

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
AUGUST 13, 2014**

The Luray Planning Commission met on Wednesday, August 13, 2014 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
Jerry Dofflemyer
Tracie Dickson

Absent: John Shaffer

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner

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

Vice Chairman Good welcomed Tracie Dickson and we understand that John Shaffer will join us next month.

Vice Chairman Good stated that this is our first meeting without Mr. Campbell and we are certainly going to miss his presence here after all the years of dedication that he gave. Mr. Webb stated his last day of service was the day he was buried; June 30. He made it to the end. Commissioner Nowak stated the presentation that was made at the Council meeting was very nice and the family was here. Mr. Webb stated his last meeting was in May. We are going to miss him. I think he missed only one or two meetings and that was when he was sick.

APPROVAL OF MINUTES:

There being no additions or corrections to the minutes of June 11, 2014, Commissioner Dofflemyer moved that the minutes be approved as presented. Motion seconded by Commissioner Malone with the vote as follows: YEA: Commissioners Good, Malone, Sours, Nowak and Dofflemyer. **Approved 5-0**

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ELECTION OF CHAIR AND VICE CHAIRMAN TO JUNE 30, 2015

Commissioner Malone made a motion to nominate Ronald Good for Chairman and motion seconded by Councilman Sours. A motion was made by Commissioner Dofflemyer to close the nomination. The vote was as follows: YEA: Commissioners Malone, Sours, Nowak, Dofflemyer and Dickson. **APPROVED: 5-0**

A motion was made by Commissioner Nowak to nominate Brian Sours as Vice Chairman. Commissioner Sours stated I had talked to Ligon about nominating Mark Malone. Commissioner Sours made a motion to nominate Mark Malone as Vice Chairman. Motion was seconded by Commissioner Nowak and the vote was as follows: YEA: Commissioners Good, Sours, Nowak, Dofflemyer and Dickson. **APPROVED: 5-0**

NEW BUSINESS:

**Pending Rezoning Request (September 2014): Steven & Angela Griffith
Request to rezone R1 zoned property to B1-C (General Business with Conditions), located
at intersection of Massanutten & Reservoir Avenue**

Mr. Webb stated that was a garage and Mr. Griffith's mother lives in the house that is right there. This was one large parcel. This is 16,000 square feet; almost 4/10 an acre. He built it and Leroy told me the other night at the meeting that he believed he got a special use permit for this. I don't know when but I'll ask Steve and Angela if they did get a special use permit. I don't know why they would because it's technically a garage and all you need to do for a garage is be 5 feet off the property lines and get a zoning and building permit but Leroy seems to think that he remembers that something happened and he went before the Town Council for this. A few years ago he actually did go before the Board of Zoning Appeals because he wanted to convert this into a house. He didn't meet one of the setbacks; I forget which one it was; I think it was this side setback here but he did get a variance and could have converted this into a home. I don't think they were living here. He and his wife moved out of town but they still owned this parcel and they came into my office and said we'd like to do something with it and of course, they can always use it as a home even though they don't live there. They did get a variance and I want to go meet them down there this week or next week and take some pictures of the interior. From what I understand, it's basically just a garage and is open in the front. You open this door up and it's pretty much an open garage. When I talked to him, he said we would like to maybe use it for a business or something. I said I really don't see this being anything other than maybe for office use. As far as any kind of business that relies on any kind of foot traffic coming in or things like

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that, I don't think it would be appropriate in this neighborhood. I said for an office, if you wanted to rezone it to B-1 and limit your uses voluntarily and say we'll just use this for office space, I think that would be reasonable. I don't think an office is really any more of an impact than a house would be. As a matter of fact, probably less in terms of traffic and everything. They thought that was a good idea so they are writing up a little proffer and give me a letter saying that they will limit it to that. What they do is rezone it with the condition that it would just be limited to an office. I think they can get potentially two office spaces in there. I think you can get a couple 900 square feet offices in there and that's kind of what they want to do. I will write this all up and put it on paper for next month.

Commissioner Nowak asked where will they put parking. Mr. Webb stated we would have to figure that out. I would just assume that this would maybe be graveled out and that could be a condition of it. I think they want to do something like that. I think it would really work well as an office and the closest adjacent neighbor is his mom and I don't think that she's going to have an issue with it. It doesn't mean that somebody else might, but again, the thing about office space in Luray when people come in looking for office space; there's not a lot of demand but there is also not a lot of product out there. There's not a lot of great suitable office space in town. Most of it is converted houses on Main Street. The problem that I always see is when people are looking for space, it is limited. I think it would be a good addition and one of the conditions we can also do is say something like any kind of signage would have to be on the building; they can't put a sign up here or something like that. That could even be a potential condition if that was a concern. If someone wanted to put a sign up, just limit it to a wall sign or something like that. Commissioner Dofflemyer asked if the garage has water and sewer. Mr. Webb said yes, it does. I think when he built it, all of this was one parcel. Now it's split down the middle. Leroy seemed to think it was a special use permit or something and I need to look into it and ask him if he remembers; and they should know but I was talking to Bryan about it and I was saying if it's a garage which it was originally built for, he would not have needed a special use permit to build it. I don't know if Leroy is remembering it wrong or what. Commissioner Malone stated it seems to me that the garage ought to be associated with the building; that he wouldn't just put a garage on a piece of ground. Mr. Webb stated we have been through that a few times in town. Mr. Webb stated in that case, when it was originally constructed it was.

Commissioner Malone stated when he subdivided that lot, maybe that's why he needed a special permit. Mr. Chrisman stated initially the garage was the accessory building to his mother's house but then when he subdivided the accessory building couldn't stand on its own without a primary structure, so maybe that's where the special use permit came in.

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Mr. Webb stated at this point the history to me is good to know but this still stands on its own. He is asking to rezone it and would we consider it on its face and unless there is something that he agreed as some sort of a restriction on the deed, which I don't think he did. It might be interesting to know what he might have struck or might have said years ago but my feeling is he could still move for it and request this. He's not violating anything and if he requests to rezone it to B-1, it's his right. I guess we will find out when we send the letters out if the people in the neighborhood have an issue with it, but I wouldn't think it would be a big issue.

Commissioner Nowak stated I think he did use it for a while for something but I can't remember. Mr. Webb stated I think what he didn't want to have with it when he subdivided it, and again I don't know what the agreement was, but he did not want it to become a commercial garage. Mr. Webb stated he is a carpenter and I know that he at one point was coming in and out of that building with his truck and supplies.

Commissioner Good stated it used to be a lot of cars and trucks around that building. It looks a whole lot better now than what it did sometime in the past. I guess the question is it's in R-1 but it does adjoin business. Mr. Webb stated I think limiting the use is a key part of this. If he just wants to rezone it to B-1 and say I think I may put an office here, but who knows I might put a fast food restaurant and knock the whole thing down; I think we want to tie him to a specific one or two uses and they are willing to do that. Commissioner Malone stated it will be interesting to see if there were any agreements at the time when he was allowed to subdivide it that said hey, I won't do that. Mr. Webb stated he could rezone it to B-1 with the condition that he wants to limit it to an office and he could come back a year later and try to rezone it again and I want to have all the B-1 uses available. Even if it was a past agreement, I still don't think it precludes him coming forward and asking to rezone it again. Is that a part of it; yes, when you did this years ago you said that you wouldn't do this so that might be part of the thinking that maybe we deny it or whatever but still on its face, I think just an office would be an OK use there.

Commissioner Good stated if it would go forward, I think you are going to have to look carefully at the entrance and parking. That's a weird little intersection there. Mr. Webb stated this is the time to do it and you might want to get him to limit; that he doesn't try to come back here; that he leaves it on this side; I don't know what else. This is not a too busy street but one of your least desirable sort of parking arrangement is to having to back up into another street. Commissioner Dofflemyer stated coming out of the shopping center you kind of make that turn on Reservoir is pretty distracting sometimes. Commissioner Good stated we are going from Reservoir into the shopping center. Commissioner Malone asked does it tell you when the structure was built. Mr. Webb stated let's take a look at that and see. See how it's split here. Well, 3-19-2009 was the transfer date but I don't know if that necessarily means that's when it was created.

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It was subdivided after he built it. Commissioner Good stated as I said there was work being done on cars and trucks probably before he had the property in his name. Mr. Webb stated we will figure all those out. I'm going to have them in the office in the next day or two, so I'll get all those questions answered and see if any kind of agreement was made and at least let them be aware. Again, I don't think it stops him from going forward asking but it might be interesting to know if they subdivided and say we will never do anything here other than maybe have a house. Commissioner Good stated we'll see that next month and Mr. Webb replied yes.

Review: Update to Town's Floodplain Ordinance

Mr. Webb stated on the floodplain ordinance the State Department of Conservation has requested that the Town update their floodplain ordinance which is in our zoning code and the floodplain ordinance is basically another zoning district; it's an overlay district. You can go on-line and look the floodplain maps up very easily. We actually keep this map; have had it since 2007; keep it in the office and it is the floodplain map and the whole town is mapped on this. In the floodplain ordinance there are two key factors to understand and again we have a floodplain ordinance. Two districts that are really the key; I actually found this video a few minutes ago, so I'll just play that. So with the new ordinance that we are going to be asked to adopt; it is a little longer than what we have but after reading it and reading ours, it has more definitions and it's a little more thorough but it basically is the same thing. I've always told people that you cannot build in the floodway but there are certain structures if you have read through this, like storm water structures and different things that can be built in the floodway but they need a variance through you Board of Zoning Appeals. This is what it does; it kind of lays out things a little more thoroughly. It talks about the flood fringe district; that second layer; what can be done in those areas. It details who is responsible for administering the map a little more thoroughly than what we have and again, nothing new; that's the very last part "H" and it talks about the activities that can take place in the flood fringe area in the floodway area and what happens if someone wants to build in the floodplain area, if you read it, it basically again says what's in our code but a little more thoroughly that you have to build to the standard uniform code that says you have to elevate the structure's base, you have to build it in a way in which the water is coming so that it would flow through the basement. This is just a little more robust and a little more detailed version of what we have.

Commissioner Malone asked where did this recommendation come from. Mr. Webb stated what happened is that floodplain is managed in the state through kind of a combination of FEMA and the Department of Conservation & Recreation based out of Richmond. They actually have a DCR engineer in this region that's going around because the state's been told that all of the different localities need to update their floodplain ordinance to reflect these more thorough and robust regulations. We don't have a lot of people in the town that are subject. We probably have maybe a couple dozen structures or homes that are in the floodplain; not the floodway. We are

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not talking about a lot of people that are affected by this. The county has a lot more people; they have all the river cabins, so it's a different issue but again, what the county adopted was this right here; it's basically a continuation of what they already used to have that they adopt this.

Commissioner Malone stated the county just had to change theirs. Mr. Webb stated in order for people to be eligible for flood insurance, the county had to have these newly adopted regulations and in my estimation it is not a big change; it really just gives a little more thorough detail of how you can apply for variances; you can give a variance, how things have to be built through the uniform building code; you could build in a floodplain, you have to elevate it; those are things we are already doing. What I plan on doing with this is putting in where it says Page County. I have a few questions. In the old ordinance their use of the floodway and floodplain was two key parts of the ordinance. I want to make sure that I understand it. He came in with a list of homes that had been paid in the last 30 years; different properties that had flood claims and what Congress was trying to do was people who had flood insurance review these maps. I didn't realize it, but I know someone who has flood insurance. They pay \$600 a year on top of their regular policy. That \$600 only represents a fraction of the actual policy cost because the Federal Government has been subsidizing the other parts of the policy. What they are trying to do is the houses that are really vulnerable; they have one house in Luray that he showed me where they paid \$100,000 for a house assessed at \$60,000. This talks about if 50% of the value, is destroyed, it can't be built back if it's in the floodway. They receive an insurance payout for the house but they wouldn't be able to build it back. There are a few things in there and I think they all make sense and I think it makes sense if you have a house you paid \$100,000 on in the last 25 years, you will pay \$100,000 on it in the next 25 years and if it floods again and it's destroyed, buy the house from them and move out.

Commissioner Malone asked so nothing here changes what's already defined. Mr. Webb stated it doesn't change the map; it doesn't do any of those things. Commissioner Malone stated presumably Brown's would be part of the buildings that are in this. Mr. Webb stated yes, and that's a problem because a lot of small towns are built by the rivers; a lot of your valuable properties are in floodplains and you buy property like that, then you have to get flood insurance and it's very expensive. By the way, if Congress was not to subsidize; I think it's \$25 billion a year in subsidies they put in this program, then these properties are going to have very little market value. It's a big issue; not a huge issue around here but in other coastal areas in some places it's very expensive. We don't really have any thrust to adopt it, but again I think it makes sense. I did read the other day that Congress has agreed to extend subsidizing policies.

Commissioner Nowak asked has there been any substantial flooding in the town ever. Mr. Webb stated 1996 and they are still talking about that one, and in 1903 there were some. Isabelle was in 1985. I think in the eight years I have been here I saw the Greenway at Mechanic hit a couple feet to the greenway. The one in 1996 I think they called it a 500 year flood event. We have a 1% chance every year to have a 100 year flood. That's the odds.

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Commissioner Malone asked the organization that wanted to put that fishing pier in for handicapped people, would that not be allowed in this situation. Mr. Webb stated the way I read this, they would have to get a variance to put it in. I need to understand it a little better, but the way I understand that is those auxiliary type structures are allowable, but they would have to get a variance to do it and we haven't adopted it yet. As I read this, it doesn't preclude you from building certain things. Certain things can be built in the floodway; piers, storm water things but they do need to be provided with a variance.

Commissioner Malone asked do we have an option in this or is this the same thing; if you don't adopt it, you don't get insurance. Mr. Webb stated I believe if you don't adopt it, then I believe what will happen they are not going to insure people. Commissioner Malone stated the county was under a deadline to get the thing passed, is that something that's – Mr. Webb stated I haven't heard any deadlines for us, but I told them we would do it as soon as we could and I think what I'll probably do is kick it around for one more month and try to understand it a little better and put Luray where Page County is . I'll put it in the paper and all that and let everybody know and go from there. But again, it functions like another zoning district; that's technically how it is; it's a zoning district and here is the map that we have.

Commissioner Good stated you mentioned the Greenway. Aren't the restroom structures in the Greenway; there's certain floodplain invested buildings. Mr. Webb stated the current ordinance doesn't say you have to have a variance for these things so from here on out we would probably need to get a variance. The way I read this today, we would have to get a variance for even paving a new section. If it was in the floodplain, any type structure built you would need to get a variance. I will bring it back to you next month and we will have a public hearing in October. Commissioner Nowak asked you are not going to change the wording or anything; this is what we are dealing with. Mr. Webb stated I need to make sure it all says "Town of Luray", "Page County", and I'll send it to the gentleman from the VCR to make sure it looks good and is OK and we'll adopt it.

OLD BUSINESS

Sign Ordinance Updates

Mr. Webb stated that all changes are in yellow. Our intern did this and did a very good job. The yellow is the changed part and underneath it you see what it says now. Without going over all of this again, I'm comfortable with what we proposed. We cleaned up some things, put in the feather flags and we took out a couple of things that were unnecessary. I think there might be a concern about one part in the change. 801.7 is the only one that kind of concerns me and I think I talked to a few of you and I think you share the same sentiment. Everything else I don't have an issue with.

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Commissioner Malone stated I recently saw a couple more off-premises sandwich signs. Mr. Webb asked who was it. I think it was Mok & She's. Mr. Webb stated they put one out on Main Street. The Scooter Shop put one on Main Street and I called and told him he needs to put it on his property and he said OK. The one we are talking about is Mr. Mayes and I think that's a little bit different than maybe a restaurant but if somebody else wanted to put one out somewhere, I think it would be fairly reasonable if they had a place to put it. Commissioner Nowak stated they would have to get a temporary permit. Mr. Webb stated correct. Commissioner Malone asked the temporary permit for the Art Warehouse, does he abide by it? Mr. Webb answered yes. One thing we could do with this and I always think it's a good idea if we could just change the language on this but they just have to wait for the Town Council to get approved for off-premise. Let the council decide. That might be a way to tell if they want to say no to someone; that's not a good idea, we think that looks bad or whatever, instead of leaving it to the Zoning Administrator. Commissioner Malone stated the other side too, when Jim's issue came up he certainly had a lot of positive support about it but I guess if the community felt that way. Mok wants to put his sign on Main Street, but I don't think he sees it as that important; Jim does see it as important so maybe we can take it out of the hands of the town's staff and put it to the Town Council. Commissioner Malone stated there's an avenue if you want to come in and ask. Mr. Webb stated how would you folks feel if we made it that way where you can get one but instead of going to the Zoning Administrator you go to the Town Council and ask for it. Commissioner Malone stated right now it says they are prohibited. Mr. Webb stated this will be written in yellow and would say its prohibited period. I personally don't want to do that. If it's a case-by-case basis then again instead of saying you have to go to the town staff and see if they think it's a good idea, you have to go to Town Council and request to have an off-premise sign. As long as you can meet these things right here. Commissioner Malone stated I think it depends on what is defined as the business district. I guess that is officially defined somewhere but one of the provisions said if you was in the business district all these other things aside, you could always ask the council for an exemption. Mr. Webb stated that's a good point, but I think for things that maybe aren't listed in the code or maybe are different, you would ask for an exemption. Commissioner Malone stated it says anything that's in here we can ask to have exempt. That is also pretty specific in talking about the business district. I'm not sure what the outcome of that is, but if we said no, if you're not in the business district, don't even come and ask us.

Commissioner Dofflemyer asked do we have a business district; is it defined somewhere. Mr. Webb stated basically the business district is everything on East Main Street. I think Mark made a good point, but I still would rather have it listed. If you want to leave it in the yellow now, that's fine. We can't keep it as it is because one option is to go with this and keep as is and another potential option is to take what's there and maybe add a provision that instead of the Zoning Administrator making a decision, it would be the Town Council. Commissioner Dofflemyer stated I guess we are not allowing off-premise signs unless it is on the adjacent lot, is that correct? Mr. Webb stated no one can have a sign that's not on their property. This says you can as long as you can meet certain criteria and you take it down every day and this and that and

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you get approved by the Zoning Administrator. I would just recommend that we keep it that way; we just basically say get it approved by the Town Council. Commissioner Good stated I think you could make the argument that that's a trivial matter to take to the Town Council. They ought to be looking at the big picture and making decisions that affect the whole town. Mr. Webb stated I'd say it's true but it's been a big deal in the last couple years and that's why my attitude is if you don't want them to have it there, then you just tell them. Don't let Bryan, me or Charlie tell them; you just tell them.

Commissioner Malone asked what is the remedy when people don't like what you have to say. Is there one in there? If the Zoning Administrator says no, you can't have your sign up here. Do they say will I get to go talk to Town Council? Bryan stated if Charlie says no, then it goes to Council. Commissioner Malone stated the ones that you talked about, you told them you really can't have your sign there and they said OK and that's all there was to it. Mr. Webb stated I didn't really say you can apply for this; I just said it's not really a good spot. The reason we adopted this in the first place is because somebody years ago complained about one of Jim's signs. Somebody put a sign up on a building they owned down the street and we told them they had to take it down because you can't have off-premise signs and they said what about Jim's sign. At the time Council said he could have a sign down the street; what's the problem. Find something; make a code that says it's OK. So I did this and now someone says the exact opposite; make him take it away. That's why just dealing with it for almost nine years, I would just say -

Commissioner Malone stated I think it's probably right the way it is. Just tell them they can't do it, and then ask the town if they can do it. Mr. Webb stated the way we have it written they can come and ask the council but once this is adopted, he will have to take the sign down and come and ask. Commissioner Sours asked so they can ask the council for a special use permit. Mr. Webb stated the way we have it written, there is an out clause that we put in here. Basically anything with a sign ordinance if someone wants a variance, they pretty much ask for it. Normally there aren't too many things in the code that people can ask for variances on but the sign ordinance we just put that language in there and I don't think there is anything that prohibits us from doing that. That's kind of a new thing that we had proposed. The current code actually does allow for folks to take changes to the council for approval. We just made this language a little more clearer as far as asking for a change. On the sandwich board signs I think what we have now is fine; it doesn't seem to be too big of an issue to me but the council has set through several of these meetings and they have all pretty much nodded their heads and said that change to what it is here. Commissioner Malone stated I think the feeling is they don't want sandwich signs except as stated in here. If you want them out in front of your own place, that's OK, but don't put them anywhere else. Mr. Webb stated that is what they have voted on several times. I don't think they all feel that way but they all have seemed to go along with this language. Commissioner Nowak stated so you are saying keep the paragraph out as it was and then 1, 2 and 3 as the change. Mr. Webb stated I think what I am saying is change paragraph (f) to reflect

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maybe the process which we request your sandwich board be off premises by going to the Planning Commission or Town Council, one or both, or neither. Commissioner Nowak stated you are not saying go back to the way it is written in the black and white. Mr. Webb stated I think the way it is written here is adequate; I just think maybe you want to change it to where if someone wants to have one off premise, they just need to ask council instead of the Zoning Administrator. Commissioner Nowak stated the one in yellow says it has to be located on the same lot. Mr. Webb stated so basically there are three options to decide; you can keep it like it is, you can change it to what's recommended or you can do kind of a mix of the two. Mr. Webb stated there is a fine line between enforcing your code and hitting on people. One thing I would like to do for sure is the feather signs. I am comfortable with all of this. Once this is sent on; we have done enough work on this and I think this is thorough enough that we don't need to see it again other than when we are doing an actual ordinance amendment that has a public hearing. Commissioner Good asked what happens with this after tonight. Mr. Webb stated this goes to the Town Council and they look at it like you guys are looking at it. They will make any changes they want to make, then it will come back as a public hearing. I would image it would probably be October or November before it gets back to you. Commissioner Nowak asked will it come back here. Mr. Webb replied as a public hearing. I make a worksheet where people can look and see what the proposed changes are and we actually do the ad, we just put we propose to change the sign ordinance, go to this link to read all the changes or come into the office to pick up a copy of it. We don't actually have to advertise everything.

Commissioner Good stated it sounds like we are mostly in agreement to send it on except for the sandwich board signs. As mentioned earlier it sounds like the choices are to send on the part that basically says that you can't have a sandwich board sign unless it's on your lot or the wording that is currently in the black print or add some wordage about the sandwich board signs coming to the Planning Commission and directly to Council. Mr. Webb stated or both. I would say if you are going to do Planning Commission you have to do Council too or you could just do Council. That would be the option. Commissioner Good stated either what's in the yellow or what's there now with some modification. Mr. Webb asked who would like to send it on like it's written right now in the yellow; the changes that are proposed. Who would be in favor of that? Commissioner Malone stated make a motion to that effect and see who supports it. Commissioner Malone stated that's my motion that we recommend this to the Town Council as presented. Commissioner Good stated there being no second, the motion dies. Commissioner Nowak stated I'm with all of the changes except for the sandwich sign and keep the paragraph back as it was written but I think shortened and to the point; 1, 2 and 3 in yellow, we should also keep. I'm saying the paragraph (f) as it was written and the new 1, 2 and 3. Mr. Webb stated the motion is to keep the current paragraph (f), however, amend the ordinance to include the highlighted 1, 2 and 3 in place of the existing 1, 2 and 3. Commissioner Dofflemyer asked has that been an issue the reason that was taken out of there; the adjacent lots and all or do you see it as a potential problem; why was it changed. Mr. Webb stated if you look it up it says "lying next to or adjoining". I took it as it didn't necessarily have to be touching, it could be down the street.

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Commissioner Sours asked is that why we took “adjacent” out of the original verbiage because it was kind of ambiguous. Mr. Webb stated yes, that’s probably why we took “adjacent” out. Mr. Webb stated when I did this “adjacent” was sort of viewed as next to or lying near.

Commissioner Good stated you covered that in the last paragraph. It says “sandwich board signs shall be located on the same lot, except that where it is impossible to locate the sign entirely on the same lot as the use ... or a town sidewalk within reasonable proximity to the business”.

Commissioner Dickson asked if you are OK with it bordering, why wouldn’t you just change that word to “bordering” instead of “adjacent”. It clearly defines it. Commissioner Good stated it’s talking about being on a lot but then the catch all was in there at the end, I think. Commissioner Dofflemyer stated that’s where all the problems have been; on the town sidewalk. Commissioner Nowak stated but if we passed it as amended, does that mean that Mr. Mayes – Mr. Webb stated yes, he would have to take it out and put it on the lot. It does sound, as proposed, he could come and ask for a variance with exception, but I just think it should be made concrete in here.

Commissioner Nowak stated so you are saying if we keep the paragraph out as it’s written, then take out “or a town sidewalk within reasonable proximity to the business provided that:” he wouldn’t have to take his signs down or he still would have to take the signs down. Mr. Webb stated I believe he could keep them as they are. As you proposed, I think would be OK but we might just want to take the word “adjacent” and make it “nearby” and take “reasonable” and make it “150 feet or whatever we come up with. Commissioner Dickson asked are we trying to accommodate him or not. Mr. Webb stated that’s the question. Commissioner Malone stated it should not be based on any individual property or business. Commissioner Malone asked on here where it has the unchanged verbiage, that’s not what the verbiage was the last time we passed on this; it’s going back to what exists right now. Mr. Webb answered yes. Commissioner Malone stated if we wanted to see what it was the last time we talked about this stuff; that’s not going to end this time. Mr. Webb stated I think this is what the Council last looked at. I forget why it’s not in here now. Commissioner Malone stated a lot of this stuff might be the things that we already approved. Just because it is in yellow now, doesn’t mean that isn’t what we already looked at and said that’s the way it ought to be. I’m not sure how much of this is different from the last time we talked about it. I guess we could look and see; did we already vote this thing over to Council and what is it that Council is asking us to do. Mr. Webb stated I feel like everything that is on here Council is OK with. Commissioner Malone stated there is also a note in there that this was based on what the council said in May. Mr. Chrisman stated we will have to check that. The big issue is on premises or not. Sandwich boards are the only chink for variance in that equation. Commissioner Malone asked is council happy with the feather banners and all those other things. Mr. Chrisman stated there are a couple they have some issues with. The sandwich board issue creates a gray area between no off premises signs and allowing off premise signs. There are folks that want to get rid of the gray and just have black or white. Then there are folks that are happy with the gray. That’s the crooks of the issue. It’s not whether it’s a sandwich board sign or a huge billboard sign; it’s whether it has to be on your property or can it be off the property. Mr. Webb stated right now the only one that can be off your property is the sandwich board. Commissioner Sours asked so if we were to adopt this, Mr. Mayes would take

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the sign down and if he wants to appeal it, he would come to the Zoning Administrator and if he doesn't get the answer he likes there, then he would take it to Town Council? Mr. Webb stated the way I read this, he could take it right to the Town Council. We are very clear here that it's not allowable. I think the variance is not necessarily because you don't like the rule. We had a situation where the hospital got a variance from Town Council because they were doing signs that were a little larger but their scale is so much different from anything we have in town, so that was the reason for a variance. A variance is not because you don't like what's written here; it's just unusual circumstances that warrant them. Commissioner Malone asked what is it that Jim has right now. Mr. Webb stated he has two signs. Commissioner Malone asked doesn't he have a special permit or something like that. Mr. Webb stated the Zoning Administrator gave him a permit to put those two up as long as they are taken down every night and all that. Commissioner Malone asked is there anything in here that prohibits that from going forward. Mr. Webb stated if we adopt this as written, he would have to take them both down; they could be on his property but they couldn't be where they are now. Commissioner Malone stated going forward people wouldn't be able to come in and say I would like to have an off premise sign. Mr. Webb stated again you could apply for a variance, but I don't think that meets the spirit of a variance because you don't want to follow the code. I think it's for special circumstances. He's the only one who has ever asked for this and I was basically instructed to write this years ago for him. Now at least one person doesn't think it's a good idea. Commissioner Dofflemyer asked how about the Cavemen baseball signs. Would they be legal under this? Mr. Webb stated I think in our event signs they are allowable provided they come and get a permit and they always have come in and gotten a permit. Commissioner Dickson stated what I am gathering is that a majority here tend to like that we take out the town sidewalk within reasonable proximity but Mark's question was what did everybody vote on in April because if you have already voted on what's in yellow, that's what you have to present, is that correct? Mr. Webb stated we are welcome to change it at any time we want because that wasn't a public hearing. Commissioner Dofflemyer asked can we table this until next month Mr. Chairman until we figure out what we did. Mr. Webb stated it's absolutely fine; we don't have to do it tonight. Commissioner Good stated I think there was at some point we voted because at one time we had language that said these signs would be within 500 feet from the business and we agreed to that. Then it came back to us another time and it was more or less what's in the yellow there now and I know I voted against it because I said we had already taken this up one time before and we were going to allow them within so many feet. My reason was that we should be encouraging businesses, especially since we have an Arts Center. Mr. Webb stated this is April's agenda right here. I'll go get it right now. Mr. Webb stated I just have a copy of the agenda and I have to look on my computer for the minutes and that might take a while.

Commissioner Malone stated the situation is amendable right now; nobody has a problem. Mr. Webb stated one of the things that was requested to us; one of the changes in here is that we are going to allow for electronic signs for the fire department; non-profits; they want to put an electronic sign up, a non-scrolling electronic sign and that would be allowable. It had to be taken

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to Council to be approved. That is in here and I'm pretty positive that is the last version. The only issue we have with any of this is the sandwich board; everything else we have been OK with. They have been waiting for this since last winter to go ahead. I said until we amend our code, electronic signs are not allowable; only time and temperature. So they are still waiting for that and as soon we adopt it, they want to come in and ask the council for an electronic sign. I think it would be fine. I haven't heard from them in a few months but we can come back and do it in September. I can find out when we voted on it. Commissioner Malone asked aren't the minutes on line. The minutes for the April meeting should tell you. Mr. Webb stated that's a good idea; I didn't think about that. Commissioner Dofflemyer stated the more I think about it, I think we approved it so the fire department could go ahead with that thing. Mr. Webb stated just the March minutes were on line. We have not had a public hearing on this. Everything is just recommendations at this point. Commissioner Nowak stated we are trying to approve this to send to council. Mr. Webb stated yes, and then once they are OK with it, then we can do the public hearing. I think we are OK on everything; the only issue we have is this one right here. I think the other 10 amendments or whatever, we are OK with. Commissioner Malone stated and on this one we are just trying to find some mechanism whereby the town doesn't have to go tell Jim you have to take up your signs. Mr. Webb stated if you think what we have here in yellow is – I don't want to see it happen. I think what he is doing now works. Commissioner Dickson asked how does it matter what everybody voted on in April. Mr. Webb stated we just would like to know what we probably agreed on. Commissioner Malone stated what I'm saying it looks like what's in yellow is all new to us and it's not all new to us. A lot of this stuff we have already looked at and said yes, I agree with that. In the yellow, if there was something that said all of this you agree to; this little bit here is what you haven't agreed to yet. Anything can come back and you can reconsider everything. Commissioner Dofflemyer stated you mentioned feather signs; are we too lenient or what. Mr. Webb stated I don't think so, I think council was OK with what we had proposed. Commissioner Malone asked did you watch that one-half hour show on what other towns look like with signs and without signs. I think that feather signs would not be in line with what that was trying to get across. Mr. Webb stated again, it's one of those; you have a fair amount of people who don't even understand why we have sign regulations and you've got some people that want you to have a brick sign that has a colonial Williamsburg appeal. I just try to split the difference here. Everyone is using those feather signs. You can have up to 2 we say and they have to be in good condition. I think that's a fair middle ground.

Commissioner Good stated is there anything else with this tonight. Mr. Webb stated we can bring it back next month. I'll show you what we voted on in April. Commissioner Malone stated the good news is that we will just be talking about what to do about sandwich board signs. Mr. Webb stated everything else I think is OK.

Potential Architectural Review District

Mr. Webb stated I think it's one of these things that Council; at least a few people I've talked to; perception on the architectural review district is that it's heavy handed and that may be telling people what to do with their property. They are not interested in even something very limited. It just doesn't seem to be working for some people on council. I say right now we put it on the shelf. I think the best approach is just let it lie right now. I don't think there's a lot of support for it at the next level. You are welcome to talk to the people on council and maybe I am perceiving it wrong but that's the impression I have gotten. No matter how limited it is, just that word architectural review gives people chills. Some people think it's a nightmare. I don't think it has to be that way but that's the perception.

There being no further business, a motion to adjourn was made by Commissioner Sours and seconded by Commissioner Dofflemyer. Motion carried. Meeting adjourned at 8:36 P.M.

Bryan Chrisman
Assistant Town Manager

ATTEST:
