

**REGULAR MEETING OF
LURAY PLANNING COMMISSION
OCTOBER 10, 2012**

The Luray Planning Commission met on Wednesday, October 10, 2012 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:

Clifton Campbell
Pam Flasch
Ronald Good
Jerry Schiro
Mark Malone
Brian Sours – Left early at 7:45 P.M.

Absent: Larry Hakel

Others Present:

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

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

APPROVAL OF MINUTES:

A motion was made by Commissioner Flasch and seconded by Commissioner Campbell that the minutes of the August 15, 2012 meeting be approved as written. The vote was as follows: YEA: Commissioners Campbell, Flasch, Schiro, Good, Malone and Sours.

APPROVED: 6-0

A motion was made by Commissioner Flasch and seconded by Commissioner Campbell that the minutes of the September 18, 2012 meeting be approved as corrected. On page 3, third paragraph “Murray” should be “Marye”. The vote was as follows: YEA: Commissioners Campbell, Flasch, Schiro, Good, Malone and Sours. **APPROVED: 6 – 0**

PUBLIC HEARING: REZONING OF PARCEL 42A11-(A)-75

Mr. Webb stated that the Commission discussed this briefly at the last meeting. It was surveyed and I did a report for Mr. Hines, the contract purchaser of the old IGA building which is owned by Edu Vest, LLC.

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Chairman Schiro asked if any of the Commissioners had any questions. There were several questions by various Commissioners about the split zoning, and a discrepancy on the survey plat.

Chairman Schiro asked Mr. Webb if the applicant has proper standing as the contract owner to request a rezoning. Mr. Webb stated the application is signed by the current owner.

Commissioner Malone asked if the R-3 versus B-1 have an effect on the land assessments. Mr. Webb stated that it would. Commissioner Malone stated if the property is totally rezoned to B-1, then that means that it will get a higher assessment.

Chairman Schiro asked for public comments. There being no one from the public to speak on this issue, the public hearing was closed.

A motion was made by Commissioner Campbell that we recommend to Council that this entire parcel be zoned B-1 and seconded by Commissioner Good. The vote was as follows: YEA: Commissioners Campbell, Flasch, Schiro, Good, Malone and Sours.
APPROVED 6-0

NEW BUSINESS:

Ordinance Review:

(a) Consideration of changes to Town Code requirements regarding Bed and Breakfast operations.

Mr. Webb stated that Larry Merigan is looking at property on Court Street and I believe that particular one has five rooms that can be rented and with respect to this particular property they would like to have more rooms; more than three, no more than six. The Commission then discussed the current ordinance, along with its restrictions for no more than three rooms to rent if the parcel was less than one acre in size.

Commissioner Campbell stated the reason it was held to three is because anything over that becomes more of a commercial operation, and the Town had received complaints from people owning motels. Renting only 3 rooms in the B & B eligible areas would appear to be more of a residential use. The one acre minimum was instituted because of the requirement for sufficient off-street parking.

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Chairman Schiro asked Mr. Webb about where B&B's are currently allowed. Mr. Webb stated only in R-2 on South Court Street.

Commissioner Campbell stated and we made the statement which is not part of the code, but we made the statement at that time that we had other historical districts on request, they would be considered. Cave Street was one that was mentioned at that time because it is a more historical area of the town.

Mr. Chrisman stated that included in the Manager's Comments, it does not seem prudent to change the Code upon every individual request. In order to efficiently regulate proper zoning uses, there will have to be criteria that are met. In this case, the criteria have been firmly established.

Commissioner Malone stated that he agreed with the current zoning. The Planning Commission had delivered the process to evaluate B&B requests, a decision was made by Council, and there was a benchmark for making these decisions. He did not agree with handling applications on a case-by-case basis due to the subjectivity of such a process.

Mr. Chrisman then had a discussion with Mr. Webb and Mr. Spitler about whether an applicant would have access to the BZA if they were denied use based on the current ordinance. Both Mr. Webb and Mr. Spitler agreed that such an applicant would not be eligible to appeal to the BZA because a hardship had not been demonstrated. Mr. Chrisman asked that if a B&B could not operate with 3 rooms but could operate as a successful business with five rooms, would that not be a financial hardship on their proposed use. Mr. Webb and Mr. Spitler said no.

Commissioner Campbell indicated that he wouldn't mind taking a serious look at this if we were getting numerous requests, but with only one request in a long period of years, he was not in favor of changing the ordinance.

Commissioner Schiro stated under the current code they can have three rooms. Mr. Webb concurred so long as they get a special use permit. Mr. Webb stated that the applicant would like to have more than three rooms, possibly four or five.

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Mr. Webb stated that he felt that the current ordinance might be too restrictive.

Chairman Schiro stated that he preferred that Mr. Webb complete a quick study and find out how many parcels in Town the current ordinance pertains to, and how that number would change if the ordinance were changed. He was also concerned about making Code amendments in a vacuum for situations that only impacted one applicant.

Chairman Schiro stated that he believes a good point that tourism is a vital component of what we are doing here in Luray.

Commissioner Malone asked if it is a difficult process to buy a tenth of an acre next to you in order to meet the current lot size minimum. Mr. Webb stated actually that's a good point, and it depends on your neighbor.

Mr. Spitler stated it also brings up the question on whether this is the most appropriate standard (one acre) if that's all you have to do is buy a small piece of your neighbors lot, and now you can create a six room B & B. He indicated that it may be better to evaluate the standards we have to see if they fit the overall goals of the Town.

Commissioner Malone stated that the subject property has a huge front yard. Hypothetically, could the holder of a larger parcel sell off part of it after a SUP was issued where one of the criteria was a minimum lot size? Commissioner Campbell and Chairman Schiro stated that an applicant can't subdivide and create a non-conformance. Mr. Spitler agreed.

Mr. Webb asked for some direction, and Chairman Schiro indicated that the Commission would like to see more information about potential impacts of the current proposed ordinance changes. He also indicated that other R-2 districts with historic homes in Town may be available for B&B type of activity, and even in other R-zoning districts provided that a SUP is required in every case. He asked Mr. Webb to advise the potential applicant that the issue was being evaluated.

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(b) Consideration of amending M1 (Industrial) zoning district to include “camp ground/camping facility” as a use allowable by special permit.

Mr. Webb stated he visited Mr. Nazario Centeno’s property off Furnace Drive today. The property is under an acre in size. Mr. Webb said he advised the potential applicant that typically a campground is not a land use that is usually seen within corporate limits. He is thinking about a low impact camping area for tents only.

After a lengthy discussion, the Commission agreed that an evaluation of the request and the property by both the Building Official and Health Department was required before the Commission would consider proceeding. Mr. Chrisman indicated that the Health Department regulates all campgrounds in Virginia, and that the Building Official would only be involved in the location, and construction, of buildings in support of the campground. The issue of the property being within the floodway and flood plain was also discussed, in addition to a discussion of the Town’s Floodplain Conservation District Ordinance. Lastly, the group considered the aesthetics of having a camping area across the creek from the Greenway Trail System and the Commuter Park-n-Ride lot. Potential impacts to the neighboring property owners, and property values, were discussed at length.

Mr. Chrisman asked the Commission to consider the advice and regulations from the Health Department and Building Official’s office, and then evaluate the issue. Initially, he said, the subject would have to be defined in the Town Code, and then the Commission and Council would need to decide where it would be allowed. He stated that the regulations governing campgrounds are significant, even for a primitive tent camping site.

Mr. Webb indicated that if the various requirements could be satisfied, and the operation was seasonal in nature, this might be a nice addition to the Town’s venues.

Commissioner Campbell asked is this on the Louderback property. Mr. Webb stated that it’s right next to it.

Chairman Schiro stated his overall concern is not so much that it is in town, but that it just doesn’t seem to be a good fit for the property. Given the location of this property, and the fact that it is zoned M-1 which is in proximity of the greenway and a lot of other things, he wondered if maybe a more comprehensive look at the current zoning of this whole area might be appropriate.

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Mr. Webb stated it might be good for the Commission to see the property first, but that the main issue is whether the Commission sees this as being a preferential use of this parcel, or any parcel in Town.

Chairman Schiro stated that the intent is tent camping. Mr. Centeno indicated maybe three days a week, a weekend or as long as they want to stay.

The Commission advised the potential applicant that they would seek advice and guidance from other agencies and then Mr. Webb would be back in touch with him.

Mr. Robert Blow, 26 Furnace Avenue, Luray, Virginia

He stated that he lives on the other side of the Louderback property in the blue house. My concern is the 90 degree curve. The people on the curve have three children and I really believe we need some signage up there that could say "Watch Out, Children at Play". They ride bicycles up and down that road on the sharp curve. Chairman Schiro stated that is a very good concern. Commissioner Schiro asked Mr. Chrisman to have the police department to look into this matter.

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

Byran Chrisman
Assistant Town Manager

ATTEST:
