

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
AUGUST 7, 2013**

The Luray Planning Commission met on Wednesday, August 7, 2013 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
Mark Malone
Brian Sours
Grace Nowak
Jerry Dofflemyer

Others Present:

Ligon Webb, Town Planner
Pam Flasch, Councilwoman
Leroy Lancaster, Councilman
Jim Mayes, Owner of Art Warehouse
Joe Farruggio, Page News & Courier

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

Chairman Campbell welcomed our new Commissioner, Jerry Dofflemyer and said it is good to have you aboard. I know you will be a great asset to our Commission. I would also like to welcome our visitors and council members; Mr. Mayes, Pam Flasch and Leroy Lancaster.

APPROVAL OF MINUTES:

There being no additions or corrections to the minutes of June 12, 2013, they were approved as presented.

NEW BUSINESS

Discussion and Potential Changes in the Sandwich Board Signs. We have a request from council to review and possibly make changes.

Town Planner Ligon Webb, stated that I have proposed some changes and think I have talked to most of you about it. Just so we are all clear, Council wanted us to look at the sign ordinance. We have had some issues especially with sandwich board signs and I

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have talked to each of you individually. To bring you up to date, in 2006 this was brought to our attention and I think the only persons on the Planning Commission at that time were Commissioners Campbell and Hakel. What has happened, an off premise sign was put up on an adjacent lot off premise of a business downtown. They actually mounted a sign on an adjacent building down the street. That's a clear violation of off premise signs in the sign ordinance. We had told that individual that he couldn't have off premise signs. The complaint that came from that individual was how about across the street. Mr. Mayes at that point was putting up his Art Warehouse sign and had been doing so for a while around the corner. It was off premise even though it wasn't a permanent sign; just a sandwich board sign. At this time in 2006 I think the only two people on Council were the Mayor and Vice Mayor, Mr. Lancaster. They basically told me that they thought there was a difference between sandwich board signs and permanent signs affixed to buildings. They asked if there was any way we could look into finding some sort of an exemption allowing people to put sandwich board signs on their lot, preferably on a case-by-case basis if it was off their lot. This would be OK as long as they could meet certain criteria.

In 2007 we amended the Town's sign ordinance to include sandwich board signs as long as it was according to the sign criteria that we had written. We made some simple guidelines to follow and adopted it. It worked for Mr. Mayes and we really didn't have any big issues. Recently this has come back because of the fact that some thought the signs were too big. The issue with Mr. Mayes was he wasn't removing his signs every night as the original permit stated they would be. He did have permission to put one across the street and put one down at the end by Artisan's Grill. They were bigger signs, and eventually stayed there for several years. A lot of businesses on Main Street put them out and usually take them up at night. I haven't had too many issues. I think the issue with Mr. Mayes' sign was just simply that it wasn't taken down like it was originally intended as far as the permit. I thought with the changes, when it comes to sandwich board signs, we would just simply state that in Mr. Mayes' case or anybody else's case, if there are conditions that you haven't followed, we are going to make it very clear that if they are not taken down or you don't look at the conditions in the permit, we are going to turn it over to the Code Enforcement, which is Officer Foster. He'll come and give you one written warning, the next time he is just going to summons you to General District Court. It's a fine for not removing signs. We are putting in a little more language that we will enforce the ordinance and not just let it linger.

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The signs are not on his lot because Mr. Mayes said the off premise signs were really necessary for his business. That is why Council directed me at the time to come up with something that could work for him and the town. I think we need to make sure that the Code is followed and it is taken up. Hopefully, that will be something that will work for him.

The other change I have made to this ordinance is a request to consider the electronic signs. This request has come from the Fire Department. You go to places that have electronic signs and see them flashing and changing. I don't think it really looks that good. If it changes, I think those are acceptable. I don't think we want to open it up to the whole town businesses, just the civic organizations that are non-commercial. We have allowed gas stations to have electronic signs for their price and I think that works fine too. Those are the two situations where we will allow electronic signs. Again, it was brought to my attention if we would consider it and I think it is again for institution, non-commercial entities to have an electronic sign on a monument sign or something mounted.

If you have any questions for me, I will be happy to answer them. One thing with the sandwich board signs that I think we should also add; if you look on page 8 under (f) sandwich board signs, it says "The placement of a sandwich board sign requires a temporary permit issued by the zoning administrator and subject to annual review. A sandwich board sign shall be located on the same lot of the use to which it is accessory, except that where it is impossible to locate the sign entirely on the same lot as the use, the sign may be placed on an adjacent private lot, provided that permission of the lot owner or occupant is explicitly provided to the town, or a town sidewalk within reasonable proximity to the business." The sign may be placed on an adjacent private lot and the question becomes does adjacent mean it has to be touching or can it be nearby. I think it needs to be adjacent or nearby. That's something that we can make a case-by-case decision. Again, the only one that does not have it on the lot has been Art Warehouse. I think we just add adjacent or nearby. If there is any questions about the definition of adjacent, that would at least provide some flexibility. I think when we review something like this; and he's the only one who has asked for this; we can make a group decision of what nearby is.

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Commissioner Campbell stated that nearby leaves it too open. I think we should be a little more specific on what we want and there will be no question as to whether it is 50 feet or adjoining only means touching. I don't think we should leave any ends hanging. I have talked with staff and they definitely feel this way and unless it goes the way they think it should go, it will not be passed. I think we need more study on the old sign ordinance because there are some changes that need to be made. I have gone over the sign ordinance pretty thorough and there are a few things in there that need to be changed as far as enforcement is concerned. What I would like to do is go through all the discussion and have a work session on the sign ordinance, not just sandwich boards because the sandwich board thing is not just for Mr. Mayes, it's for every person in business that might get a special use permit to put that board out.

Mr. Webb stated I don't know what else to do; you just tell me what you want to do. We did rewrite the sign ordinance a couple of years ago. I don't think we have a lot of problems with it. I told Lonnie that signs are kind of funny because half of the people don't understand why they just can't put up anything they want; that's just the way a lot of businesses think and then you have some people on the other side that want to tell you what colors they can be; I think ours is fairly clear.

Commissioner Campbell stated having it so it can be enforced. We have not had enforcement. Mr. Webb stated I think we have tried to be lenient with folks in giving them some flexibility to put a sign up they like or works for them that obviously is not too big.

Commissioner Campbell stated the worst problem we have with the sandwich boards is the intent was to have temporary signs, not primary, and it should have been a directional sign rather than a primary advertising sign. We don't have that in there. We do have temporary signs. Temporary means that it's up and down. We have the sizes. He then read the purpose and intent of all signs in Section 801.1 of the sign ordinance.

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Commissioner Hakel stated I think Clifton had a point. First of all, I think the issue is enforcement; we haven't been enforcing the permit. The permit is very clear. Secondly, there are some things we need to clarify on it in the future. I think what would be good for us to do is sit down in a work session and work out possible changes before we do anything. Commissioner Campbell stated there is no rush. Council has given him permission to put his signs out.

Mr. Webb stated Mr. Mayes has been putting his signs out. Is that something the Planning Commission and as a citizen of the town finds acceptable provided he follows the conditions of the permit. We can still look at the sign ordinance and make it so a user can understand but just looking at the issue that has been put before us, what are your feelings on that; is this something that you can live with here in town.

Commissioner Hakel stated I personally think we could live with it if you abide by the permit and that will give us time to do it right. Commissioner Campbell stated I recommend to Council that they continue as they have been for three weeks until such time as we can bring back a complete sign ordinance.

Commissioner Campbell stated do we agree that the whole sign ordinance needs to be looked at and make some changes. Commissioner Malone stated I don't think we should rush through and sign off on this without studying the rest of the verbiage that is in there and saying yes I agree. I think the general intent is spelled out and I don't see any significant things changing out of that. We can definitely do it next month and I can have something to you that will lay it all out.

Mr. Webb stated a secondary issue as far as Mr. Mayes; are you OK as long as he follows the permit and it is taken down and it meets the size requirements as is currently in the code. Mr. Webb stated so you feel that we are going to work on the sign ordinance but for now, as he has been doing for the last few weeks, continue to do that; taking them down, following what's in the permit. Commissioner Hakel asked do you want a motion to that. Mr. Webb stated a motion is fine or just sort of a general consensus here. Commissioner Hakel stated I think before we go to a motion, we might want to at least give the gentleman some time to voice his input to what we consider. Commissioner Campbell stated we have a letter from Mr. Mayes.

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Mr. Mayes asked if everyone had an opportunity to read his letter. There has been a lot of discussion at the council meetings, which you have not been a part of, so I would like to rehash a little bit. The last page of Mr. Webb's handout was the approval that I received in 2007 and at that time at the bottom you will note that it did allow my two signs and it allowed the one across from the theater to stay up full time. I was violating the one at the Artisan Grill by not taking it in. Commissioner Campbell stated that was not a sandwich sign. Mr. Mayes stated it's the sign I have had out for eleven years. That was the sign that was approved to be there permanently. The other sign is the very one I have down at Artisan's now and initially I was told to take that one in every night. Three years ago I went back to council, again got approval to have both signs stay out full time because I am a full time business; I'm not an event or function that only occurs once in a while; I am open seven days a week. I can tell you; just the last couple of weeks I have been taking those signs in every night and putting them out in the morning has really been a burden. I have two people who can't physically do that and I have to schedule to have someone else handle the signs for me. Commissioner Campbell stated according to the code as it is written, they are temporary signs that should be taken in. Mr. Mayes stated again go to Mr. Webb's letter; in the code itself it allows the Zoning Administrator the discretion. It says at his discretion they may stay out. He used that discretion here by allowing me to have that sign out full time and then again council three years ago specifically approved both signs to stay out full time. I have had council approval twice now for these signs and the issue keeps coming up. Clearly the sign ordinance needs to be looked at, not just on a real quick basis, it needs to be studied. Commissioner Campbell stated it didn't come from us. Mr. Mayes stated I know where it came from; it came from a single councilman three times.

Commissioner Malone stated when I was looking at the 2007 one, the intent then was one was to be taken in at night and one was supposed to be left out in front of the Lunch Box. Mr. Webb stated I didn't realize it about the second one. Mr. Mayes stated for some reason it's spelled out that it would stay in place. I think they are supposed to be reconsidered annually. Mr. Webb stated at this point, I believe Council wants both of them to come up at the end of the day. Mr. Mayes stated they say you need to compromise, but again I am a full time business and to me this shouldn't even come under temporary signage. An off premise sign for a full time business should fall under exempt signs and should be permitted by ordinance rather than to be made an exception. I'll give you an example of wording that could be placed in here under Section 801.6 and I would add it as (r). "Arts related businesses in the arts and corporate district are permitted to use off premise signs. If the business operates on a year round basis, signs may be permanent in nature." To me, something that simple could be placed in there as an exempt sign because we are not talking about an event here; we are talking about a full

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time business and if we are interested in having businesses in town, and interested in tourism, again we should work with the businesses to succeed. I am a very marginal business and just taking those signs in for the two months that I did was really affecting me to the point that I may not even be open next year because the money I would have made in April, May and June would have gone to next January, February and March where I have almost no sales. Commissioner Campbell asked do you depend on those signs to stay in business. Mr. Mayes said absolutely, that's half of my traffic and half of my sales. I can't succeed without tourism. The thing to understand about an arts organization, it takes me 50 visits to get one sale. That's typical; we have to have a lot of traffic. My market is not local other than for pottery and jewelry. I sell an awful lot of paintings and sculpture but that's almost strictly to a visitor.

Mr. Mayes was asked what time of night do you have to take the signs in. He replied at the close of business; right now it is at 5:00. Often on Friday and Saturday nights I will stay open later but my hours are 12:00 to 5:00 P.M. seven days a week. What I have found is usually in the evening people will not come off Main Street back to the area even if I have the signs out. Since this is a full time business, not temporary, my recommendation is to put it under exempt signs as off premise for a full time business within the arts and cultural district. If you permit it like that, then there isn't but one other in town now that I know of and there can't be many more because there just aren't the buildings for them. Thanks for your consideration.

Commissioner Good stated I agree that we need to take a look at the sign ordinance since most of us were not sitting here when this was last adopted. When we was looking a while ago at the purpose and intent of the sign ordinance, I looked at that also and I focused in on the last sentence where it says "the purpose of this article is to further the urban design and economic development objective of the town's comprehensive plan." I think we should always keep in mind that the reason we are here is to support the council and to support businesses who like to locate in town, both existing businesses and those new ones coming in, if they have a question about signs that we work with them on the size.

Commissioner Campbell stated he would like to have a work session before our next regular meeting but that will not be a good idea because of the fair. Mr. Webb stated I think at the end of the day, Mr. Mayes has made it clear that he likes those two signs where they are and back in 2006 I was basically directed by council to try to make something that's workable for his kind of unique scenario. I still think that's the case. I think that at this point if they can be taken up at night like the other businesses, that

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would probably solve a lot of problems. When we get a complaint on these, whether it is from personal council or a person of the general public, we act on it. I think if he keeps moving it like he has been doing until we can come to a resolution, hopefully that will work for him and I think it will work for people on council if he continues. Commissioner Hakel stated if we look at the sign ordinance and make any changes, we will have to have a public hearing and that's going to take a few months. As long as Mr. Mayes can keep doing what he has been doing, and I have noticed that he has been taking them up and if that's hard on you, I'm sorry about it, but I think right now it is a decent compromise that they can stay up as we continue to look at it and come to a resolution.

Commissioner Campbell stated if everybody is in accordance with that, we will close that part of our discussions on signs until the next regular meeting unless you decide we want a meeting before that.

Mr. Webb stated I will bring something to the next meeting that will be pretty substantial on the sign ordinance and get it to you at least a week before hand and you can think about it.

Initial review of a pending Special Use Permit Application for an apartment building in a B-1 zoning district

Mr. Webb stated this will come up in September. He wants to potentially make this into two apartments; one upstairs and one downstairs. I told him that apartments in B-1 are by special use permit. The sale is a condition on getting a special use permit. The big thing with apartments obviously is parking. If you look at the site, there is a lot of parking. Behind here is also another building that they would also like to consider to be another apartment. The big thing here with the apartment is that there are two water and sewer taps here; two meters; you could meter the upstairs and downstairs. The question is if he is going to do a separate meter for back here, then he would have to pay the tap. That's something we are going to talk to the applicant about between now and when we meet. We don't generally as a Planning Commission get into water and I need to make sure that they understand that if there are three buildings, they are going to have two of the structures on one meter, all of them on one meter. This one has its own meter; you meter both apartments on one. We'll talk to them and get that straightened out. I told them if they are going to get a special use permit for this apartment, they may want to make this also and go ahead and get that as well. They have three units there and really the big thing with this is parking, and as you can see, there is a lot of parking there and I think it works well. They have to go to the building official and make sure its fire rated between

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the apartments. Getting a special use permit is the easy part and the next thing is making sure the building officials are happy with the way the apartments are done in a manner that meets all the building codes. We just need to work out the metering situation. We have two meters and three apartments. Between now and the next meeting, I will get all the details. We need to work with them to make sure how they are going to bill the people for water and sewer. But that's more of an administrative issue.

Commissioner Campbell thanked Mr. Joe Farruggia, who is retiring from the Page News & Courier, for all he has done for the Town of Luray and you are welcomed back at any time.

OLD BUSINESS:

Review of Town's Draft Comprehensive Plan (tentatively scheduled for public hearing at September's Planning Commission meeting)

Mr. Webb stated here's the web site we made and you see we have all the sections broken down here. As you go through each section there are really no changes; just going through and making some grammatical changes and spelling errors. It really hasn't changed much. I know people have viewed it. Generally the comments have been very positive. We didn't put any time restrictions on any of this. If we come back in five years and we want to take something out or change something, then that's what we will do. This is where we are today in 2013. It gives the town a set of things to strive for. Another point of the Comprehensive Plan is to look and see what the snapshot of the town is as far as demographics, growth, the economy, and employment. We try to throw a lot of that information in there and for the most part it came out pretty good. I will print out some hard copies and give it to everyone. My intent is when we have a public hearing, put an ad in the paper that we are having a hearing next month and give the people the length of this and they are much more apt to look at it online. If they want a hard copy, I can print one out from the office. I am going to ask the council at the next meeting if they are OK with everything, then we'll have a public hearing for this at September's meeting.

Commissioner Campbell stated he had one thing for Old Business. He would like to have a Vice Chair. Mr. Webb asked for nominations for Vice Chair. Mr. Hakel nominated Ronald Good for Vice Chair. A vote was taken and Commissioner Good was unanimously elected as the Vice Chair.

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Commissioner Hakel made a motion to adjourn and was seconded by Commissioner Campbell. The meeting was adjourned at 8:46 P.M.

Ligon Webb
Town Planner