

**REGULAR MEETING OF THE
LURAY PLANNING COMMISSION
JANUARY 19, 2011**

The Luray Planning Commission met on Wednesday, January 19, 2011 at 7:02 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:

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

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Town Attorney, Jason Spitler
Jason & Penny Pettit
Sam McNeely

Chairman Tom Potts 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 Hakel that the minutes of December 15, 2010 be approved as presented and seconded by Commissioner Campbell. The vote was as follows: YEA: Commissioners Hakel, Campbell, Potts, Flasch, Meaney, Good and Sours. **APPROVED: 7-0**

PUBLIC HEARING: ORDINANCE AMENDMENT

Mr. Ligon Webb stated this is an ordinance amendment. “A) Amendments are proposed to the supplemental regulations in Appendix A (Zoning), Article V (Supplemental Regulations), Section 516 (Accessory Dwelling Units) of the Town Code. The proposed amendments are related to the development of Accessory Dwelling Units (ADUs), and the texts of the proposed amendments are bolded below:”

Mr. Webb said he had received an e-mail from Commissioner Flasch regarding a grammatical error in item (j). That we should say “**An** Accessory dwelling **unit is** required to have **a** water meter and line connected directly to a Town water main, and a

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separate sewer connection with a clean-out at the property line. A separate utility account, with proper fees and deposits, shall be required. Commissioner Flasch stated in the line above it talks about a single unit so perhaps you should go with the same verbiage there.

Mr. Webb stated that Town Council has seen this and he thinks they are comfortable with it.

Commissioner Potts asked if there was any discussion.

Commissioner Hakel indicated that he didn't see why a date was necessary, and thought people should be able to build a "new" ADU.

Commissioner Campbell stated Council had some people in mind with double or triple garages and large outbuildings that would be suitable and he thinks this is what they really had asked for – a structure that was existing.

Commissioner Good stated that this was a significant step in allowing people to implement ADU's, since previously this wasn't an option unless a person could subdivide.

Mr. Webb commented that the availability of ADU's appealed to the majority of people who attended the Comprehensive Plan meetings.

Commissioner Campbell stated that one day, building an ADU with a new home will be part of the initial zoning and approval process due to their increasing popularity.

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

Commissioner Campbell motioned that we accept the proposal with the corrections and seconded by Commissioner Hakel. The vote was as follows: YEA: Commissioners Hakel, Sours, Campbell, Potts, Flasch, Meaney and Good. **APPROVED: 7-0**

Commissioner Potts stated we need a motion to take SUP 10-6 (Pettit ADU) off the table. Commissioner Hakel moved to take it off the table and it was seconded by Commissioner Meaney. The vote was as follows: YEA: Commissioners Hakel, Sours, Campbell, Potts, Flasch, Meaney and Good. **APPROVED: 7-0**

Commissioner Potts stated we have the petition from Jason and Penny Pettit to establish an ADU at their unit off North Court Street. There being no discussion, Commissioner

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Potts asked for a motion. Commissioner Campbell made a motion that we recommend to Council that it be approved and seconded by Commissioner Hakel. Commissioner Potts asked all in favor of approving the special use permit as requested, signify by saying YEA. The vote was as follows: YEA: Commissioners Hakel, Sours, Campbell, Potts, Flasch, Meaney, and Good. **APPROVED: 7-0**

Review: Potential SUP application for an apartment building in a B1 zoning district

Mr. Webb stated this is the proposal heard by the Council involving Bob Harrison and Mike Rush of People Incorporated. It is for a residential complex to be built on B-1 zoned land on West Main Street, just uphill from the Lionberger Building. Of course, an SUP is required. There is a third property owner involved.

People Incorporated have been trying to accomplish a project in Luray for about two years. They have completed affordable residential apartment projects in Toms Brook and Winchester.

Basically this is a non-profit organization and their mission is to help provide affordable housing. They use tax credits to basically help finance these projects. If private investors come in, they are subsidized with tax credits. The construction is subsidized, not the apartments. In return, to accept the tax credit, they have to screen people who live there and they can only make a certain amount of income, so it's a moderate to low income housing.

Mr. Webb said that Mr. Rush told him that this is going to be brand new, very high quality housing and is going to be fully handicapped accessible and suitable for older individuals and those with disabilities. Mr. Webb also noted that there is quite of bit of existing low-to-moderate income housing that already exists in this area of Town due to older, existing apartments.

Mr. Webb indicated that a mixed use facility, such as one that combined street-front commercial space with upper and rear levels of residential would have a far better chance of success insofar as a local approval. Mr. Rush doesn't think he can provide retail space as part of the tax-credit residential project.

Mr. Webb said his primary concern was that the structure and its uses were a good fit for the neighborhood. He said Mr. Rush was going to provide him with architectural renderings and more enhanced site plans.

Commission Hakel asked what the community building portion of the proposal was. Mr. Webb stated part of the tax credits program requires the developer to provide a

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community office for the residents, meeting space or even a small laundry for the residents.

Commissioner Campbell asked what was the size of the apartments. Mr. Webb stated Mr. Rush stated there would be one, two and three bedroom units, with a total of 17 units.

Commissioner Sours stated he sees where they have done some projects in Warren and Shenandoah Counties, etc. Could we speak to local officials there to see if they are maintaining the facilities, and if there is a high crime rate associated with the projects?

Mr. Webb replied that as soon as an application is turned in, Town staff will talk to people in Woodstock and Toms Brook.

Mr. Chrisman stated Mr. Harrison's current parking lot which is shown there is dedicated to the Hotel Laurence. As you are aware, that was tied by deed to his development of that property on the corner of South Court and West Main. Currently it is designed for a gravel surface. What is being proposed by the applicant, at least what we are hearing at this point, is a paved, landscaped parking area. If Mr. Harrison is in agreement and in cooperation with this project, it may be wise to ask that his side of the parking lot receive the exact same construction standards. The other thing is water and sewer to this site is going to be a little bit of a concern and we need to do a little more research, especially if they are going to be putting a commercial laundry there. We have to make sure we have a sewer line capacity in the vicinity that is adequate. Lastly, North Alley is very limited in terms of width and in terms of formal storm drainage - zero. When we talked to Mr. Harrison, the outfall from his graveled lot is going to be very insignificant because he is going to get some onsite absorption through the gravel lot. If they both provide an impervious surface for their lots, does North Alley need to be widened a little slightly and repaved? There will have to be a formal storm water receiving channel or pipe network installed. These may be some of the off-site improvements that this Commission and Town Council would want to request. He would encourage you to go out and drive North Alley. It's challenging at best. It's a one-way street right now and that alley is only a dedicated 20' alley throughout its entire length. If these applicants are going to look for two-way traffic, especially the 17 apartments and then the traffic from Mr. Harrison's parking lot, a donation of some land there might be required in order to make that section of North Alley a little wider to accommodate the traffic. The storm water, the parking and the access are something that the Commission should look carefully at.

Commissioner Potts stated the building will at least fill in vacant lots between the two buildings on Main Street.

At this point, no access is noted onto West Main Street.

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Mr. Chrisman stated that Mr. Harrison's current approval is based on engineering with the storm water outfall being based on a pervious surface parking lot. If his lot is paved, he is going to have to redo his storm water runoff calculations for impervious surface for those 26 spaces. It may change his outfall, and ultimately the design of his storm water capability on his portion.

Mr. Webb stated they can approve this and get a special use permit and then when they are going through the development review, we can say you can't handle the storm water properly, so we are not going to issue you a zoning permit.

Mr. Chrisman stated that the previously discussed topics should all be considered for condition-status. If such items are listed as conditions for the SUP, then it will enable Town staff to ensure they are properly addressed during the construction plan development and review/approval stage.

Commissioner Potts stated what first came to his mind when he was reading all of this was it is potentially prime commercial business property; a space on Main Street for some future building of a business of some sort. If we do this, then we take it off the market basically for any type of commercial development. Eventually he hates to make the observation, or to ask the question, but he also feels compelled to do so, and that is how much low income housing do we need on Main Street in Luray? It seems that from the Mimslyn to the East Main Shopping Center that stretch has a significant amount of low income housing already. He doesn't know at what point it becomes an issue of being a detriment to the town but he is interested in knowing what the Town Council thinks of setting this aside and taking it off the market as a prime B-1 tract.

The Commission agreed that some of the houses on West Main Street, especially those between Lee Street and Court Street are a significant eyesore and detriment to the Town's appearance.

Commissioner Potts asked if anyone had any concerns about another 17 unit low income building on Main Street.

Commissioner Sours asked what it does to the surrounding property values. Mr. Webb stated he would say that it would meet the definition of low income housing.

Commissioner Campbell asked if any of the apartments in the Laurence Hotel building have been rented. Mr. Webb stated he has never gotten to the point where he has finished the work. Commissioner Campbell stated that's low income housing. Mr. Webb stated it would be low to moderate income. Commissioner Meaney stated whatever our concerns are, we have ample time to decide.

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Commissioner Flasch stated she would guess that the people would have done some sort of needs assessment before they came in here to see what potential renters they would have. Mr. Webb stated that is a question to ask.

Commissioner Campbell stated there seems to be no shortage of low income housing in Luray at this point. He would much prefer seeing the run-down places brought up to some sort of standards, rather than seeing new development in town, and especially within the B-1 districts.

Review: 2010 Planning & Zoning Report

Mr. Webb reviewed the report briefly for the Commission.

Commissioner Hakel asked about whether applications had come in for the sign changes at the Family Convenience Store, the Exxon gas station, and the East Coast gas station. Mr. Webb indicated that he would check into these and let the Commission know.

Commissioner Sours stated for what it is worth on Page 3, the last meeting date – December 15, 2008 should be 2010. He was there and he doesn't remember going back in time. Mr. Webb stated he will make that change.

Continued Review & Discussion: Definitions of Electronic Office, Home Occupations and Professional Office

Mr. Webb reviewed the current and proposed definitions of the three items, as well as where they should be allowed by-right, and where they should be by SUP only.

Examples of each type were reviewed and discussed.

One over-riding concern was to clarify the definitions so that they defined an activity or a location, but not both in the sample definition.

The primary concern of the staff and Commission was to what degree such practices would change the character of the residential neighborhoods in which they were proposed. A frequent question was whether such change would be conducive to residential areas. Finally, all wondered about the feelings of Council on such issues that could have far-reaching impacts.

A discussion ensued about the number and type of visits to homes such occupations would cause, and would a certain number of trips be permitted. Another discussion

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centered on whether to allow advertising, and if so, how much and how could it be displayed. Also, the Commission evaluated what services were to be considered professional, and what would be classified as a home occupation.

Mr. Chrisman suggested that the Commission consider that clear definitions of both uses and locations will make it very easy for the citizens and the staff to understand and implement, respectively. They will also be more objective in nature, which are much easier to “defend” by the Commission and Council.

Commissioner Campbell stated he thinks you can separate professional services and home occupations.

There was some concern by the Commission that removal of some items from the “by-right” usage listing and transferred to SUP could be difficult for some people to accept.

Other topics discussed were on and off-street parking, the use of outside employees, and the use of family members as employees of an electronic office, a home occupation and a professional service and/or professional office.

Mr. Webb and the Commission also discussed that the definitions or the code should clearly state which occupations or services require a Town business license. The consensus of the group was that any business enterprise, regardless of how defined, should be required to apply for a Business License with the Town office.

Commissioner Sours suggested that the Commission clearly separate the occupations/services and their definitions from the locations and their definitions. In this way, the Code would be consistent and clear.

Mr. Chrisman stated that a professional service is one that requires licensing by the state, local and/or federal governments. We need to be careful about what terms we use in this particular format so that we do not conflict with the terms currently being used by the Treasurer’s Office to determine which services are professional and which occupations are not considered professional.

The Commission and staff entered into a discussion about the need for specific definitions and clarification of the Code sections. The consensus was that consistent and clear working results in better understanding and application.

Mr. Chrisman stated that it is very important how this group recommends defining the various types of occupations. Most occupations and professional services will result in foot and vehicle traffic, even though they may not start that way. Whether they start that

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way, they will ultimately finish that way if they survive because it will grow from a small one person operation into something else.

This may be the most complex task that the Commission has faced yet, but this is something that all communities have struggled with because it is a very complicated issue in how you word the definitions and where you allow them in the town.

The groups discussed the variation of the definitions proposed by Mr. Webb.

Mr. Chrisman asked how do these definitions and uses fit in with the PND zoning districts. Mr. Webb stated PND allows for retail and commercial stores in specific areas. PND typically allows commercial dwellings in specified areas within that PND developmental plan, but you are dealing with town homes or duplexes or single family dwellings, on smaller size lots than normally would be allowed in the rest of the zoning districts. He thought that an electronic office or occupation from home with no visits, no traffic and no signs would be fine anywhere in a PND. However, other home occupations and services would probably not be a good fit in a PND development.

Mr. Webb stated that since the PND is kind of a new thing, we only have one in town; we can probably not worry about that right now.

Commissioner Hakel stated he disagrees with that approach. He thinks the Commission should make the necessary changes now to any affected zoning district while they are working on it.

The consensus of the group was to allow an electronic office in a PND zoned project, but not allow a home office. A professional office could be located in a PND if it was located in a designated area of commercial development.

The group discussed parking requirements and how they related to the various types of offices and occupations. The requirements of Sections 514 and 506 were reviewed, and a discussion ensued as to which office and/or services would need to comply with these sections.

Commissioner Campbell stated he agreed with making these types of reviews as SUP's simply because it gives the Commission and Council an opportunity to evaluate each situation, and it gives the neighbors an opportunity to comment. Commissioner Sours agreed.

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The group concurred about home offices in R3 and R4, but not in R1, R2, or R5. Some members thought some situations may be OK in R2. Such services have usually been excluded from R5 due to the density of the residences.

Mr. Chrisman stated he thinks the big issue with all of this is to let the Council know that the Commission is looking at various types of occupations in residential sectors, and what impact that has on the surrounding neighborhood. The basic issue is to what degree the use of these types in residential neighborhoods will change the character of those neighborhoods, and how much change of any type is suitable.

The group agreed that the Code should be clear and allow electronic, home and professional offices in the B1 districts.

Mr. Webb agreed to provide a revised definition of professional office, and potentially a new definition for professional services.

Mr. Webb stated that he will make the proposed changes and give them to the Town Council at their February Work Session. The Commission would then review them at their March meeting.

There being no further business to come before the meeting, a motion to adjourn was made by Commissioner Hakel and seconded by Commissioner Good. Motion carried and meeting adjourned at 8:34 p.m.

Respectfully submitted,

Bryan T. Chrisman
Assistant Town Manager

ATTEST:
