

**REGULAR MEETING OF THE
LURAY PLANNING COMMISSION
AUGUST 17, 2011**

The Luray Planning Commission met on Wednesday, August 17, 2011 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:

Tom Potts
Clifton Campbell
Larry Hakel
Pam Flasch
John Meaney

Absent: Ronald Good
Joey Sours

Others Present:

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

Chairman Tom Potts called the meeting to order and everyone joined in the Pledge of Allegiance to the flag.

APPROVAL OF MINUTES:

A motion was made by Commissioner Flasch that the minutes of July 20, 2011 be approved. Motion was seconded by Commissioner Campbell. The vote was as follows: YEA: Commissioners Hakel, Campbell, Potts, Flasch, and Meaney. **APPROVED: 5-0**

Public Hearing: SUP 11-2 United Propane Gas

Mr. Webb stated there is a public hearing for a special use permit request by United Propane Gas. The special use permit is to operate a propane plant on a portion of a M1 industrial zoned parcel. In the M1 zoning district, all uses require a special use permit. As detailed, I put a survey in your packet I received a few days ago detailing the approximately three (3) acres in the Industrial Park. That land is a part of a 29.8 acre parcel owned by the Page County Economic Development Authority. As you can see, if you haven't been down to the site, its right beside an existing propane plant and this would pretty much be the same operation as that. The Holtzman one has a 30,000 gallon propane tank and for your information that was approved in 1999. Holtzman Corporation received a special use

MINUTES
AUGUST 17, 2011
PAGE 2

permit for that propane facility. Mr. Webb provided printed copies of general information on Liquefied Petroleum Gas (LPG) to the Commissioners.

The company is proposing one or two tanks (30,000 gallons each), so they could have up to 60,000 gallons stored there. It will be limited to propane and of course, as I pointed out here, potentially employing three to five people. This particular site is not in the floodplain. The back portion of the property is in the floodplain, but the front portion according to floodplain maps and FEMA maps is out of the floodplain area. The sketch they have provided is enclosed in your packets. A full site plan is being formulated, per the Code, but has not been completed.

Mr. Webb described the basic operational concept as explained to him by UPG. His recommendation for tonight's meeting is to evaluate whether the proposed use is suitable. Mr. Webb also advised the Commission that the applicant would also have to go through the Town's subdivision process, and explained the requirements for that.

The Commission then discussed the various reporting requirements to the state and federal agencies in charge of oversight.

This discussion was followed by one dealing with the specifics of the subdivision process and how it applies to this proposal. The Commission indicated that they wanted to see greater detail concerning the proposal during that process. The Commission also discussed the order in which the proposal would move through the Town's processes. Essentially, the zoning and SUP would be first, followed by the subdivision process. UPG is the applicant with the consent of the owner, the EDA.

Based on comments from Chairman Potts, the Commission discussed several safety aspects of the proposal.

Commissioner Campbell also mentioned that the road needed to be a public right-of-way. He reiterated that the SUP will specifically note what the applicant can and can not do through conditions. If the applicant wants to change any of that in the future, they will have to come back through the process.

Representatives from UPG, their local attorney Mr. Janney, and the EDA Chairman indicated that they would address those issues when they were allowed to speak.

MINUTES
AUGUST 17, 2011
PAGE 3

The Commission then discussed the issue of having retail business with sales in an Industrial zone. The consensus of the group was that so long as it was limited in scope, they saw no real issue with it.

Commissioner Flasch and Commissioner Meany had questions about operating hours and staffing times.

Mr. Janney, local counsel for UPG, located at 12 South Court Street here in Luray, addressed the Commission and confirmed the items that were discussed, regarding the process, the order of applications and approvals, and the specifics of the proposal. He stressed that getting the general approval for the concept via the SUP needed to come before the detailed preliminary plat and site specifics that would come during the later subdivision process. His key point was whether the Commission thought the proposed use at the proposed site was suitable. The subdivision of the 3 acre parcel later would be a secondary item.

Mr. Janney then introduced Mr. Eric Gibson of UPG. Mr. Gibson left Kentucky at 5:30 this morning. He came here by way of Chicago and Dulles to speak to you all tonight. He is General Counsel for UPG, and has a Power Point presentation for you tonight. He is a graduate of Indiana University and Southern Illinois Law School. He's a nice man and wants to bring a business to Luray and I hope you will give him appropriate approval and recommendation to Council.

Mr. Gibson provided a Power Point presentation and discussed all of the issues raised by the Commission. He stressed the safety of their operations, as well as providing some detail on their operational plans and specifics. He agreed to fencing the entire site since the Town Code requires it. He indicated that they will conform to all Code submission requirements, including landscaping, lighting, and subdivision requirements.

Mr. Gibson indicated that there would be 3-5 employees, with probably three to start off with; an office manager, a plant manager/driver and a delivery driver/tank setter. The office will be staffed during normal business hours, take new accounts, answer client questions, receive payments, and fill small 20# cylinders for home and recreational uses.

Mr. Gibson provided the 800 number to our headquarters – 800-874-4427 and also put up his e-mail address – egibson@upgas.com. He also provided a propane.com website if anybody wants any additional general information on propane.

MINUTES
AUGUST 17, 2011
PAGE 4

The hours of operation for the office in the winter time will be 8:00 a.m. to 5:00 p.m., Monday through Friday and 8:00 a.m. to 12:00 noon on Saturday if business needs require it. Delivery operations are not limited to office hours and can occur at any time.

Commissioner Meaney had several questions about the number of plants nationwide, and the staffing of the plant and premises, both during and after hours. Mr. Gibson answered the questions about safety and staffing.

Commissioner Hakel had a question about the scope of service areas that UPG worked in. asked how many of these bulk storage areas do you service and in what area? Mr. Gibson stated right now we have approximately 65 locations throughout primarily the southeast U.S. We are in 10 states right now. Basically, we call them plants; each plant will typically service a 50 mile radius around that plant and we have some plants that go a little bit farther than that but on average we try to keep them in a 50 mile radius. Virginia would be either our 11th or 12th. Last winter we went into North Carolina and as it stands right now, it would be our closest location to here, but we are also, as Mr. Webb pointed out in his report, in the process of trying to get approval for a plant in Moorefield, West Virginia.

Commissioner Potts then opened the public hearing.

My name is Lesley Clem and I live in Grove Hill. My dad and I have been in the poultry business since 1975. We own two farms and today, as a matter of fact, we had all our tanks filled up with propane. I think the check was \$2,400. Needless to say, propane is one of our biggest expenses. Seems like it is getting more and more so. As a member of the Contract Poultry Growers of Virginia, back in February when Eric Small and Warren came to meet with us in Edinburg to initiate maybe a venture that will come to the valley, and some of the pricing they were quoting us, needless to say was a breath of fresh air. I, as a poultry farmer, my operation is going 24-7. So the after hours thing, there may be a situation where we need to call Mr. Nauman of Southern States on Christmas Eve when we ran out of gas and he came so there is no 9 to 5 for me. Let me encourage you as a farmer and representing the agriculture community, if you could approve this tonight and recommend it to the Town Council, it would really help us. Thank you.

My name is Jon Phillips and I'm the Chairman of the EDA of Page County. I live at 278 Wynngate Drive, Luray, VA and I just wanted to briefly say that the purpose of the EDA moving forward with this and other projects we are currently looking at, it is very

MINUTES
AUGUST 17, 2011
PAGE 5

important for us to increase the tax base of this County. I don't think there is anything more urgent. We are looking to buying property facilities for people who are interested in coming into Page County and I would like for you to bear in mind that not only is this a good fit for this county, but all the expenses they are going to incur just getting started is going to add additional income to local people who desperately need to. So I appreciate you taking this special session to hear us and I hope that you can see fit to issue a special use permit for them. Thank you.

Mr. Spitler stated he had a question. On the County EDA end of things, do you know what the status is of the dedication of the end of Stoney Brook Road to the Town? Mr. Phillips stated actually that was supposed to have been taken care of at the meeting on Monday night and I had to cancel the meeting because we didn't have a quorum but we will probably have a special session – we meet every third Monday of the month. I'm probably going to have a special session within a week or two to take care of that issue and we are going to dedicate the street to the Town of Luray. I would also like to point out that it was said that the County was selling this property. The County has no interest in this property. This land is owned by the EDA and the reason we are making the sales is not only to provide the community with new opportunity but it also is funding the EDA so we can use this money from the sale and get other people to come to the area. So it's a chain reaction here. This is a way for us to raise money because we can't go back to the County; we have to find ways of raising it on our own.

Commissioner Potts asked if anyone else wished to address the Planning Commission. There being no further comment, the public hearing was closed.

Commissioner Campbell made a motion that we recommend to Council that the use of this piece of property be awarded as requested and that they will come back later with more information during the subdivision process. Motion seconded by Commissioner Hakel. Commissioner Potts stated we have a motion made and seconded to recommend to Council approval of a special use permit as controlled by the plat that has been presented and further to the Town Code. Is there any discussion. There being no discussion, the vote was as follows: YEA: Commissioners Hakel, Campbell, Potts, Flasch, and Meaney. **APPROVED: 5-0**

OLD BUSINESS:

Review – Town Code Regulations Related to Cellular Towers

Mr. Webb stated he provided an updated version of options to consider if regulating cellular towers. He also added some draft supplemental regulations that are based on Page County's Code (which is rather extensive).

MINUTES
AUGUST 17, 2011
PAGE 6

Commissioner Potts asked Mr. Chrisman what suggestions the Town Administration has on this issue. Mr. Chrisman stated the administrative comments sheet which you all should have; it's a double sided sheet similar to what we did last meeting. We listed some items for you folks to consider and potentially consider as an additional option. We agree with Ligon that the county version is probably pretty extensive, but the one thing to keep in mind is once we add a definition or once we separate out a specific type of structure, then Mr. Spitler is correct. Then you also have to add additional language to describe what it is, how it can be implemented, what it looks like and where it can be located and things like that.

One recommendation that Mr. Black and myself had was to simplify the issue. It might be better to do something like just height restrictions for any type of structure regardless of whether it is permanent or temporary, regardless of whether it is a cellular communications tower or a church steeple or a really tall industrial building. If you put those height limits in there and you then you require anything above those heights, which right now is 35 feet and 45 feet depending upon what zoning area you are in, then anything above those heights would require a special use permit. They would then come before this group and the council and you would look at anything over 35 feet in R1 through R5, and anything over 45 feet in a B1, M1 or PND.

Mr. Chrisman said that he and Mr. Black recommend a general coverage of the topic of height, rather than singling out specific uses. We also recommend eliminating the blanket exemptions for specific types, and creating a general requirement for all zoning areas when it comes to maximum heights. Mr. Chrisman also indicated that the Commission should consider doing away with the parapet wall exemption, as this tends to be confusing.

Mr. Chrisman stated that anything that is oversized typically causes complaints. By making all structures, regardless of type, over a certain height require a SUP, then everyone gets a chance to comment, including the Commission, the Council, and the neighborhood. Currently, there are quite a few items that can be built without any approvals or comments.

Mr. Chrisman stated that the Town typically receives most complaints on two categories – uses that cause excessive parking issues, and issues about big structures.

Mr. Webb indicated that he would put together a revised draft that incorporates the comments discussed tonight, and bring it back at the September meeting. Mr. Chrisman indicated that all Planning agendas and attachments would be reviewed by Mr. Black prior to being distributed to the Commissioners.

MINUTES
AUGUST 17, 2011
Page 7

Commissioner Potts stated that he wanted to see the Town figure out a way to require communications companies to use the Town's water towers for their installations. This would consolidate these uses onto existing structures and provide some income for the Town.

The Commission then discussed the possible destruction of the old school building (current County Office building) on South Court Street, and the preservation of buildings in the historic district. An article in the local paper on this issue was discussed. The Commission agreed that our local district does not have an Architectural Review Board, and therefore has no real say in the matter.

Commissioner Campbell indicated that the building was renovated after its previous fire and was not totally replaced. He said that in some cases, the construction of a new building can be cheaper than renovating an older building. Mr. Webb stated that even a new building can be built in an old style to help preserve the look the community is seeking.

Chairman Potts indicated that he thought the building could be considered an "adaptive reusable building".

Commissioner Potts stated that everyone on the Commission knows his feelings on this subject. I think it's a shame that the building is being held up there with no repairs; the easiest way to get away from preserving our history is to let it rot down and this is a prime example of it. I would love to see the old addition that was put on that burned down and all the rest of it torn off of it and I would love to see the old building structurally enhanced outside. I don't care if anybody tears everything out inside and totally replaces it, but I hate to see the town lose that part of its history and I'm the same way by the Mick or Mack building on West Main Street. He indicated that he thought it is just a lot better to go in there and find a way of reusing it.

Commissioner Potts stated he was looking at the Primitive Baptist Church across from the train station and I noticed the pillar bases are beginning to crack and deteriorate. That is a fabulous building. You go inside; it is typical Greek temple design; the whole bit and inside it would make a great place for doing music concerts. I would love to see something along the lines of a public lyceum where people get up and talk about issues; where on the 4th of July somebody can read the Declaration of Independence. It, like the BB&T Center for the Performing Arts, could be right at the center of cultural activities here in town and when I look at those deteriorating pillars I am thinking it's going to fall into disrepair.

MINUTES
AUGUST 17, 2011
PAGE 8

Commissioner Hakel moved that the meeting be adjourned and seconded by Commissioner Meaney. The motion carried. Meeting was adjourned at 8:38 P.M.

Respectfully submitted,

Bryan T. Chrisman
Assistant Town Manager

ATTEST:

DRAFT