but that's your right. I just never really thought to ask him what his plan was for this front 5,000. It seems to me that he should keep it together. Commissioner Flasch asked have you seen the drawings the Virginia Tech kids did; isn't that where that – Mr. Chrisman stated it goes right along the Main Street side in front of that. Mr. Webb stated Bob's property right here on North Main with sidewalk on all that; he's always been good to work with and he owns several properties around town. I understood that this back property; he doesn't have to tie it to the Laurence, but if the Laurence is ever going to go forth it needs parking so I think that he will. Mr. Chrisman stated it is a special use permit, so if he was to transmit one and not the other to an owner; Jason you correct me if I'm wrong on this; he transmits the one property without the Laurence property to a new owner without transmitting the off street parking for that special use permit, wouldn't that render the SUP null. The parking condition of the SUP would then be invalid. Mr. Spitler replied right. It's definitely in his best interest to transfer them both. Maybe we need to remind him of that Ligon that he might want to tie those together in the deed.

Commissioner Campbell stated we need some more discussion and understanding with him. Mr. Spitler stated essentially that would take him right back to the underlying use because his special use is conditioned upon parking. I don't know that it would "revoke" his permit, but it would render the property useless for that purpose until such time as he was able to provide the parking. Mr. Chrisman stated or he could come back in and get another SUP. Commissioner Campbell asked who is this agreement with for the parking. Mr. Chrisman answered it's his own. He owns this lot and he owns the Laurence so he gave himself – Commissioner Campbell stated he owns the lot on West Main. Mr. Chrisman stated yes, he owns this lot right here so he gave one of his properties two-thirds of the other property for off-street parking lot which was smart on his part because he owns both.

Mr. Spitler stated maybe you and Ligon can answer this for me. I thought I was more familiar with the property than apparently I am. I was really confused when I looked at the survey as to why I didn't see Court Street. Mr. Chrisman stated it's up above – actually the nearest street is Bank Street which is on the other side of Mr. Gingerich's property. Mr. Chrisman stated on the right side of the Lionberger Brothers is N.

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Hawksbill Street; it's in that block. Mr. Spitler stated I was on the wrong block; I was one block up the hill, I think.

Commissioner Campbell stated that might have to be improved. You might run into the same thing that we did with the Miller property on E. Main Street. Mr. Chrisman stated this section of North Alley is actually paved and is a public right of way currently, whereas the Miller wasn't a public right of way and it wasn't paved.

Mr. Webb stated he can get more information. This is a preliminary and if you approve the concept, get more information or you can hang onto it until you get more information, either way it still comes back to you.

Mr. Spitler stated this is an interesting request. I understand his logic; I have to have 26 spaces and I'm going to do that with the rear of my property, so let me off the hook on the front side, but that obviously doesn't help out at that front side. It's kind of like circular logic and end up back where you started.

Commissioner Flasch stated I wonder if Parks & Recreation is planning to send that plan to him and show him what – Mr. Webb stated they are just going to plant trees on his property. Mr. Chrisman stated that will be about the front just north of his property line maybe 15 or 20 feet so there will be something there if he chose to have a small building backed up against the parking lot there. There is no setback, so he could build a building right up against the property line. Commissioner Campbell stated he could use his 71 feet. Mr. Chrisman stated actually he could provide some off street parking spaces; 2 or 3 right in front of the building, pulling in and backing right out. Depends on how big of a building he actually wanted to build there. Commissioner Campbell stated we always come back to the parking situation. Mr. Chrisman stated by putting in the entrance there, he's going to eliminate two on street parking. So technically one of the conditions of this group would be to say you are eliminating two of our on street parking spaces; you need to make those up somewhere for us. Mr. Webb stated I don't think he will put a curb in there to cut into a building. Mr. Chrisman stated in the past we have allowed public street parking to evaporate entrances without any requirement for the applicant to put those spaces back somewhere. Providing their off street parking is nice, but it is taking two spaces away from everybody else.

Commissioner Campbell stated what you wind up doing, is he does whatever; you are going to force him to do that lot. If they sell this piece of property and build on it, depending on what type of business it is, we can require X number of spaces. If he plans to use this, then he needs to do something to that lot. Mr. Chrisman stated the minute he comes in and wants to apply for a certificate of occupancy or anything in the Laurence,

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that parking lot has to be built and ready for access. He can't do one without the other. We have sufficient controls in place to make sure that he has to do what he has to do before we give him approval. Commissioner Campbell stated he is not ready to approve anything, and I think it needs some further discussion.

Commissioner Good asked do you know where he is with the Laurence Hotel project. Mr. Spitler stated he's very close to completion. Commissioner Campbell stated he wanted to put businesses in there and we approved part of the downstairs for commercial business so it's mixed commercial and apartments. Mr. Webb stated the business is by right but it's just about parking. The parking was for the business and the six apartments that were there. Mr. Webb stated the 26 spaces cover everything that he is probably going to do. At this point, I think he is just trying to sell it. He still has a little ways to go on the work. We all went and looked at it. Commissioner Good stated I was in there recently and I hope he is successful whether he rents the apartments or businesses or sells the property and someone else comes in. I hope they are very successful. Mr. Webb stated we are lucky he has done what he has because it was really in bad shape. At one time he tried to get the County to use it for an office building and I always thought that was a good idea. I don't guess they were interested.

Commissioner Campbell asked if there was any discussion. What do you think we should do? Commissioner Flasch stated get more information about what he – Mr. Webb stated he will talk to him and I bet you the next time I can call and put him on speaker phone too if you have any questions for him. Commissioner Campbell stated either that or he can come to the meeting. Mr. Webb stated he is down in the Charlotte area and it is not required that he come; if we get the information from him hoping that's all he will be – I will talk to him. We will just table this until the next meeting. Commissioner Campbell stated we will table this for further discussion. Commissioner Good made a motion that we table it until the next meeting until we get more information and motion was seconded by Commissioner Flasch. Motion approved 6-0.

**Discussion: 2012 Comprehensive Plan Update – Study Area 2**

Mr. Webb stated he did not have too much to add to this. I know we looked at Study Area 2 last time and hopefully next meeting I will have some conceptual drawings and ideas about Study Area 2 and maybe even Area 3, which is downtown. If not, we can move it to May. I had to put it on the back burner until I wrote a 30 page grant. Hopefully we can pick back up on it next month. We have a whole year and I think things will slow down a little bit in a few months and we can really start working on it.

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Commissioner Sours stated just curious for blind driveways where they have those parabolic mirror type deals, is that something that is normally done behind a residence or is it something done by the Town. There's a number of blind driveways through there. Mr. Chrisman stated you are talking on S. Court. We have already discussed the parking issue. There is just a narrow section and once you get past that section then the street actually opens up and parking on both sides is OK. We prohibit parking in that section but when it becomes a safety issue to the point where you park in front of a house, you are parked in the travel way, that's a safety issue. We are going to have to address that and I know it's not going to be popular but it's something that needs to be done. We have only installed one parabolic mirror and that's at the intersection of North Alley and Broad Street, right here behind this building. The only issue there is that by the time the vehicle appears in the parabolic mirror, it's already too close for you to pull out. Yes, it works, but no, it doesn't fulfill its intended function by giving you advance notice.

Commissioner Campbell asked does anyone have any further discussion on what was discussed last month as far as the Comprehensive Plan.

Commissioner Hakel stated he was not at the last meeting and I'm not sure I understand exactly where the round-about is. Commissioner Sours stated it's over here across the street from the Singing Tower; Northcott Street. Commissioner Hakel stated it's at the intersection of Northcott.

Commissioner Campbell stated we have papers that were sent to us with our minutes pertaining to pay. Those need to be filled out and returned.

Commissioner Sours made a motion that we adjourn. Motion was seconded by Commissioner Flasch. The motion carried and meeting was adjourned at 7:53 P.M.

Respectfully submitted,

Bryan Chrisman  
Assistant Town Manager

ATTEST:

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