

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
JUNE 11, 2014**

The Luray Planning Commission met on Wednesday, June 11, 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:

Larry Hakel
Ronald Good
Mark Malone
Grace Nowak
Jerry Dofflemyer

Absent: Clifton Campbell
Brian Sours

Others Present:

Bryan Chrisman, Assistant Town Manager
Ligon Webb, Town Planner
Jason Spitler, Town Attorney

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.

Commissioner Good stated he was sorry that we are missing our Chairman once again. Mr. Webb stated I think this was supposed to be his last meeting and I was under the impression that he would be here but from what I understand, he is not doing well right now and is in the hospital. It's too bad he could not make it to his last meeting. I think it was 1974 when he was appointed. He served 40 years. Peyton Baughan served 48 years. I talked to a professor at Tech who is involved in doing land use planning. He runs the Citizen Academy that some of you guys have been to. He said there is one person he knows that has been on a Planning Commission for 51 years. I imagine 40 years would put Clifton in the top ten of all time in Virginia for service. The time he has put in with the Fire Department and the time he has put in here, he has had a career volunteering. He has had a non-paying career essentially.

Commissioner Hakel stated I think Clifton has done a wonderful job. He is a wealth of information and I know he will be missed. Mr. Webb stated we are going to do a Proclamation and I'm writing one now. We can try to find some details when he was actually appointed and who appointed him and hopefully he will be back in Town. I think he is in Winchester right now. Hopefully he will be able to come to July's meeting of the regular Town Council since we won't have a meeting in July. We will do a Resolution and I will try to get the newspaper to do something. Sorry he could not make it to the last one.

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Cody Gray is helping out this summer. He is a rising senior at George Mason and is a government major. He is working around our office and trying to soak in some knowledge from people like me and Bryan.

APPROVAL OF MINUTES:

Commissioner Malone moved that the minutes of May 14, 2014 be approved as presented. Motion seconded by Commissioner Nowak with the vote as follows: YEA: Commissioners Good, Malone, Nowak and Dofflemyer. Commissioner Hakel abstained as he was not at the last meeting. **Approved 4-0**

Public Hearing: Revised Official Zoning Map

Ligon stated I have a large one printed. We looked at it last month. We didn't have too many more comments; we had a couple zoning changes. The Caverns had a little bit of rezoning. They rezoned a piece of business here. The hospital site had a zoning change; one or two parcel divisions. I think last month we went over the GIS and told you I thought that we had a really good GIS system here in Page County. People who want to know how large parcels are, ownership, and outsiders who are interested in property or development; it's an easy, convenient way to see what's going on in town; assessments and sales and all that. This is the revised one. If someone has an issue with any of this or doesn't agree with the zoning, we can reference back to the old maps. I think we have kept good records of our zoning maps.

Commissioner Good stated this is something that officially has to be done. The Planning Commission has the zoning map and has a public hearing and the Town Council does the same thing; a public hearing and officially adopts the zoning map. Mr. Webb stated any challenges or questions that someone might have will actually go to the Board of Zoning Appeals.

Commissioner Malone stated that little piece in the B-1 that the hospital has; it looks like it is still on this version. Mr. Webb stated that needs to be taken out. We can make a note tonight before it's adopted that this little piece needs to be taken out. It's some little glitch with the software he is using; I thought he had taken it out, so I'll mention that it needs to be taken out.

Commissioner Hakel stated he has trouble with the colors in trying to distinguish the various shades. Mr. Webb stated it seems like most of them use a different tone, like here you have a light green, dark green, light yellow, mustard and dark yellow; that's how almost all of them like to use a darker shade. We looked at a couple different color schemes and we felt that this one was the best that's out here. I don't know if there's a better way to do it. The reason we try to keep the R's the same because this is residential; this dark green residential is light green, light green and dark green is PND and that's R-4 and the darker green is R-5.

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Commissioner Good stated just to be clear, that property there for the hospital; that's all business? Mr. Webb stated that's all zoned business.

Commissioner Malone stated that piece of property where there used to be a car wash and then was converted over to a storage facility; did we change that to B-1? Mr. Webb stated yes, I think that was this one right here. No, I think that was R-3 and he just needed a special use permit. No, I guess he did rezone that. Mr. Webb stated once we make this change, at the next meeting we will get you to come in and sign these. Mr. Spitler asked can you play with the colors. Mr. Webb stated we can look at the colors as long as everybody is in agreement with the districts and everything and if there is no issue with that, I can ask him if we could delineate a little better.

Commissioner Good asked is there anything else we need to do at this point. The public hearing was then opened to hear comments on the adoption of the official zoning map. Hearing none, the public hearing was officially closed.

Commissioner Dofflemyer moved that we adopt this map with modification as noted in the hospital section. Seconded by Commissioner Malone with the vote as follows: YEA: Commissioners Hakel, Good, Malone, Nowak, Dofflemyer. **Approved 5-0**

OLD BUSINESS

Brief discussion of Planning Commissioner Terms; Potential work items beginning in August 2014

Mr. Webb stated before we start summer vacation, I know that three appointments would be Mr. Good, Mr. Hakel and Mr. Campbell. Mr. Campbell will not be returning. Mr. Good has indicated that he would like to come back. Mr. Webb asked Mr. Hakel if he had made a decision and Mr. Hakel stated I told him I would rather not, but if he couldn't find anybody, I would do it. Mr. Webb stated if you come back, that's great but if you don't we understand and we appreciate you serving the time. If you do come back this fall, I will let you know, and I have a copy of this. It is a FYI. This will be a rezoning and a special use permit and I call it Baughan Gardens. This is the old lumber supply building store and the grocery store as well. This is where Baughan Construction has their offices right here. What they are proposing to do; what Peyton and Lowell described to me would be their last hurrah as far as a major project. What they basically want to do is redevelop the site here at Zerkel Street and do fifteen total townhouses. You would have four attached; a space in between; three attached with a space in between and four attached, etc. Some will be two bedrooms and others will be three bedrooms. You have three clusters here and a cluster here. You go in the front right here. What they want to do is divide this and kind of make it like a standard kind of commercial strip idea where each entrance would be this way. This would cover this parking and enough parking here and these units

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would have two spaces underneath off of Zerkel Street and improve a sidewalk down here with cuts in it to go into every townhouse. Parking for these three would be right here; parking for this one would be here. They would have two spaces for each one underneath and have street parking here so parking is not really an issue at all. They would put a sidewalk with landscaping all the way down and all the way down Zerkel. This would be a little more upscale and higher rent. My concern was if you want to rezone and get a special use permit, part of that is to let us know what it's going to look like. They understand that and I image that part of the rezoning is going to tie into some kind of architecture to it. It's zoned M-1 so its ownership will probably be what they call condominium townhouses. You own your townhouse and all the other space and maintenance area is part of the association. They are not going to divide each one into separate lots. You will actually own your townhouse; you will be responsible for your maintenance but you will also probably be part of an association that has a little bit of common area that needs to be maintained. We will dig into all that when the time comes. It's an industrial property so I think you have commercial, you have residential; it's in town; it's close and they want to start by doing one block, get it built and sold; next block, so it might be a five to seven year plan but the scale of it; 15 units. I think it's a reasonable size and as long as it fits in look wise, I think it is a good plan. I think it's something that would be very attractive and again it's 15 units. You will probably see that in September.

Mr. Spitler asked have they given you a figure for about how many office spaces they are estimating. Mr. Webb stated it looks like to me six different ones.

Commissioner Malone asked do you have any idea how far away we are on the nuisance ordinance. Mr. Spitler stated Chapter 42 was adopted by the Council about three months ago. Commissioner Malone asked snow removal and all that stuff was in it. Mr. Spitler stated snow removal and weeds and grass were discussed again last night, but they are sub-sections and sub-parts of the Nuisance Ordinance. Mr. Spitler stated there were forty different nuisances addressed in Chapter 42, including the derelict building situation. Mr. Webb stated that's in there right now? Commissioner Malone asked that wasn't passed, was it? Mr. Spitler stated that's part of Chapter 42. I want to say 42-1 one of the sub-sections that lists about forty different types of nuisances and sort of cross-references various other chapters and sections of the Code. Commissioner Malone asked you have windows that don't have any panes in them; that's in there? Mr. Spitler stated no, it doesn't go that far. It really is only talking about structural integrity. As far as the other issues that's referenced in the nuisance ordinance and in fact, there are sections in our current code that address those, but what was being proposed at the meeting on Monday night was essentially to those sections that clarify some certain issues and also allow the town essentially under the nuisance ordinance to go in, once you have received notice and you haven't adequately maintained your property or complied with the ordinance, allow the Town Manager to essentially clean it up for you and send you a bill and if you don't pay voluntarily, it is added to your tax bill. Mr. Webb stated if you go on line to the Muni Code; that's the best way to search and look at things. Mr. Spitler stated if any of you have questions in

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the meantime before that stuff goes in the Muni Code, it always goes in the ordinance book that is kept by the Treasurer in the safe across the hallway. If anybody is curious; the records that are kept these days, particularly electronically, you can find anything in the minutes. Mr. Spitler stated its official as soon as the Town Council votes by a majority to adopt it; it just doesn't show up in the Code book for a few months. By keeping it in that ordinance book across the hall we cover ourselves in terms of still being good laws and putting the public on notice.

Commissioner Nowak asked so you said we can go on line. Mr. Webb stated the link is municode.com and just go to Virginia, Luray, and our whole town code is on there. You can also go to the website and click on code of ordinances; that's probably the easiest way. Mr. Spitler stated that being said Mr. Malone that the town wishes to make the idea of derelict structures or other related issues, something that is going to be a subject of serious future enforcement, there's probably some more work that needs to be done in terms of expanding what's now there but nonetheless it is a start.

Commissioner Good asked if there was anything else we need to bring up or think about at this time. Commissioner Dofflemyer stated we were talking about feather signs. I've been noticing that we do need to do something. Some of them are horrible. Commissioner Malone stated another thing I noticed too; I think we were talking about it here, was the donations bins that were showing up and those aren't Goodwill are they? I looked it up and googled the owner and the first thing that came up was worse charities and these guys almost nothing goes to – the guy that collects it all gets caught with 90% of the stuff and then there's some administrative costs and they are kind of on property where's there's vacant businesses or something. Mr. Webb stated there was something in the paper about it a few months. When I saw one pop up in town no one said anything but I thought that maybe some of the existing organizations might have a little bit of an issue with it. I didn't look it up on line; I didn't know that but it doesn't surprise me. I was anticipating somebody would call and say who is this? It's convenient for people to donate things. Commissioner Malone stated I think they are giving it with the idea – Mr. Webb stated if it's going somewhere that ships it out to Richmond or wherever and that's not the intent so I do think it's something the town can enforce. Mr. Webb stated I have to go back and find the article in Harrisonburg. They were talking to different non-profits in town about their opinion of it and they were also talking to the city and I forget exactly how the conversation went but the existing people in Harrisonburg were not happy about it. Commissioner Hakel asked does it require a business license. Mr. Webb stated no, it doesn't require a business license, they are just donations. I just thought I would hear something at some point but never have. Commissioner Malone stated it's probably something more like a letter to the editor to let people know that before you give your things away – Mr. Webb stated my feeling was if Page One came to us and said we have an issue, we would probably say let's lead into it a little bit. They haven't done that yet, so I guess they don't really have too bigger problem with it. They probably have enough as it is; the donations. That's probably not a big concern to them but donating material is a big business. Mr. Webb stated the signs will probably come back in August and I would

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imagine September will be a public hearing and the feather signs and things like that will be addressed.

Commissioner Nowak asked can you call Ruffner's house and tell them to fix their feather sign. Mr. Webb stated that's not theirs. That is this guy back here with the antiques and he has a couple. It says OPEN and they are really tattered. I thought we said this before; if it says OPEN 24 HOURS A DAY, 7 DAYS A WEEK, then it really defeats the purpose of having an OPEN thing up there because he is not open all the time. Commissioner Nowak asked why does he have one clear out there. Mr. Webb stated you can get in that way. At minimum I like to see if they are in bad shape, we'll allow you to have two, but if they are in bad shape, you need to change them out.

Commissioner Malone asked has anyone brought up the idea of quiet zone for the town where the railroad doesn't blow the horns between about 8:00 at night and 6:00 in the morning. Mr. Webb stated dealing with the railroad, anything is very difficult. I knew someone who was just trying to get their schedule when the trains come through and kind of get an idea and he does have it but it took months to finally get someone to e-mail him. As far as the railroad, I'm not really sure; I wouldn't even know where to begin. Commissioner Malone stated citizens were saying that when cross guards are on the railroad crossing, then the trains don't have to blow their whistle in town between a certain time and another time. Mr. Chrisman asked what's our quiet zone. Mr. Spitler stated we have a threshold of 10:00 p.m. in terms of when certain activities are to cease and even with our barking dog ordinance, there's a penalty after 10:00 p.m. Usually 6:00 a.m. is when it changes back to normal daylight hours. Mr. Spitler stated the train whistles issue could be a real sticky one. I know it's not always the case, but I would assume that those guys are really told to blow their whistle when it's a possible safety issue to warn pedestrians, vehicles, etc. and you start to weigh that against somebody who doesn't want to be awoken at 4:00 a.m. and depending on who you talk to, you can come up with a drastically different opinion as to which would be the greater priority. Mr. Chrisman stated I'll tell you what happened the last time. Once the train whistle thing came up, then the fire whistle issue came up and as soon as that issue came up, that was the end of the issue. Mr. Spitler stated as soon as you all start talking about that train whistle, there is going to be letters to the editor about the fire whistle.

Mr. Webb stated one of the things I don't like is land use. If you move and buy a house and it's across from a cattle yard, you are not supposed to complain; you just have to smell the cows. It's sort of like the same thing here. It's not like they are hiding what they have been doing; they do it out in the open and in the clear for the last one hundred years at least.

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There being no further business, a motion was made by Commissioner Nowak and seconded by Commissioner Malone that the meeting be adjourned. Motion carried.

Mr. Webb stated we will do it again in August. Larry, this is your last meeting and we do appreciate your service on the Planning Commission.

Bryan Chrisman
Assistant Town Manager

ATTEST:
