

**REGULAR MEETING OF  
LURAY PLANNING COMMISSION  
JUNE 10, 2015**

The Luray Planning Commission met on Wednesday, June 10, 2015 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  
Mark Malone  
Brian Sours  
Grace Nowak  
William Fisher  
Tracie Dickson  
John Shaffer

**Others Present:**

Charlie Hoke, Town Manager  
Ligon Webb, Town Planner  
Jason Spitler, Town Attorney  
Trey Alger, Intern  
Pat Racey, Racey Engineering  
Jim Sims, General Manager, Mimslyn Inn

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:**

One correction was made to the minutes of May 13, 2015. On page 2, first sentence should read "We have five residential zoning districts in town;" A motion was made by Commissioner Nowak that the minutes of the May 13, 2015 Regular Meeting be approved as corrected and motion was seconded by Commissioner Shaffer, with the vote as follows: YEA: Commissioners Good, Malone, Sours, Nowak, Fisher, Dickson and Shaffer. **Approved 7-0**

**REZONING REQUEST (PUBLIC HEARING)**

Mr. Webb stated we have advertised this in the paper for the last two weeks and certified letters have been sent to all adjacent land owners. The Mimslyn Inn is seeking to rezone a R-2 (Medium Density Residential) zoned parcel to B1-C (General Business with Conditions). The adjacent parcel was recently acquired as noted in the ad and is roughly 2.3 acres and contains a single-family home and four (4) short-term rental cottages. The applicant intends to continue using the four (4) short-term rental cottages and would like to rezone to a conditional rezoning.

**MINUTES**  
**JUNE 10, 2015**  
**PAGE 2**

The Commission visited the site last week to get a better idea of how the land lays. Back in June 2007, Bob and Tammy Falter had applied for a special use permit to utilize three of the cabins for short-term, bed and breakfast type rentals. That was approved and a special use permit was issued to them and the permit was recorded in the local land records. As part of the permit that was recorded it was noted that it would run with the land unless otherwise noted and it was not noted. The Mimslyn property abuts it and when the Falters were selling it, the Mimslyn was seeking to acquire more property to expand their business.

Mr. Webb stated he has been working on a proffer statement with Mr. Sims. They are not looking to zone it to B-1 but to zone it to B-1 with conditions. That's a very important concept because these conditions, once they are signed and recorded, become a part of the zoning of the property. In this case, they would be fully transferrable. If the Mimslyn was sold, then whoever purchases it would inherit these conditions. There are roughly four pages of conditions and it's part of the zoning, so what that means it is fully enforceable and any deviation from the conditions would mean that their ability to use the site could be jeopardized. Mr. Webb went through the proffer statement and explained it. As of right now the Mimslyn could operate this property, rent three cabins, and the house could be used as a full-term rental. It would have to be rented to people who are related or to a group; it couldn't be individual room rentals. What they are asking in this statement is that they would like to use the fourth cabin and they would like to extend the stay. The Mimslyn is seeking to utilize the existing single-family home as a short-term rental and an event location; the four existing cabins would be utilized as short-term and potentially long-term rentals if rezoned. An additional two cabins will be constructed on the subject parcel and four more cabins will be constructed on the adjacent existing Mimslyn parcel for a total number of 10 cabins.

Phase I - Once they put another cabin on this property or use this building as some sort of reception or event hall or anything other than just being a rental, they would be required to construct a hard surfaced road, 18 feet in width beginning at the existing Mimslyn Inn parking lot, extending to the east and terminating at the proposed parking area adjacent to the existing single-family home. The proposed parking area will accommodate 22 spots. No new rental cabins will be constructed during this phase; only the existing four rental cabins and single-family home will be operational. Access to the subject parcel from South Court Street will be limited exclusively to Mimslyn Inn staff, Luray Fire Department and the Town of Luray Police Department.

Phase 2 – During this phase the hard surfaced access road will be extended roughly 200 feet to the west and accommodate an additional six short-term rental cabins. Of the six cabins, two cabins will be located on the subject parcel and four cabins will be located on the existing Mimslyn Inn parcel. Each cabin will be provided an adjacent/on-site parking space.

**MINUTES**  
**JUNE 10, 2015**  
**PAGE 3**

The rezoning will give the Mimslyn assurance of what they can and can't do and how they will move forward and will be fully enforceable by the town zoning. It will significantly increase the visitors to the Mimslyn Inn and the town. This will increase the occupancy tax; it will generate and increase employment. This is also something that could be used in the Enterprise Zone to help them gain some benefits and give them some cash back to put back into this project and maybe even hire more people. Looking at our Comprehensive Plan, it's clear that tourism is an anchor industry and we want to expand, approve and contain tourism related industries. The Mimslyn Inn is a landmark in Luray and expanding that brand is something that would be beneficial. Their proffers are very specific and we are given a lot of assurance. The requested change that they have asked for is really just adding that one more cabin. From a traffic standpoint, the Falters lived there and rented the cabins out and they came and went and guests came and went and there is not going to be any different impact as far as the neighbors are concerned.

Pat Racey of Racey Engineering gave a presentation. Most of his presentation was geared toward the work that's already been done by the Mimslyn to improve the site and where we would be when we start constructing roads and parking areas. Most of this activity is immediately in behind the Sheriff's Office compound with appropriate room to allow for landscaping, buffers and storm water collection. The utilities and storm drainage and access would be through the current Mimslyn property.

Jim Sims, General Manager of the Mimslyn gave a presentation on the history and the past, present and future. The Mimslyn is a member of the Historic Hotels of America group and they are members of Historic Hotels of the World. Those two organizations help them to bring travelers to Luray that normally wouldn't stop here. They expect their sales for the cottages and the house, once they are up and running, to be somewhere between \$520,000 in gross sales. Last year they paid about \$78,000 in occupancy and local taxes. In December they expect it to increase by one-third. The average guest that spends a night at the Mimslyn will spend between \$150 to \$200 in town. They are hoping this product will bring the town more money.

Commissioner Good then opened the public hearing. This has been advertised for several weeks in the *Page News & Courier* and also the adjoining property owners were notified and the public hearing was set to receive input from the community.

Rose Ann Smythe, 127 S. Court Street – Ms. Smythe stated she and Mr. Sims walked around the property and the questions that she had were what any immediate adjacent land owner would have. She had questions about lighting, parking and finding out what the sewage was to be.

**MINUTES**  
**JUNE 10, 2015**  
**PAGE 4**

There seems to be an obsession with parking, the size of the parking spaces and the number of spaces that are required. It seems often an expansion project ends up being driven by the parking and she would like for the Commission to consider other possible options. To acquire the maximum number of parking spaces can often end up with a property and have a large parking lot. She encouraged them to do whatever possible to allow for smaller parking lot sizes that would make it more environmentally responsible. The other concern was lighting. She would like for the Commission to consider putting hooded caps on the top of the lights. Her other concern was what would happen after the sale of the property. She would like them to consider doing a boundary adjustment of the 2.3 acres they are acquiring. A boundary line adjustment that would put a minimum amount of property with the house and the lot it sits on, on Court Street in the middle of one of the oldest residential streets in town and keep the zoning at R-2. Do a boundary adjustment in the back, move it back to go as far as the back of Cornelia's house or whatever would help them to reduce the amount of space that is R-2 and have the rest in business. It wouldn't feel like spot zoning. She would like you to consider those things.

There being no further comments from the public, the public hearing was closed.

Commissioner Good stated the Planning Commission can make recommendations to the Town Council for approval or non-approval. Once that's done, the application will go to the Town Council and will be re-advertised again for public hearing before the Town Council and the process will be complete.

A motion was made by Commissioner Malone that the Planning Commission recommend approval of the Mimslyn Inn conditional business rezoning based on changes to the proffers. Motion was seconded by Commissioner Nowak and the vote was as follows: YEA: Commissioners Good, Malone, Sours, Nowak, Fisher, Dickson and Shaffer. **APPROVED 7-0**

**CONTINUED REVIEW: POTENTIALLY ADDING BED AND BREAKFAST OPERATIONS AS A SPECIAL USE IN THE R1 ZONING DISTRICT**

Trey Alger, Planning Intern, gave a summary of the spreadsheet that Ligon sent out. He explained how towns similar in size to Luray handle bed and breakfasts. Two of the towns, Berryville and Gordonsville, do not have a definition of a bed and breakfast. Most of the definitions state that the guests must be temporarily staying there for not an extended period of time and that the homes be single-family dwellings as well. He looked into the districts in each town that permit the use of bed and breakfasts. Most of the towns were not very strict about it. Culpeper, Farmville, Mount Jackson and Rocky Mount have very few districts that permit the use of bed and breakfasts. There are other towns such as Berryville, Gordonsville, New Market and Orange who do not have any restrictions. You can put a bed and breakfast anywhere as long as it is first approved by the Town Council. All of the information found in the spreadsheet is directly from those towns' code.

**MINUTES**  
**JUNE 10, 2015**  
**PAGE 5**

He found that a lot of towns' codes have special requirements they put on people who want to begin a bed and breakfast in any of these zones. This includes the size of the facility, parking for the facility, place of residence and reason for establishing a bed and breakfast, and there are even requirements on the sign or advertisement of the bed and breakfast.

Mr. Webb stated some places are very particular where bed and breakfasts are located. We allow them in every district except R-5 and R-1. We don't have a lot of R-5 so that's really not relevant. In R-2, R3 and R-4 we allow them by special use permit. It goes back to the question, would you recommend adding it to R-1 as a special use.

Letters were sent to the two bed and breakfasts where there were questions as far as where they were located and they have discontinued their service. They are waiting to see what the Town Council does and realize it could be a lengthy process to amend the code and come back and apply if that's the way they choose to go.

Mr. Webb stated he will proceed with this at the Work Session and we'll talk about it again in July and if all goes well, we could be having a public hearing in August.

There being no further business, the meeting adjourned at 9:05 P.M.

Ligon Webb  
Town Planner

ATTEST:

---