

**REGULAR MEETING OF  
LURAY PLANNING COMMISSION  
JUNE 15, 2016**

The Luray Planning Commission met on Wednesday, June 16, 2016 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

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:**

A motion to approve the minutes of May 11, 2016 was made by Commissioner Nowak and seconded by Commissioner Dickson. The vote was as follows: YEA: Commissioners Good, Malone, Sours, Nowak, Fisher, Dickson and Shaffer. **APPROVED: 7-0**

**PUBLIC HEARING:**

**Amendments to the Town's Sign Ordinance:**

Commissioner Good stated the purpose of this hearing is to receive public comments and consider proposed amendments to the Town's sign ordinance. This is based on the Town Attorney, Mr. Botkins, who looked at our current ordinance and said that there are things that didn't comply with a recent court decision and also things that were duplicated and needed to be revised and rewritten.

Mr. Webb stated Mr. Botkins has done a good job in explaining the amendments. There is one section that I tried to avoid and couldn't, so I copied it for the Planning Commission; Article IV – District Regulations for each district R1 and R2 and there is some mention of sign standards in

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those. Mr. Botkins went through Article IV and took out all mention of trying to enumerate standards and basically just said refer to Article VIII which is the sign ordinance. I would recommend that part of this adoption is that we also make the changes to Article IV. What Mr. Botkins has done under R1 has taken out the mention to sign bulletin boards for churches and if you have questions about signs in R1 look at the sign ordinance. It's a lot of pages but I would like for you to consider as part of this a motion that the deletions that he has made in Article IV be accepted as proposed. He has taken out any kind of sign standard and just refers it back to Article VIII.

In Article VIII Mr. Botkins has done a detailed explanation of why things are removed to make it consistent with the court ruling. One of the questions that was brought up was the sandwich board signs. He didn't change anything with sandwich board signs, basically because with sandwich board signs you can't have any off-site signs. It is the opinion of the Zoning Administrator that the two off-premise sandwich board signs are grandfathered. Mr. Botkins has gone through and struck out the content related provisions that were in our current sign ordinance and made it much more readable and easy to understand ordinance.

A question was asked regarding 801.3 *Sign Permit required*. The meaning of the language ("and a certificate of appropriateness, if applicable"). Mr. Webb stated we have never given people a certificate of appropriateness. He thinks it was probably something that was in the Code when it was adopted and it's kind of erroneous language and we can strike it. It would read: "801.3 *Sign permit required*. Except as provided herein, no sign shall be erected, installed, used, altered, relocated, replaced or reconstructed until a sign permit or zoning permit has been issued."

A question was asked regarding sandwich board signs and if they should be included in the Portable Signs. It was agreed that the wording be changed to: "801.4 (b) Portable Signs (except for the exception of sandwich board signs) including signs displayed on a stationary vehicle."

Electronic Signs – Under Changeable Copy Sign at the bottom of page 1 (marked copy) Mr. Botkins has noted "I have replaced general references to Council's authority with a general section providing that Council can grant exceptions to the ordinance with a special use permit". Mr. Webb stated we could keep it in Changeable Copy or Electronic Sign; and just make it a special use in B-1. Take the language that was struck and just add it. B-1 is by-right use and look at the special uses; single family dwelling, preschool, mini storage units, homes for adults, bed and breakfast, two family dwellings, townhouses and add a (p) Changeable copy signs with electronic elements.

Commissioner Good then opened the public hearing on the sign ordinance. This was properly advertised in the *Page News & Courier* and proper notices were given.

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Rob Childress – I have a couple of comments on Article VIII, Section 802.2 and 802.3 in the revised copy. In 802.2 entitled Sign Maintenance and Removal, item (a) references any sign not kept in good repair shall be put in a safe and good state of repair within 30 days of a written notice to the owner and permit holder. There doesn't seem to be any remedy if the sign holder doesn't do it. Nowhere in this document is there any remedies for the Town; no enforcement that I read in this document. Mr. Webb stated we have people who violate the sign ordinance and ask them by sending out an enforcement officer and they say sorry we are not going to do it, and they are charged under one of our code sections that can charge them with whatever misdemeanor.

Also in 802.2 there is really no reference here when a business closes. Good example right now is Artisan's; how long has it been closed. The sign is still up there that says Artisan's Grill; you still read it; tourists walking down Main Street see that and think there is a place to eat but the sign is still there. To me, there should be something in here either in 802.2 where it says sign maintenance or removal. There is nothing that states that a business has to remove their sign after they close. In section (c) that says any unused sign or frame has to be covered. It doesn't say if the business closes they have to remove their sign and put covers on it. Mr. Hoke said he would take care of that.

Mr. Webb stated I think we could add something under 802.2; you could add a (d) in saying basically when a business is no longer operating they need to remove their sign but I think you want to put something in there at the discretion of the Zoning Administrator. I don't think we want Artisan's to go through right now and take the signs off the building. Somebody might take over the business and want to keep those up there at a great expense, so I think we should at least look at the option that at least if someone does leave a business and leave the signs up; if we really as a Town want to tell someone you are out of business, sorry you didn't make it, now can you take the signs off. I think it's OK to add that but I think we want to make it at the discretion of the Zoning Administrator. I would recommend we add a (d) in that section and adding some language that says if a business terminates and no longer operating, it must remove all signage within 30 days at the discretion of the Town's Zoning Administrator.

Mr. Childress stated 802.3 Nonconforming Signs – I have a bit of concern where it referenced discontinued for a period of two years. Do you want to leave a nonconforming sign around for two years before you decide that it should be addressed? Mr. Webb stated nonconforming signs are billboards that are in town. They are nonconforming; they are larger and pretty much allowed and are off premise; those are nonconforming. That's what I think this section speaks to. There could be some signs like the Hardee's sign; we don't allow signs to be that tall any more. For instance, that would be a nonconforming sign. Mr. Webb stated pretty much what (a) tells me is that we have some nonconforming signs and in (b) we go into the damage or destruction and, of course, if it's destroyed more than 50%, it may not be reconstructed. If that Hardee's sign falls over; it can't be reconstructed; it has to come back as a conforming sign, the same thing with

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billboards. If they are destroyed, they can't come back. Mr. Childress stated I made a comment about (b). I thought it was kind of unusual to key it to the area of the sign and after looking at a few others, it's less restricted than others. If a sign blows down and the area of the sign is not damaged, you can put it back up. Mr. Webb stated take (c) out totally. Mr. Webb stated what I would say for 802.2 add a (d) "Upon the termination of business and/or commercial operation, it may request removal of a sign within 30 days as determined by the Zoning Administrator." If we get a complaint, we can send them a letter. I will get Mr. Botkins to look at it. The public hearing was then closed.

Commissioner Nowak made a motion that we recommend to the Council that the amendments to the Town's sign ordinance be accepted in Sections VIII and IV. The motion was seconded by Commissioner Sours and the vote was as follows: YEA: Commissioners Good, Malone, Sours, Nowak, Fisher, Dickson, and Shaffer. **APPROVED: 7-0**

**Preliminary Plat Submittal: Mr. Eric Fox's Proposal to Subdivide Page County Tax Map 42A5 - A - 39**

Mr. Webb stated the sketch demonstrates that the footprint of the proposed houses would meet all setback requirements. He does have road frontage and meets the minimum lot size; he has 10,000 sq. ft. on each side. The only question we had, and that's why we asked Mr. Botkins to give us another legal opinion on setback line is do you come back from the road and do your setback line or do you establish your setback. In his opinion our Code is vague. Do you just come back 60 feet and that's your setback line or can you go back a little further or come around the corner here and make that your setback line. In his opinion, our Code is written that this would be allowable to interpret in this fashion. Looking at the subdivision, the only question that we have is the entrance. Regarding the proposed entrance onto Collins Avenue, the Town has historically requested that entrances/driveways meet VDOT approved standards. Mr. Fox recently discussed this issue with a VDOT permitting and subdivision specialist. The subject subdivision appears to be able to meet these VDOT entrance regulations for private entrances. The Town is under no obligation to utilize/require VDOT design standards, but such standards have typically been encouraged and/or required in the past. You have an entrance, setbacks and the area and the only thing we can request next is that he bring in a plat that points out the metes and bounds. Mr. Webb stated if you approve it, I think it meets all the criteria that we have been asked and I think the next step is to come back with a final plat. We want to see the metes and bounds and points. Mr. Fox stated he would really like to know what the entrance requirements are and said he got this from VDOT so he would have something to give you all but before it goes to Council, I need to know what those entrance requirements are to be sure that I can meet those. Mr. Webb stated I think it's safe to say there wouldn't be any more than you have there. That's something we can talk about between now and the final plat which would be submitted if this is approved next month. We can hammer out a definitive design as far as the width, shoulders, etc. and come back with a good design.

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Mr. Webb stated if anyone wants to make a motion, like I said, I think we just want to see Mr. Fox come back with a more definitive survey plat and staff will get a definitive design.

A motion was made by Commissioner Sours that Mr. Fox comes back with a final survey plat. Motion was seconded by Commissioner Nowak. The vote was as follows: YEA: Commissioners Good, Malone, Sours, Nowak, Fisher, Dickson and Shaffer. **APPROVED: 7-0**

**Tabled Item: Plan Quest, LLC's (Mr. Erik Fox) Request to Construct a Triplex on a R4 Zoned Lot**

Mr. Webb stated he talked to Ms. Bienen who had some concerns and Bryan, Charlie, the Mayor and I went down and looked at the site. The basic feeling is that this is something as far as the pooling that she showed a picture of at the last meeting, that just happens in extreme rain events. The week that she came in it had rained for weeks at a time and we were down there after it had rained hard the day before and there was no pooling but what does happen is at the outfall at Second and First, there is actually a two-foot drop between Second and First. Naturally the water should drain down in that area toward the pipe at First but what has happened is in between there is a garden and one of the neighbors has a lot of debris and built up the yard and moved some earth so when you have a hard rain it would pool in his back yard. We are going to work to see if we can get a ditch. I believe it is an alleyway back there and if we have an easement, the Town can get drainage through there and see if we can work with them to get a ditch constructed. I think it is a fairly easy solution; the hard part is that the neighbor has pretty much a junk yard and he has built up and moved a lot of things and water just can't get through there. We asked Eric, so he wouldn't have any problem, to put in some sort of French drain and the little water that would come off his roof through the downspouts if he can try to hold that on site as opposed to just maybe carrying it off and running down the hill there.

A motion was made by Commissioner Nowak that the special use permit be approved and seconded by Commissioner Fisher. The vote was as follows: YEA: Commissioners Good, Malone, Sours, Nowak, Fisher, Dickson and Shaffer. **APPROVED: 7-0**

There being no further business, the meeting was adjourned at 8:50 p.m.

Ligon Webb  
Town Planner

ATTEST: \_\_\_\_\_