

**REGULAR MEETING OF THE
LURAY PLANNING COMMISSION
JULY 15, 2009**

The Luray Planning Commission met on Wednesday, July 15, 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

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 MAY 13, 2009

A motion was made by Commissioner Campbell and seconded by Commissioner Hakel that the minutes be accepted as presented. The vote was as follows: YEA: Commissioners Potts, Campbell, Baughan, Hakel, Meaney, Menefee and McNeely.
APPROVED: 7-0

ADDITIONS TO AGENDA

None

NEW BUSINESS:

- **Election of Chair and Vice-Chair of Planning Commission for term ending June 30, 2010**

Commissioner Hakel made a motion that we continue with Tom Potts as Chair and Clifton Campbell as Vice-Chair. The motion was seconded by Commissioner Menefee to continue existing Chair and Vice-Chair by acclamation with the vote as follows: YEA: Commissioners Potts, Campbell, Baughan, Hakel, Meaney, Menefee and McNeely.
APPROVED: 7-0

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- **Review: Luray Landing Master Plan Change Request**

Bryan Chrisman stated that we have a request from Luray Landing. Mr. Jenkins and Mr. Reed have requested to alter the existing site plan for several lots to accommodate medical/professional office buildings and other similar office buildings in these three segments. Under the PND and the approved site plan, this is a by-right use. These are included in the PND. Messrs. Jenkins and Reed are here to simply ask to alter the site plan for making these minor changes. This will do several things for us as a town. It decreases our density significantly in that portion, and it increases our green space slightly due to the larger buffers that the commercial/professional offices have had over the residential units that were previously platted. Altering the PND requirements that are in our code, the Town Council has the right to forward this to the Planning Commission and request your advice or recommendations before they act on this request at their next meeting and they have elected to do so. It is straightforward and you have maps in your handout that shows where these lots are located. As far as he can see, if this is recommended by the Commission and approved by Council, then we will need you to officially amend the plat and sign off on it. Mr. Reed stated that if this is approved by the Town Council, they would have a new plat drawn up and that would be recorded. At that point we would anticipate the sale to Dr. Ruffner and the other two lots have not been sold at this point.

A motion was made by Commissioner Campbell that we recommend to Council that this be approved and motion was seconded by Commissioner Baughan. The vote was as follows: YEA: Commissioners Hakel, Baughan, Campbell, Potts, Meaney, Menefee and McNeely. **Approved: 7-0**

- **Guest Speaker: Mr. Dave Scadden, Cofounder and former partner of Rappahannock Cellars (Vineyard and Winery)**

Mr. Webb introduced Mr. Dave Scadden, our guest speaker. About 10 years ago he started Rappahannock Cellars. Dave built it from the ground up. He has seen the benefits of what a winery can do for a community. It is one of the few industries that is continuing to grow. A vineyard is a positive aspect of the community. Wineries contribute to restaurants, hotels and in this area it has a positive impact on the canoeing business, on campgrounds, and on downtown antiquing. We have also seen with the recession, wineries are continuing to show a strong profit.

Commissioner Potts stated what he is interested in is getting a winery set up within the town limits of Luray, specifically because people go to wineries. We have a lot of people who come here and go to Luray Caverns and never enter the downtown portion of Luray. We send a lot of people every weekend out of Page County to go wine tasting. The

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Planning Commission would like to look at a mechanism and see if it is feasible for us to identify open areas of land here in the Town where we might be able to incentivize the owners to put them in grapes. The reason there is the visual impact on people's memory coming here.

Mr. Scadden stated what you need is an attractive building with a few acres of vines around it. Most vineyards don't just use their own grapes. We leased hundreds of acres of property around the City to bring in the grapes. It is not wise to actually have all your grapes in one area due to the temperature and frosts that we have here. It's not that you need a lot of space or a lot of money.

Commissioner Potts stated there has been some discussion that perhaps Luray should hold back and not do anything and wait for Page County to do something. The economic impact that he is trying to get is here in Town. Commissioner Potts asked if there is any value to landowners to plant open property within the town in grapes. Is there a market for it? Mr. Scadden said it's a high cash crop.

Commissioner Campbell stated most of this could be controlled through a zoning ordinance as far as size, number of acres that could be used, and you may want it to adjoin the county, so that if you wanted a 10 acre vineyard it could be in the County and the business actually in town.

Commissioner Hakel asked Ligon about a winery overlay district. Commissioner Potts stated he was looking at going to the people in the town who have open property and since all that area already has been zoned, his thought was how about doing an overlay district just like we do with planned neighborhood developments where we say to them we will enter into a contract with you, you plant grapes and keep it in grapes for 10 years or more, and the town will give you a tax break on your property. If at the end of the agreement, you plow it all up and fall back to the under laying zoning and build a housing development, you pay for what grapes we have given you during that time. He was looking for ways of making a visual impact on people coming here, providing a way to do it and at the same time for the property owners to be able to have an out from it.

Mr. Webb stated it seems to him that a five acre minimum can be reduced. The acreage could be one-half acre, an acre or maybe two. Mr. Webb stated we need to define a winery in town – what it does, what the production process is, if there is any, or just sales and marketing, vines on your site, how big can that site be. Once you define it and put parameters around it, there may be supplemental regulations and the next thing he sees is where does it fit into the ordinance – B1, potentially M1 and potentially this could be suitable in an R1, R2 or R5. It depends on the site and the requests, keeping in mind

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town production scale; not looking at a large manufacturing, just want something sort of quaint that would be different. The overlay district is too specific and from what he is hearing, it may be something we might want to consider opening up to other zoning districts. It might just be in an R1 district or the Fairview area where it would be perfect for a small one and a half acre operation. As far as the tax incentive goes, Jerry Schiro brought to Bryan's attention that there are certain breaks that you can give like land use taxation, different breaks for elderly and disabled. In looking at the State Code, he doesn't know if towns or counties can arbitrarily decide what they will incentivize or what they can get breaks for. It still doesn't mean that we can't design an ordinance that meets the needs of the Town and might be of interest to someone like Dave Scadden. If Mr. Webb takes this back and brings something to us next month going the route of defining it, maybe adding regulations, putting it in certain districts; would that be something that would achieve the desired goal. Open it by saying the Town of Luray is considering a small scale wine production facility within the Town.

Commissioner Baughan stated it depends on how proactive you want to be. Commissioner Campbell stated he thought it would be wise to follow Clifton in Fairfax County because it seems that they are out in left field the same as we are as far as where to go and how to go and Clifton is a small community. He thinks it would be interesting to follow this and see what suggestions come out of it. It would give us some guidelines as to where we would like to go and it would be beneficial to us to have someone else's experience.

Commissioner Potts asked what the Town Council said when you talked to them about it. Bryan stated maybe the focus of the conversation tonight is getting a little bit too in depth. What they had focused on, and subsequent conversations since then, has been would either a micro brewery operation or winery where all of the ingredients come from off site and are being manufactured in the facility as an industrial facility and sold there for a winery or a wine tasting facility. Is this something they would like to see in town? Their consensus was that he doesn't think they had an overriding reason why it should be here, such as bringing more people in, just the fact that it is a recognized, very popular business throughout the Commonwealth and the United States, and therefore it should probably be mentioned in our Code somewhere at least in terms of a definition, as well as what districts that the Town Council and the Planning Commission would see either one of these types of operations as being suitable as far as location. They specifically mentioned the B-1 and M-1 and not so much the R-1. He doesn't think there was a whole lot of interest to pursue enabling legislation through the General Assembly at this point and time, but rather to insert these definitions into the Code and if somebody was to walk through the door, then, of course, they would have to go through the whole gamut of site

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plan proposal, public hearings and things like that if it was a special use but at least come before the Planning Commission. You are looking at businesses here that are regulated by the Department of Agriculture, the Department of Health, and the Alcohol Beverage Control Board. These are highly regulated industries; they are not just fly-by-night things, but he thinks in terms of your number of businesses, one of the conversations had was that the market forces will drive the number of these units that will be in any locality. There will be only so much available consumerism for these types of products. As we grow larger, maybe we can have three or four but as we are smaller; maybe only one could survive here economically. The market will drive out those people who are not competitive. Water and sewer wise, most industrial processing plants with microbreweries and wineries are very water intensive which we really don't mind selling them the water. On the waste sewage capacity, the wastewater is a little bit trickier because the by-products that these types of industrial plants put off. Similar to Wrangler, they have various chemical makeups in their wastewater and we have to make modifications at the plant for it. It was just in general conversation and Council would like for the Commission to take a look at it and at least start thinking about it. Is this something that would be worthwhile to have in our Code and thus in our town and where would we think it would be most appropriate. That was the jest of the conversation he got that night as well as subsequent conversations.

Mr. Webb stated we can at least propose this is what the Planning Commission envisions. Commissioner Hakel stated it seems the simplest way would be to identify where it would be by right and then define what a winery is under that definition. Bryan stated the other thing Council did not want to see, and in the Clifton article in your packet there was a discrepancy between where such an operation could be located, and he thinks that was a point that the Council wanted to make. They did not want the technical aspect of our Code to be a stumbling block for somebody who wanted to come in and say they couldn't operate a manufacturing facility but the only really suitable property in town was actually in M-1. All they wanted to do was have a store front and sell these products but the only place they could find that was suitable and not near a residential area or not causing any problems or that they can afford would be in M-1 district. Would we penalize them by saying, no, you can't locate there simply because it's not in our code.

Mr. Webb stated we could adopt an ordinance and just advertise it. Commissioner Hakel stated we should charge Ligon with developing the location in the Code that can be defined by right, by special use permit and a definition. Mr. Webb stated we should work with the County and encourage them to maybe work on something similar. It might be by right in an agriculture district, he doesn't know. Commissioner Campbell stated it would be good to work in cooperation with the county.

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Mr. Webb will come back with something for the Commission. Commissioner Potts stated as far as the winery overlay zoning, he has no items on that and you can let that die on the vine.

Review: Revised Official Zoning Map

Mr. Webb stated he would like the Commissioners to take a look at the revised official zoning map and then we will send it to Town Council. We thought every July we would do this so every August the town zoning map is constantly being updated. It was updated over a year ago. Commissioner Campbell stated it would be nice if each member of the Commission had a condensed copy. Mr. Webb stated we will have it for you next month. Commissioner Baughan stated he would like to study the map before we bless it and Commissioner Potts stated we will hold off until next month.

OLD BUSINESS:

Commissioner Potts stated that the Town Council directed us to come up with wording on the location of tattoo parlors in the town. Have we done anything on that? Mr. Webb stated we will do that next month. Bryan stated that the motorcycle shop is now defunct. Commissioner Potts asked if the tattoo parlor is still there. Bryan replied there is no tattoo parlor there. They were a father and son operation and so there is no bike shop or tattoo parlor there. The craft store that was in the back portion of the building is now in that space. Bryan stated he was told by the owner of the building that this tenant was moving into the space occupied by the motorcycle shop. Commissioner McNeely stated that yesterday there was a tattoo sign hanging there with the craft shop. Maybe the bike shop didn't make it but it is possible that the craft shop and the tattoo parlor are switching places now. We need to turn that over to the Code Enforcer.

Commissioner Potts stated along that line he would like to bring up banner signs. We have one at the craft shop on the railing out front and we have one on the side of A Moment to Remember. Bryan stated that banner signs are wall mounted signs. If you read our ordinance now, there is nothing that distinguishes between a vinyl sign. Commissioner Potts stated theirs is tied to the banister. Bryan stated that is probably something we want to look at when we revise the sign ordinance. We may want to say that banner style signs are temporary signs.

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**Discussion/Review: Recommended changes to the Town's Sign Ordinance
(Power Point Presentation)**

Mr. Webb gave a power point presentation on Luray's sign ordinance which incorporated the recommended revision/changes. Next month he will bring back to you the complete sign code with all the recommended revisions/changes. The ordinance will consist of five principal sign categories – Pole signs, Projection signs, Wall signs, Awning/Canopy/Marquee signs and Monument signs.

Bryan stated that the Commission should give Ligon a little more guidance on existing signs. Whether or not a sunset clause of 5 years or 10 years wanted to be added so that current signs that are way out of line with these standards would have a sunset period by which they would have to bring them into compliance. Mr. Webb stated he thought it would be good for at least billboards. Mr. Webb stated we will have our final review of the sign ordinance next month before it is advertised. We will shoot for advertising it in September.

There being no further business to come before the meeting, a motion to adjourn was made by Commissioner Campbell and seconded by Commissioner Menefee. Motion carried. Meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Bryan T. Chrisman
Assistant Town Manager

ATTEST:
